

REPORT SUMMARY

REFERENCE NO - 19/03625/OUT
APPLICATION PROPOSAL Outline (Access not reserved) - Erection of up to 18 residential dwellings with associated highways, landscaping and open space infrastructure
ADDRESS Land At Common Road Sissinghurst Cranbrook Kent
RECOMMENDATION GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied); - The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations; - The proposal would result in harm to the character and appearance of the countryside through the development of this greenfield site; however, the adverse impacts of the proposal would be outweighed by the contribution the proposal would be made to the Borough’s housing need; the provision of 40% affordable housing and financial contributions towards community services/facilities would amount to exceptional circumstances and demonstrate that the development is in the public interest. - The proposal would result in less than substantial harm to the setting of the Conservation Area and nearby listed buildings. However, this harm is considered to be outweighed by the public benefits set out above. - The number of residential units are considered to be appropriate to this site; - The proposal would not cause significant harm to the residential amenities of neighbouring properties. - The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision; - 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): <ul style="list-style-type: none"> - 40% affordable housing. - Primary Education - £3,324.00 per dwelling towards Cranbrook Primary School expansion. - Cranbrook Hub - £419.63 per dwelling towards Cranbrook Community Hub to accommodate increased demand for Libraries, Adult Learning and Social Care generated from the development. - Youth Service - £65.50 per dwelling towards additional resources for the Kent Youth Service locally in the Cranbrook area. - Waste - £237.54 per dwelling towards Tunbridge Wells Waste Transfer Station and

<p>HWRC expansion.</p> <ul style="list-style-type: none"> – Play equipment for Jubilee Playing Field in Sissinghurst Parish - £14,344.55 <p>Net increase in numbers of jobs: N/A</p> <p>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</p> <p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: £3217.68</p> <p>Estimated annual council tax benefit total: £32481.54</p> <p>Annual New Homes Bonus (for first year): £18000.00</p> <p>Estimated annual business rates benefits for Borough: N/A</p>			
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>Referred by the Head of Planning.</p>			
<p>WARD Frittenden & Sissinghurst</p>	<p>PARISH/TOWN COUNCIL Cranbrook & Sissinghurst Parish Council</p>	<p>APPLICANT Invicta Self And Custom Build Ltd AGENT N/A</p>	
<p>DECISION DUE DATE 09/04/20</p>	<p>PUBLICITY EXPIRY DATE 30/07/20</p>	<p>OFFICER SITE VISIT DATE 14/01/20</p>	
<p>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</p>			
Application No.	Proposal	Decision	Date
19/00205/OUT	Hybrid Application (Part Outline/Part Detailed) Comprising the erection of up to 9 self/custom build dwellings (All Matters Reserved) with associated supporting road infrastructure, access, open space and landscaping (Detailed)	Refusal	05/07/19
18/00262/HYBRID	Hybrid Application (Part Outline/Part Detailed) Comprising Erection of 9 self/custom build dwellings (All Matters Reserved) with associated supporting road infrastructure, access, open space and landscaping (Detailed).	Withdrawn	25/05/18
17/00451/REM (land to the east of the site)	Approval of Reserved Matters (Details of access (other than vehicular access into site from Common Road), Appearance, Landscaping, Layout and Scale) following Outline permission for 14/502645/OUT of up to 60 new homes (including 35% affordable housing)	Granted	07/08/17
15/505629/FULL (Land North Of Cobnut Close)	Erection of 9 new dwellings consisting of 2 semi detached three bedroom, 3 detached three bedroom, 3 detached four bedroom and 1 detached five bedroom with associated car parking and landscaping.	Granted	04/05/16
14/502645/OUT (land to the east of	Outline Planning Permission - (Access not reserved) development of up to 65 new homes	Refused	03/12/14

the site)	(including 35% affordable housing)	Appeal Allowed	21/03/16
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a roughly square parcel of agricultural land consisting of approximately 1.61 hectares located on the west side of Common Road and the south side of Frittenden Road in the Cranbrook and Sissinghurst Parish of the Borough. The site is largely grassed surfaced and is devoid of any built development. Aerial photos of the site indicate that the site has at some point previously been used as grazing land for sheep.
- 1.02 The boundaries of the site are marked by hedging and trees. The site is largely open in nature other than the south east corner of the site which comprises more dense planting. The site is relatively flat in nature but gently slopes towards the southern boundary. The lawful use of the site is agriculture and therefore does not constitute Previously Developed Land (PDL).
- 1.03 The site is located Outside of the Limits to Built Development (LBD) and within the High Weald National Character Area. The LBD of Sissinghurst is located approximately 150m to the south of the site. Both Frittenden Road and Common Road are designate Rural Lanes and approximately 370m to the south of the site lies the Sissinghurst Conservation Area. A Public Right of Way (WC75) runs across the site leading from the primary school to Sissinghurst Road. This footpath leads to the centre of Sissinghurst. A designated Site of Potential Archaeological Importance covers parts of the eastern boundary of the site. A medium pressure gas main also runs within the site in close proximity to the sites north and east boundaries. The site currently has a vehicle access point in the north west corner from Frittenden Road.
- 1.04 Immediately to the south of the site lies Sissinghurst Church of England Primary School. Along the southern boundary of the site which separates the application site and school lie a small number of veteran trees. The school is accessed from Common Road and the main school building is located towards the south west corner of the application site. To the east of the site and on the opposite side of Common Road lies a site which is largely now complete for 60 new homes (details approved under 17/00451/REM). To the north east of the site lie the residential properties of Crossways and Carpenters Cottage and to the north west lies Mouse Hall, all of which are Grade II listed. To the immediate north of the site lies and undeveloped parcel of land which sits between the properties of Mouse Hall and Crossways. To the west of the site lies row of approximately 11 detached and semi-detached properties.
- 1.05 The site is defined on the Sissinghurst draft Policies Map of the Council's Draft Local Plan and is presently allocated as safeguarded land for future school expansion. The application follows a previously refused application at the site, 19/00205/OUT, which sought outline consent for the erection of up to 9 self/custom build dwellings.

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission for the erection of up to 18 dwellings at the site. The detailed elements of the application include access,

including the internal road network, with all other matters are reserved. As such, the plans showing the scale, layout and design of the dwellings and outbuildings are indicative only at this time. The density of the proposed development would be approximately 11.2 dwellings per hectare (an increase compared to the previously refused scheme which had a density of 5.6 dwellings per hectare).

- 2.02 The site's access is proposed to be located in the south east corner of the site in relatively close proximity to the existing access to the adjacent primary school. The access road would then immediately head in a northerly direction before sweeping west into the site. The reason for this design is to ensure the retention of significant trees on the site. The proposed access point and road would result in the loss of some planting in this corner of the site, but does propose to retain a row of trees which runs adjacent to the existing Public Right of Way. The proposed access is also likely to require some level of excavation and land levelling.
- 2.03 An indicative site layout has been submitted illustrating a possible layout of the site. This shows a mix of detached and semi-detached properties predominantly situated towards the north and west boundaries of the site. A new pond is shown to the south adjacent to the Public Right of Way along with additional planting across the site. An additional pedestrian access point is proposed towards the north east corner of the site.
- 2.04 Following on from consultation responses received from KCC Highways the access point and location has been amended during the application as shown on the amended plans.
- 2.05 Amended plans have been received moving the proposed access position further to the south.

