

REPORT SUMMARY

REFERENCE NO - 22/03018/FULL

APPLICATION PROPOSAL

Demolition of existing dwelling and erection of 3no. dwellings together with associated drive and access alterations.

ADDRESS Brokeswood Lodge The Ridgeway Southborough Tunbridge Wells Kent TN4 0AD

RECOMMENDATION To GRANT planning permission subject to conditions (please refer to section 11.0 of this report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”.
- Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted (and all other material considerations are satisfied);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 traffic movements generated by the development can be accommodated without detriment to safety on the public highway or along the public right of way;
- The proposal would deliver surfacing improvements to the existing Public Right of Way WS15 which runs adjacent to and through the site;
- The development would not be significantly harmful to the residential amenities of neighbouring dwellings;
- The number of residential units are considered to be appropriate to this site;
- The design, including the scale, massing and layout of the development is considered acceptable;
- The development can be accommodated around the existing trees, with no loss of trees on site;
- The proposal can deliver biodiversity gains through the creation of a dedicated biodiversity enhancement area;
- The proposal would secure a buffer zone to the Ancient Woodland within Brokes Wood where there is currently none in place;
- The proposal would preserve the setting of the High Weald Area of Outstanding Natural Beauty;
- The proposal is within the LBD of Southborough, a tier 1 settlement as defined within the 2010 Core Strategy which hosts a wide range of shops, schools and other amenities;
- The site is in a highly sustainable location close to a major bus route, within walking distance of shops, a nursery/pre-school, primary and secondary schools, GP surgery and other facilities/amenities;
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

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

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: £387.50

Estimated annual council tax benefit total: £4059.52

Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE

Called in by Cllr Lewis if recommended for approval due to the inappropriateness of the development in its location and the affect on highways.

WARD Southborough & High Brooms	PARISH/TOWN COUNCIL Southborough Town Council	APPLICANT Ms A Burns AGENT Mr Samuel Bowman
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DECISION DUE DATE 19/12/22	PUBLICITY EXPIRY DATE 07/03/23	OFFICER SITE VISIT DATE Various
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RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

18/00906/FULL	<p>Demolition of existing dwelling and erection of 4no. dwellings together with associated drive and access alterations</p> <p><i>Reasons:</i></p> <p>1) <i>The proposed dwellings, by reason of their scale, bulk, siting, roof form and the extent of excavations necessary to accommodate them, would result in a cramped and overdeveloped appearance, would tower over their surroundings and be harmful to the character of the site as a transition point between the built up area around the Ridgewaye/Hillcrest and Brokes Wood. The proposal would also fail to conserve and enhance the setting of the High Weald Area of Outstanding Natural Beauty. The development would therefore fail to reinforce local distinctiveness and would not integrate appropriately with the existing built environment. The proposal fails to take the opportunities available for improving the character and quality of an area and the way it functions and is therefore not considered to be sustainable development. It is thus contrary to Policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Policy CP4 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010, the 'Design' section of the Planning Practice Guidance and the National Planning Policy Framework 2012.</i></p> <p>2) <i>The proposal fails to provide adequate visibility at the access which will result in increased hazards on the highway. Therefore the</i></p>	Refused	11/05/18
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	<i>proposals fail to provide safe access to the site. It is thereby in conflict with para 32 of the National Planning Policy Framework 2012, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.</i>		
05/02748/FULMJ	<p>Demolition of existing house and construction of block of ten apartments with detached lodge house</p> <p><i>Reasons:</i></p> <p>1) <i>The proposed development would not have a safely located access because inadequate visibility splays would be available. In addition, no passing place for vehicles is shown within the site. Pedestrian safety would be compromised by the increased use of the existing drive shared with the public footpaths.</i></p> <p>2) <i>The proposed block of flats, by reason of its size, siting and the location of windows, would be unduly harmful to residential amenities of existing properties due to overlooking and overbearing effect out of character with the locality.</i></p> <p>3) <i>The development would not provide a mix of dwellings nor would it provide any small or intermediate dwellings as defined by the Local Plan Review.</i></p> <p>4) <i>The proposed buildings would result in an unacceptably cramped and dominant form of development in relation to the side boundaries, with an unduly prominent and high elevation to the east (rear) of the block of flats, having regard to its location adjacent to the Metropolitan Green Belt, an Area of Outstanding Natural Beauty and Special Landscape Area. The development would not pay adequate regard to the existing pattern and scale of residential development in the locality or the retention of existing landscaping or levels.</i></p>	Refused	19/01/06
96/01956/FUL	Three storey rear extension	Granted	21/01/97
90/01566/FUL	Relocation of existing garage	Granted	12/12/90
86/01307/OUT	<p>Outline - Dwelling and garage on part site. Replacement garage for existing property</p> <p><i>Reasons:</i></p> <p>1) <i>Undesirable form of backland development without proper road frontage and impact on amenities of Brokeswood Lodge;</i></p>	Refused (appeal dismissed 07/05/87)	15/10/86

	<p>2) <i>Proposal would amount to extension of built up development in to the countryside;</i></p> <p>3) <i>Inadequate access – would create unacceptable traffic hazards;</i></p> <p>4) <i>Inadequate sight lines - would create unacceptable traffic hazards.</i></p>		
79/01105/FUL	Garage	Granted	29/01/80

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a large, open site in Southborough which is presently occupied by a single chalet bungalow, a small single storey mono-pitch garage and with a small metal garden shed. Access is via a 60m hard surfaced trackway leading from the junction of The Ridgeway, Hillcrest and Public Right of Way (PROW) WS18. There is also a very large hard surfaced parking area in front of the building. The dwelling is set back significantly from the general building line of the dwellings that front The Ridgeway and Hillcrest.
- 1.02 The site is steeply sloping, with the eastern and part of the northern boundary adjoining Brokes Wood (a TPO protected area of Ancient Woodland and a Local Wildlife Site). The boundary with Brokes Wood also forms the boundary of the Limits to Built Development, the High Weald Area of Outstanding Natural Beauty (AONB) and the Metropolitan Greenbelt (GB). The application site is outside the AONB and GB, and within the LBD.
- 1.03 The rest of the northern boundary is adjacent to another public footpath (WS15) and the ends of the rear gardens of Nos 6-12 (evens) The Ridgeway. The walked route of WS15 runs along the access drive and turns north just before the entrance gate, although it was unlawfully diverted in the 1980s; its true line runs through part of the site.
- 1.04 To the south of the site is public footpath WS18, which runs along the southern boundary and divides the site from the rear garden boundaries of Nos 1-11 Hillcrest and 3 Brian Crescent.

2.0 PROPOSAL

- 2.01 This application is for the demolition of the existing dwelling (and the garage and shed) and replacement with 3no. 4-bedroom detached contemporary dwellings together with associated drive and access alterations.
- 2.02 The three new dwellings would occupy a central position on the site as the current dwelling does. The rear gardens would be sited between the rear (eastern) elevations of the dwellings and the rear boundary of the site with Brokes Wood. The dwellings would be set into the slope of the site and present as 1.5 storey dwellings to the front, and 2.5 to the rear with accommodation in the roofspace. External materials would be a combination of facing brickwork and hanging clay tiles, with clay tiled roofs. Windows/doors would be dark grey aluminium. The front boundaries would be defined by 900mm high brick walls with 1.8m piers.

- 2.03 Each dwelling would use on-plot parking, with two spaces on each plot and two visitor spaces on the northern boundary. These would be linked to the access point by a shared private drive, in a similar position to the existing driveway.
- 2.04 Towards the western side of the site a shared amenity space would occupy land to the south of the access, whilst a new planted and landscaped area for ecological enhancement would be to the north.
- 2.05 The site layout is designed to accommodate the lawful line of WS15, as the proposed shared driveway is open and un-gated and includes a short passageway close to the shared parking area. The proposal includes improvements to the surfacing of the 'walked route' of WS15 too.¹
- 2.06 As part of the proposals, the access junction would be widened to a width of 3m. The access arrangement will also be configured to provide a kerb build out and dropped kerb on the southern kerb which will lead onto the private drive and tie into the existing footway on Hillcrest.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.42ha	0.42ha	No change
Land use	Single dwelling and garden	Three dwellings and associated gardens, with area of open space to the north	N/A
Car parking spaces	Not clearly defined – large area of hard surfacing which can accommodate 6-8 cars	10	+2-4 spaces
No. of storeys	1.5 (with cellar built into the slope)	Accommodation across 4 floors (with lowest storey built into the slope and the top 2 floors within the roofslope)	+1-2 storeys
Max height	See design section below; paras 10.22 and 10.28 – 10.30	See design section below; paras 10.22 and 10.28 – 10.30	N/A
No. of residential units	1	3	+2

4.0 PLANNING CONSTRAINTS

- Inside Limits to Built Development (LBD)

¹ Whilst the landowner has sought to regularise the unlawful 1980s diversion of footpath WS15 in the past this is a separate matter subject to a specific application process via Kent County Council.

