

REPORT SUMMARY

REFERENCE NO - 19/01271/FULL
APPLICATION PROPOSAL Demolition of existing dwelling and erection of 43 retirement living apartments with associated communal facilities, access, parking and landscaping (resubmission of application 18/02767/FULL)
ADDRESS The White House Highgate Hill Hawkhurst Cranbrook Kent TN18 4LB
RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)
SUMMARY OF REASONS FOR RECOMMENDATION <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supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied); • The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations; • The proposal is considered to be a ‘major’ development due to its local context, and is considered to comply with Paragraph 172 of the NPPF in terms of its impact on the Area of Outstanding Natural Beauty (AONB); • The development would not be materially harmful to the residential amenities of nearby dwellings; • The proposal can be satisfactorily accommodated around the trees on and off site, one of which is protected by a Tree Preservation Order; • The number of residential units and the mix of unit sizes are considered to be appropriate to this site; • The proposal would deliver an off-site contribution towards affordable housing; • The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision; • The site is partly within the LBD and is not proposed for an ‘isolated’ rural location; • The proposal lies within reasonable walking distance to a bus route. • The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement (to be secured by condition); • Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development • The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme; • The proposal would secure financial contributions towards new general practice premises for Northridge Medical Practice & Wish Valley Surgery; towards the cost of providing community learning space within the Cranbrook hub; towards the cost of improving public transport services in the Hawkhurst area. • Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition or legal agreement.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

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

- £780,000.00 as a contribution towards off-site affordable housing.
- £43,000.00 towards the cost of improving public transport services in the Hawkhurst area;
- £27,936.00 towards new general practice premises for Northridge Medical Practice & Wish Valley Surgery;
- £25,000.00 towards a replacement tree within land controlled by KCC Highways;
- £15,227.16 towards the cost of providing community learning space within the Cranbrook hub (to provide additional capacity and serve the rural eastern part of Tunbridge Wells Borough);
- £2,500.00 to cover the costs for an extension to a Traffic Regulation Order which would allow the highway and parking authorities to manage any overspill parking on the highway.

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: £7,686.68

Estimated annual council tax benefit total: £77,594.79

Annual New Homes Bonus (for first 4 years): £43,000.00

Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE

Significant major application of over 20 dwellings and recommended for approval.

WARD Hawkhurst & Sandhurst	PARISH/TOWN COUNCIL Hawkhurst Parish Council	APPLICANT McCarthy and Stone Retirement Lives AGENT Mr Alex Child
DECISION DUE DATE EOT 09/10/19	PUBLICITY EXPIRY DATE 28/06/19	OFFICER SITE VISIT DATE Various

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

18/02767/FULL	Demolition of existing dwelling and erection of 43 retirement living apartments with associated communal facilities, access, parking and landscaping. <i>Reasons:</i> 1) <i>The proposal does not demonstrate that safe and suitable access to the site can be achieved for all users. It has also failed to demonstrate that significant impacts from the development on the transport network (in terms of capacity and congestion) can be mitigated to an acceptable</i>	Refused	01/03/19
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	<p><i>degree through public transport enhancements. It is thereby in conflict with Part 9 of the National Planning Policy Framework 2018, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.</i></p> <p><i>2) The proposal would not provide affordable housing within the proposed development. It would therefore conflict with the National Planning Policy Framework 2018, the Planning Practice Guidance, Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the Affordable Housing Supplementary Planning Document.</i></p> <p><i>3) The proposal would not provide developer contributions towards the Cranbrook Hub projects to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2018, the Planning Practice Guidance and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.</i></p> <p><i>4) The proposal would not provide developer contributions towards new general practice premises (Northridge Medical Practice & Wish Valley Surgery) to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2018 and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.</i></p>		
17/02090/FULL	<p>Erection of seven detached dwellings and associated garaging/car parking spaces and access</p> <p><i>Reasons:</i></p> <p><i>1) The proposal does not represent sustainable development in the context of the NPPF due to the impact upon the High Weald Area of Outstanding Natural Beauty, inefficient use of land and poor design that would not be outweighed by the benefits of the development. It is thereby in conflict with the National Planning Policy Framework 2012, saved policies LBD1, EN1 and EN25 of the Tunbridge Wells Local Plan 2006, Core Policies 4, 5, 6, 13 and 14 of the Tunbridge Wells Core Strategy 2010 and the TWBC Landscape Character Assessment.</i></p> <p><i>2) The proposal has failed to demonstrate:</i></p> <p><i>a) That improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development towards</i></p>	Refused	15/09/17

	<p><i>Hawkhurst crossroads;</i></p> <p><i>b) That the traffic generated by the development could be safely accommodated on the existing highway network which is already inadequate, and conditions are 'severe'.</i></p> <p><i>c) That the residual cumulative impact of the development would be less than 'severe'. There are planning permissions already granted but not yet built which will add to traffic at the junction. This will lead to even longer queues at Hawkhurst crossroads, particularly during the AM and PM peaks. Due to existing over capacity, the residual cumulative impacts of the development could be severe.</i></p> <p><i>The proposal has also failed to demonstrate that safe and suitable access can be provided to the site itself. It is thereby in conflict with para 32 of the National Planning Policy Framework 2012, and saved policies LBD1 and TP4 of the Tunbridge Wells Local Plan 2006</i></p> <p><i>3) There is insufficient evidence that the proposal would not have a significantly harmful impact upon protected species. The proposal is thus contrary to the National Planning Policy Framework 2012, saved policies LBD1 and EN1 of the Tunbridge Wells Local Plan 2006 and Core Policy 4 of the Tunbridge Wells Core Strategy 2010.</i></p>		
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Relevant history for adjacent Highgate Hill scheme

16/07090/FULL	Variation of Condition 2 (Amendments to house types and site layout) and Submission of Details in relation to Condition 3 (ground levels), Condition 4 (phasing programme), Condition 5 (external materials), Condition 6 (detailed floor plans and elevations), Condition 7 (external lighting), Condition 8 (ancillary buildings), Condition 9 (protection of existing trees, shrubs and hedgerows), Condition 10 (landscape scheme), Condition 11 (ecological scheme), Condition 12 (archaeological programme), Condition 13 (vehicular access), Condition 14 (pedestrian and cycle routes), Condition 16 (cycle storage facilities), Condition 17 (sustainable transport scheme), and Condition 19 (Construction Method Statement) of application 14/503346/FULL (Residential development comprising 62 dwellings, access, parking, garages and car barns, hard and soft landscaping.)	Granted	07/17/17
14/503346/FULL	Residential development comprising 62 dwellings, access, parking, garages and car barns, hard and	Refused- appeal	28/11/14

	soft landscaping.	allowed	
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This extends to about 0.6 hectares and forms a broad 'L' shape, extending around the remaining garden of The White House, a part-rendered/part weatherboarded slate roofed detached dwelling. The site generally slopes upwards from south to north. There is a variety of mature trees and hedgerows around the boundaries of the land. It is mainly kept to grass but there are a number of domestic features within the site including an open air swimming pool located towards the middle of the site. It has recently been cleared of its vegetation and some of the trees.
- 1.02 The site has a frontage with Highgate Hill (A229), one of the two main routes through Hawkhurst. It runs on a north-south axis and a short distance to the north is the main cross-roads within the settlement. The site is bordered to the east by the main road, and to the south and west by land currently being developed to provide 62 residential dwellings (see planning history above). To the north, the site is separated from residential development at Lorenden Park by a private track and mature trees. Beyond these houses is a Grade II Listed Building (Lorenden). There is a gated access to Highgate Hill.

2.0 PROPOSAL

- 2.01 The proposed development is for a single block of 43 No. one and two bedroom apartments, communal facilities, parking and landscaped gardens to be restricted to occupation by persons aged over 55.
- 2.02 It is proposed that the existing access is modified to provide vehicular access from Highgate Hill, leading to a service area and car park to the north of the site. Pedestrian access to the building is provided both from the carpark and via a route from Highgate Hill just south of the main vehicle access. A pedestrian access would be sited further down the hill in place of the existing vehicular access to the site.
- 2.03 The proposed building is L-shaped, forming a south facing communal garden to the south-west corner of the site, and a formal landscape frontage with substation addressing Highgate Hill. Areas of hardstanding provide private terraces to the ground floor perimeter of the proposed building. The proposed building is three storeys in height, designed to try and give the appearance of a two storey building with additional roof space accommodation in places. External materials would be a combination of render, brick, weatherboarding and plain clay tiles.
- 2.04 The landscape proposals show all of the trees to the site boundaries, except for one, will be retained. 10 no. trees to the interior of the site will be removed to facilitate the development. New tree planting is proposed, to infill gaps in the boundary vegetation and to provide a more formal domestic garden setting to the interior of the site.
- 2.05 It is proposed that where possible existing hedge planting on the boundaries will be retained and rejuvenated, with new planting added to provide a continuous vegetated boundary condition. In side of these boundaries, extensive shrub and herbaceous planting will be used in conjunction with lawns to create a series of garden spaces.

- 2.06 There are no specific lighting proposals within the application, however it is understood from the LVIA that external areas will be lit using energy efficient LED based lamps in the form of wall mounted bulkhead units and lighting bollards, incorporating shielding to direct light down.
- 2.07 An indicative drainage design has been submitted as part of the planning application. The proposal indicates conventional means of foul and surface water disposal, with a large attenuation tank sitting beneath the proposed communal garden to the south-west of the site.
- 2.08 Given the sloping nature of the site, it is proposed that the ground be terraced into two broad 'plateaus' – the car park terrace to the upper/northern part of the site, and the proposed building and garden to the centre / south of the site. The car park is proposed to be retained by a wall ranging between approximately 0.5m and 2.0 metres in height with a narrow garden terrace to mediating between the two 'plateau' areas. To the building thresholds the ground is retained to accommodate level access, threshold spaces and a perimeter access path. The ground is graded from the edges of the path to tie back into existing levels to the boundaries.
- 2.09 An existing 1.8 metre close board timber fence to the southern and western boundaries, installed as part of the neighbouring development is to be retained outside of existing and proposed hedgerow and shrub planting. The northern and eastern boundaries are proposed to be enclosed with 1.2m high flat bar 'estate' fencing. The eastern building facade fronts onto Highgate Hill, with existing hedgerow and new ornamental planting to help delineate the eastern site boundary.
- 2.10 The previous application 18/02767/FULL was not refused on principle or landscape/AONB grounds, but due to details relating to the access arrangements and lack of a satisfactory affordable housing provision. This application differs from its predecessor through inclusion of changes to the position and the alignment of the proposed access (and consequent removal of one of the street trees outside the site); agreement to pay a figure towards off-site affordable housing; revision of the parking area and provision of three additional spaces; minor alterations to the footprint of the building close to the western boundary, the layout of internal pathways; plus minor alterations to the internal layout including relocation of the refuse storage area to the first floor and the house manager's office to the ground floor.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Land use	Dwellinghouse and garden	43 dwellings	+42 dwellings
Site Area (ha)	0.57	0.57	No change
Number of residential units	1	43	+42
Number of market dwellings	1	43	+42