3.0 SUMMARY INFORMATION

	Existing	Refused under 19/00205/OUT	Proposed	Change (+/-) between Existing and Proposed
Site Area	1.61ha	1.61ha	1.61ha	-
Land use	Agriculture	Residential	Residential	-
No. of residential plots	0	9	18	+18

4.0 PLANNING CONSTRAINTS

- Agricultural Land Grade 3 (*This information is taken from the MAFF 1998 national survey series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading. The maps show Grades 1-5, but grade 3 is not subdivided*).
- Outside the Limits to built development (LBD)
- Potential Archaeological Importance
- Public Right of Way Public Footpath - WC75 (runs across the site from the east boundary to the south boundary towards the adjacent primary school.)
- Rural Lane – Common Road (to the east) and Frittenden Road (to the north)
- Grade II Listed Buildings – Crossways, Mouse Hall and Carpenters Cottage (all to the north of the site) (*statutory duty to preserve or enhance the significance of*

heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

- Sissinghurst Conservation Area (approximately 390m to the south of the site)

5.0 POLICY AND OTHER CONSIDERATIONS

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

Site Allocations Local Plan 2016

- AL/STR1 - Limits to Built Development

Tunbridge Wells Borough Core Strategy June 2010

- Core Policy 1 – Delivery of Development
- Core Policy 3 – Transport Infrastructure
- Core Policy 4 – Environment
- Core Policy 5 – Sustainable design and construction
- Core Policy 6 – Housing Provision
- Core Policy 14 – Development in the Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006

- Policy LBD1 – Development outside the Limits to Built Development
- Policy EN1 – Development Control Criteria
- Policy EN5 – Conservation Areas
- Policy EN8 – Outdoor Lighting
- Policy EN13 – Tree and Woodland Protection
- Policy EN18 – Flood Risk
- Policy EN25 – Development control criteria for all development proposals affecting the rural landscape
- Policy R2 – Recreation open space in development of more than 15 bedspaces
- Policy CS4 – Development contributions to school provision
- Policy TP4 – Access to the road network
- Policy TP5 – Vehicle parking standards
- Policy TP9 – Cycle Parking

Supplementary Planning Documents:

- Landscape Character Area Assessment 2018: Sissinghurst Wooded Farmland
- Rural Lanes SPD
- Renewable Energy SPD
- Recreation and Open Space SPD
- Affordable Housing SPD
- Sissinghurst Conservation Area Appraisal

Other Documents:

- Kent Design Guide Review IDN3 Nov 2008
- Sevenoaks and Tunbridge Wells SHMA 2015

Cranbrook and Sissinghurst Neighbourhood Plan

Cranbrook & Sissinghurst Parish Council applied to Tunbridge Wells Borough Council for the designation of a neighbourhood area under The Neighbourhood Planning (General) Regulations 2012 (as amended). The area proposed covers the whole of the parished area of Cranbrook & Sissinghurst and is the first step for Cranbrook & Sissinghurst Parish Council in preparing a Neighbourhood Plan.

The application was approved on 8 June 2016. The decision and full report (which includes the consultation responses) can be viewed on the TWBC website

As the Neighbourhood Plan has not progressed beyond this stage, no weight can be given to it in the determination of this application.

6.0 LOCAL REPRESENTATIONS

6.01 Six site notices were displayed around the site along with an advertisement in in the local press.

6.02 7 responses to the proposal have been received raising the following (summarised) concerns and objections:

- Insufficient school places, doctor spaces and facilities to serve this and other developments in Sissinghurst.
- Highway and pedestrian safety impact.
- Detrimental impact upon the nature and feeling of the village.
- Greenfield site outside the limit of built development of the village the loss of which will see the merger of Sissinghurst Village and Cranbrook Common residential areas.
- No point in having 'protected species' of wildlife if their habitats can be built upon in this manner.
- Common Road has only just seen 60 new houses being built the village cannot sustain any more.
- Height of the buildings should be restricted.
- Contrary to existing Local Plan Policy EN1 and Draft Local Plan Policy EN11.
- This site has been assessed by the neighbourhood plan group as not suitable for development.
- Last remaining open area forming a remnant of a historic green associated with the meeting of several ancient routeways.
- Impact upon veteran trees.
- Impact upon ecology and ability to achieve net gain.
- Previous application of 8 houses as that would have provided a sensible balance to the Countryside.
- Overdevelopment of the plot.
- Loss of wildlife.
- Prolonged construction period.
- Additional street lighting, vehicle and resident noise will cause a permanent disturbance and prevent considerable fauna returning to the site.
- Questionable as to whether there is current need for yet more new homes constructed in the immediate vicinity.

6.03 1 response to the proposal has been received in support of the application.

7.0 CONSULTATIONS

Cranbrook and Sissinghurst Parish Council

7.01 (15/10/20) Request a contribution of £14,344.55 towards new play equipment at the Jubilee Playing Field in Sissinghurst.

(30/01/20) Cranbrook and Sissinghurst Parish Council has assessed the implications of this proposal in terms of the delivery of its Community Services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation through the grant of a Section 106 financial contribution. Requests the following contribution:

Sissinghurst Community Facility/Village Hall - £5,000 per dwelling (x18), total £90,000, towards a new Community facility/Village Hall in the Parish of Sissinghurst to accommodate increased demand generated from the development. The new development will generate new users for the Sissinghurst Community Facility/Village Hall regarding Community Learning, Wellbeing, Fitness and the many village groups and societies.

(22/02/20) The Parish Council recommended REFUSAL for the following reasons:

Site not supported in the Tunbridge Wells Borough Council Draft Local Plan and the emerging NDP Local Plan.

Highway safety caused by cars parked on highway due to overspill from Primary School.

Protected grassland area.

If minded to approve this application the Parish Council would like consideration of affordable housing land to be developed by the Crane Valley Land Trust.

Southern Water

- 7.02 (31/01/20) Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Southern Water request that should this application receive planning approval an informative is attached.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Kent Police

- 7.03 (04/02/20) Applicants/agents should consult us as local Designing out Crime Officers to address CPTED. Kent Police use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

Secured by Design (SBD): www.securedbydesign.com is the UK Police flagship initiative combining three differing levels of security. To meet SBD physical security requirements, SBD require doorsets and windows to be certified by an approved independent third-party certification body e.g. (UKAS) in the name of the final manufacturer/fabricator. This requirement exceeds the requirements of Building Reg ADQ. Products that are independently certificated to recognised security standards have been responsible for consistently high reductions in crime as verified by

numerous independent academic research studies. Details of how to ensure products are certified are on the SBD website.

If this application is to be approved we strongly request a Condition be included to address the points below and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

Having reviewed the application on-line the following issues need to be addressed including:

1. The use of the SBD Homes 2019 initiative is recommended. We draw the applicant/agents attention to the SBD Homes 2019 and SBD Self Build 2019 documents which can be downloaded from the SBD website at: <https://www.securedbydesign.com/guidance/design-guides>
2. Development layout and permeability. The additional proposed paths should be as wide and clear as possible, ideally 3m in width with well-maintained edges, as per SBD Homes 2019.
3. Perimeter, boundary and divisional treatments including gates. We appreciate the master plan may be indicative at this time, however we were unable to find a proposed boundary treatment plan. A previous application for this location indicated that post and rail fencing may be used. Post and rail fencing offers little security value unless further protected with defensive planting and stock type wire fencing to prevent/deter animal/pet intrusion. A protective temporary fence should also be installed until the defensive planting has had time to establish. It is very important that the final boundary and garden divisional treatments are carefully considered in order to maximise security and minimise the opportunities for crime. The paths running to the rear of the properties may provide opportunities for crime, as such, appropriate fencing/walling should be installed as per SBD Homes 2019. Any arris or other fencing support rails for the close board fencing should face into the properties so that they cannot be used as climbing aids. Ideally the close board should also have a trellis topping.
4. Corner Properties and defensible spaces.
5. Parking inc. visitor
6. Lighting should conform to BS5489-1:2013 as per SBD Homes 2019.
7. Doorsets and windows should be certified to PAS24:2016.
8. Alarms.
9. Landscaping.

SGN

- 7.04 (05/02/20) On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

UK Power Networks

- 7.05 (05/02/20) Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.

ESP Utilities Group Ltd

- 7.06 (10/02/20) ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works. However, there is an electric network nearby, for which an as-laid drawing is enclosed.

KCC Economic Development

- 7.07 (21/01/20) The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution:

Primary Education - £3,324.00 per dwelling (x18), total £59,832.00, towards Cranbrook Primary School expansion.

Cranbrook Hub - £419.63 per dwelling (x18), total £7,553.34, towards Cranbrook Community Hub to accommodate increased demand for Libraries, Adult Learning and Social Care generated from the development.