- Public Right of Way: Public Footpath - WS15 and WS18 run adjacent to and through the site
- Boundary with Brokes Wood is the boundary of the Area of Outstanding Natural Beauty, Metropolitan Greenbelt, Local Wildlife Site TW25, Ancient Woodland, a woodland Tree Preservation Order and the LBD.

5.0 POLICY AND OTHER CONSIDERATIONS

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

Site Allocations DPD (July 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 10: Southborough

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN8: Lighting

Policy EN13: Trees

Policy H2: Small and intermediate sized dwellings

Policy H5: Residential development within Limits to Built Development

Policy TP4: Access to the Road Network

Policy TP5: Parking Provision with New Development

Policy TP9: Cycle Parking

Supplementary Planning Documents:

Renewable Energy SPD (2007 and update January 2014) and 2019 Energy Policy Position Statement

Landscape Character Area Assessment 2017 (Area 5: Wooded Farmland)

Other documents:

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);

KCC Supplementary Planning Guidance SPG 4 - Kent Vehicle Parking Standards July 2006

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy

Policy STR2: Place Shaping and Design

Policy STR4: Ensuring Comprehensive Development

Policy STR5: Infrastructure and Connectivity

Policy STR6: Transport and Parking

Policy STR7: Climate Change

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

Policy STR/SO1: The Strategy for Southborough

Policy EN1: Sustainable Design

Policy EN2: Sustainable Design Standards

Policy EN3: Climate Change Mitigation and Adaptation

Policy EN8: Outdoor Lighting and Dark Skies

Policy EN9: Biodiversity Net Gain

Policy EN10: Protection of Designated Sites and Habitats
Policy EN12: Trees, Woodland, Hedges, and Development
Policy EN13: Ancient Woodland and Veteran Trees
Policy EN14: Green, Grey, and Blue Infrastructure
Policy EN16: Landscape within the Built Environment
Policy EN19: The High Weald Area of Outstanding Natural Beauty
Policy EN27: Noise
Policy H1: Housing Mix
Policy H2: Housing Density
Policy TP2: Transport Design and Accessibility
Policy TP3: Parking Standards

6.0 LOCAL REPRESENTATIONS

6.01 The application was publicised by way of four site notices, which were displayed in November 2022 in accordance with the Council's published procedures. It was also advertised in a local newspaper.

6.02 35 representations have been received. These are all objections and are summarised below as raising the following issues;

- Design, height and scale of development;
- Overdevelopment;
- Disruption and access to footpaths during construction phase;
- Highway and pedestrian safety issues;
- Query if applicant has the ability to undertake works to the access;
- Congestion at junction of The Ridgeway and Yew Tree Road;
- Conflict with use of playing fields at weekends;
- Speed survey data alleged to be flawed as one survey undertaken in August;
- Houses too large to meet local need;
- Noise pollution during development;
- Impact on Ancient Woodland;
- Light pollution;
- Amendments do not overcome earlier objections.

7.0 CONSULTATIONS

Southborough Town Council

7.01 **(08/11/22)** - REFUSE this application citing access issues, overdevelopment, noise pollution, children's safety and wildlife preservation

Forestry Commission

7.02 **(11/11/22)** – standard advice provided – no case specific comments received

Woodland Trust

7.03 **(17/11/22)** - The development is adjacent to Brokes Wood (grid ref: TQ58654210), an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory (AWI).

7.04 Where development takes place in close proximity to ancient woodland it can have adverse effects in the form of indirect impacts such as noise, dust and light pollution, and increased disturbance to wildlife, in both construction and operation of the development. The applicant should ensure that the proposed works will not result in any detrimental impact on the surrounding ancient woodland in line with paragraph

180 of the National Planning Policy Framework (NPPF) and Natural England's standing advice.

- 7.05 Note that the proposals allow for a 15 metre buffer between the new properties and the boundary of the ancient woodland, but the gardens of the properties will be within this buffer and directly adjacent to the woodland edge.
- 7.06 The introduction of a domestic garden adjacent to the ancient woodland can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland. In addition, where gardens abut ancient woodland this can lead to the dumping of garden waste into the woodland and additional pressure to prune or fell boundary trees because of safety concerns, shade, leaf fall or interference with TV reception.
- 7.07 Natural England's standing advice states that "*You should not approve development proposals, including gardens, within a buffer zone*". Whilst WT appreciate that there appears to be an existing garden, the introduction of three smaller gardens is likely to increase the pressures on the adjacent woodland. WT would request that consideration is given to providing a 15 metre buffer to the ancient woodland free from development, including gardens.
- 7.08 Additionally WT request that HERAS fencing, fitted with acoustic and dust screening measures, is implemented prior to construction so as to provide as large a buffer as possible and thereby minimise any adverse indirect impacts on the ancient woodland.

Southern Water

- 7.09 **(16/11/22)** – Details of nearby sewers provided. Standard advice regarding SUDS schemes and construction near sewers.

KCC Public Rights of Way Officer

- 7.10 **(02/12/22)** - Public footpath WS15 crosses the site and has been identified in the design and access statement. There is an unofficial diversion around the perimeter of the site.
- 7.11 The alignment of the public right of way is shown on the enclosed plan. The proposed plans show provision for the public right of way however and include improvements to the alternative walked route around the perimeter.
- 7.12 The proposals show gates across the main access into the development and a gate on the line of the PROW at the site perimeter. Gates across a PROW can only be authorised in limited circumstances and a gap for pedestrians will need to be provided along the line of the footpath where the gates are currently shown (*Officers Note: these have subsequently been removed from the block plan*).
- 7.13 If the intention is to formalise the currently walked route, then this will require an application to divert. This was the intention with previous planning application but this has not been made clear on this application.
- 7.14 In any case please make the applicant aware of the following:
- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
 - There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

- No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC would need six weeks notice to process this

KCC Highways

- 7.15 **(23/02/23)** - Thank you for the RSA1. There are no further comments to add to those dated 17/2/23.
- 7.16 **(17/02/23)** - refer to amended plans Velocity 007A and 004H and site plan 003 P2. Have the following comments to make with respect to highway matters:-
- 7.17 The proposal utilises an existing driveway to serve two additional units. Access is taken from Hillcrest which is an unclassified residential access road and due the alignment of the road, recorded speeds are low.
- 7.18 The proposed arrangements will modify the driveway to include a kerb build out and also include a remarking of the edge of carriageway. The proposals also require the cutting back of vegetation overhanging the highway and also adjacent to the driveway. As a result, visibility will be improved at the access including intervisibility with The Ridgeway to the north and the edge of carriageway will be defined. It is noted that the proposals will require removal of the hedge to the north along the driveway and some adjustment to levels along the driveway into the site to allow tie in with the proposed works at back of highway.
- 7.19 As the proposals involve works to the highway the applicant has commissioned an RSA 1 which should be available before the committee date. Given TWBC timescales, subject to these views, KCC would at this stage advise that although the arrangements are somewhat of a laboured solution, taking all matters into account, the highway authority would not generally expect to sustain an objection to small scale development using the existing private driveway.
- 7.20 Given distance from the highway together with the PROW, it has been recommended to the highway consultant that a turning head for fire access and delivery vehicles is included on the site. This is now shown on the later plans. It is also considered important to avoid a formal refuse collection point occupying space on the driveway and an alternative arrangement is now shown, which will be subject to the views of your refuse service, as the carry distance to the highway is further then recommended for operatives. Parking and turning should be conditioned to the Velocity plan 007A.
- 7.21 A condition is also recommended to ensure provision of the visibility splays as shown on the amended plan 21-088-T-004 REV H and in the interest of highway safety it is recommended that the visibility splays and widening of the driveway to the north should be provided prior to the commencement of any other works on site.
- 7.22 The off site works to the highway as shown for indicative purposes only on plan 004H which include remarking of the edge of carriageway and extension to the footway should be completed prior to first occupation.