Number of affordable dwellings	0	Off-site affordable housing contribution of £780,000	N/A
Number of storeys	2	3	+1
Number of car parking spaces	Undefined	33	+ 33 defined spaces
Approximate ridge heights (highest point)	9m (measured from LHS of south elevation)	11.6m (measured from RHS of south elevation)	11.6m (measured from RHS of south elevation)
Approximate eaves heights (highest point)	6.3m (measured from LHS of south elevation)	8.4m (measured from RHS of south elevation)	8.4m (measured from RHS of south elevation)

4.0 PLANNING CONSTRAINTS

- Area of Outstanding Natural Beauty (*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*)
- Limits to built development - The White House and part of its garden are within the LBD, the rest is outside
- Potentially Contaminated Land
- Lorenden (65m to the north) is a Grade II listed building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Highgate CA boundary is 100m to the north; The Moor CA boundary is 600m to the south (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Land to the north of the boundary and to the immediate west of the White House is an Area of Landscape Importance
- A group of off-site trees close to the north-west of the site are TPO protected

5.0 POLICY AND OTHER CONSIDERATIONS

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

Site Allocations Local Plan Adopted 2016
Policy AL/STR 1: Limits to Built Development

Tunbridge Wells Borough Core Strategy 2010
Core Policy 1: Delivery of Development
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 13: Hawkhurst
Core Policy 14: Development in 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 EN5: Conservation Areas
Policy EN10: Archaeological sites
Policy EN13: Tree and Woodland Protection
Policy EN16: Protection of Groundwater and other watercourses
Policy EN18: Flood Risk
Policy EN22: Areas of Landscape Importance
Policy EN25: Development affecting the rural landscape
Policy TP4: Access to Road Network
Policy TP5: Vehicle Parking Standards
Policy TP9: Cycle Parking
Policy R2: Recreation and Open Space over 10 bedspaces

Hawkhurst Neighbourhood Plan

HD1(a), HD1 (b), HD3, HD4

Supplementary Planning Documents:

Landscape Character Area Assessment 2018: Hawkhurst wooded farmland
Hawkhurst Conservation Area Appraisal
Recreation and Open Space SPD
Affordable Housing SPD
Renewable Energy SPD
Local Heritage Asset SPD

Other documents:

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);
High Weald AONB Management Plan 2014-2019
Historic England guidance note, GPA3 'Settings and Views '

6.0 LOCAL REPRESENTATIONS

- 6.01 Seven site notices were displayed along Highgate Hill plus within Herschel Place and Lorenden Park on 30 May 2019. The application was also advertised in the local press.
- 6.02 34 separate representations (including multiple representations from some properties) have been received raising concerns about;
- Impact on the AONB;
 - Loss of trees and landscaping.
 - Overdevelopment;
 - Loss of existing dwelling;
 - Would cause harm to the character and appearance of the area;
 - Size and scale of development;
 - Conflicts with Hawkhurst NDP and new TWBC Local Plan;
 - Impact on congestion at crossroads and surrounding road network;
 - Parking;
 - Highway safety concerns (during construction and afterwards);

- Concern that access would be via Herschel Place (*Officer Note: the application does not propose this. The draft Local Plan Policy proposes that road access for the White House development be via Herschel Place. This does not alter the proposal currently under consideration*)
- Impact on pedestrians;
- Pressure on services such as schools, GP surgeries, water supply;
- No need for additional dwellings in Hawkhurst;
- Cumulative impact of various housing developments upon Hawkhurst;
- Proposed development comprises too many dwellings;
- Would cause harm to neighbouring amenity;
- Would result in drainage issues;;
- Not in a sustainable location/within walking distance of Hawkhurst centre and routes are poorly lit etc.;
- Development should be bungalows instead;
- Previous refusals on highways grounds;
- Loss of view (not a planning matter).

7.0 CONSULTATIONS

Hawkhurst Parish Council

7.01 **(18/06/19)** - Hawkhurst Parish Council at their meeting on the 10 June 2019 agreed to oppose the planning application 19/01271/FULL. However, if the application is approved, or wins an appeal and is granted permission HPC believe that any mitigation offered through section 106 contributions should benefit the residents of Hawkhurst. Therefore, HPC requests the following:

- £51,768 or £719 per bedspace as Recreation Open Space SPD appendix iv, TWBC Local Plan 2006, Hawkhurst Parish Council five-year Strategy 2019 – 2014 (adopted 11th March 2019) towards Hawkhurst Community Hall – architect and project management costs. (TWBC section 106 category Youth and Recreation);
- £10,000 towards an outdoor gym at King George V Playing Field Hawkhurst Parish Council five-year Strategy 2019 – 2014 (adopted 11th March 2019) (TWBC section 106 category youth and recreation).

7.02 Support, if requested by Kent County Council and based upon Developing Infrastructure “Creating Quality Places” policy:

- £6,500 towards a Speed Indicator Device for Highgate Hill based upon KCC costings and supported Hawkhurst Parish Council five-year Strategy 2019 – 2014 (adopted 11th March 2019)
- £8,500 towards a reclassification of A229 feasibility survey based upon recent costs and supported by Hawkhurst Parish Council five-year Strategy 2019 – 2014 (adopted 11th March 2019)
- £20,000 towards a Hawkhurst Community Bus Hawkhurst Parish Council five-year Strategy 2019 – 2014 (adopted 11th March 2019) towards Hawkhurst
- Kent County Council requesting educational contributions for Hawkhurst Primary School, Hawkhurst Community Hall, Hawkhurst Library; and to upgrade to broadband / connectivity in Hawkhurst.
- West Kent CCG in requesting appropriate financial contributions to a new medical centre in Hawkhurst.
- TWBC requesting off-site financial contribution for affordable housing in Hawkhurst with a focus on social rented housing. In the region of £268,750 contribution to affordable housing in Hawkhurst (social rent for Hawkhurst

residents) However, HPC oppose KCC requests for contributions to improved bus routes as the current scheme has little or no benefit to the residents of Hawkhurst and more than four requests have been made which is against the Community Infrastructure Levy Act 2011 principle of pooling resources (*Officer note: the Government has removed the restriction on resource pooling with effect from 1 September 2019*);

- 7.03 **(18/06/19)** - Other than altering the access onto Highgate Hill to make it a bell mouth and adding three extra parking spaces, this seems to be essentially the same as the previous application. Along with changing the access there appears to be some more trees along the front.

Comments and Recommendation:

- 7.04 HPC objected to the previous application on numerous grounds and this resubmission does not address HPC's concerns;

- Application does not take into account the local context of Hawkhurst.
- The Transport Statement still refers to the village centre being in comfortable walking distance but this is actually up a very steep hill, with pavements that are not easily negotiable, especially if one were reliant on an electric buggy.
- Paragraph 5.6 of the Planning Statement focuses on the economic benefits that a private retirement housing scheme can bring to a town. The Planning Statement also quotes an Inspector in relation to an application in Norwich. Hawkhurst is a village
- Feedback from local residents at the consultation not taken into account;
- Inconsistencies within the documentation: only some appear to have been updated, for example the submitted travel plan refers to 30 spaces, whereas other documentation refers to 33 spaces, which we have assumed to be the number actually proposed.
- Despite the changes, the access onto Highgate Hill continues to be in very close proximity to a number of other roads and there is insufficient junction spacing;
- Bungalows would be preferable.
- Inappropriate parking levels: Hawkhurst's location and poor local transport connections mean that the great majority of residents in the village are reliant on cars, as are their visitors. This will also apply to future residents of this site. There is no alternative parking available, therefore, the site needs to be able to comfortably accommodate the vehicles of all residents, staff, carers and other visitors - 33 spaces is quite simply inadequate for 43 apartments. Only 5 spaces have been allowed for visitors. It seems highly unlikely that there would never be more than 5 visitors (including carers, deliveries etc. etc.) at any one time for a development of 43 dwellings.
- There is no disputing the Hawkhurst crossroads junction is already over capacity. Any additional traffic will impact negatively on this junction - the proposed development will have a material impact on the junction.
- This plan does not comply with Hawkhursts NDP. HD1b states that larger developments will only be supported if there are exceptional circumstances and it can be demonstrated that their impact on the sensitive landscape setting of the AONB and considerable environmental constraints of Hawkhurst can be effectively mitigated. This proposal fails to do so and TWBC is continuing to get closer to being able to demonstrate a 5-year housing supply.
- The proposal does not demonstrate how it meets the High Weald AONB Management Plan (LP2).
- NDP HD4 expects that design, form and detail should be informed by the layout, character and style of the parish's vernacular architecture. This application does

not do so - something which was raised in HPC comments on the original application (repeated below). No attempt has been made to address this.

- This proposal is three-storeys and would dominate the street scene and block views to the wider area. The applicant refers to a three-storey property in Hawkhurst, however due to topography the lower level is sunk into the ground level. A three-story development is not typical of the village, the proposed development is completely inappropriate in its setting and in Hawkhurst generally. The design is out of character and would be more appropriate to an urban setting.
- Also, in HD4 there is an expectation that locally sourced timber will be used in construction, yet this appears to have been excluded from the materials that are proposed to be sourced locally. There is an expectation that properties will have working chimneys and whilst this might not be practical for each individual apartment, it could have been considered for the communal lounge.
- HD4 expects that new development should reflect the rural nature of the parish and be designed to give the impression of spaciousness with the opportunity for green landscape between buildings. The mass and scale of this proposal are inappropriate and will overshadow neighbouring properties. It blocks views out into the countryside contrary to the LP1 of the NDP, something that need not necessarily be the case if a more sympathetic design, such as bungalows, was adopted.

Section 106.

7.20 If this were to be approved:

- £51,768 towards a new Hawkhurst community hall - towards cost of architect/project manager rather than the hall itself;
- £6,500 towards a speed camera;
- £8,500 towards reclassification of A229 feasibility study;
- £20,000 towards Hawkhurst community bus (approx. half of what KCC are asking for, which does not benefit Hawkhurst).
- £268,750 contribution to affordable housing in Hawkhurst (social rent for Hawkhurst residents)
- £10,000 towards outdoor gym at the King George V playing fields

Historic England

7.21 **(29/05/19)** – below threshold for comment

Environment Agency

7.22 **(14/08/19)** – No objection, subject to contaminated land condition. Issues originally raised on 11/06/19 due to absence of various surveys/documents.

Natural England

7.23 **(18/06/19)** – No objection. Advice given on various matters.