Youth Service - £65.50 per dwelling (x18), total £1,179.00, towards additional resources for the Kent Youth Service locally in the Cranbrook area.

Waste - £237.54 per dwelling (x18), total £4,275.72, towards Tunbridge Wells Waste Transfer Station and HWRC expansion.

Social Care - All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).

Broadband – Recommend condition requiring details for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic in order to provide high quality digital infrastructure in new developments as required by Paragraph 112 NPPF.

KCC Flood and Water Management

- 7.08 (29/01/20) Kent County Council as Lead Local Flood Authority have reviewed the Surface Water Management Strategy Report by RMB Consultants (December 2019) and have no objections to the design proposed at this stage.

Brining the design forward as part of a future detailed design stage submission, KCC would expect to see additional details of the outfall and existing ditch along Common Road and in addition the proposed ponds that include cross-sectional drawings.

Should your authority be minded to grant planning permission, KCC would recommend conditions are attached to this application.

KCC Public Rights of Way

- 7.09 (31/01/20) Public Footpath WC75 crosses the site and has been identified in the application.

If the development is to go ahead there is likely to be an increase in the paths use which serves as a link to the adjacent primary school. The path may also serve as a sustainable off road access link to the wider community.

Therefore ask that the developer provides an appropriate unbound surface path to a minimum width of 2.5m along footpath WC75. The design and specification to be agreed with this office in advance.

KCC Heritage

- 7.10 (09/03/20) This application is supported by a Desk-Based Assessment and a Heritage Statement that provide baseline descriptions of the areas historical context and their assessment of the archaeological potential of the site. It is important to try and clarify the presence/absence of remains associated with Roman activity or later and it is recommended a condition is placed on any forthcoming consent at the site.

KCC Highways

- 7.11 (20/10/20) With regard to details the application has been subject to a number of revisions. The access has now been repositioned towards the south of the site as previously agreed with the highway authority and it is supported by an RSA stage 1. Although the revised internal alignment may require some modest revision at the detailed design stage to accommodate swept paths and also provide forward visibility around the bends, at this stage the highway authority would not seek to raise objection to the proposed access arrangements.

A footway link to the south of the site to link with the school entrance and to connect with the existing footway to the south is proposed. KCC Land Drainage Team have not raised objections in principle to the proposed arrangements, subject to detailed design which will be subject to their separate approval. Recommend informatives and conditions if the LPA are minded to recommend approval.

(10/03/20) During the earlier applications the developer has proposed various positions for the access which have been considered by highway authority. However although a position for the access was agreed with the highway authority as shown in TW/19/00205, the position in this current submission has moved further north. This has the effect of reducing visibility to the north and of particular concern is the reduction in the forward visibility for a vehicle coming round the bend.

This submission should be supported by RSA stage 1 and this should include details of the swept path analysis for left in and left out manoeuvres.

Furthermore the highway authority has previously raised concern regarding the impact of the construction site opposite with respect to the speed data and as works are currently contained within the site here rather than on the highway, an additional survey is now requested to inform the RSA. However it is recommended that the developer should make use of this current window, as additional S.278 works to the highway in connection with the development opposite, are expected to commence shortly.

KCC's detailed comments made under TW/19/00205 also remain outstanding and would draw your attention to them. Matters to be addressed include confirmation of

the status of the land and highway boundary and swept path analysis to include the 'left out' manoeuvre.

Environmental Protection

- 7.12 (16/01/20) No objection, subject to conditions and informatives.

TWBC Parking Services

- 7.13 (14/01/20) Parking Services have no comment to make on this application.

TWBC Planning Environmental Officer

- 7.14 (20/01/20) is recommended the applicant considers implementing a more ambitious energy reduction strategy at as early a stage as possible. Conditions should be applied to this effect.

TWBC Conservation Officer

- 7.15 (09/11/20) The proposed development would have a mid to low level of less than substantial harm to the listed buildings, and a low level of less than substantial harm to the Conservation Area. As an addendum to comments from 21 February in regards to urban design considerations, the Conservation Officer had raised some issues regarding the layout in particular as shown in the indicative plans. As these are indicative plans only, they can support this on urban design terms as only the access is not reserved. Layout can be given more detailed consideration when a reserved matters application is submitted.

(21/02/20) Regarding the overall design, notwithstanding my comments above on heritage impact, these comments are based on the indicative layout plan which may have some weight should this be approved and a reserved matters application submitted which proposes the same layout.

Connections - this is an intention to connect with the existing pavement on Common Road to the south, which is welcome. Uncertain where the northern footpath actually leads to, however.

Legibility - the tree constraints on the site and presumably the need to locate the access away from the crossways junction have resulted in a sweeping drive which creates a convoluted entrance. The buildings are loosely laid out, which in some ways reflects the historic settlement pattern but also is confusing as this intention would therefore create a false hamlet, devaluing the historic hamlets. The layout is somewhat odd and car dominated - it appears as though the routes within were created mainly with service vehicles and parking in mind and there are a number of spaces that may have been intended as shared space, but remain unconvinced would be successful as such. It is a confusing layout with little legibility, one which does not address the main route within it or create coherent character through the open spaces.

(03/02/20) The proposed development of the site would result in less than substantial harm to the two listed buildings to the north, and to the conservation area at Sissinghurst, and therefore the application cannot be supported by the Conservation Officer.

TWBC Client Services

- 7.16 (14/01/20) Bins to be purchased from TWBC by the developer or their client prior to property occupation. Turning swept track shown, off chute properties will need to present relevant containers at the end of the driveways share or otherwise for

collection as private drives/as to access for collection vehicle. Garden waste collection is now an opt in paid for by individual occupiers .

TWBC Planning Policy

- 7.17 (26/02/20) It is noted that the density of development has been increased from 5.6 dwellings per hectare in the previous scheme to 11.2 dwellings per hectare.

The site was submitted under the Call for Sites 2016 (under Site number 68) and has been considered in conjunction with site 442 under the Strategic Housing and Economic Land Availability Assessment (SHELAA) (July 2019).

Policy AL/CRS17 Land adjacent to Orchard Cottage, Frittenden Road, and land at junction of Common Road and Frittenden Road (SHELAA reference: Sites 442 & 68) of the Draft Local Plan states: This site, as defined on the Sissinghurst draft Policies Map, is allocated as safeguarded land for future school expansion.

The following comments have been received from KCC Education on the Reg 18 consultation:

As the Education Authority we can say that we do not anticipate needing additional land in order to expand Sissinghurst primary school in response to proposed growth within the emerging local plan. The additional pupil demand in that part of the Borough will be met by the expansion of Cranbrook. We need an additional 1FE within the planning group and can't expand each existing school a little bit given the lumpy nature of education provision.

If we were to ever need to expand Sissinghurst to 2FE it would be in response to a very significant amount of housing development beyond that currently planned in the draft Local Plan. Circa 500-800 additional in Sissinghurst area; which would have to be beyond the local plan period and delivery of that expansion would therefore not likely be before 2035+. I don't know how much weight the potential for a future decision like that has in safeguarding the land against an alternative use today?

The proposed site allocation will be reviewed in light of these comments in the next stage of the Local Plan process, the preparation of the Pre-Submission Local Plan. It is realised that the planning application could be determined before this work is completed.

Page 66 (and Map 31.15) of the Limits to Built Development Topic Paper for the Draft Local Plan - Regulation 18 Consultation Limits to Built Development Topic Paper 2019 sets out the proposed revisions to the LBD for Sissinghurst. The application site would adjoin the proposed revision to the LBD along part of its southern boundary and would be located in very close proximity to the revised LBD to the east and west.

The applicant has indicated that they would be happy to provide affordable housing in accordance with policy requirements once the final housing numbers are finalised.

Whilst the current policy position under Core Policy 6 of the Tunbridge Wells Core Strategy 2010 is to provide 35% affordable housing, a number of developers of green field sites in the Borough have recently agreed to provide 40% on site affordable housing with a tenure mix of 60% social rent and 40% shared ownership in line with the revised policy. The applicant may wish to make similar provision so that it can be considered in the overall "planning balance".