- 7.23 Conditions are also recommended to secure the car and cycle parking provision and also the turning area and also to ensure EV charging points together with submission of a CEMP. (All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).
- 7.24 Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list.
- 7.25 Separate consent of the highway authority is required for works which affect the public highway and a S.278 Agreement will therefore be required.
- 7.26 **(12/01/23)** – concerns raised regarding accuracy of highways drawings. Further details regarding kerb build out and dimensions required, plus confirmation regarding delivery of the proposed highways works.
- 7.27 **(06/01/23)** – Issues raised regarding visibility splay measurement, drawing annotations, legibility of plans and details of land ownership.
- 7.28 **(12/12/22)** - As noted with earlier applications the existing visibility at the junction of the private drive and Hillcrest is very restricted and opportunities for improvements within the control of the applicant are very limited.
- 7.29 The proposals involve construction of a kerb build out to realign the driveway and provide an alternative centre line position from which to measure the visibility splays. However the highway authority has a number of concerns with proposed arrangements which seem to have artificially moved the centre line for measuring purposes. Both on the plan and on site it is questionable as to whether the centre line is correctly positioned and therefore as to whether the suggested visibility to the left on egress can be achieved.
- 7.30 Also the arrangements result in a narrowing of the driveway which also accommodates a well used PROW and given that the development will result in increased traffic movements, additional width on the driveway would be more appropriate. The width of the 'buildout ' has not been annotated on the plan but would appear inadequate to satisfactorily accommodate pedestrians.
- 7.31 Therefore it appears that the plan has over estimated available visibility to the left on egress and for clarification it would be useful to have the details of the splay that can be achieved from the correct centre line position annotated to the nearside kerb and also 1.0m off set into the carriageway.
- 7.32 In previous applications KCC were given to understand that the whilst the site has a right of way across the access drive, it was not in a position to alter the private drive. Please can it be confirmed as to whether this position has now changed, in which case works could be carried out to the driveway.
- Mid Kent Environmental Protection**
- 7.33 **(25/11/22)** - It is evident that this site does not fall within an Air Quality Management Area (AQMA) nor is it suspected to be on, or near to, contaminated land. That being said, recommend a contaminated land condition in the event that any contamination is encountered.
- 7.34 Believe that this application is an overdevelopment of the area*, and could potentially give rise to complaints of noise, lighting and/or dust so would like to apply relevant

conditions to minimise complaints. Am also concerned of the narrow access to the site which could cause further complaints if vehicles are creating dust emissions and noise. However, compliance with the Mid Kent Environmental Code of Development Practice should reduce complaints significantly.

7.35 Would like to request that Electric Vehicle charging points are installed at the three dwellings to encourage and support sustainable travel.

7.36 RECOMMENDATIONS: No objections; subject to comments and conditions (land contamination; lighting; dust, odour and vapour emissions and EV charging points).

*Mid Kent EP later withdrew this element of their comments in an e-mail to the agent dated 30th November 2022;

'I am in agreement with what you have written and would like to confirm that my comments, including my concerns of the narrow access to the site, are predominantly in regard to the demolition and construction process of the dwellings.

The condition regarding the control of 'Dust, Odour and Vapour Emissions' is primarily for the purpose of protecting neighbouring residents and minimising complaints that our team must deal with during the development phase. We often receive complaints of large dust emissions arising from construction sites, so it is essential that we review how this will be controlled prior to any development commencing.

In regard to my statement of the site being an 'overdevelopment', I would be happy for this to be retracted as I understand that it does not serve a purpose.

As I stated in my comments and on the telephone to you, compliance with the conditions and the Mid Kent Environmental Code of Development Practice (attached), will hopefully considerably reduce complaints of noise, lighting and/or dust arising from the development of the three dwellings.'

TWBC Conservation Officer

7.37 **(28/10/22)** – no comment

TWBC Parking Services

7.38 **(26/10/22)** – no comment

TWBC Client Services

7.39 **(16/11/22)** - Existing bins can be re used at one of the new properties, additional properties bins to be purchased from TWBC by the developer or their client prior to the properties being sold or occupied . If existing bins missing on development completion then all three sets will be required to be purchased. Containers to be presented at the drive main entrance for collection.

TWBC Landscape & Biodiversity Officer

7.40 **(verbal)** – no objections. Given the lack of any buffer at present, the proposed buffer will have a neutral impact and potentially a betterment to the current situation.

8.0 APPLICANT'S SUPPORTING COMMENTS (summary of design & Access Statement)

- The site is sustainably located within the LBD of Southborough where Local Plan Policy H5 and National Planning Policy supports such development.

- The proximity of the site to Brokes Wood and the AONB has been a consideration for the determination of previous planning applications for this site and also in relation to adjoining planning approvals.
- The proposed dwellings have been carefully considered to respond to the key architectural characteristics identified in the surrounding built environment and High Weald Area and interprets this in a contemporary design. A modern design approach is not restricted in any local plan policy, and in relation to the High Weald Design guidance contemporary reinterpreting of the local vernacular is encouraged. Therefore the design proposal will conserve and enhance the setting of the High Weald Area of Outstanding Natural Beauty to which it adjoins.
- The design proposal respects the scale, layout, orientation, site coverage, external appearance, roofscape, materials and landscaping of the surrounding site context as demonstrated in this document and therefore accords with Policy EN1.
- In this regard the proposal reinforces local distinctiveness and integrates appropriately with the existing built environment. The proposal will replace an existing 20th century chalet bungalow of low architectural quality with 3no well-designed contemporary dwellings which will help raise the standard of design in the local area.
- The units have been designed from the outset with sustainability and energy efficiency in mind.
- The large area of existing hard standing to the front part of the site does little to integrate the visual setting of the site with the backdrop of Brokes Wood. The proposal will introduce soft landscaping with native plant species to this area which will enhance biodiversity for wildlife as well as providing improved visual amenity for pedestrians using the PRow. This will improve the character and quality of the existing site by the way it functions.
- As demonstrated in this document the proposal does not materially conflict with TWBC housing policies and delivers new housing in the LBD where the thrust of the Local Plan directs development towards. The proposal delivers a sustainable and high-quality design which adds significant weight known as the 'tilted balance' under National Planning Policy. In addition TWBC cannot demonstrate a 5-year supply of housing which again adds significant weight to determining this application.

9.0 BACKGROUND PAPERS AND PLANS

Application form

Design & Access Statement

Existing Site Sections

Arboricultural Impact Assessment

Ecological Assessment

Transport Statement

Response to Woodland Trust comments 30/11/22

3D Drawing

Response from highways consultant dated 19/12/22, 06/01/23, 09/01/23,

RSA1 dated 17/02/23

22012 002 P1 Existing Site Sections

22012 001 P1 Site Location Plan & Existing Site Plan

10.0 APPRAISAL

- 10.01 The site is within the LBD where there is a presumption in favour of new housing development. The main issues are therefore considered to be density and housing mix, design and the impact on trees/the AONB, residential amenity, highways/parking (including the impact on the public right of way), ecology and other relevant matters.

Principle of development

- 10.02 Para 74 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on particular circumstances of the LPA.
- 10.03 The Council currently cannot demonstrate a five year housing supply and the current supply figure is 4.49 years (as of April 2022). Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- "i. the application of policies in this Framework (listed in footnote 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."*
- 10.04 Footnote 8 to the NPPF states that this includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74). None of the constraints referred to in Footnote 7 are present on the site itself, although the site borders the AONB and an area of Ancient Woodland, which is a designated Local Wildlife Site.
- 10.05 When considered as a whole, the Council does not consider the 'basket' of Development Plan policies against which this application would be determined (Local Plan: EN1, TP4, TP5, H5; Core Strategy CP4, CP5, CP6) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be irrelevant. NPPF Para 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Therefore, the development would fall to be determined against the current Development Plan.
- 10.06 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations. The site is located within the LBD of Southborough where adopted (but now out of date) Policy H5 of the Local Plan indicates that infill residential development is acceptable in principle. The provision of an additional two dwellings would contribute to the Borough's housing need, creating social and economic benefits.
- 10.07 The site is in a highly sustainable location within walking distance of shops, schools (primary and secondary), nursery/pre-school, bus routes, a GP surgery and other facilities. For its consideration as a suitable site for additional residential development the scheme would need to be satisfactory in all other respects, as discussed below.