Southern Water

7.24 **(18/06/19)** - There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Kent Police

- 7.25 **(29/05/19)** – Various design issues referred to, including cycle and bin storage, lighting, boundary treatments in order to create a secure line to the sides and rear of the development (*Officers' note: reference is also made to 'The new public right of way between Herschel Place and Highgate Hill' however this is pre-existing*).

KCC Economic Development

- 7.26 (29/05/19) - £15,227.16 sought in S.106 contributions towards the social care element of the new Cranbrook Hub providing additional social care capacity for the rural Weald area of Tunbridge Wells Borough.

KCC Flood and Water Management

- 7.27 **(17/06/19)** - satisfied with the surface water drainage strategy and have no additional comments to make to response to application 18/02767/FULL (10 October 2018). Conditions recommended.

KCC Heritage

- 7.28 **(24/06/19)** - no archaeological measures are required in this instance.

KCC Highways

- 7.29 **(16/08/19)** - Further to my earlier comments it has now been confirmed that the access for mobile scooters will not be taken along the vehicular access and removal of the tree has been agreed with KCC Arboricultural Team. Throughout this and the previous application, the highway authority has recommended improved parking levels but no extension to the car parking area has been forthcoming.
- 7.30 Despite further discussions regarding possible allocation of spaces between residents and visitors, the proposals now allocate 27 spaces for residents with six for visitors. The highway authority continues to recommend that a minimum of nine spaces be made available to visitors which would be in keeping with the requirement for general purpose housing.
- 7.31 Furthermore, if this balance is not adjusted, the highway authority would recommend that funds are secured through the S106 to cover the costs for extension to a TRO which would allow the highway and parking authorities to manage any overspill parking on the highway. I have discussed this option with your parking team who have recommended that £2500 should be secured towards these costs, to be used should overspill parking occur. This would be in addition to the previously agreed contribution to sustainable transport measures of £1000 per unit. Conditions and informatives also recommended.
- 7.32 **(18/06/19)** - Further to initial consultation response, regarding the highway tree, have now consulted with KCC Arboricultural Manager who has advised that mitigation costs to the full value of the assets will be required. However whilst in this instance the full value would be £40,000, this has been capped at a value of £25,000. Anticipate that this would be secured through the S.106 agreement.
- 7.30 **(28/06/19)** - This revised application follows discussions with the highway authority and now includes revised access arrangements.
- 7.31 Additional details include levels and long section, which are in keeping with those discussed with the highway authority and are considered adequate for vehicular access but are too steep to provide disabled access.

- 7.32 The revised access arrangements will require removal of a highway tree and the applicant was requested to discuss alternative provision with the KCC Aboricultural Team.
- 7.33 With regard to parking provision, 33 spaces are now proposed. As previously set out, IGN3 would expect of the order of 1 space per unit plus 0.2 visitor spaces per unit (9 visitor spaces) giving a minimum of 52 spaces for general purpose housing.
- 7.34 The TS presents a variety of statistics regarding typical car ownership levels amongst residents with an estimate of 30 resident's cars. If these figures are employed, the highway authority would still conclude that there is currently under provision, particularly for staff and visitors, as these spaces will also accommodate any visiting carers etc.
- 7.35 Therefore once again the highway authority would recommend that overall levels be improved, possibly with further extension to the car park to the west.
- 7.36 Furthermore, reference has been made within the TS to limit the number of spaces available to residents to 27, but this would leave only 6 for staff and visitors. Further consideration should also be given to the balance of spaces and the highway authority would recommend that resident spaces are further limited, as car ownership levels can be controlled at the point of sale, to ensure that the requirement for minimum visitor spaces (9) can be provided.
- 7.37 As you are aware, with no mitigation scheme identified to improve the flow of traffic through the A229/A268 junction, the highway and planning authorities are seeking investment from developers into well-considered sustainable measures which facilitate and encourage walking, cycling and travelling by public transport in order to reduce car-borne trips. With this in mind, future residential development is requested to contribute £1,000 per dwelling towards public transport services, and improved bus infrastructure adjacent to the site. The applicant has previously agreed to this contribution.

Weald of Kent Protection Society

- 7.39 **(19/07/19)** The on-going free-for-all and random flood of planning applications in Hawkhurst is unacceptable. It is strongly suggested that a 'Masterplan' for development in Hawkhurst is urgently needed and that TWBC should put this in place as soon as possible. The ramifications of the considerable amount of development already approved in Hawkhurst have not been reflected in improvements in infrastructure and services. The residents of Hawkhurst are faced with ever-increasing traffic combined with ever-poorer access to services.
- 7.40 This revised application makes no substantial changes to application (18/02767) refused. This current application has been refused by HPC and we would like to support the Parish Council. A minor change to the shape of the access road does not address the objections set out below:
- Nothing has been done to improve the traffic on Highgate Hill nor to improve infrastructure or facilities generally for the residents of Hawkhurst despite the considerable amount of development that has already happened and is in the pipeline. WKPS have previously sought a moratorium on the granting of any further applications.
 - There is already considerable provision for the elderly in Hawkhurst and, rather than create an elderly 'ghetto', it would be more appropriate to increase provision for younger residents and first time buyers in a mixed development.

- The design does not fit in with the local pattern of development; it is out of keeping with local vernacular styles, materials and scale in contravention of TW Local Plan 2006. In particular WKPS objects to the height of the buildings, which are all 3-storey and would tower over neighbouring houses. It would impact on the Conservation Area.
- Harmful impact on the AONB.
- Residents will have cars, as will visitors and deliveries, which will contribute to the already impossible traffic on Highgate Hill up to the traffic lights. Access onto the Hill will be problematic at certain times of day.
- No affordable housing — contrary to the provisions set out in the NPPF.

Mid Kent EP

- 7.42 (10/06/19) - There are no air quality concerns in the area. There is some indication of land contamination near the site based on information from the contaminated land database & historic maps databases and there is no indication of any significant chance of high radon concentrations. No objections subject to comments and conditions (land contamination, noise, Construction/Demolition Environmental Management Plan).

NHS West Kent Clinical Commissioning Group

- 7.43 (29/07/19) - This proposal will generate approximately 78 new patient registrations based on the dwelling mix provided.
- 7.44 The proposed development falls within the catchment area of Northridge Medical Practice and Wish Valley Practice. This need, with other new developments in the area, can only be met through the development of new practice premises to ensure sustainable general practice in the area. The physical constraints of the existing sites mean that the current buildings cannot be extended or reconfigured. North Ridge Medical Practice and Wish Valley Surgery are working together on a premises development project.
- 7.45 General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.
- 7.46 Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.
- 7.47 In addition to the above we request that any agreement regarding a financial contribution:
- Can be used towards professional fees associated with feasibility or development work for the new premises development.
 - Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.
- 7.48 The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

TWBC Conservation Officer

- 7.49 (11/06/19) - This application is very similar to the recently refused scheme, with the amendments to design centring on the access. This now has a wide visibility splay, removing some of the green infrastructure from the previous scheme. Unable to support the previous scheme given the negative impact on the setting of the grade II Lorenden, the two Hawkhurst Conservation Areas, and the White House as a non-designated heritage asset. The further suburbanisation of the plans, by introducing the wide engineered visibility splay, would slightly exacerbate the harm caused in particular to the Hawkhurst Highgate and All Saints Conservation Area. Cannot therefore support this application for the same reasons as with the previous scheme, with a small amount of additional harm as well from the access re-arrangement. Original comments on 18/02767/FULL within main body of report for ease of reference.

TWBC Landscape & Biodiversity Officer

- 7.50 (verbal comments) – No objections to ecology report subject to scheme of mitigation and enhancement being secured by condition. No significant objection on landscape grounds given the site location adjacent to existing housing development and on part PDL the site context makes a landscape / AONB objection very difficult.

8.0 APPLICANT'S SUPPORTING COMMENTS (summary from Planning Statement)

- 8.01 The proposed development complies fully with the NPPF's objective of a presumption in favour of sustainable development. It fulfils all three dimensions of sustainable development listed by the NPPF. The proposed development will;
- Provide a range of economic benefits, including employment in its own right, supporting the local economy with an increased footfall and local expenditure and revitalising the housing market through the release of under occupied family housing and contributions towards affordable housing.
 - Provide social benefits through the provision of specialist accommodation for older people, giving older people housing choice to help maintain their independence, remain within an inclusive community, and reduce pressure on health care facilities.
 - Provide environmental benefits through making effective and efficient use of a valuable land resource, assisting with the delivery of housing within a short term timeframe which would reduce pressures on other unallocated greenfield land for residential development, and through the promotion of sustainable construction methods and techniques.
- 8.02 The Council do not have a 5 year housing land supply and also have an identified need for specialist older persons housing. National Planning policy advises that development proposals that accord with the development plan should be approved without delay unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposals complies with the Core Strategy Policies in terms of overall strategy Core Policy 1 . It complies with Core Policy 6 of the Core Strategy which look to ensure that a mix of residential accommodation is provided to meet the needs of all members of the community including older people.
- 8.03 The proposed development accords with both national and local planning policy in respect to the delivery of older persons accommodation, which the National Planning Practice Guidance identifies its delivery as 'critical'. No other forms of residential accommodation are described in the same terms by national policy.
- 8.04 The planning benefits of the proposed development are as follows;

- The provision of 43 specialised residential units of accommodation for older persons which national policy sets out its delivery as 'critical', and the Council's planning policies has identified a local need for its provision as well as being able to be counted towards housing needs targets;
- The redevelopment of a vacant site part of which is previously developed land;
- A high quality development that has had regard to the site, its context and local character of the area and would positively enhance the townscape and this part of Hawkhurst, while mitigating impacts upon the AONB;
- The proposed development would have economic benefits for Hawkhurst with residents having a propensity to rely upon local shops, services and facilities. It would also help free up local housing stock with the release of currently under occupied homes back to the market.

8.05 Conclusion

- The site is well located in sustainability terms as it is well related to the rest of the village;
- There is potential for the use of renewable technology in the development;
- The scheme can potentially generate S.106 contributions and some contribution towards affordable housing.

8.06 These benefits would substantially outweigh any minor harm caused to the AONB. It is respectively recommended the proposal and seek that planning permission ought to be granted as the application is in line with national policy and the Local Planning Authority adopted Local Development Plan.