TWBC Tree Officer

- 7.18 (01/09/20, verbal comments) The amended plans and slightly altered access point now proposed raises no significant concerns. Recommend appropriate conditions in relation to tree protection.

(27/02/20) Having visited site and reviewed the proposed illustrative masterplan no. D1273-100_P2, the present proposals are a marked improvement over the previous scheme and raise no significant concerns.

TWBC Landscape and Biodiversity Officer

- 7.19 (28/02/20) In terms of protected species and net gain the applicant has submitted detailed and comprehensive report.

In respect of net gain the concern with this site is the value to be attached to the grassland. It is currently assessed as species poor using the Farm Environment Plan (FEP) manual but it is possibly borderline but fails to meet the full requirement as it has only three wildflower indicator species as opposed to four. The habitat should be measured against phase 1 of UK habitat types and then assessed in accordance with the detailed guidance.

Such grasslands are becoming increasingly rare in the High Weald but are an important part of its ecological functionality and ecosystem services which the metric does not allow for. There is an argument in any case that the grassland should be included as in the metric as “other neutral grassland” to give an appropriate which would give a medium distinctiveness as opposed to low. This is what has been done on the habitat creation. There are other matters within the metric that are arguable but it is difficult to check without the actual metric and a labelled plan for each area habitat included. Consequently certainty in achieving a 10% gain may be misplaced. However the metric will need to be redone as part of the reserved matters. Consequently it would be possible to condition net gain.

Concerns over landscape are primarily to do with settlement pattern and design. As this is an outline application these matters are difficult to judge but the illustrative material does not appear to represent a traditional or respectful layout pattern and results in a number of rear gardens facing the road way which is likely to give rise to a rather incongruous development pattern and appearance for the area. The density too, where it can be seen from the road, may also appear as over development. On the positive side the protection of the PROW and existing trees and the balancing pond area all positive features but again as these are outline these are not yet secured. The scheme would be greatly improved for landscape and biodiversity with the space for Unit 1 given over to green space/mitigation.

Consequently should you be minded to approve the scheme landscape concerns might be addressed at reserved matters if the application were up to 18 units. Furthermore, in order to secure the landscape framework and minimal mitigation areas I would suggest that a LEMP area is defined (buffers, pond and green spaces -including plot 1) and secured by the legal agreement and the provision of a LEMP subject to a pre commencement condition.

TWBC Housing Register & Development Manager

- 7.20 It is noted from the Planning Statement at 7.6 that the applicant is ‘happy to enter into a legal agreement that secures a policy compliant level of affordable homes, in accordance with adopted policy. The precise number cannot be fixed at this time given the uncertainty on the final number. However the percentage of affordable can be agreed’.

Affordable housing policy in the draft new Local Plan seeks 40% affordable housing on greenfield sites which would equate to 7* dwellings being available as affordable housing, (6.3 under the current 35% requirement).

Of these 7 dwellings the affordable housing tenure should be split 70/30 in favour of rented homes, affordable or social rent with a preference for social rent, with 30% being made available for intermediate housing namely shared ownership or rent to buy tenure.

All affordable housing should be constructed in accordance with Building Regulations Approved Document M Vol 1 (2) Accessible and adaptable dwellings and to M(3) wheelchair user dwelling if there is an identified need in the local area.

The affordable housing should be secured in a Section 106(Planning Obligation) Agreement.

The S106 Agreement should include the allocation of the affordable housing and, given the local needs of the Parish, be allocated first to households in housing need on the TWBC Housing Register with a local connection to the Parish with a cascade to the surrounding Parishes should no need be identified in Sissinghurst.

The affordable housing should be inclusive on the site and should reflect the proposed market dwelling mix. There is a high need for affordable family houses in the area and therefore 2, 3 and 4 bed affordable homes should make up the majority with maybe one or two single person dwellings.

**40% of 18 would be 7.2 dwellings and therefore 8 affordable units would be required.*

Cranbrook Conservation Advisory Committee

- 7.21 (26/01/20) Raise several objections to these proposed dwellings. Firstly, this application seems premature given that this was one of the sites up for discussion in the draft Local Plan. Secondly, this site appears to be earmarked for potential primary school expansion. Given the increase in population proposed in both Sissinghurst and surrounding towns (eg Cranbrook), it seems sensible to enable the newly built primary school to expand on to this adjoining site if necessary. Thirdly this scheme appears to be a pedestrian cul de sac of houses not the innovative self build idea mooted a couple of years ago. Lastly the site contains grassland of importance according to a KCC Biodiversity report.

National Trust

- 7.22 (11/02/20) Sissinghurst Castle Garden (located approximately 1.6km to the west of the application site), owned and managed by the National Trust, is a significant tourist attraction with around 200,000 visitors a year, making a major contribution to tourism and the wider local economy. It is an important heritage attraction, with areas of ancient woodland and a historic park and garden.

The Trust are concerned about the impact of an increased number of dwellings on the sewage systems currently in place. The Trust recognise that the proposed development will be covered with the new infrastructure charge by Southern Water to ensure that appropriate upgrades are in place before the dwelling are occupied. However, the Trust would like to see further assurances that the development will not cause foul drainage or pollutants to run off towards Sissinghurst, should a reserved matters application be submitted to the Tunbridge Wells Borough Council.

This proposed development states that surface water will be disposed of through a sustainable drainage system. The Trust would like to see further consideration of this to ensure that run-off will not increase towards Sissinghurst Castle Garden and the surrounding waterways, if a further application for reserved matters were to be pursued.

8.0 APPLICANT'S SUPPORTING COMMENTS

8.01 In our opinion the proposal is a sustainable development. The proposal will not harm the character or appearance of the area of local landscape importance, with all the existing landscaping and vegetation will be preserved, apart from the one new site entrance. The sensitively designed scheme will create spacious and attractive living spaces for future residents. The key view into the site from the public realm is important and under this scheme the view into this development will be the mature trees to the south east. Additional planting has also been proposed in this area to give a high-quality landscape feel to the development. The proposal is acceptable in highway terms and meets all technical requirements and standards.

8.02 The proposed scheme is considered to be of exceptional design quality, providing a bespoke development that should appeal to a wide spectrum of the community. The scheme engages traditional design principles and local building techniques, to create a bespoke development at Sissinghurst that will provide much needed family homes, as well as meet the need for housing, has much to commend and is worthy of Planning Permission.

9.0 BACKGROUND PAPERS AND PLANS

Site Location Plan
Topographical Survey
Arboricultural Report
Archaeology Desk Based Assessment
Ecological Statement including Biodiversity Gain Report
Foul Water Management Strategy
Landscape and Visual Impact Assessment
Planning Statement
Surface Water Management Strategy
Transport Statement
Utilities Statement
Design and Access Statement
Heritage Statement
Constraints Plan
Tree Constraints Plan
Common Road - Potential Ditch Location
Common Road Stage 1 RSA Revised Final
684-211E - Proposed Access showing Visibility Splays
684-222A - Visibility Splays to the North
684-223A - Visibility Splays to the South
684-212C - Swept Path Entrance from South
684-213C - Swept Path Entrance from North
684-218A - Swept Path Exit to North
684-219A - Swept Path Exit to South
684/214B - Swept Path Internal Bend
684/215B - Swept Path Turning
684/217 - Proposed Access Showing Forward Visibility
Stage 1 Road Safety Audit
Speed Survey – Sissinghurst

Speed Survey - Cranbrook
3528_105_A - Landscape Strategy Plan

10.0 APPRAISAL

Background Information

- 10.01 The application follows a previously refused scheme, 19/00205/OUT, which sought consent for the erection of up to 9 self/custom build dwellings at the site. This application was refused by the Planning Committee in July 2019 for the following reasons:

(1) The proposal does not represent sustainable development in the context of the NPPF due to the impact upon the wider rural landscape, inefficient use of the land and poor design and layout that would not be outweighed by the benefits of the development. It is thereby in conflict with the National Planning Policy Framework 2019, saved policies LBD1, EN1 and EN25 of the Tunbridge Wells Local Plan 2006, Core Policies 4, 5, 6 and 14 of the Tunbridge Wells Core Strategy 2010 and the TWBC Landscape Character Assessment.