Density and housing mix

- 10.08 Core Policy 6(3) of the Core Strategy relates to density of development and states that it should be appropriate for the character of the locality, should meet the regional

target of 40 dwellings per hectare and not generate below 30 dwellings per hectare. The proposal represents a low density of 14 dwellings per hectare. It is recognised however that the current lack of a five-year housing supply renders Policy H2 and Core Policy 6 out of date. The surrounding area is not characterised by high densities however using a pure calculation of density is often misleading (particularly in this case, given the character of the site, which is not typical of the surrounding residential areas).

- 10.09 Policy H2 of the Local Plan, re-iterated at Core Policy 6(7) of the Core Strategy, refers to a suitable housing mix to meet current and projected housing needs. It is noted that a previous higher-density proposal for 11 dwellings on this site was refused in 2006 for several reasons (see planning history above). Objections have been raised that the development does not provide smaller dwellings. However with smaller dwellings, any developer is likely to seek higher numbers of units to make the development viable – which then can potentially cause issues with further intensification of the access, a more intensive development close to Brokes Wood and a development that is out of character for the site.
- 10.10 Appraising development requires a rounded assessment of the impact of the density of development in terms of its scale and form on the character and appearance of an area - this assessment is undertaken later in this report.
- 10.11 Thus, the emerging policy in the Submission Local Plan at H2 is more relevant. Rather than working only on basic figures, it requires that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

Design and impact on trees/AONB setting

Policy background

- 10.12 Design and layout are integral to the success of the scheme. NPPF Para 130 states that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.13 Para 134 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

10.14 LP Policy EN1 states at criteria (3), (4) (6) and (7);

- 3 *The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;*
- 4 *The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;*
- 6 *The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and*
- 7 *The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.*

10.15 The agent emphasises (and this point is agreed upon) that Planning Policy EN1 requires design to 'respect' (and not 'replicate') the context of the site.

10.16 Core Policy 4: Environment; seeks amongst other things to conserve and enhance the locally distinctive sense of place and character. Core Policy 5: Sustainable Design and Construction identifies that the Council will apply and encourage sustainable design and construction principles and best practice. Developments will also be required to create safe, accessible, legible and adaptable environments plus conserve and enhance the public realm.

10.17 With regards to the AONB, NPPF Para 176 states that 'Great weight' should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Core Policy 4: Environment; seeks amongst other things to conserve and enhance the rural environment. Brokes Wood falls within Landscape Character Area 5 (Wooded Farmland).

Characteristics of site

10.18 This site has the character of a transition point between the built-up area around the Ridgeway/Hillcrest (which is predominantly urban and residential, on the edge of the allotments and playing fields) and Brokes Wood beyond, a Local Wildlife Site formed from a large expanse of Ancient Semi Natural Woodland within the Green Belt and the AONB. This sense of it being an open and less dense transition point is contributed to by the presence of only a single house which is built in to the slope towards the centre of the site (with a large hard surfaced parking area and a garage to the front).

10.19 Levels within the site rise from the SW to NE. There is an overall drop of 20m from the junction of Hillcrest/Ridgeway to the NE corner at the rear of the site. This is

also reflected in the levels of both public footpaths that run around the perimeter of the site. There are well established trees and hedgerow on the northern and southern boundaries, with the densely wooded Brokes Wood to the rear (east). Standard 1.8m closeboard fencing marks the boundary.

- 10.20 There is a variety of house styles in the surrounding area which are mainly two-storey with pitched roofs although a number of properties have second floor accommodation within the roof. There are also some single storey dwellings and chalet bungalows. However because of the above, the Brokeswood Lodge site is contained; it is seen less in context with those surrounding dwellings on The Ridgeway/Hillcrest, and more with the nearby woodland. This does not preclude new development on the site, but requires it to be appropriate to that context particularly in terms of layout, height and density.
- 10.21 Public views of the site are potentially available from the two adjacent footpaths around the perimeter and through the entrance. Views from private land (from the houses/gardens in Hillcrest/The Ridgeway) carry no weight as the purpose of the Planning Acts is not to preserve private views.
- 10.22 To emphasise the lower levels of this site compared to the dwellings in Hillcrest and The Ridgeway;
- The existing ridge height of Brokeswood Lodge is **116.64m AOD**
 - The ridge heights of the nearest three dwellings in Hillcrest (1, 1A and 3) are **125.8 – 126.01m AOD**
 - The ridge heights of the nearest three dwellings in The Ridgeway (6, 8 and 10) are **127.24m AOD, and then 123.8m AOD** respectively).
- 10.23 The ridge height of Brokeswood Lodge is thus approximately 7-10 metres below that of the surrounding dwellings. It is however open and less densely developed than Hillcrest and The Ridgeway. Nevertheless, the site is already occupied by a dwelling/garden. It lies within the LBD where additional residential development is acceptable in principle, subject to other material considerations. The land is not formally designated to preserve its open appearance; nor is it within a Conservation Area where historically open spaces carry clear heritage value. This is demonstrated by the development of other 'backland' sites in recent years in the locality, the nearest being three dwellings to the north (now 16a, 18a and 20a The Ridgeway) under 15/505131/FULL, which was granted on appeal in June 2016. A stance that the site cannot accommodate any further housing is unlikely to withstand scrutiny at appeal. Therefore the key to an appropriate development here is to retain the open character as far as possible whilst also accommodating new built form.
- 2018 refusal at Brokeswood Lodge (ref: 18/00906/FULL)*
- 10.24 Planning permission was refused in 2018 for the construction of four dwellings here. That layout was different to what is proposed now, with;
- Two dwellings (Plots 3 & 4) in the centre of the site (where the single dwelling is currently located);
 - Two dwellings (Plots 1 & 2) plus a detached garage on the southern boundary and;
 - A further ancillary detached building on the northern boundary.
- 10.25 The main concerns raised by Officers in relation to design and layout with the 2018 application were that the development did not respond appropriately to the levels within the site, owing to its height and roof pitches; and spread development around

the site which would have eroded its character as a transition point. This would have been exacerbated by two of the dwellings being sited adjacent to the footpath with no possibility of screening/landscaping, leading them in particular to tower over the boundary. The layout of Plots 2 & 3 also showed a cramped and clumsy relationship. That in combination with the large amount of excavation and engineering works (the extent of which lacked clarity) to accommodate the development also raised concern. The whole development was considered overtly dominant, and overdeveloped the site with a harmful impact on the setting of the AONB to the east through over intensive development in its setting.

- 10.26 The proposal also included a large area of what appeared to be dead space to the north of the plot nearest the access, which seemed to serve no clear function (and for which no reasonable explanation as to its purposes was provided). The plans also showed a 15m buffer zone to the AW which would have resulted in unrealistically small gardens. In turn that would have created likely pressure on the buffer zone to be incorporated in to the gardens, which in ecological terms would be unacceptable. On this point, the Landscape & Biodiversity Officer and the Tree Officer agreed a shorter buffer zone would be appropriate (see 'Ecology' section of this report).
- 10.27 The refused scheme was not sufficiently responsive to local character nor did it reflect the identity of local surroundings; it was visually unattractive, did not reinforce local distinctiveness and did not integrate appropriately in to the existing built environment (counter to then NPPF paras 58 and 60-61).