9.0 BACKGROUND PAPERS AND PLANS

9.01 Application form

PP/3203/Hawkhurst/F1 (Existing White House drawings)
1079-KC-XX-YTREE-TCP01 Rev A (Tree Constraints Plan)
1079-KC-XX-YTREE-TPP01 Rev A (Tree Protection Plan)
Drawing numbers SE-2550-03-AC-01A, SE-2550-03-AC-02F, SE-2550-03-AC-03C, SE-2550-03-AC-04C, SE-2550-03-AC-05D, SE-2550-03-AC-06B, SE-2550-03-AC-07C, SE-2550-03-AC-08C, SE-2550-03-AC-09C, SE-2550-03-AC-10C, SE-2550-03-AC-12D, SE-2550-03-AC-13D, SE-2550-03-LA-MCS616_Drg 01 F (landscaping)
Topographical Survey 20
Planning Statement April 2019
Update Preliminary Ecological Appraisal 30/08/18
Statement of Community Involvement August 2018
Tree Survey, Impact Assessment and attached plans (April 2019)
Travel Plan Statement August 2018
Transport Statement April 2019 and attached drawings 17-337/011A (General Arrangement); 17-337/012A (Refuse Vehicle Swept Path Analysis); 17-337/013A (Fire Tender Swept Path Analysis); 17-337/014A (Car Swept Path Analysis); and 17-337/017 (Car Park Access Long Section 1 in 15 Crossfall – Option)
Design & Access Statement
Heritage Statement April 2019
Covering letter 07/05/19
Heads of terms planning obligation
Sequential Test August 2018

Outline drainage strategy (August 2018), 70042926-D-SK-002-C (Indicative surface water/foul)
Site Investigation Report January 2018
LVIA 8/10/18
Energy/Sustainability Statement 07/09/18

10.0 APPRAISAL

- 10.01 The site is partly outside the LBD and within the AONB countryside. The main issues are therefore considered to be the principle of the development at this site, including the sustainability of the proposal and the impact on the AONB/landscape, design issues, residential amenity, highways/parking, the impact on protected trees, ecology, impact on heritage assets, drainage and other relevant matters.

Principle of Development

- 10.02 The site lies outside the LBD. The adopted Development Plan policies seek to direct new residential development to the most sustainable locations, which are 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.

Housing Land Supply situation

- 10.03 The appeal decision at Land at Common Road, Sissinghurst was issued on 21/03/16. Some conclusions on this appeal (in respect of housing land supply) are highly pertinent to this application. In particular, the conclusion that in relation to the objectively assessed need (at that point in time) that applying *“the Council’s preferred backlog, buffer and claimed deliverable supply against the SHMA figure of 648 per year results in a supply of only 2.5 years of housing land”*.
- 10.04 Since this date work on the Council’s new Local Plan has been progressed with an anticipated formal examination date of Autumn 2020. Recent updates to Planning Policy Guidance and the NPPF (2019) have changed the way that local authorities must calculate their housing targets. Local authorities must now calculate housing figures through the new Standard Methodology which uses the recently updated Household Projections 2016 (released 20/09/2018) to calculate housing targets.
- 10.05 Para 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.
- 10.06 The Council has identified that (inclusive of the 5% buffer required by the NPPF 2019) it can currently demonstrate a housing land supply of 4.69 years. Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.
- 10.07 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

“i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

10.08 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include AONBs and heritage assets.

10.09 Para 172 of the NPPF advises that ‘great weight’ should be given to conserving landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to landscape and scenic beauty. This does not create a blanket presumption against new housing in the AONB, but does require detailed consideration of the impacts of new development in such locations. Para 172 also restricts major development within AONBs - this is relevant to this proposal and is addressed in detail later on in this report.

10.10 Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7 indicate this development should be restricted. Para 8 of the NPPF explains that there are three dimensions to sustainable development:

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

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

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

10.11 It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position. The following paragraphs of this report assess the proposal against the three roles as defined by the NPPF.

10.12 The NPPF at para 79 provides policies on “isolated” new houses in the countryside. Given the location of other dwellings in the vicinity of the site and the relative proximity to Hawkhurst (plus the location adjacent to the LBD), the site is not considered to be “isolated” and therefore NPPF para 79 is not applicable.

New Local Plan

10.13 The application site was submitted under the Call for Sites 2016 (Site 361), to be considered as part of the Strategic Housing Employment Land Availability

Assessment (SHELAA) process. The draft new Local Plan was published on Friday 26th July as part of the papers for the Planning and Transportation Cabinet Advisory Board meeting on 05/08/19.

10.14 Within it Policy AL/HA2 (Land at the White House) states that the site is allocated for residential development (C3) providing approximately 15 residential units, to include conversion of The White House. Alternatively, a higher number of apartments for the elderly could be provided, but this must again include the conversion of the White House (rather than its demolition). Specific criteria with that draft policy are;

1. Opportunities to be explored for the retention and conversion of The White House, a non-designated heritage asset;
2. The preferred location of vehicular access is through the adjacent site, Herschel Place, to minimise the number of road junctions onto Highgate Hill. Any proposal that does not include access via this route must provide clear justification as to why this cannot be achieved, and any access onto Highgate Hill must not cause harm to highway safety;
3. Closure of vehicular access from Highgate Hill in the circumstances where access is provided from Herschel Place;
4. Regard must be given to the impact of development on trees along the boundary of the site with Highgate Hill, particularly if visibility splays are required (see Policy EN 14: Trees, Woodlands, Hedges and Development and criterion 3 of Policy EN 1: Design and other development management criteria);
5. Confirmation from the highway authority that there is no objection to the impact of the development at the crossroads at Highgate;
6. Development to have regard to the setting of the Conservation Area (Hawkhurst: Highgate and All Saints Church) (see Policy EN 7: Heritage Assets);
7. The height and massing of development proposals to reflect the design and character of the surrounding development to reduce urbanisation of the immediate area;
8. Improvements to existing allotments, amenity/natural green space, parks and recreation grounds, children's play space and youth play space.

10.15 S.106 contributions are anticipated towards the following;

- a. Improvements to the public realm at the centre of Hawkhurst (Highgate);
- b. Any other highways related works;
- c. Measures to enhance bus travel;
- d. Provision of community centre.

10.16 Given the very early stage of the new Local Plan it cannot be given any weight as it has not been through the formal consultation process or examination.

Hawkhurst Neighbourhood Plan

10.17 The Hawkhurst Neighbourhood Plan went to referendum on 8 February 2018 and was subsequently made part of the development plan for the area by TWBC on 26 March 2018. Therefore, significant weight should be attached to the policies set out in

the NDP in the consideration of any planning applications in Hawkhurst, unless material considerations indicate otherwise.

- 10.18 POLICY HD1(B) (exceptions for larger-scale developments) is of particular relevance. This sets out that larger development of 10 or more houses will only be supported if it can be demonstrated that there are exceptional circumstances as prescribed by the NPPF and if it can be demonstrated that their impact on the sensitive AONB landscape setting and the considerable environmental constraints of Hawkhurst can be effectively mitigated. This is considered in greater detail below.
- 10.19 Paragraph 14 of the NPPF confers a limited protection on neighbourhood plans which plan for housing from the presumption in favour of sustainable development, where certain criteria are met. In the case of Hawkhurst, there is a neighbourhood plan, “made” within the last 2 years, however, the Hawkhurst plan sets out policies for the supply of housing but does not have housing allocations and therefore the limited protection does not apply. The NPPF and NPPG are clear that all the criteria must be satisfied in order for this protection to apply. The PC argues that, with reference to paragraph 14 of the NPPF, TWBC only needs to be able to demonstrate a 3-year housing supply as Hawkhurst has an up-to-date NDP, which contains policies to meet its identified housing requirement; and that the NDP did not include site allocations as its identified housing requirement had already been exceeded. This is not however considered to be the case and the three-year supply provision is not applicable here.

Locational sustainability

- 10.20 A key consideration is whether future occupants of the dwellings would be likely to meet some/all day-to-day needs by walking to facilities, thereby reducing the need to travel by private car, which would reduce greenhouse gas emissions (para 95 of the NPPF). Policy HD1 (B) of the NDP requires that proposals can demonstrate effective physical integration with the existing settlement patterns found in and around Hawkhurst.
- 10.21 Whilst the LBD as a restraint on new housing development in itself is not “up-to-date” with the NPPF (for the reasons set out above), the sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the one of the purposes of the LBD is to direct development to built up areas to ensure sustainable development patterns. Notwithstanding the fact that it is partly outside the LBD, the site is adjacent to a large housing development which has been recently approved at Herschel Place and is either partly within or adjacent to the LBD, with good footpath links to the settlement centre and proximity to public transport. Hawkhurst settlement centre lies on a bus route (No. 297: Tenterden - Cranbrook - Goudhurst - Pembury - Tunbridge Wells) which runs approximately every 90 mins/two hours Monday-Saturday. Service No. 5, which runs between Sandhurst and Maidstone via Cranbrook, Hawkhurst and Staplehurst runs on an hourly basis with less frequent weekend services.
- 10.22 When considering appeals for dwellings outside the LBD close to bus routes, inspectors have not attached significant weight to how this could contribute toward a move to a low carbon future - although they have for larger housing schemes. Officers have had regard to the fact that a bus route is accessible from this site; there are bus stops within reasonable walking distance. It is therefore considered moderately likely that the bus service would be readily accessible to future occupiers. In addition KCC Highways have sought £43,000 for public transport enhancements which could have been secured via a S.106 agreement.

- 10.23 A further factor is that in addition to the site being in close proximity to the LBD, it also in close proximity to a settlement which is identified as a 'tier two' settlement in the Core Strategy. Hawkhurst is an area where the Core Strategy 2010 seeks to concentrate some development to support sustainable development (albeit less than in 'tier 1' settlements Tunbridge Wells and Southborough).
- 10.24 It is therefore considered that, although partly reliant on private vehicle use (in light of the Inspector's conclusions regarding the relationship between the Common Road site and Sissinghurst in the appeal decision referred to above) the fact that some journeys need to be made by private car is an adverse impact, but this is more balanced by the relative position of the application site to the tier two settlement of Hawkhurst and in particular the shops, school and other services within Hawkhurst. The location and accessibility of the site is considered to be moderately sustainable in relation to its proximity to services and the nature of the route to them.

Previously developed land

- 10.25 Annexe 2 of the NPPF defines 'previously developed land'. This is, *inter alia*, defined as land which has previously been occupied by permanent or fixed surfaced infrastructure. A court case in 2015 (*Dartford Borough Council v Secretary of State for Communities & Local Government* - CO/4129/2015) held that due to the wording of Annexe 2, only residential gardens within the "built-up area" were exempt from the definition of previously developed land whereas, residential gardens outside "built up areas" were "brownfield". Some of the land is therefore considered as 'previously developed' as whilst the areas to the immediate west of the dwelling and those previously occupied by the garages are former garden land (PDL), the rest appears on historic aerial photos as a small open field (non-PDL). The NPPF details that development should be focused on PDL rather than non-PDL land: this is therefore a benefit to which limited weight can be attached.