(2) The proposed development by virtue of its layout, design and infilling of an open space would result in less than substantial harm to the setting of both Grade II listed properties of Crossways and Carpenter's Cottages and would not preserve or enhance the approach, character and appearance of the nearby Sissinghurst Conservation Area, resulting in less than substantial harm to the Heritage Assets, which would not be outweighed by any public benefit. It would therefore be contrary to policies, LBD1, EN1 and EN5 of the Tunbridge Wells Borough Local Plan 2006, Core Strategy Policies 4 and 14 of the Tunbridge Wells Core Strategy 2010 and the National Planning Policy Framework 2019.

(3) In the absence of sufficient mitigation and management methods the proposed development is considered to be harmful to biodiversity. The proposal is thus contrary to Core Policy 4 of the Tunbridge Wells Core Strategy 2010, the National Planning Policy Framework 2019 and the National Planning Practice Guidance.

(4) The proposed development would likely be harmful to the veteran tree buffer zones of T9, T10 and T11. The proposal is thus contrary to Core Policy 4 of the Tunbridge Wells Core Strategy 2010, Policy EN13 of Tunbridge Wells Borough Local Plan 2006, National Planning Policy Framework 2019 and National Planning Practice Guidance.

(5) In the absence of a completed legal agreement, the proposal does not secure contributions towards community facilities including education and libraries. As such it does not accord with the principles of sustainable development and is contrary to , Core Policy 1 of the adopted Core Strategy 2010, the guidance contained within the National Planning Policy Framework 2019 and the National Planning Practice Guidance.

- 10.02 This application seeks outline planning permission for the erection of 18 dwellings at the site with all matters reserved other than access.

Principle of Development

- 10.03 The site is located within the countryside, outside the Limits to Built Development (LDB), in an area that would normally be an area of restraint to development. The adopted development plan policies seek to direct new residential development to the most sustainable locations within the LBD.

Housing Land supply situation

- 10.04 The appeal decision at Land at Common Road, Sissinghurst on 21/03/16 included some conclusions (in respect of housing land supply) that are highly pertinent to this application. In particular, the conclusion that in relation to the objectively assessed need (at that point in time) that applying *“the Council’s preferred backlog, buffer and claimed deliverable supply against the SHMA figure of 648 per year results in a supply of only 2.5 years of housing land”* (Officer emphasis).
- 10.05 Since this date work on the Council’s new Local Plan has been progressed with an anticipated submission date of December 2020. Recent updates to Planning Policy Guidance and the NPPF (2019) have changed the way that local authorities must calculate their housing targets.
- 10.06 NPPF Para 73 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.
- 10.07 The NPPF requires, based on the housing delivery test, that currently a 5% buffer be included in TWBC’s five year supply calculations.
- 10.08 Every year a position is established regarding the five year supply, based on the position in April of that year. This work has been undertaken and has determined that the Council currently have 4.83 year housing supply at 1st April 2020.
- 10.09 In view of the above, the spatial strategy for the delivery of housing in TWBC (such as Core Strategy policies 1 and 6) are considered to be out of date, it is necessary to consider whether the development is sustainable in the context of the NPPF, whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits when considering the Framework when taken as a whole and whether specific policies in the Framework indicate development should be restricted.
- 10.10 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- “i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 10.11 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in Paragraph 73. Footnote 6 states these policies include ‘irreplaceable habitats’ which Paragraph 175 states includes Ancient Woodland; it includes AONBs and heritage assets as well.
- 10.12 Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the

NPPF, and particularly whether specific NPPF policies within Paragraph 11 and Footnote 7 indicate this development should be restricted. Paragraph 8 of the NPPF explains that there are three dimensions to sustainable development:

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

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

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

- 10.13 It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position. The following paragraphs of this report assess the proposal against the three roles as defined by the NPPF.
- 10.14 The NPPF at Paragraph 79 provides policies on “isolated” new houses in the countryside. Given the location of other dwellings in the vicinity of the site and the relative proximity to Sissinghurst the site is not considered to be “isolated” and therefore NPPF Paragraph 79 is not applicable.
- 10.15 The key matter for consideration in this application is therefore considered to be whether the proposal comprises sustainable development in accordance with the policies in the NPPF.
- 10.16 It will be necessary to consider a number of other matters to reach conclusions on the above. These are the loss of agricultural land, design and layout of the development, heritage, visual impact highway and parking considerations, residential amenity, ecology, ecological mitigation and drainage.
- Location of the site (social and environmental dimension of sustainable development)
- 10.17 The sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the LBD’s purpose is to direct development to built up areas to ensure development is close to services and to prevent encroachment into the countryside.
- 10.18 The Sissinghurst appeal, opposite the site, identified the extent of the significant shortfall in housing supply and confirmed that the Borough could not demonstrate a five year supply in the context of the NPPF. The contribution to market and affordable housing of the 60 dwellings carried weight in favour of that proposal. The Inspector acknowledged that Sissinghurst is a tier three settlement in the Core Strategy that is low down on the Council’s priorities for development and that the landscape and visual impact would be such that the *“harm would be reasonably substantial”* but also gave weight to the site’s location on the *“edge of the existing village, within fairly close proximity to these services/facilities”*. The Inspector also acknowledged pedestrian and cycle links to other settlements are limited. However, overall, and in particular, the contribution to the supply of housing, carried very

considerable weight in favour of the proposals. Overall the appeal proposals at Common Road, Sissinghurst, were considered to be sustainable.

10.19 The site is located to the north of the LBD of Sissinghurst which is located approximately 145m away. It is not considered that the site is 'isolated' in the countryside, in the meaning of the NPPF as a result of the surrounding development and built form. There is a Public Right of Way (WC75) which runs through the site and links the site to the centre of Sissinghurst where there are some shops and services. The No 5 bus service runs along Common Road which provides links to Maidstone, Staplehurst, Cranbrook, Hawkhurst and Sandhurst. Staplehurst hosts a train station which runs services to London Charing Cross and Tunbridge Wells. It is also noted that a small housing development was permitted to the south of the Primary School under 15/505629/FULL as well as the appeal which was allowed for 60 units on the land opposite, the site. Given the above decisions, and in particular that the Inspector for the appeal found the site opposite to be a suitable location for housing it is considered that the site could be considered sustainable in terms of its location.

10.20 It is also noted that despite the refusal of the application, the previous self build scheme at the site was considered to be sustainable in terms of its location.

Use of Previously Developed Land (PDL)

10.21 Annex 2 of the NPPF defines 'previously developed land'. This is, *inter alia*, defined as land which has previously been occupied by permanent or fixed surfaced infrastructure. Agricultural land is excluded from this definition. Thus none of the site amounts to PDL.

Housing considerations (social and economic role)

10.22 The site is presently allocated in the Draft Local Plan as a school expansion site under policy AL/CRS17. The Draft Local Plan is currently at the Reg 18 consultation stage of the plan making process and representations have been received and are currently under review. Whilst it forms part of the Development Plan the amount of weight to be attached is minimal at this time. It is also noted the comments received from KCC during the Reg 18 consultation phase which are set out in paragraph 7.17 of this report.

10.23 Consultation on a Pre-Submission Local Plan (Regulation 19) is proposed in March 2021 for an 8 week consultation period with the current timeline indicating a submission of the plan in July 2021 to the Inspectorate. Whilst there are a number of draft allocations in and around the area, including this site, these allocations have not been confirmed and could still at any point be removed from future versions of the Draft Local Plan.

10.24 Given this and that the preparation of the Development Plan Evidence Base is still being undertaken by the Council prior to its submission for public examination it is considered that the emerging Local Plan, at its current stage, can only be attached minimal weight at this time when assessing planning applications. The application is therefore not considered to be unacceptable because of this, particularly as Kent County Council Education have stated in their comments on the Draft Plan that the site is not needed for the expansion of the primary school, and the LPA are required to determine the application on its planning merits.