Height and footprint comparisons between current dwelling, 2018 scheme and current scheme

- 10.28 There are variances between the height and finished levels between the existing house; the 2018 scheme; and this current scheme. All three show split level dwellings (which further complicates comparisons of height between them). Plots 3 & 4 of the 2018 scheme were sited where the three dwellings are now proposed. The easiest way to compare all three schemes is by reference to the final ridge heights;
- The existing ridge height of Brokeswood Lodge is **116.64m AOD**
 - The ridge heights of Plots 3 & 4 of the refused 2018 scheme were **119m and 118m AOD** respectively;
 - The ridge heights of the three dwellings now proposed are **117.92m AOD**
- 10.29 The Finished Floor Levels (FFL) are (the separate front/back measurements reflect the split-level nature of the dwellings);
- The existing dwelling's FFL is **110.0m AOD** – this however relates to the ground floor levels. Beneath it is a cellar of **approximately 1.7m height**
 - 2018 refused dwellings: **Plot 3: 109.25 front, 106.5 back; Plot 4: 108.25 front, 105.25 back;**
 - All three dwellings proposed now is **109.9m AOD at the front, and 105.4m AOD** at the back.
- 10.30 In terms of footprint;
- Existing dwelling and garage: 110sqm + 30sqm (**140sqm total**)
 - 2018 scheme: all four plots: 470sqm + approx. 65sqm garaging/ancillary pump room building (**535 sqm total**)
 - Current scheme: **386.25sqm total**

Current scheme

Layout, scale and massing

- 10.31 As detailed above, the 2018 scheme involved two dwellings (Plots 1 & 2) sited towards the SW end, directly adjacent to the boundaries which would have been highly visible from the adjacent footpath. The current scheme removes these and focuses the development to the centre of the site, slightly forward of the location of the current dwelling.
- 10.32 This results in development being more tightly contained within the site and enables the creation of two open areas; one as an open amenity area for the residents, the other as a wildlife and biodiversity enhancement area (which can be secured by condition). This is in addition to the open rear gardens. This layout better respects the semi-rural context of the site although clearly it would lose some of its current open appearance, with the increase from one to three dwellings. Some loss of this character is inevitable with any development here - again it is re-iterated that this site is within the LBD where new housing development is by definition acceptable in principle.
- 10.33 The proposed units are 10m wide and have been designed to reflect the widths of adjoining properties. No 1 & 1a Hillcrest have a width of 10m, and the 3 chalets to the rear of No.16-20 The Ridgeway are 10.5m wide. No.6,8,10,12,14 & 16 The Ridgeway all have wider frontages.
- 10.34 The units have a separation of 3m to their frontage and which splays out to 6m at the rear and is in excess of the general separation of properties on the Ridgeway and Hillcrest. Plots 1 & 3 have been set in from the northern and southern boundaries of the site. The 3 units have been set out in a row towards the rear of the site albeit on a slight splay to account for the tapering of the site.
- 10.35 Clearly there will be a significant increase in the volume of built form on site, given the increase from one to three dwellings and the additional 1-2 storeys of each house compared to the current dwelling. However, this is done in a way which preserves the open character of the site (as in the freedom from buildings) to the front and rear and allows for boundary landscaping with the public footpaths around the perimeter. Additionally, the proposed units will be between 5.89m and 9.32m lower than the immediately adjoining properties as described earlier in this report.
- 10.36 The area is characterised by two storey detached houses with pitched roofs, some which have accommodation set within the roof space, making them 2½ storey. The architect states that to avoid development that is architecturally unsound and to address potential issues with access and security, the ground floor of the units is set into the contours of the existing site, so the ground floor level is subservient. The garage and a secondary entrance are set below the main entrance level of the house and will be largely unseen from outside the curtilage of the plots. The main entrance level is located at first floor and is accessed by way of external steps leading to the main front door. This gives the main entrance prominence and security, along with the appearance of a 1½ storey chalet bungalow on approach from the entrance of the site and for those pedestrians using the PRoW within the site.
- 10.37 It is agreed that although overall the proposed dwellings contain four stories of accommodation care has been taken in the design of the elevations and roof treatment to ensure that *'from no vantage point will they appear more than 2½ storey'*. This is largely owing to the accommodation of the top two floors within the roofspace.

- 10.38 The rear roof profile reflects a catslide roof and the side elevations are designed to step with the external ground levels and so visually reduce their appearance. Both end Plots 1 & 3 are articulated so that their rear lower ground floor levels sit within the contours of the site with the external ground levels wrapping around their external corners to form a semi basement. This allows the units to sit within the contours of the site rather than on top.

Materiality and appearance

- 10.39 The dwellings are contemporary in design. The built environment to The Ridgeway, Hillcrest and surrounding area, is predominantly mid-20th century housing of varying architectural styles and so there is no prevailing architectural style in which to be rigidly bound (unlike in specially designated Conservation Areas, for example). There are however broad characteristic features that exist in the surrounding area, these being clay tiled roofs with hipped or half hips and chimneys; and facing brickwork to ground floor with vertical clay tiling to upper floors. It is these general features which have been identified as important to the local distinctiveness and character of the area and which have been used to inform the design aesthetic for the new dwellings.
- 10.40 The proposal picks up on the use of clay tiles to the roof and upper floor of surrounding properties in a contemporary way by creating a seamless roof eaves with hidden gutter detail. This allows the clay tiles on the walls and roof to ‘fuse’ as one form. The use of fascia and soffits to form an eaves as found on most 20th century housing in the areas is an architectural detail of this period. The lack of eaves detailing on the dwellings is explained as follows;
- ‘Traditionally roof forms would be steeply pitched with deeply projecting eaves to help shed water runoff some distance from the walls. Later with the introduction of fireproof clay tiles and lead and later cast metal gutters and down pipes resulted in eaves profiles being significantly reduce to the point that they had very little projection at all as is evident in many of the older properties in the High Weald Area. Historically eaves detailing was very much a result of function, the need to shed water from a building, and the functionality of building materials at the time. With advances in building materials, water-proof membranes and sealed internal rainwater pipes it is possible to create 21st century eaves detailing as proposed. This is not out of character but reinforces architectural detailing of its time which is a characteristic of any original building in the surrounding area.’*
- 10.41 The design provides half hipped roof and chimney detailing, general features of the surrounding area.
- 10.42 The purpose of design related planning policy is not to discourage innovation, nor to require conformity to a homogenous design code or set of design principles. The tests within the Development Plan are that the urban landscape is preserved, that the development respects the context of the site and that related spaces of importance to the character of the area are preserved. This is a residential development within an established residential area where the new dwellings are only 1.3m higher than the existing Brokeswood Lodge. As contemporary buildings they may well appear different to those in Hillcrest/Ridgeway around them due to the contemporary design and use of materials however those elements are not considered to be so harmful to the character and appearance of the area that refusal is warranted.
- 10.43 The fact that the site adjoins the AONB does not prevent or restrict contemporary design. The High Weald Housing Design Guide ‘encourages’ designers to ‘find innovative ways of reinterpreting the local vernacular’ and ‘contemporary interpretations of local design’ and if done well recognises that it is ‘an exciting way to

enhance character without merely copying what already exists'. Conversely the High Weald design guide discourages poor imitation of local vernacular architecture. It is also recognised that the additional planting and soft landscaping to enhance biodiversity carries weight given the semi-rural context of the site.

Trees

10.44 The application contains a Tree Survey, Arboricultural Impact Assessment and Method Statement (which can be conditioned). In summary;

- No trees and hedges will be removed to enable the proposed development;
- There will be no construction or excavations within the fifteen metre buffer zone of the adjacent ASNW (Brokes Wood);
- The following group of trees will be affected by the installation of hard surfaces within the RPA: G1. This is a group of 24 individual Beech trees planted as a hedge on the northern boundary. Where the proposed hard surface is within the RPA, it will be constructed in accordance with 'no dig' principles and utilise a cellular confinement system such as Cell Web as a sub base.

Summary of design, trees and AONB impact

10.45 In summary, this is a residential development within a site that lies within the LBD, where there is a presumption in favour of new residential development. The site forms a transition between the built up, urban part of Southborough and the woodland beyond. It therefore needs to appropriately respond to the open characteristics of the site and to a lesser extent the materiality and design of the nearby dwellings.

10.46 The site is set at a considerably lower level than the residential roads surrounding it. The height, scale, bulk and roof form of the dwellings, with the catslide-style roof, reduces their prominence. The development responds appropriately to the levels within the site. Whilst excavation and engineering operations will be necessary to accommodate the development, overt evidence of this will only be in the front garden/parking areas immediately next to the houses.

10.47 The development is contained within the central section of the site, where the existing dwelling is currently located. The dwellings will be 1.3m higher than the existing chalet bungalow, however there are appropriate gaps to the boundary; whilst the upper floors will clearly be visible from some parts the adjacent public footpath, visibility in itself does not equate to harm. The views will be screened and mitigated by existing 1.8m closeboard fencing, and existing/new planting along the southern and northern boundaries. Therefore the concern about the previous refused scheme towering over its surroundings is also considered to have been overcome. The materiality, scale and gaps to the boundaries reflect those of the dwellings nearby in Hillcrest/The Ridgeway.