Impact upon designated heritage assets (the CA and Lorenden) and non-designated heritage asset (The White House)

- 10.26 The proposed access is sited on the approach to the CA, approximately 100m south of the boundary. Lorenden is grade II listed and is approximately 60m north of the site, on the other side of the modern cul-de-sac (Lorenden Close).
- 10.27 Para 192 of the NPPF states that Local Planning Authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality is highlighted, as is the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.28 Paras 195 and 196 require a balance of public benefits to be applied should new development be considered substantive in harm, or less-than-substantive, to the significance of a heritage asset.
- 10.29 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5).
- 10.30 The site currently contains the White House, a Regency villa with later alterations. The land to the south which forms part of the application site was historically open field. To the north is the Hawkhurst - Highgate and All Saints Conservation Area, and to the south the Hawkhurst - The Moor Conservation Area. Just to the north is the

grade II listed Lorenden, a 16th century house which was re-fronted at around the same time that the White House was built.

- 10.31 The application is accompanied by a heritage statement. The CO disagrees with its conclusions, and in particular the effect of the loss of the White House on the setting of both CAs and the fact that the White House is considered to be a non-designated heritage asset (NDHA). They consider its loss, and the form of development, would also be harmful to the significance of Lorenden. The harm to the setting of the CAs and listed building would, in their view, be less than substantial (and slightly greater than with the previous proposal in that one of the street trees is proposed to be removed although provision is made for its replacement).
- 10.32 The harm to the NDHA would be substantial, though this is, in accordance with paragraph 197, proportionate to its status as a non-designated heritage asset. The CO deems the methodology also erroneously relies on intervisibility only in assessing the contribution of the site towards significance of all of the heritage assets. The NPPG advises that:

'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. (paragraph 18a-013)'.

- 10.33 The heritage statement does not follow this advice - in the CO's view the experience of the approach to the northernmost Hawkhurst CA in particular would be harmed by the loss of the White House and by the proposed form of development, which is at a much larger scale in terms of massing and height than surrounding, and historic, development. The gap between the two CAs is a very important part of the setting of each as they are two discrete settlements, the Moor being the original ancient village and Highgate the later crossroads development. This has been harmed historically by housing development, but this does not mean that further development of the scale proposed would have a neutral impact; rather, it would exacerbate this harm.

THE WHITE HOUSE

- 10.34 The CO agrees with the assessment in the heritage statement that the building has been altered. However, it is still a good example of the Italianate architecture of the time and characteristic here of the scattering of large houses in the gap between the two villages. The NPPG notes that local authority's published local listing criteria can assist with identifying non-designated heritage assets. The TWBC Local Heritage Asset SPD sets out criteria. In their view, the house meets the Architectural and Artistic Interest criterion, the Historic Interest criterion (rarity of this type of house in this location, following demolition of others), and the Townscape Character criterion. Its loss would therefore cause substantial harm to it as a non-designated heritage asset.

LORENDEN

- 10.35 The setting of Lorenden from the early 19th century was as part of a small group of large villages in large plots of land, related to the prosperity of the village and refronted at that time. The White House forms a positive part of its setting, and therefore contributes towards its significance, as part of this small grouping. Loss of the White House and replacement with a layout of buildings, which are at a scale

(height and massing) that do not reflect the historic grain and scale, would cause less than substantial harm to its significance.

HAWKHURST CONSERVATION AREAS

- 10.36 For similar reasons regarding the setting of Lorenden, the White House and its land form part of the historic approach to the village and the experience of the rural, low density setting of the two discrete settlements of the Moor and Hawkhurst Highgate and All Saints. Again, because of the loss of the non-designated heritage asset which contributes towards the significance by forming a positive part of its setting, and the form and scale of the proposed development, in the CO's view less than substantial harm would be caused to both CAs.
- 10.37 It was set out in the report the refused application for seven dwellings that '*Owing to the distance from Lorenden (65m) and the edge of the CA (95m) and the intervening development, the proposal is not considered to have a have an impact on the setting of either*'. The current scheme is a much larger proposal over a greater site area however.
- 10.38 It is noted that the draft Local Plan policy seeks the retention of The White House however (as set out later on in the summary of the principle of the development) the harm arising from the loss of the building is considered to be outweighed by the benefits of the proposal (e.g. 42 net additional dwellings in a site close to the settlement centre, financial contributions towards affordable housing, the Cranbrook Hub, NHS and KCC sustainable transport measures) and therefore the application meets the tests within NPPF Para 197. In addition the draft Local Plan can be given minimal, if any weight given its early stages.

Archaeology

- 10.39 KCC Heritage have been consulted and do not recommend any archaeological conditions.

Trees

- 10.40 As set out in the 'constraints' section above, an off-site group of trees adjacent the NW corner are protected by a Tree Preservation Order (TPO). Other trees on the site are not protected. The main trees are the roadside trees and hedge on the east boundary, plus the trees and hedgerow remnants around the other boundaries. The nearest area of Ancient Semi-Natural Woodland is 300m away to the SW, meaning it is not a significant constraint on the site.

Building

- 10.41 The application is accompanied by a tree survey. Some tree/vegetation clearance took place on this site in spring/summer 2017.
- 10.42 The applicants' tree survey advises that the proposed building has been sited so that it is mostly outside the RPA of retained trees, so no special measures (such as special foundation design) are required for its construction.
- 10.43 The south western tip of the building results in a minor intrusion within the RPA of tree 45. They consider the intrusion is so minor, and at the periphery of the RPA, that it will be of negligible impact to the tree.
- 10.44 To accommodate the building trees 23 to 30 are shown to be removed. These trees are all within the site and are of limited value (the majority are C or U grade). The Tree Survey argues their loss will not materially detract from the tree cover that is perceptible from public view.

Hard surfaces and adjoining levels

10.45 Trees 16 and 17 would be removed to accommodate the car park. Tree 18 is to be removed to make way for a footpath connection to Highgate Hill. All three are of C1 grade and it is argued their loss does not materially detract from the tree cover at the site. Hard surfaces are generally remote from RPAs of retained trees other than the following:

- The car park protrudes within the RPA of tree 9, a group of field maple. The RPA of these trees is compromised by the presence of an existing building. The car park footprint coincides with this building footprint so the true extent of impact on the RPA is argued to be minimal. The applicant considers the surfacing in this area can be achieved with minimal, and tolerable, impact to the trees.
- The western edge of the car park lies at the very outer fringe of the RPA of tree 34, an offsite oak tree. The intrusion is argued to be minimal. Associated with this car park edge is an area of soil that will be built up to marry car park levels with the existing ground. The build-up is localised and does not extend far in to the RPA. As such this can be tolerated by the tree. Between this area and the tree the existing levels are retained.
- A proposed footpath link passes north and west of tree 20. To the north the path is outside the RPA. To the west the path is within the outer fringes of the RPA. Here it is possible to create the path using no-dig construction to avoid material harm to the tree.
- The footpath continues south, parallel with the building façade. As it does so it passes within the RPA of tree 22. Tree 22 is a horse chestnut that is suffering numerous diseases that reduce its vitality. Its long term future is limited but it does form part of the roadside tree group hence it is desirable to retain it. The path that passes within its RPA can be built using no-dig construction to avoid material harm to the tree. The retaining wall intrudes within the RPA and will result in root loss. Given the long term prospects of the tree and the amount of RPA impacted by the retaining wall their tree consultant considers the effect upon the tree will be minimal and not significantly add to the tree's loss of vitality. Forward planning and the introduction of a new tree in a nearby location will ensure tree cover is retained on this boundary in the long term.
- The pathway then wraps around the south of the proposed building. As it does so it passes within the RPA of tree 45. The path can be built using no-dig construction to avoid material harm to the tree. Levels in this area are retained as existing so avoid harm to the retained tree.
- To achieve a uniform level for the garden space there is a slight increase in levels by trees 41 and 42. The level increase is minimal and occurs within the outer fringe of the RPA before reverting to existing levels. The modest increase is argued not to lead to the decline of the nearby trees.
- Within the RPA of tree 38 the levels are retained as existing albeit there will be some regularisation of the localised undulations.
- All other changes of level are outside the RPAs of retained trees.

10.46 The proposed drainage and services are not indicated on the proposed site layout however there is scope to locate them outside the RPAs of retained trees. If services do need to be installed within RPAs it is argued that specialist techniques for their installation will be needed. Such specialist techniques include moling, thrust-boring, broken trench or excavation by AirSpade. No other installations, including mechanical and electrical equipment, are proposed in an area that would be of detriment to trees.

New and replacement tree planting

- 10.47 The development includes new and replacement tree planting to ensure continuity of tree cover.

Summary of impact on trees

- 10.48 The Tree Officer originally commented that given the use of the proposed building, they were generally satisfied with its position in proximity and orientation to the trees.. An AIA and a TPP, as previously requested by the Tree Officer on this site, accompany it.
- 10.49 The Tree Officer would prefer to see more native species of tree planted on the Southern boundary. This, along with the standard tree protection measures, can be sought by condition.
- 10.50 The proposed development results in the loss of very few trees, all of which are not material to the tree cover at the site or in the local area. In places hard surfaces coincide with RPAs but specialist measures can be deployed to minimise harm to trees. Associated changes to levels can be accommodated without material harm to the retained trees.

Housing and economic considerations

- 10.51 The proposal is for 43 new dwellings which are of a smaller size and restricted to occupancy to over-55s. Given the nature of the development the mix of units is considered acceptable.
- 10.52 As such, the proposal would result in an increase of 43 dwellings and a meaningful contribution to the supply of housing in the Borough, which is currently beneath the “five year” requirement as discussed above.
- 10.53 The proposal does not include on-site affordable housing provision. The Council’s Affordable Housing SPD requires 35% affordable housing for developments exceeding 10 units, although the PPG precludes developer contributions being sought on developments of 10 or less dwellings. Within this 35%, 75% must be rented. This would equate so 15 units, 12 of which should be rented.
- 10.54 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the CS and requirements relating to various types of contributions, for instance for education, recreation, transport etc. are referred to in various CS and LP Policies and in relevant sections of this Report.
- 10.55 It was agreed (following discussions with the Council’s Affordable Housing Officer) at an early stage that given the nature of the development as a managed over 55s facility aimed at owner-occupiers, off-site affordable housing would be more appropriate. The Affordable Housing SPD does not prescribe a figure which must be paid by the developer in lieu of on site contribution. In consultation on the last application, the Affordable Housing Officer suggested a figure of £80,000 per unit (£1.2 million). The £80,000 per unit figure is based on subsidy payments to RPs for each unit. The applicant’s initial offer was £400,000. The negotiations have realised an offer of £780,000, which is considered acceptable by Affordable Housing Officer.
- 10.56 Future occupiers would make a contribution to the social vitality of Hawkhurst, as they are likely to use the settlement for some services. As economic benefits for the construction of 43 dwellings would be short-term, these are limited and would carry

little weight. There would be some contribution to the economic vitality of Hawkhurst however, from the use of shops, services etc. by the new residents.