10.25 As set out above, the Council cannot demonstrate a five year land supply. The proposed development would contribute towards the supply.

- 10.26 In addition, the scheme would result in additional population to support local services (through spending), which is also considered to be a moderate contribution in the balance of considerations, along with the impact on employment during the construction phase.
- 10.27 Future occupiers would make a contribution to the social vitality of Sissinghurst, as they are likely to use the settlement for some services. As economic benefits for the construction of the proposed units would be short-term, these are limited and would carry little weight. There would be some contribution to the economic vitality of Sissinghurst however, from the use of shops, services etc. by the new residents.
- 10.28 It is noted that it is likely that future residents would travel outside of the village for employment purposes and commute to other areas, although this could provide further stimulus to the economic vitality of the local rural area. Train services are located at Staplehurst (approximately 4.3 miles) and Headcorn (approximately 7.1 miles) which would allow commuting to London and other urban areas. With this in mind, there would be a positive economic impact as a result of this proposal.
- 10.29 The proposal seeks outline permission for up to 18 dwellings. The indicative mix outlined within the submission shows a mix of detached and semi-detached units however the final mix and layout would be secured at the reserved matters stage. Core Policy 6 of the Tunbridge Wells Borough Core Strategy requires that development of ten dwellings or more provide 35% affordable housing on site. In this case, the applicant has agreed to provide 40% affordable housing with a 70/30 split in favour of rented homes, affordable or social rent and 30% being made available for intermediate housing namely shared ownership or rent to buy tenure. This amount exceeds the requirements set out in Core Policy 6 and is considered to be a significant public benefit. This percentage is in line with emerging Policy H5 of the Draft Local Plan that requires 40% affordable housing for proposals of nine dwellings or more on greenfield land. This emerging policy can only be given very limited weight in the decision making process due to the early stage of the Local Plan. The provision of 40% affordable housing exceeds current policy requirements and would make a significant contribution to local needs housing and is therefore given significant weight.
- 10.30 Given the outline status of this application, the exact mix would be secured under any future reserved matters submission as the need could change over time, although the provision of 40% affordable units and the split would be secured within a S106 legal agreement.
- 10.31 Paragraph 122 of the NPPF also states that planning policies and decisions should support development that makes efficient use of land. Paragraph 123 of the NPPF also states that *'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.* The paragraph goes on to state that in such circumstances *'local planning authorities should refuse applications which they consider fail to make efficient use of land'.*
- 10.32 One of the reasons the previous scheme for 9 units was refused was on the grounds that the proposal failed to make efficient use of the site. The now proposed scheme would result in a density of approximately 11.2 dwellings per hectare compared to the previously proposed scheme of 5.6 dwellings per hectare. The density is considered to be low but is now double the previous scheme and is considered to strike an appropriate balance between housing delivery, the constraints of the site including

the PROW and the veteran trees and the character of the area at this edge of settlement location, as well as its close proximity to heritage assets.

- 10.33 It is considered that the development of the site for up to 18 units would make an efficient use of the site, whilst respecting the sites locality and constraints, would contribute to the housing needs of the Borough along with providing 40% as affordable units.

Impact on landscape (environmental and social role)

- 10.34 Core Policy 14 (6) stresses that a policy of restraint will operate in order to maintain the landscape character and quality of the countryside. LP Policy EN25 sets out the criteria that development outside the LBD is required to satisfy; including that the proposal has a minimal impact on the landscape character of the area and would respect the architectural and historic integrity of any nearby listed buildings.
- 10.35 Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 124 sets out that good design is a key aspect of sustainable development and Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 10.36 Design is also addressed within the PPG. Paragraph 001:26 sets out that good design responds in a practical and creative way to both the function and identity of a place. It puts land and other such resources to the best possible use – over the long and short term. Paragraph 006:26 underlines the importance of the physical environment supporting economic, social and environmental objectives beyond the requirement for good design in its own right. Issues such as local character and the creation of cohesive and vibrant neighbourhoods and provision of public places. Paragraph 020:26 underlies that distinctiveness is what often makes a place special and valued. It relies on physical aspects such as the local pattern of street blocks and plots, building forms, details and materials, style and vernacular plus landform and gardens, parks, trees and plants. Paragraph: 040 Reference ID: 26-040-20140306 requires consideration to be given to the servicing of dwellings such as the storage of bins and bikes, which should be carefully considered and well designed to ensure they are discreet and can be easily used in a safe way. It also states that unsightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore, particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area (for example landfill, recycling, food waste).
- 10.37 In terms of the impact upon the landscape, the site is sensitive in terms of its rural character which feels intensified from inside the site by virtue of its boundary hedgerow, shrub and tree planting. Currently, the site contains grassland, although is closely related to existing development with housing to the west and partially to the east and north and the primary school to the south. It is also important to highlight that the site lies outside of the Area of Outstanding Natural Beauty (AONB).
- 10.38 The application is accompanied by a Landscape & Visual Assessment. The overall conclusion of the assessment is that the site is well contained by existing vegetation, is difficult to distinguish and views of it are seen in the context of the existing settlement of Sissinghurst. It concludes that the development is in accordance with the Soft Landscape Strategy Plan and the principles set out in Section 5, can be accommodated without giving rise to material landscape,

townscape or visual effects. This conclusion is accepted and the Council's Landscape and Biodiversity Officer agrees also.

- 10.39 The site comprises an undeveloped agricultural plot of land which is generally open in nature with open views across the site and beyond from the PROW. The site falls within the Sissinghurst Wooded Farmland Local Character Area which is summarised as 'An introverted rustic landscape of pasture farmland, mixed woodland, orchards and hop fields enclosed within undulating hills and with occasional extensive views of the Low Weald' in the Borough Landscape Character Area Assessment. Whilst the site is outside of the High Weald AONB it is in the High Weald National Character Area where it is important to consider the character of the area in terms of providing the setting or a buffer for the High Weald AONB. It is also noted the field pattern within the site is within has been identified in the Borough's Historic Landscape Characterisation study as being an unaltered early post-medieval field.
- 10.40 Whilst the site has no specific landscape designation or protection in adopted planning policy terms it is considered to contribute positively to the local landscape as well as the setting of Sissinghurst Village and so should be considered a valued landscape.
- 10.41 Any development at this site would be highly visible from the PROW which cuts through the site and the immediate surrounding area and would significantly reduce the overall openness of the area which is considered to contribute positively to its character. The site forms part of an important approach to the village of Sissinghurst within an attractive rural landscape. New dwellings may appear highly visible above the boundary hedgerows and would announce the presence of the village at the junction/crossroads rather than as one proceeds down Common Road.
- 10.42 The Council's Landscape and Biodiversity Officer has been consulted on the application and has commented that the illustrative material does not appear to represent a traditional or respectful layout pattern and results in a number of rear gardens facing the road way which is likely to give rise to a rather incongruous development pattern and appearance for the area. They have however not objected to the proposed scheme as these are matters that are not for consideration at this time and would be for a future reserved matters application. It also considered that the number of units, as set out above, now makes an efficient use of the land.
- 10.43 The proposal includes a constraints plan and landscape strategy plan which shows proposed open space along with drainage and ecological features. Full details of the layout, landscaping and design would be assessed as part of a reserved matters application. Ecological buffers are also indicatively shown along the north and east boundaries of the site. The proposal to develop this greenfield site for residential development would result in significant harm to the character and appearance of the countryside. However, this harm would be largely localised and would lessen in time as the new landscaping becomes established. In this case, it is considered that the provision of up to 18 new dwellings to meet the Borough's unmet housing need; provision of 40% affordable housing and the other economic and social benefits identified, along with the contributions towards facilities, would outweigh the harm that would be caused. The site is considered to be well related to the LBD and could provide this volume of market and affordable housing without constituting an over development of the site.

Impact upon heritage assets (environmental and social role)

- 10.44 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and case law makes it clear that, amongst other things, when a development

will harm a heritage asset of its setting, the decision-maker must give that harm considerable importance and weight; with reference to S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it clear that the decision-maker is only asked to preserve the special character and appearance of the Conservation Area and not enhance it.