10.48 The proposal creates new landscaped areas either side of the access road, which are open in nature and involve significant new planting. A clear purpose as an amenity space for the southernmost area is now shown and can be secured by condition, as can the biodiversity enhancements elsewhere. This helps to preserve the character of the site as a transition point would have been significantly eroded by the previous refused application. As a consequence, there would not be a harmful impact on the setting of the AONB.

10.49 Overall the proposal would 'respect the context of the site' (LP EN1-3), would not result in the significantly harmful loss of a related space which is important to the

character of this built-up area (LP EN1-4) and would conserve the urban and rural landscape (CP 4-1). The proposal responds to local character, would reflect the identity of local surroundings, and exhibits a degree of innovation and originality in the way it develops the site. It is not considered to be visually unattractive, would reinforce local distinctiveness, is sufficiently responsive to local character and would integrate appropriately into the existing built environment.

Residential amenity

- 10.50 Criterion 2 of saved Policy EN1 requires that proposals do not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight, and privacy. Residential amenity matters within the NPPF are caught by the general design section.
- 10.51 The closest dwellings to the site are Nos. 1-9 (odds) Hillcrest on the southern boundary (divided from the site by the public footpath) and Nos. 6-10 (evens) The Ridgeway to the north.
- 10.52 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. Similarly, it is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to 'see' towards another property. The former can be grounds for refusal under saved Policy EN1 (depending on the severity of the impact), the latter is not.
- 10.53 As outlined earlier the levels within the site are lower than within the Ridgeway and Hillcrest either side. The submitted sections drawings show that the ridge heights of the three dwellings will be 117.92m AOD, whereas the ridge heights of the nearest dwellings in Hillcrest are 125.8-126.0m AOD. This puts the highest point of the proposed dwellings 8 metres lower than those in Hillcrest.
- 10.54 The only houses in Hillcrest that could realistically be affected by the development by way of overlooking, loss of outlook or light are the gardens Nos. 7 and 9. The rear wall of No.7 is 40m away from the southernmost house (Plot 3) at its nearest point, and there is a greater gap to the rear wall of No.9. With regards to the houses in The Ridgeway, again the flank wall of Plot 1 is some 60-70m away from the rear wall of Nos. 10 and 12. Levels rise up to the NW and there is a thick belt of trees either side of the public footpaths that run around the perimeter of Brokeswood Lodge.
- 10.55 The windows on the southern elevation for Plot 3 and the northern elevation of Plot 1 are obscure glazed as they serve a hallway and a bathroom. Views towards the very end of a 35-40m deep rear garden are generally not considered significantly harmful as the greatest weight for privacy purposes is given to the areas closest to the house. Nevertheless the windows can be required to be obscure glazed by condition.
- 10.56 The Mid Kent EP team have referred to potential impacts from noise and dust during the construction phase, and then advise that compliance with the Mid Kent Environmental Code of Development Practice should reduce complaints significantly.
- 10.57 It is not clear how, once completed and occupied, noise and light issues from three houses sited this far from neighbouring dwellings would cause harm to residential amenity (a concern raised by local objectors). Whilst there would be an additional two dwellings on the site, the additional vehicle movements (once occupied), whilst possibly noticeable, are not considered to cause significant harm to residential

amenity (which is the policy test within LP Policy EN1). The transport statement, whose contents have been accepted by KCC, estimates that the proposal would result in an increase of two two-way vehicle trips in the AM peak hour and two two-way vehicle trips in the PM peak (from one to three two-way vehicle trips). This level of trip generation equates to less than one additional vehicle every 30 minutes and would not cause significant harm to residential amenity.

Highways/parking and public footpath

Highway safety and impact on pedestrian users of PROW

- 10.58 NPPF Paragraph 105 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.
- NPPF 110 a) requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - 110 b) states that safe and suitable access to the site can be achieved for all users;
 - 111 states 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.
 - Para 112 also requires that development minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 10.59 LP Policy TP4 concerns access to the road network. It states that proposals will be permitted provided all five of its criteria are satisfied. Criteria 3 & 4 do not apply here as the proposal does not directly access a Primary or District distributor, and the site is within the LBD.
- 10.60 Permission for additional residential development has been refused here before on highway safety grounds. The most relevant decision is the 2018 refusal for three additional dwellings; the 2006 refusal was for 10 additional dwellings so is not comparable to the current application. In addition, transport planning policy has changed since the 1987 appeal decision and the 2006 refusal, which both pre-date the current Development Plan and the NPPF. No previous application proposed any substantive improvements to the access point.
- 10.61 The application would increase the number of dwellings the access serves from one to three. As noted with earlier applications the existing visibility at the junction of the private drive and Hillcrest is very restricted; the access arrangements are complicated by the presence of the public footpath. The north to south arm of The Ridgeway is a private road that carries a public footpath; however, the east to west arm of The Ridgeway forms part of the adopted highway network. Hillcrest is also an adopted highway.
- 10.62 It is proposed to retain the existing access arrangement onto The Ridgeway and Hillcrest. As part of the access proposals, the access junction will be widened to a width of 3m in accordance with the KCC Design Guide requirements for a 'shared private drive'. The access will accommodate pedestrians, cyclists and vehicles. The access arrangement will be configured to provide a kerb build out and dropped kerb on the southern kerb which will lead onto the private drive and tie into the existing footway on Hillcrest. Specifically, the works are;

- Build out the kerb on the southern side of the access to narrow it to 3m, which involves removal of vegetation and other obstructions on the corner;
- Extend the footway on the southern side of the access;
- Cutting back of vegetation which overhangs the pavement outside No.1 Hillcrest;
- Cutting back the hedge on the north side of the access which had overhung the boundary (this has already been undertaken);
- Re-instate the historic 'give way' markings in front of the site access and at the junction of the private section of The Ridgeway;
- Associated alterations to the levels so the new works tie in with the existing.

- 10.63 Prior to submission of the application, the applicant undertook two speed surveys around the junction;
- The first survey (August 2021) was taken from the junction of Hillcrest with The Ridgeway (i.e. outside the application site) and recorded an 85th percentile of average speeds of **8.9mph (westbound) and 10mph (eastbound)**.
 - The second survey (6-13 December 2021) was undertaken further to the east which would appropriately capture the speeds of vehicles on approach to the access junction, as vehicles would be slowing down on approach to the bend. This recorded **15.8mph eastbound and 16.4mph westbound**. Following feedback from KCC prior to submission, it was agreed to apply the Design Manual for Roads and Bridges (DMRB) CA 185 wet weather factors to the recorded dry spot speeds. This increased the figures to **18.3mph (westbound) and 18.9mph (eastbound)**.
- 10.64 The required visibility splays have been calculated based on the final set of figures. The second survey also recorded that between 258 and 378 vehicles a day pass the junction to the site, with fewer at weekends. The speed limit is 20mph and only between 1.31% and 3.17% exceed that on a daily basis.
- 10.65 As set out earlier in the report, the transport statement (whose contents have been accepted by KCC, following various revisions and clarifications) estimates that the proposal would result in an increase of two two-way vehicle trips in the AM peak hour and two two-way vehicle trips in the PM peak (an increase from one to three two-way vehicle trips at peak time). This level of trip generation equates to less than one additional vehicle every 30 minutes on average, as a worst-case scenario.
- 10.66 Objectors have commented that the first survey is unreliable because it was undertaken during school holidays (August 2021). However, the second survey was undertaken during term time. Plus, if a traffic survey is undertaken during the holidays that does not benefit the applicant, because the number of traffic movements from the proposed development will form a larger relative increase.
- 10.67 KCC have commented on this application several times in response to various amendments which have been submitted by the applicant. In their last set of substantive comments on the application dated 17/02/23 they raised no objection to the development subject to conditions. Whilst they comment that the proposed arrangements *'are somewhat of a laboured solution, taking all matters into account, the highway authority would not generally expect to sustain an objection to small scale development using the existing private driveway'*. The works to the public highway will need to be separately agreed with Kent County Council by way of a Section 278 agreement.