- 10.57 Consultees have sought financial contributions towards public transport improvements and mitigation of the tree loss (KCC Highways), the Cranbrook Community Hub – adult social care element (KCC Economic Development) and new single premises for two General Practices located in Hawkhurst (NHS). KCC and the NHS have assessed the proposal for contributions towards meeting the additional needs for infrastructure and services generated by the proposed development, as summarised in their consultee replies. These are considered to meet the relevant CIL tests.
- 10.58 Hawkhurst PC have also sought financial contributions towards various projects however limited costings or other evidence that the requests are CIL compliant has been provided and it is not clear whether the PC is in a position to deliver these projects (for example, the speed indicator would be on KCC Highways land and its positioning for a set period of time would need to be agreed by them). The PC also refer to a scheme for an outdoor gym at King George V playing fields but have not provided costings for it.
- 10.59 The only scheme for which costings have been provided are the project costs of the community hall. This project is allocated for within the TWBC Site Allocations Local Plan 2016 and the adopted Hawkhurst NDP. The allocated site is close to the application site and the PC advised they are progressing with the scheme – at the last point of contact in mid-July 2019 they had identified three architects/project managing firms who had tendered to deliver the project. This is however at a very early stage: it does not benefit from planning permission and has no detailed design or cost either.
- 10.60 The applicant also argues that the Hawkhurst Hub request is not CIL compliant because monies are already sought by KCC towards the Cranbrook Hub. The Cranbrook Hub scheme benefits from planning permission (albeit one that expires in September 2019) and the applicants are seeking to discharge various conditions of the permission. Additionally the contribution is related to youth and recreation (as stated in the letter from HPC dated 18/06/19) and would therefore not be reasonably related to the development as well as being unnecessary to make the application acceptable in planning terms. This is because the development is aimed at over 55s so monies sought towards youth and recreation projects would fail the CIL tests. It is agreed it would be unreasonable to make a double payment based not only on two different locations but two different requirements – recreation open space and adult social care. This particularly so where the failure to pay the Cranbrook Hub contribution was a reason for refusal for the previous application and adult social care contributions are related to the proposed development; failure to pay HPC developer contributions was not a refusal reason on the previous application. There has been a material change of circumstances since (in that progress has been made on the HPC hub preliminary work) but they are not still not considered to be sufficiently advanced (or the circumstances since the March 2019) refusal of planning permission for this scheme) to seek the contributions towards it.
- 10.61 The developer contributions can be secured by a legal agreement to secure the S.106 monies. Last time there were two refusal reasons relating to failure to provide S.106 contributions towards KCC and NHS projects and affordable housing. It was made clear in that report that this should not be inferred as a refusal on the developer's part to pay the financial contributions towards the NHS/KCC. As application was being refused primarily on highway safety grounds, that approach

protects the Local Authority's position at appeal to secure the contribution, should the Planning Inspectorate allow an appeal against that refusal.

- 10.62 It is noted that the draft Local Plan policy seek contributions towards matters such as children's playspace, education etc. however as set out above such contributions would fail the CIL tests for this over-55s development; and in any event the draft Local Plan can be given minimal, if any weight given its early stages.

Impact on AONB (including landscape impact, design, ecology and landscaping)

- 10.63 This (especially AONB impact) is assessed in more detail below, but in summary it is considered that overall there is likely to be moderate localised harm to the AONB but this can be diminished through a sensitive approach, detailed design and securing long term management. The AONB and landscape harm will most clearly arise from the introduction of an intensive residential use into an otherwise open site. The proposal offers opportunities to improve some aspects of the site condition and management. Many of the harmful impacts would be moderate within the site itself but the impact localised. This is explored in greater detail within the specific AONB section below.

Development Plan and NPPF AONB and landscape policy

- 10.64 Adopted Development Plan Policy (including Core Policies 4 and 14) requires the conservation and enhancement of the AONB and rural landscape. The NPPF within paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Paragraph 172 also relates to major development in the AONB and states that "*Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*" Footnote 55 states that '*whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*'. In this case, given that the proposal a significant amount of new built development within the AONB, it is considered that this should be considered as a major development. This is consistent with the approach to the previous application.

- 10.65 The NPPF then states that such applications should assess considerations contained in three bullet points and these are set out in the headings below. Many of the matters to be taken into account as set out in Para 172 form material considerations in their own right. The assessment against these matters will take place on the basis of the impact being, slight, moderate, large or neutral.

Para 172: Need for the development and the impact of permitting it or refusing it on the local economy

- 10.66 The need for residential development is set out earlier in the report and given the lack of a 5 year housing land supply currently, there remains a need for new housing development within the Borough. The development would provide additional housing for the settlement of Hawkhurst. Whilst this is modest in relation to the overall need, it is significant in terms of its local and cumulative contribution. Less weight is to be given to this factor in the absence of affordable housing.
- 10.67 The impact of permitting this development would have a short term positive economic impact due to the employment opportunities which would be created with its construction including supply of materials and skilled labour. The provision of

additional housing will also likely result in the increased use of local shops and services.

- 10.68 The impact of refusing it would be that the site would remain as part of the wider garden and the other land associated with The White House.
- 10.69 Loss of land that could potentially be put to some agricultural purpose is not considered to be a significant issue. The NPPF (Paragraph 170b) states that LPAs should take into account the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher quality. This does not preclude the loss of BMV agricultural land but does require that be justified. In this instance the application relates to a relatively small area of land and its loss to development would not prejudice the agricultural use of any land near it.
- 10.70 The need for housing would remain and therefore, this demand would need to be met within other sites within the locality and elsewhere within the Borough.
- 10.71 Having regard to the above, it is considered that:
- the economic impacts of permitting the scheme are moderately positive;
 - the economic impacts of refusing the scheme are slightly negative;
 - there are wider economic benefits arising from the proposal.

Para 172: Cost of and scope for developing elsewhere outside the designated area, or meeting need in some other way

- 10.72 The whole of Hawkhurst and the surrounding area lies within the AONB. Hawkhurst is identified as a Tier 2 settlement in the 2010 Core Strategy settlement hierarchy. The level of housing need for the Borough is high and it is highly likely that additional housing sites within the AONB will be required. Hawkhurst PC object on the basis of conflict with HD1(b) of the NDP, which relates to this point.
- 10.73 The site has been chosen by the developer due to its position close to the LBD and the nature of the existing character and built development on the site. Other sites beyond Hawkhurst and outside of the AONB designation are possible for such residential development. However, the settlement of Hawkhurst is wholly within and surrounded by the AONB, and therefore any housing proposed in or on the edge of the settlement would be within that designated area. The proposal would provide a significant addition to the settlement's housing provision.
- 10.74 Other sites in Hawkhurst have been submitted through the 'Call for sites' process as part of the new Local Plan. Without prejudice to any future decisions made with regards allocating those sites which have come forward through the Local Plan, some of those which are outside are well outside the Hawkhurst LBD and further from the services of the village. It would be premature and outside the scope of this report to try to actively evaluate the merits or otherwise of sites submitted through Call for Sites. That is subject to an entirely different future procedure and it may be that some of those submitted sites are not allocated for residential use.
- 10.75 Having regard to the above, it is concluded that there is no scope for developing sustainably located housing for Hawkhurst outside the AONB.

Para 172: Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

10.76 This will be considered under the individual sub headings as follows:

Visual and Landscape Character Impact

10.77 The High Weald AONB Management Plan details that the AONB as a whole is;

“characterised by dispersed historic settlement, ancient routeways, an abundance of woodland, wooded heaths and shaws, and small irregularly shaped fields. These are draped over a deeply incised and ridged landform of clays and sandstones with numerous gill/ghyll streams, and are closely related to socio-economic characteristics that have roots extending deep into history”.

10.78 The Council's Landscape Character Assessment details Wooded Farmland areas (of which Hawkhurst is one) at para 4.1 as;

“Extremely varied and complex landscape. Distinct , high ridges with weathered sandstone outcrops intersected by ravine woodland, beech and holly hedges and sunken lanes. These contrast with unimproved pasture and common land. Other characteristics include rolling upland areas, incised by valleys, with small settlements and pastures hidden within a framework of deciduous, ghyll and shaw woodlands.”

10.79 Landscape Character Area 11 (Hawkhurst Wooded Farmland) is defined at p.111 as;

“A peaceful, managed, farmed landscape of pasture and open arable fields on the gentle open slopes rolling down from the plateau to the River Rother and Hexden Channel. Fields are bounded by thick, wooded shaws with some deep intersecting ghylls, resulting in an interesting landscape pattern with occasional built landmarks such as a windmill or church tower.”

10.80 P.115 sets out that The Local Character Area should be considered in the context of the High Weald AONB and the potential role of certain parts of the character in the setting of the AONB. The valued features and qualities of the landscape should be conserved and enhanced.

10.81 Landscape detractors within the area are the general detractors as set out in Chapter 3 of the LCA introduction. These include;

- Increasing suburbanisation of the wider rural landscape;
- Dilution of the strong local vernacular with sometimes poor interpretation of traditional building styles and layouts;
- Loss of sense of remoteness and the special perceptual qualities of peacefulness and tranquillity;
- Traffic pressures leading to a decline in the quality of many vulnerable rural lanes resulting in the erosion of delicate verges and sandstone banks, and the introduction of inappropriate management including widening, kerbing, urban signage and roadside furniture;
- Loss of landscape features due to development - existing landscape features should be conserved within development schemes;
- Increasing artificial light pollution which results in the loss of dark skies, the loss of the sense of remoteness and adverse effects on wildlife;
- Neglect of the landscape, particularly small parcels, as a possible prelude to development;
- Loss of unimproved and semi-improved grassland.

- 10.82 Issues specific to Area 11 is the impact of unmanaged hedges, the impact of traffic upon the crossroads and the use of standardised or low quality materials such as modern brick and plastic weatherboarding.

Landscape character / Landscape features

- 10.83 The existing trees to the site boundaries serve an important function in both landscape and visual terms. The trees are an important component of the historic field boundary to the west, the Area of Landscape Importance to the north, and the historic routeway of Highgate Hill to the east. Where existing hedgerows are not shown to be retained, new planting is proposed so as to present a continuous vegetated boundary. The retention of boundary trees also help to reduce the visual impact from neighbouring receptors. The lost street tree is proposed to be replaced.
- 10.84 The northern and eastern boundaries are proposed to be 'estate' fencing, to reduce the visual impact upon these key elevations.

Design and layout

- 10.85 The proposed building varies in scale: it is 3-storey with 2-storey additions at each end of the L-shaped structure. In these lower sections, an additional floor is created in the roofspace. The scale, height and mass of the proposed building is appropriate to the site and wider context, reflecting the pattern of development generally in the settlement. This is largely because it is set down from the Lorenden Park development and its bulk / mass is broken down by smaller vertical projections, indentations and glazed balconies to individual apartments. The roofscape is similarly varied, using small dormer windows, varying sized gables, ridge and eaves heights. It will have a street presence, albeit set behind the mature belt of trees and hedgerow planting. These are all design cues taken from surrounding development.
- 10.86 The siting of the new building facilitates retention of the landscaping and trees around the site perimeters, which will create a verdant setting for the new building, helping to integrate it within its wider setting.
- 10.87 The layout is considered to achieve an acceptable balance between site coverage by the new building, having regard to the existing site coverage by the existing house and associated ancillary structures and provision of open usable spaces.