- 10.45 Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 10.46 Three listed buildings are located to the north of the site, Crossways and Carpenters Cottage are located to the north east of the site and Mouse Hall located slightly further away to the north west. The site, an agricultural field, is located at a crossroads of a main route leading to the Sissinghurst, Wilsley Green and Cranbrook settlements, which each contain a designated Conservation Area. The closest Conservation Area to the site is that of Sissinghurst located approximately 350m to the south.
- 10.47 From discussions with the Council's Conservation Officer it is considered that the separation of the settlements is an important characteristic of the historic settlement of the Borough. Therefore the site, devoid of any development or built form, is considered to contribute towards the significance of the Conservation Areas particularly that of Sissinghurst as part of the last remaining open space of the approach to it from this direction. The site provides an important rural context and open views with just scattered historic farmsteads to interrupt. The site contributes positively towards the setting of the Sissinghurst Conservation Area as an important remaining part of its rural agricultural setting.
- 10.48 The Sissinghurst Conservation Area appraisal notes in para 4.9 in regards to the landscape setting that 'all of the approaches provide a soft transition into the built up centre, allowing Sissinghurst to sit comfortably within its landscape setting, although the northern approach along Common Road has been diminished by more recent developments.' The proposed indicative suburban layout would further exacerbate what has been noted as a detractor from the special character and appearance of the Sissinghurst Conservation Area. The proposal would, therefore, cause less than substantial harm to the significance of the Conservation Area.
- 10.49 It is also considered that infilling of the open space that is adjacent to, in particular, to the north and north east would harm the significance of the nearby listed buildings. The buildings have historically been experienced as being within a rural setting, which includes this site as noted by the post-medieval field system still intact, and which has already been compromised to a degree with very suburban development to the south. This site is in even closer proximity and would further encroach on this rural setting. It forms part of the significance of the listed buildings as they are identified as stand alone isolated rural buildings conveniently located (because of the isolation) at a crossways of road networks, again typical of the Borough, and not part of a larger settlement. Both the visual experience and the historic layout and relationships would be significantly altered by the introduction of a development of a very suburban form, with the associated services. It is therefore considered that less than substantial harm (Paragraph 196 of the NPPF) would be caused to the setting of both Crossways and Carpenter's Cottages.

10.50 Paragraph 184 of the NPPF acknowledges the importance of heritage assets and states that *“these are irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*. The proposed development would result in less than substantial harm to the setting of the nearby listed buildings and the Conservation Area. Paragraph 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. From discussions with the Conservation Officer it is considered that the development would cause a mid to low level of less than substantial harm to the listed buildings, and a low level of less than substantial harm to the Conservation Area. In this case, it is considered that the public benefits of the proposal, including the provision of housing to meet the Borough’s unmet need; provision of 40% affordable housing; financial contributions towards local facilities/services; off-site highway improvement works; and, benefits to the local economy outweigh the less than substantial harm identified.

Impact on ecology (environmental role)

- 10.51 The ecology reports provided have been prepared by suitable professionals to a recognised methodology and as such the findings are broadly accepted.
- 10.52 In terms of net loss/gain for biodiversity, the current Council policy relating to this is Core Policy 4 which outlines no net loss, although the NPPF requires net gains which is set out under Paragraph 170 and provides the direction of travel for biodiversity offsetting.
- 10.53 The details submitted indicate that the site is used by foraging bats and that dormice are present on the site. From discussions with the Council’s Landscape and Biodiversity Officer it is considered that bats present on the site would be adversely affected by development due to disturbance but also loss of foraging habitat and reductions in available food sources. Mitigation for this is proposed in the form of a wide corridor retained to the north and east, areas of new planting and the creation of a pond along with bat boxes.
- 10.54 The provided surveys indicate that there is a good level of dormice activity at the site. The report sets out how vegetation will be removed avoiding direct harm to dormice and proposes post development monitoring of dormice nest boxes and tubes. It also confirms that it is likely that all hedgerows on the site support dormice. Mitigation for the loss of existing hedgerow at the site is proposed to be provided through additional planting at the site. Along with the loss of hedgerow at the site the development would also result in the loss of scrub vegetation and trees.
- 10.55 Overall and from discussions with the Council’s Landscape and Biodiversity Officer it is considered that outstanding matters on biodiversity can be addressed adequately by condition and that a number of ecology matters would also be dealt with at the reserved matters stage where the biodiversity metric will need to be redone. Nonetheless, the Council’s Landscape and Biodiversity Officer has recommended a condition in order to secure net gain in biodiversity is achieved in accordance with Paragraph 170 of the NPPF.

Best and Most versatile agricultural land (environmental role)

10.56 The site is currently laid to open pasture and does not form part of a wider farmstead. It is not considered that the impact on agricultural land could be objected to. In addition the site is a well contained field. This was not a reason for refusal on the previous application.

Summary of whether the proposal comprises sustainable development

10.57 In terms of negative aspects these include the following;

- The proposal would be harmful to the wider rural landscape.
- The proposal would result in less than substantial harm to the setting of both Grade II listed properties of Crossways and Carpenter's Cottages.
- The proposal would result in less than substantial harm to setting of the Sissinghurst Conservation Area.

10.58 Positive aspects of the development include the following;

- The net increase of up to 18 dwellings (of which 40% would be affordable) to contribute towards the Borough's housing supply and need.
- The proposal would provide financial contributions towards meeting the direct needs of future occupants of the site and therefore neutral weight can be attached.
- The proposal would make efficient use of the site.

10.59 Overall, the proposal is considered to comprise sustainable development. Having regard to the presumption in favour of sustainable development and the requirements of Paragraph 11 of the NPPF, planning permission should therefore be granted unless any other material considerations indicate otherwise. In this instance it is considered that the provision of up to 18 additional dwellings, located within a sustainable location, would contribute to the Borough's housing need, creating social and economic benefits that would outweigh the identified negative aspects of the scheme. As such it is considered that the proposal as part of a finely balanced decision meets the overarching aims of the NPPF to achieve sustainable development. The following sections of the report assess whether the proposal accords with other elements of policy in the NPPF and the Development Plan.

10.60 Overall, the proposal is considered to comprise sustainable development and there is no objection in principle to the proposal.

Impact on residential amenity

10.61 The change in use of the land from agricultural to residential would result in some additional disturbance to the existing residential properties, when compared to existing; however, this is not considered to be significant to warrant a refusal on this ground. As this is an outline planning application with all matters reserved (except access), details of the scale, layout, appearance and landscaping would be considered at reserved matters stage. Any future reserved matters application would have to demonstrate that it would not result in significant harm to the residential amenity of adjoining properties, in accordance with Policy EN1 of the Local Plan.

Highways

10.62 Local Plan Policy TP4 requires that safe access can be provided to a new development, NPPF Paragraph 103 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 109 states that:

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

- 10.63 The proposed development includes the creation of a new vehicle access onto Common Road. KCC Highways are satisfied with the proposed access arrangements, subject to conditions, and therefore the proposed access is not considered to have a detrimental impact upon highway and pedestrian safety.
- 10.64 The site, as discussed, is considered to be in a relatively sustainable location and in relatively close proximity to local services. The proposal is likely to accord with KCC parking standards, but this would be assessed at the reserved matters stage when layout is provided along with the scale of the dwellings.

Tree Impact

- 10.65 There are a number of trees present on site particularly in the south east corner and southern boundary of the site. A tree report has been submitted with the application which is detailed and identifies the key issues. Trees T9, T10 and T11 shown on the plans along the south boundary of the site are aged and veteran trees. Amended plans have been received moving the access point further to the south and the internal access road closer to these trees. In the previously refused application these trees were indicated to fall within the gardens of the proposed plots and that there was an insufficient buffer zone around them.
- 10.66 The now proposed scheme shows the trees outside of any residential curtilage and good separation spaces from any built form. The Council's Tree Officer has assessed the tree impact and is satisfied that a scheme can be delivered without undue harm to these trees. It is therefore considered that subject to conditions that the proposed development would not warrant refusal on such tree impact grounds.