- 10.68 KCC Highways also requested a Road Safety Audit be undertaken. This was submitted and no objection raised by KCC Highways to its contents. The sole issue the RSA raises is that the street name plate should be relocated away from the dropped kerb; this is a matter which is dealt with by the S.278 agreement. KCC also queried refuse collection arrangements; the TWBC Client Services team advise that containers should be presented at the main driveway entrance for collection. This reflects the current arrangement.
- 10.69 The comments of objectors and the Town Council are noted. Attention is drawn to wider congestion issues along Yew Tree Road and at its junction with the Ridgeway. In addition to this, the areas become heavily congested with parked traffic, moving vehicles and pedestrians on Saturdays when the Ridgeway playing fields are in use for junior football. This is characterised by parking saturation along The Ridgeway, Hillcrest and surrounding roads. Many children also arrive on foot. The playing field nearest the site has a pedestrian gate access close to the junction of Hillcrest and The Ridgeway, whilst access to the other fields is through the access leading past Bondfield Close. The case officer is aware of these issues, and of the longstanding complaints of local residents regarding congestion and inconsiderate parking on Saturday mornings.
- 10.70 However these are pre-existing issues which refusing this application would not solve. The new occupiers of the dwellings would soon become aware of the difficulties that the use of the nearby playing fields presents on Saturdays. Consequently it is to be expected, on the balance of probability, that they would adjust their driving accordingly. In the context of the small number of daily traffic movements this development would generate, in comparison to the number of daily traffic movements which occur around the junction, it is not clear how this relatively small development of two net additional dwellings would exacerbate these pre-existing issues to such an extent that refusal is warranted.
- 10.71 KCC Highways also raised the issue of whether the applicant has the ability to undertake works to the access, which includes an area of unregistered land. They served Notice of the application in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 by advertising it in a local newspaper. Correspondence on the previous application suggests the unregistered land at the access belongs to the owner of Brokes Wood. The applicant's transport consultant made it clear in an e-mailed response to KCC Highways dated 4th January 2023 that *'We confirm, the Applicant is able to make alterations to the access and demonstrate visibility splays can be provided within land under their control and/or within the adopted highway.'* The Local Planning Authority is not the arbiter of access rights, of who owns land or (if they do not own it) who has the rights to make alterations to it. This matter is not one which KCC consider form grounds for refusal.
- 10.72 Given that KCC as the Highway Authority have not objected (and neither has the KCC Public Rights of Way Officer) it is not considered that the proposal fails the tests within LP Policy TP4 and NPPF paras 110-112, subject to the conditions recommended by KCC.
- 10.73 Ultimately this is a proposed increase of two houses, on a site accessed from an urban area. In addition traffic moves at relatively slow speed around the access point and no objections are raised by the statutory consultees at KCC with regard to the proposed works to the highway, nor the length of the visibility splays. Whilst the PROW already uses a shared access with a dwelling and this will increase from one to three, this is not an unusual situation; it is noted that the private section of The

Ridgeway also carries a PROW and serves a substantially higher number of dwellings. PROWs often follow private roadways, particularly in rural areas.

Parking

- 10.74 The proposed development will provide a total of eight car parking spaces, with two allocated spaces for each property (six spaces) and a further two provided for visitors. This is in accordance with the maximum requirements of KCC standards of three spaces per unit for 4+ bed developments. Furthermore the submitted drawings illustrate that cars and a fire appliance can turn within the site.
- 10.75 Whilst some visitors could park on the highway outside, there is a difference between the inconvenience of parking matters to local residents and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the number of other dwellings that already use the surrounding road network, 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. Neither KCC Highways nor TWBC Parking Services raise objections on these grounds.

Ecology and Ancient Woodland

- 10.76 The application includes a Preliminary Ecological Assessment. The key outcomes of the survey are that;
- Brokes Wood, Southborough LWS is situated adjacent to the site and is also designated as Ancient Semi-natural Woodland (ANSW) therefore recommendations have been included to protect both designations.
 - No evidence of badger was recorded. However, the habitats present are optimal for the species and should over 12 months pass from the date of the survey (July 2022), an updated badger survey should be conducted.
 - The main house was assessed as having a 'Confirmed Bat Roost' and was therefore subject to a series of dusk emergence surveys conducted during the period 31st May to 11th July 2022. A peak count of two soprano pipistrelle, one common pipistrelle and one pipistrelle bat were recorded emerging from the house on the second emergence survey [21.06.22]. Additionally, on the third emergence survey [11.07.22] one common pipistrelle and one soprano pipistrelle emerged, indicative of non-breeding day roosts for these species. Therefore no works to B1 should commence until an appropriate European Protected Species (EPS) licence has been submitted to and approved by Natural England.
 - The other two buildings within the site have been assessed as having 'Negligible' potential for roosting bats and no further surveys for bats are required.
 - All external lighting should ensure ecological features of interest such as tree lines are not subject to lighting, in line with the principles set out within the bats and lighting guidance produced by the Institute of Lighting Professionals and BCT (2018).
 - Bird nesting habitat exists in the form of buildings, scattered boundary trees and hedgerows. The application of sensitive timings and methods of best practice for vegetation clearance/ building works in relation to breeding birds will be required.
 - Suitable reptile habitat is present and a precautionary method of works strategy sensitive to reptiles has been provided.
 - The Site provides suitable habitat for notable species such as West European hedgehog. Precautionary measures should be put in place to ensure these species are not harmed by the proposed development.

- The likelihood of other protected species to occur within the Site is considered negligible and no further surveys for other protected species are required.

10.77 A full scheme of ecological mitigation and enhancement can be sought by condition, which is the standard approach in cases such as this and is the same approach recommended by the Landscape & Biodiversity Officer on the 2018 application (which was refused for non-ecology reasons).

10.78 Ecological enhancement can be provided by way of various measures such as;

- The installation of a range of integrated bird and bat boxes;
- The incorporation of a wildlife-friendly planting scheme within the grounds post-development, including native plant species, would be of benefit to invertebrates, and subsequently birds and bats.
- The incorporation of log and brash piles at suitable locations within the site would provide an enhancement for hedgehog and other species. Wood and brash from tree/scrub management within the site should be retained as log/brash piles.
- Hedgehog routes should be provided to maintain connectivity through the development and allow the free movement of hedgehogs and other small mammals through the site.
- Tree planting should be undertaken using native species such as pedunculate oak, small leaved lime, black poplar, wild service tree or similar.

Proximity to Ancient Woodland (Brokes Wood)

10.79 In the report to the 2018 application, this issue was specifically addressed. The 2018 layout showed a full 15m buffer zone which left very small, shallow and shaded gardens for two dwellings in the centre. The three central dwellings are in largely the same position as the central two proposed last time.

10.80 In 2018, the Landscape & Biodiversity Officer and the Tree Officer concurred that given the site is already in residential use and the current garden extends up to the boundary with Brokes Wood (i.e. the whole 15m buffer is garden land), the full 15m buffer would not be necessary. Therefore a reduced sized buffer zone can be acceptable. The Tree Officer suggested 5m and the LBO 2m. This would strike an appropriate balance between the need to provide a buffer and the need to provide a realistically sized garden space. This could have been conditioned (along with the need for a management plan for the strip) had the last application been recommended for approval.

10.81 As stated above this site is already garden which the LBO said last time makes it difficult to refuse the scheme on the buffer issue alone. A number of other nearby properties also have gardens within the 15m buffer zone. It does however represent a more intensive level of residential use, a point also made by the Woodland Trust.

10.82 Natural England advice states that the buffer zone needs to exclude gardens as well. The applicant's response (via their ecologist) is that the Woodland Trust concerns are valid, but this guidance is considered to be in place to prevent the removal of existing semi-natural habitat in close proximity to ancient woodland. In fact, the Natural England standing advice further states that "*The size and type of buffer zone should vary depending on the scale and type of development and its effect on ancient woodland, ancient and veteran trees [and the] character of the surrounding area.*"

10.83 Given the above it is not considered reasonable or proportionate to require a 15m buffer between the rear of the proposed gardens and the ancient woodland. A

compromise would be a smaller zone of a minimum of 2m, along with a management plan and a series of enhancements. A sufficiently sized garden and a more realistic buffer is achievable. This is the approach endorsed by the LBO. The recent nearby backland development at 16 - 20 The Ridgeway, to the north of Brokeswood Lodge, also included a shorter (2m) buffer.