Materials

- 10.88 The proposed architectural finishes will include brick, weatherboard, plain tile and lead detailing. The LVIA advises the design makes direct references to the '*High Weald Area of Outstanding Natural Beauty; Guidance on the selection and use of colour in development*' in its choice of colour palette.

Wider AONB/landscape impact

- 10.89 The summary of the LVIA at 14.0 of that document is broadly accepted, as are the verified viewpoints within its photomontage. This sets out that a number of design measures have been introduced within the scheme to mitigate against landscape and visual effects and which include the retention of vegetation, use of appropriate materials and new planting.
- 10.90 Overall in terms of visual amenity whilst there will be some minor to negligible adverse effects, such effects are localised and restricted to views immediately adjacent to the site and only affecting a limited number of residents and users. The proposed development will clearly affect some elements of the existing site character,

such as the open garden area, and generate localised and minor to negligible adverse effects during both construction and operation.

- 10.91 In terms of an LVIA it should be noted that the effects on landscape and visual amenity are only part of the overall consideration in respect of making a decision on the planning balance. Any development will give rise to change in the landscape of an affected area and the views of receptors. The degree of change will influence the judgment on acceptability and will need to be weighed against the benefits delivered by the proposed development.

Ecology

- 10.92 The application includes an ecology survey. There was found to be little potential for protected species within the building or the surrounding trees/vegetation, with the exception of reptiles.
- 10.93 Surveys to determine the presence or likely absence of reptiles were previously undertaken in 2017. Slow worm and grass snake were recorded in the west and north of the site. Since 2017 the unmanaged lawn surrounding the main house has been included within the development proposals. The ecologist advises that updated surveys are therefore recommended for reptiles in order to establish whether reptiles are also present in the garden to the south of the dwelling and to inform a detailed mitigation strategy.
- 10.94 Recommendations have been made in relation to the timing of vegetation removal; this should be undertaken outside of the core bird breeding season, limiting this work to between 1st September and 1st March, or supervision would be required.
- 10.95 A sensitive lighting strategy will be followed to minimise the indirect impacts of the development on the local bat population. Recommendations for enhancing the ecological value of the proposed site under the NPPF have been suggested. These include native planting of trees, climbing plants and nectar-rich plants and bird boxes.
- 10.96 Given that protected reptile species have already been found elsewhere on site and that the garden area to the south of the dwelling represents only a small part of the application site, it is not considered this should in itself be a refusal reason. A scheme of ecology mitigation and enhancement along with the additional survey can be required by pre-commencement condition.

Summary and conclusion of design, landscape and AONB impact considerations

- 10.97 The application site lies mainly outside the designated ALI area and is not considered to significantly affect it. The small part that would be lost to the car park is not considered to significantly reduce the contribution that this ALI makes to the wider area.
- 10.98 Due to the wide road frontage to Highgate Hill the development would be quite visible from the public realm. The new street tree would also take time to grow to maturity and provide the same level of visual amenity as its predecessor. The site is at present an open, undeveloped (in the sense that there are no buildings or substantive hard surfaced areas on it) expanse of garden land which provides an open area adjacent to the Highgate Hill development to the south. Regardless of the design, the residential development of this site would create a harmful impact upon the AONB (as any such development would) as the site's openness and the sense of it being a visual break in the built form which is otherwise present along both sides of Highgate Hill. The new access will include crossovers, removal of the verge/tree etc. which will all have a moderately harmful impact within the street scene. This would

be a moderately harmful change to the landscape. It would increase the amount of built form on the site with additional fencing and domestic paraphernalia on to the non-PDL part of the site which will harm the open character of the countryside and AONB. It is accepted that this would be a three-storey building however given the position within the street scene and its spatial relationship to nearby built form, along with the prevailing levels within and outside the site, the scale/bulk of the building is not a matter on which it is considered refusal can be recommended.

- 10.99 It is considered that despite the shortcomings set out above, the proposal as it currently stands merits approval within the High Weald AONB landscape. In this respect the scheme is considered to meet the requirements of Policy HD1 (b) of the NDP which allows developments of more than 10 dwellings in exceptional circumstances.

Drainage - surface water

- 10.100 NPPF Para 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Para 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The NPPF recommends that SuDS should be utilised, where possible, within all new drainage schemes. SuDS generally mimic the natural drainage patterns of the undeveloped site allowing infiltration into the ground (where viable), controlling outflow rates from the development and preserving water quality. This reduces the impact and risk of flooding on downstream developments alongside providing additional benefits such as pollution control, increasing biodiversity and providing water-based amenity.
- 10.101 The site lies outside of EA Flood Zone 2/3 and is not considered to be at risk of flooding.
- 10.102 KCC Sustainable Drainage (lead flood authority) has commented on the application. They agree with the proposal in principle. Two conditions are recommended by KCC. Southern Water do not object to the application.

Residential amenity

- 10.103 The layout of the dwellings is such that they are not considered to overlook the dwellings in Lorenden Close. The distance from the boundary and the intervening vegetation is such that no significantly harmful impact is considered to be caused to the dwellings in Herschel Place to the west of the site.
- 10.104 At the southern end of the site the first and second floor flats are considered to be sufficiently far from the common boundary so as not to overlook No. 61 Herschel Place nor the dwellings to the west of it. It is acknowledged that the development would be on a higher level than No. 61 and would be between 6 and 8 metres from the common boundary to the south. However the position of windows serving habitable rooms at first and second floor within the development, the fact that the four elevation windows at ground and first floor level that face towards Herschel Place serve kitchens and could therefore be obscure glazed are considered to mitigate this impact. The ability to overlook neighbouring dwellings from the second floor openings in this location is limited by the use of recessed balconies.
- 10.105 Policy EN1 also addresses a loss of outlook from nearby occupiers. For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations. The separation distances between the proposed dwellings and those

around it are not considered to create any overshadowing, substantial loss of light or overbearing impact such that outlook can be considered to be significantly and detrimentally harmed. Additional landscaping along the southern boundary can also mitigate any perception that the development dominates the boundary.

Conclusion in respect of the impact relating to the AONB

10.106 The proposal is considered (subject to the conditions recommended below) to accord with other relevant adopted Development Plan and national policy in respect of landscape impact, ecology and design.

10.107 The following table weighs the different elements against one another when assessing the overall impact on the environment in terms of para 172 of the NPPF:

Component of overall “environment impact”	Considered impact (neutral, slight, moderate, major)
Landscape Character/Appearance (and AONB)	slight negative
Ecology	Neutral
Drainage	Neutral
Residential amenity	Neutral
Conclusion	Slight negative

10.108 It is therefore considered that the proposed development would have a slight negative impact on the environment as a matter to be considered under para 172 of the NPPF.

10.109 Of the three elements within para 172 of the NPPF considered above it has been concluded that there would be a moderately positive economic impact balanced against a slightly negative impact on the environment with no realistic scope for developing housing for Hawkhurst outside the AONB, given the position of the current Local Plan preparation work and the fact that sites submitted through the Call for Sites exercise are still being evaluated.

10.110 The overall conclusion when assessed against the requirements of para 172 of the NPPF, and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the 5 year housing land supply, is that the proposal will have a moderate positive impact overall.

10.111 As such, it is considered that principally due to the housing delivery benefits outweighing the identified harm to the landscape and environment, there are exceptional circumstances where the development is in the public interest in this instance to depart from the NPPF presumption against major development in the AONB. In addition, the Council's Landscape and Biodiversity Officer has no objections to the application.

Summary of whether the proposal comprises sustainable development

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

10.113 In terms of negative aspects;

- The proposal is considered to cause slight localised harm to the AONB through the introduction of a residential development (with its attendant land level changes, introduction of built form, access arrangements, small-scale tree loss, and domestic presence within the countryside) within open (but not agricultural or undeveloped land);
- The proposal would cause 'less than substantial harm' to the setting of the adjacent CA, and the grade II listed building to the north of the site;
- The proposal would result in the loss of a NDHA (The White House).

10.114 In terms of the positive aspects:

- The provision of 43 smaller dwellings at the prescribed mix is a positive addition to aid in addressing the Borough's housing shortfall, particularly where there is a lack of a five-year housing supply, to which significant weight can be attached;
- The proposal would deliver a financial contribution towards affordable housing, where on-site provision is not considered to be appropriate;
- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area (less so during construction and more so through the introduction of new residents);
- The site is partly within the LBD and is not proposed for an 'isolated' rural location;
- The proposal would secure financial contributions towards the Cranbrook Hub, the NHS and KCC sustainable transport measures - which attract significant weight as wider public benefits;
- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape impact of the development.

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

10.116 It is considered that the social and economic benefits from the proposal outweigh the 'less than substantial harm' caused to the setting of the CA/listed building, the loss of the NDHA and the acknowledged slight (but localised) harm to the AONB. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted unless any other material considerations indicate otherwise. The following sections of the report therefore assess whether the proposal accords with other elements of policy in the NPPF (and Development Plan).

Highways and Parking

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

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

10.118 A full Transport Assessment has been submitted as part of this application. KCC Highways raised significant concerns to the previous proposal based on;

- Insufficient parking, partly due to the parking assessment being based on C2 housing, not C3 (the basis on which the application was made);
- Unacceptable access arrangements (as the proposed access road did not meet back of highway at 90 degrees and the combined effect of this alignment and gradient at the back of highway and the implications for highway safety);
- The design included connections through the site to the car park which require use of a staircase to give access to the main entrance. This was considered likely to result in vehicles standing on Highgate Hill which is not acceptable. The design was recommended to include a drop off facility providing convenient and level access to the main entrance. In the absence of such provision the highway authority needed to be satisfied that the arrangements within the car park provide adequate access for all and are largely self-enforcing so it is the most convenient place for drop off etc. This was not the case in the previous layout.

10.119 A proposal for seven dwellings was also refused here in September 2017 however that application featured an access point further down the hill. In addition, at the time that application was refused KCC Highways had not developed a scheme relating to alleviating pressure on the crossroads towards which financial contributions would be sought.

10.120 Even if one occupant per dwelling either did not use a car or depended on a scooter for mobility, this does not necessarily mean that there would be less demand for the level of car-spaces required by KCC guidance. This is on the basis that there would be a reasonable likelihood that some of the occupants would still be dependent on cars for their day to day needs, particularly couples where one person does not have mobility difficulties necessitating the use of an electric scooter. Whilst sustainably located, the application site is not in such close and easy proximity to retail facilities and other services to justify insufficient parking for able-bodied elderly people.

10.121 Furthermore, even if all future occupants were reliant on mobility scooters and did not own a car, their higher dependency would result in a much greater frequency of visitors travelling to the site via cars, such as family members, friends, retail deliveries and professionals providing healthcare and assisted living support. There would be insufficient off-road parking space to accommodate these vehicles, which would as a consequence increase the demand on the already limited stretch of on-road parking available outside the site, which is on a busy A-class road. The development would not provide sufficient, safe and convenient parking for future occupiers, which would as a consequence give rise to highway safety issues as described by KCC Highways.

Ultimately, the proposals now allocate 27 spaces for residents with six for visitors. The highway authority continues to recommend that a minimum of nine spaces be made available to visitors which would be in keeping with the requirement for general purpose housing.

10.122 If the absence of securing these three additional spaces, KCC Highways recommends that funds are secured through the S106 to cover the costs for extension to a Traffic Regulation Order (TRO) which would allow the highway and parking authorities to manage any overspill parking on the highway. The TWBC parking team, following consultation with KCC Highways, have recommended that £2500 should be secured towards these costs, to be used should overspill parking occur.

10.123 At this point it is considered necessary to highlight the difference between the inconvenience of parking pressure to local residents and parking-related highway safety matters. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to attribute a significant parking-related safety issue directly to this development, given the number of other dwellings that already use the road, the slow speed that vehicles are likely to travel at in the area around the access point and the fact that there is parking availability in nearby streets. Therefore, in this instance, it is not considered that the proposal would cause harm to highway safety if the recommended conditions and financial contributions are secured.

10.124 As above, Inspectors have traditionally only given weight to concerns regarding highway safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application. In general terms (and unless there is a concern regarding highway safety), the provision, amendment or exclusion of certain properties from residents' parking schemes fall outside of the planning system. Whilst it is not the role of the LPA to manage on-street parking, the recommended £2500 contribution towards the extension of a TRO is considered reasonable, necessary and related to the development.

10.125 KCC Highways have sought a minimum of nine spaces to be identified within the car park for visitors and to be kept available for visitor parking at all times in connection with the development; and that parking by residents to be controlled through a permit system. However management of the parking area is for the landowner and the way in which the facility is used is likely to be self-policing.

Other Matters

10.126 In terms of refuse storage, there is space within the building to cater for the suitable storage of bins. This matter can be secured by condition.

10.127 The future occupiers of the properties would each have reasonable to good sized communal gardens (as shown on the plans) which would provide adequate amenity space.

11.0 RECOMMENDATION –

A) Grant 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 30 October 2019 unless a later date be agreed by the Head of Planning Services) to secure the following;

- £27,936.00 towards new general practice premises for Northridge Medical Practice & Wish Valley Surgery;
- £15,227.16 towards the cost of providing community learning space within the Cranbrook hub (to provide additional capacity and serve the rural eastern part of Tunbridge Wells Borough);
- £43,000.00 towards the cost of improving public transport services in the Hawkhurst area;
- £25,000.00 towards a replacement street tree within land controlled by KCC Highways;

- £780,000.00 as a contribution towards affordable housing off-site;
- £2500.00 to cover the costs for an extension to a Traffic Regulation Order which would allow the highway and parking authorities to manage any overspill parking on the highway.
- Payment to cover the Council's legal costs.

and subject to the following conditions:-

Implementation condition

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

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

Approved plans

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

Drawing numbers SE-2550-03-AC-01A, SE-2550-03-AC-02F, SE-2550-03-AC-03C, SE-2550-03-AC-04C, SE-2550-03-AC-05D, SE-2550-03-AC-06B, SE-2550-03-AC-07C, SE-2550-03-AC-08C, SE-2550-03-AC-09C, SE-2550-03-AC-10C, SE-2550-03-AC-12D, SE-2550-03-AC-13D, 1079-KC-XX-YTREE-TPP01 Rev A (Tree Protection Plan) SE-2550-03-LA-MCS616_Drg 01 F (landscaping) Tree Survey, Impact Assessment and attached plans (April 2019) Transport Statement drawings 17-337/011A (General Arrangement); 17-337/012A (Refuse Vehicle Swept Path Analysis); 17-337/013A (Fire Tender Swept Path Analysis); 17-337/014A (Car Swept Path Analysis); and 17-337/017 (Car Park Access Long Section 1 in 15 Crossfall – Option)

Reason: To clarify which plans are approved.

Construction/Demolition Environmental Management Plan

- 3) No works or development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:
 - All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the District Planning Authority.
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction works.
 - Measures to minimise the production of dust on the site(s).

- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off road parking for all site operatives.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

Residential noise levels

- 4) Prior to the commencement of development (excluding demolition of existing buildings, ground works and the formation of the access hereby approved), a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity

Highways - visibility splays

- 5) Prior to the commencement of any works or development on site (excluding demolition of existing buildings), the visibility splays shown on approved drawing PLAN 17-337/011A (within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge) shall be provided at the access and the splays shall be so maintained at all times thereafter.

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

- 6) Prior to first use of the access hereby approved, pedestrian visibility splays of 1.0m x 1.0m x 45° (within which there shall be no obstruction in excess of 0.6m in height above the height of the adjoining highway) shall be provided within the curtilage of the site and either side of the driveway. The splays shall be so maintained at all times thereafter.

Reason: In the interests of pedestrian safety.

Highways – access works

- 7) Prior to commencement of any works or development on site (excluding demolition of existing buildings), details of all off site works (to include restoration of the existing vehicle crossover points, including the existing crossover to the south of the proposed access) shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with approved plans prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety. This is a pre-commencement condition as the proposed works will need to be agreed with the highway authority before work starts to ensure they can be delivered as part of the proposal.

Vehicle parking/turning

- 8) The area shown on the approved drawing number SE-2550-03-AC-02F as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the first occupation of any part of the development, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking, garaging and turning space.

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

EV Charging Points

- 9) Notwithstanding the approved plans and submitted details, prior to the first occupation of any part of the development a scheme identifying the units/parking spaces which shall be allocated EV charging points 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: In the interests of promoting emission-free car use and to achieve sustainable development.

Renewable Energy

- 10) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding demolition of existing buildings, ground works and the formation of the access hereby approved) written and illustrative details for renewable energy technologies, water and energy conservation within the development 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.

Additional design details

- 11) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding demolition of existing buildings, ground works and the formation of the access hereby approved) detailed plans and

information regarding the following aspects of the proposed development. The development shall be carried out in accordance with the approvals:

- a) Details relating to windows, window glazing and joinery and dormer windows;
- b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
- c) The materials to be used for final surfacing of the footpaths and parking area;
- d) The positions, design, materials and type of boundary treatment;
- e) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure;

The submitted details shall take in to account the comments on the application of Kent Police dated 29/05/19.

Reason: To ensure the build quality of the development.

Levels

- 12) The development shall be constructed in accordance with the approved levels.

Reason: To ensure the build quality of the development

Trees and landscaping

- 13) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
- No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: 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

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

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

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

Land contamination

- 15) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed.

Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

External lighting

- 16) Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting (where applicable) 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 submitted lighting scheme shall be informed by an ecologist to limit the impact upon protected species from artificial light sources. 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

Flooding and SUDS scheme

- 17) Development (excluding demolition of existing buildings) 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 Indicative foul and surface water drainage layout 70042926-D-SK-002 (WSP, August 2018) 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

Foul drainage

- 19) The development shall be carried out in accordance with the approved foul sewage disposal details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

Biodiversity enhancements

- 20) Notwithstanding the submitted drawings and all supporting documentation, no development (excluding the formation of the access hereby approved) shall take place until a scheme for the mitigation and enhancement of biodiversity, along with the additional reptile surveys identified as necessary by the submitted ecological survey have been 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. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site. This is a pre-commencement condition as biodiversity matters will need to be addressed from the beginning of the construction phase.

Landscaping

- 21) Notwithstanding the submitted drawings and all supporting documentation, prior to the first occupation of any part of the development, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The approved landscaping scheme shall be carried out fully in accordance with the approved programme. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

Occupation of the Building

- 22) No unit of accommodation shall be occupied at any time other than by a person aged 55 or older together with their spouse, partner or companion as appropriate, except that where a person aged at least 55 years is predeceased having resided within the development as a spouse, partner or companion, that person may continue to reside within the development.

Reason: To ensure the retention of the approved use of the site.

Obscure glazing

- 23) Before the first occupation of Flats 25 & 26 hereby permitted, the following windows shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent), be top hung only and restricted to an opening of 100 mm;

- The kitchen windows serving Flats 25 & 26.

Both the obscured glazing and the opening restriction shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

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

- 24) Notwithstanding the submitted details and plans, prior to the first occupation of Flat 26 hereby approved, details of a privacy screen to the southern side of the balcony serving Flat 26 shall be submitted to and approved in writing by the Local Planning Authority.

The details shall show the privacy screens to be a minimum of 1.8m high and constructed of either;

- o Solid material, or;
- o Glazing obscured to Pilkington level 3 or higher (or equivalent) which is an integral part of the manufacturing process and not a modification or addition made at a later time.

The approved privacy screens shall be installed before the first occupation of Flat 26 hereby approved, and shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

- 25) The room labelled 'Guest Suite' on the approved drawing SE-2550-03-AC-03C shall only be used on an ancillary basis to the development hereby approved and not as primary residential accommodation at any time.

Reason: To prevent the creation of an additional dwelling without detailed consideration of its impacts

INFORMATIVES

- 1) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 2) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The applicant is advised that they will need to enter into an agreement with the highway authority under S278 of the Highways Act 1980 for works to the access. As the development is to remain private the developer should also Serve Notice under S.31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.

- 4) This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affect the way in which the property may be used.
- 5) The applicant is recommended to ensure that Broadband 'fibre to the premise' (Superfast fibre optic broadband) to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings is provided.

B If the applicants fail to enter into such agreement by 1 November 2019 The Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):

- (1) The proposal would not provide affordable housing (or a payment in lieu of affordable housing off site) and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Core Strategy 2010, the Affordable Housing Supplementary Planning Document, the Planning Practice Guidance and the National Planning Policy Framework.
- (2) The proposal would fail to provide; developer contributions towards the cost of improving public transport services in the Hawkhurst area, towards a replacement street tree within land controlled by KCC Highways; and towards providing community learning space within the Cranbrook hub project as requested by Kent County Council; towards new single premises for Northridge Medical Practice & Wish Valley Surgery as requested by the NHS West Kent Clinical Commissioning Group; and would therefore conflict with Core Policies CP1 of the Tunbridge Wells Core Strategy 2010, Policy R2 of the Tunbridge Wells Borough Local Plan 2006 and the Recreation and Open Space Supplementary Planning Document.

Case Officer: Richard Hazelgrove

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.