- 10.84 The current scheme therefore proposes a 3m buffer, fenced off from the main garden with a single gate providing access to it from each dwelling and providing enhancements for biodiversity. The buffer will be planted with a range of native scrub and trees species, including (but not limited to) the following:
- Hawthorn
 - Holly
 - Blackthorn
 - Geulder rose
 - Spindle
 - Hazel
 - Wild service tree
- 10.85 The thorny species included in the mix will prevent access to the woodland when the scrub buffer is mature. A post and rail fence will be installed in order to provide protection for the scrub buffer whilst allowing maintenance access whilst it matures. Further details of the buffer, including proposed extent, planting and management prescriptions will be detailed within a Landscape and Ecological Management Plan (LEMP), or similar. The management and retention of this area can be secured by condition.
- 10.86 Ultimately, the comments of the Woodland Trust are noted however these are quite generalised and refer more to the broad principle of maintaining a 15m buffer zone, which is not always necessary or appropriate in each case. Therefore greater weight is given to the views of the Landscape & Biodiversity Officer.

Summary

S.38 (6) balancing exercise

- 10.87 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).
- 10.88 However, the clear advice of the NPPF in para 11d indicates that the Local Planning Authority should be granting planning permission where the "most important" policies for determining the application are out of date (in this case the housing policies due to the lack of a 5 year supply) unless:-
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.*

- 10.89 In terms of the policies in the NPPF it has been considered above that there are no policies that protect areas or assets of particular importance that would provide a clear reason for refusing the development (eg: the AONB or ecological matters relating to the LWS and Ancient Woodland). This leaves consideration against 11d(ii).
- 10.90 Whilst the proposal would increase development on the site, the manner in which I is proposed is not considered inappropriate. In terms of clear positive aspects:
- The provision of two additional dwellings at a time when the LPA cannot demonstrate a five year housing supply;
 - The proposal will be a mild positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
 - The site is within a sustainable location within the LBD, which attracts significant weight;
 - The proposal would deliver enhancements to the surface of public footpath WS15;
 - Some wider benefits would arise from the highways works such as the better-defined highway markings, works to the pavement and clearer vehicular access arrangements on the shared private drive/public footpath;
 - The proposal is capable of delivering ecological gains;
- 10.91 Thus the adverse impacts of granting permission would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the NPPF taken as a whole. 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. Overall, there are environmental, 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.

11.0 RECOMMENDATION – GRANT subject to the following conditions.

Three year implementation

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

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

Approved plans

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

003 P3	Proposed Site Plan
004 P1	Proposed Site Sections
010 P1	Proposed Floor Plans Plot 1
011 P1	Proposed Floor Plans Plot 2
012 P1	Proposed Floor Plans Plot 3
020 P2	Proposed Elevations Plot 1
021 P2	Proposed Elevations Plot 2
022 P2	Proposed Elevations Plot 3
21-088-T-004-H	Proposed access arrangement

21-088-T-007-A Fire appliance access arrangements
Arboricultural Impact Assessment and Method Statement Revision C (September 2022)

Reason: To clarify which plans are approved.

Levels

- 3) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding the demolition of the existing buildings) details of proposed levels within the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed slab level of the dwellings relative to the existing ground levels and a fixed point in the access road. The development shall then be carried out in strict accordance with those details.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of development upon completion.

External materials

- 4) Notwithstanding the submitted details and approved plans, written details including source/ manufacturer, and photographic samples of bricks, tiles and all other materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

External lighting

- 5) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The scheme shall have been demonstrably developed in accordance with the external lighting recommendations within the submitted Ecological Assessment (Greenspace, October 2022).

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written permission to the variation.

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

Sustainability measures

- 6) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of construction of the dwellings above ground level, full details of a scheme for the incorporation of energy efficiency measures and renewable energy (including the location of PV panels where provided and resident/visitor EV charging points) shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall show EV charging points for each dwelling. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).

The development shall be carried out in accordance with the approved details and retained thereafter.

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

Parking and turning

- 7) The area shown on the approved drawings as vehicle parking space, access and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before first occupation of the development hereby approved.

It 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) Order (England) 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 and turning space.

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

Access works

- 8) Prior to the commencement of any other development hereby approved, the visibility splays and widening of the driveway to the north shown on approved drawing 21-088-T-004 REV H shall be provided in full.

There shall be no obstruction over 0.6m above the access footway level within the approved visibility splays, which shall be subsequently maintained in this condition thereafter.

Reason: In the interests of highway and pedestrian safety

- 9) The off site works to the highway as shown (for indicative purposes only) on plan 21-088-T-004 REV H which include remarking of the edge of carriageway and extension to the footway shall be completed prior to the first occupation if the development hereby approved.

Reason: In the interests of highway and pedestrian safety

Withdrawal of PD rights

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

Reason: In the interests of protecting residential amenity and to prevent overdevelopment within the curtilages of the dwellings

Restriction on fences and gates

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure

shall be erected within the Shared Amenity Area nor the New Landscaped Area to the SW of the site identified on the approved plans (nor within the shared footpath/access roadway) without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of visual amenity

Boundary treatment

- 12) Notwithstanding the submitted drawings and all supporting documentation, prior to the first occupation of the development hereby approved, a scheme of boundary treatment for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

Biodiversity enhancement

- 13) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of construction above ground level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall 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 enhance species and habitat on the site in the future and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Retention of trees, hedges and hedgerow

- 14) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, 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 trees, 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 and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Tree protection measures

- 15) 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:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. Such tree protection measures shall remain throughout the period of construction;

- (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) 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;
- (e) 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.
- (f) 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

Landscaping

- 16) Notwithstanding the submitted drawings and all supporting documentation, a landscaping scheme (which shall include entirely new planting, and retention of existing planting) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above-ground construction.

Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years (unless required to be maintained for a longer period within the Landscape & Ecological Management Plan sought under condition 17) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

The approved scheme of hard landscaping shall be completed prior to first occupation of any part of the development.

Reason: In order to protect and enhance the amenity of the area and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Landscape and Ecological Management Plan

- 17) A Landscape and Ecological Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation for all landscape and ecological areas, other than the privately owned domestic curtilages, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The landscape and ecological management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Ecological mitigation and enhancement

- 18) Notwithstanding the submitted drawings and all supporting documentation, prior to development commencing (excluding the works to the access and the demolition of the garage building), a full scheme for the ecological / biodiversity mitigation across the whole site, and enhancement of ecology and biodiversity for the dwellings and private garden areas shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account 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 and enhance existing species and habitat on the site in the future

Cycle and refuse storage

- 19) The approved bicycle and refuse storage facilities shown on the approved plans shall be completed and made available for use prior to first occupation of the relevant phase of the development' hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety. In the interests of visual amenity and to facilitate waste collection.

Construction and Environmental Management Plan

- 20) Notwithstanding the submitted details, prior to the commencement of the development a Construction and Environmental Management Plan shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the 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)
- Hours of working;
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(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 remediate any damage to the access works shown on the approved plans;
- 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

Reason: To protect the amenity of local residents and in the interests of highway safety. This is a pre-commencement condition as it addresses matters which arise from the commencement of demolition works.

Obscure glazing

- 21) Prior to the first occupation of Units 1 and 3 hereby permitted the windows shown to be obscure glazed on the approved drawings shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and shall be non-opening (except for any top-hung light). Both the obscured glazing and the restricted-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

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

Enhancement works to public right of way

- 22) Prior to the commencement of above ground construction of the development hereby approved, full details of the enhancement works to Public Right of Way WS15 shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancement works shall then be completed prior to the first occupation of the development hereby approved.

Reason: in the interests of pedestrian safety and of maintaining the existing footpath as a publicly accessible route

Open areas

- 23) The areas labelled 'New Landscaped Area with native planting to encourage biodiversity' and 'Shared Amenity Area for residents of proposed houses' on approved site plan 003 P3 shall be retained for these purposes.

The Shared Amenity Area shall be made available (and the gate shown on the approved plans installed) prior to the first occupation of any part of the development.

The New Landscaped Area shall be provided in accordance with details approved under conditions 17 and 18.

Reason: To control and regulate development on the site, in the interests of visual amenity and the provision of biodiversity enhancement and ecological net gain, to preserve the setting of the High Weald Area of Outstanding Natural Beauty and because the provision of these areas is integral to the design and layout of the development

Land contamination

- 24) 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

INFORMATIVES

- 1) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- 2) As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 3) 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>
- 4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 5) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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.