Public Right of Way

- 10.67 The PROW which runs across the site provides a sustainable transport link for pedestrian access to the school and onwards to the village. To accommodate the increased use arising from the development and to meet basic levels of sustainable access, the existing footpath would likely require surface improvements and potential widening. This could be achieved within the site, by condition whereby the developers carry out the improvements in agreement with the Public Rights of Way and Access Service.

Flood Risk & Drainage

- 10.68 In terms of flood risk, the site falls outside of any designated flood zone and the Environment Agency flood maps indicate there is no risk of flooding from any source at this location.
- 10.69 Following discussions with KCC Flood and Water Management the proposed drainage details would be acceptable subject to conditions. The proposal is therefore not considered to have a detrimental impact upon drainage and surface run off in the area.

S106 and Developer Contributions

- 10.70 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development and;
- Fairly and reasonably relate in scale and kind to the development.

- 10.71 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the Core Strategy and

requirements relating to various types of contributions, including education, recreation, transport etc. are referred to in various Core Strategy and Local Plan policies.

- 10.72 In this case, KCC has assessed the proposal for contributions towards the expansion of Cranbrook Primary School (£3,324.00 per dwelling), towards the Cranbrook Community Hub (£419.63 per dwelling), towards Kent Youth Service in the area (£65.50 per dwelling) and towards Tunbridge Wells Waste Transfer Station and HWRC expansion (£237.54 per dwelling). This is considered to meet the relevant tests as listed above and the applicant has agreed to these contributions.
- 10.73 The Parish Council made a requested for contributions towards a new village hall. However, the scheme for the new village hall does not benefit from planning permission and is not considered to be far enough down the line to meet the relevant tests as set out above in order to reasonably request such a contribution.
- 10.74 The Parish Council also made a request for contributions towards new play equipment in Jubilee Playing Fields located approximately 400m to the south of the site but within Sissinghurst. A costed scheme has been prepared which would cost £14,344.55. This request is considered to be reasonable and meet the relevant tests and the developer has agreed to pay this contribution.

Other Matters

Construction Management

- 10.75 Given its temporary nature little weight can be given to this matter. It is considered that a construction management plan is necessary however in this instance given the site's location and therefore a condition has been recommended. There are also powers to deal with statutory nuisance from noise and disturbance from construction sites through Environmental Health Legislation.

Local Services

- 10.76 Concern has also been raised regarding the impact upon the local GP practise, dental practise and schools. The proposal is below the threshold for financial contributions towards providing additional capacity.

Sewage Capacity

- 10.77 Southern Water have been consulted on the application and have not objected to the proposal or stated that there is insufficient capacity to support the proposal. However, they have advised that a formal application for connection to the public sewerage system is required in order to service the development. an informative has therefore been attached.

Neighbourhood Plan

- 10.78 Comments have been made by the Parish in regards to the Neighbourhood Plan for Cranbrook and Sissinghurst. As this document is still being developed and has not been formerly adopted highly limited weight can be attributed to it.

Conclusion

- 10.79 The proposed development would cause harm to the character and appearance of the countryside and less than substantial harm to the setting of the CA and nearby listed buildings by virtue of the introduction of new build development on this greenfield site. However, it is considered that this harm is outweighed by the following public benefits:

- The contribution the new housing would make towards the Borough's unmet housing need;
- Provision of 40% affordable housing (above policy requirement);
- Provision of small and medium sized family homes;
- Improvements to pedestrian links;
- Financial contributions towards community facilities/services.

10.80 Based on the findings as outlined above, the proposal is considered to be sustainable. The proposal includes significant public benefits, which outweigh the harm identified to the character and appearance of the countryside and to the setting of designated heritage assets. The development would not cause significant harm to neighbouring residential amenity, ecology or the surrounding landscape character. Overall, the proposal is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.

11.0 RECOMMENDATION – GRANT Subject to the following conditions/

A) GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 18 JANUARY 2021 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:

- A minimum of 40% affordable housing (split 70/30, 70% in favor of rented homes, affordable or social rent and 30% being made available for intermediate housing namely shared ownership or rent to buy tenure);
- Primary Education - £3,324.00 per dwelling towards Cranbrook Primary School expansion.
- Cranbrook Hub - £419.63 per dwelling towards Cranbrook Community Hub to accommodate increased demand for Libraries, Adult Learning and Social Care generated from the development.
- Youth Service - £65.50 per dwelling towards additional resources for the Kent Youth Service locally in the Cranbrook area.
- Waste - £237.54 per dwelling towards Tunbridge Wells Waste Transfer Station and HWRC expansion.
- Play equipment for Jubilee Playing Field in Sissinghurst Parish - £14,344.55.

and subject to the following conditions:

- 1) Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing no later than the expiration of 3 years from the date of this permission. The development shall be carried out in accordance with the approved details.

Reason: To comply with the provisions of the Town and Country Planning (General Management) Order 2015 and Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Reason: To comply with the provisions of the Town and Country Planning (General Management) Order 2015 and Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3) The development shall be carried out in accordance with following approved plans (insofar as the details shown relate to the access to the development):

Common Road - Potential Ditch Location
Common Road Stage 1 RSA Revised Final
684-211E - Proposed Access showing Visibility Splays
684-222A - Visibility Splays to the North
684-223A - Visibility Splays to the South
684-212C - Swept Path Entrance from South
684-213C - Swept Path Entrance from North
684-218A - Swept Path Exit to North
684-219A - Swept Path Exit to South
684/214B - Swept Path Internal Bend
684/215B - Swept Path Turning
684/217 - Proposed Access Showing Forward Visibility
Stage 1 Road Safety Audit
3528_105_A - Landscape Strategy Plan

Reason: To clarify which plans have been approved as part of this application.

- 4) Prior to commencement of any development on site the visibility splays as shown on the approved plans 684-222B and 684-223B to be provided and maintained. . The splays shall thereafter be maintained.

Reason: These works are required prior to the commencement of the development, in the interests of highway safety.

- 5) Prior to the commencement of the development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction and Environmental Management Plan and BS:5228 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 Plan shall include:

- Measures to minimise the production of dust on the site.
- Measures to minimise the noise (including vibration) generated by the construction process.
- Details of areas for materials storage.
- Details of parking during construction.
- Management of traffic visiting the site, including parking provision for site operatives including an undertaking that HGVs must not reverse into or out of the site unless under the supervision of a banksman.

- Measures to prevent the transfer of mud and extraneous material onto the public highway.

Reason: This information is required prior to the commencement of the development, in order to protect the amenity of local residents and in the interests of highway safety.

- 6) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: This information is required prior to the commencement of the development to ensure adequate means of foul and surface water disposal.

- 7) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Surface Water Management Strategy Report by RMB Consultants (December 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

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

Reason: To ensure that flood risks from development to the future users of the land

and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

- 9) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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

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

- 10) Prior to commencement of works on site, detail of off- site works to include provision of a 1.8m wide footway and any accommodating works to the south of the site to link with the access to the school and existing footway to the west of Common Road as shown on plan 648-211F for indicative purposes only to be submitted for approval. The approved scheme shall be implemented in accordance with highway authority standards and specifications prior to first occupation of the development hereby approved.

Reason: These works are required prior to the commencement of the development, in the interests of highway safety.

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

Reason: To ensure adequate living conditions.

- 12) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of wildlife, visual and residential amenity.

- 13) Details pursuant to Condition 1 shall include details of hard and soft landscaping and a programme for carrying out the works. The submitted scheme shall include details

of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The submitted scheme shall demonstrate that the ecological enhancement and mitigation proposals are incorporated fully within the submitted landscaping scheme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme approved by the Local Planning Authority.

Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interests of visual amenity and biodiversity grounds

- 14) Details pursuant to Condition 1 shall include facilities for the parking and turning of vehicles. The works shall be carried out in accordance with the approved plans and completed prior to the first occupation of the dwellings they serve. The parking and turning areas shall thereafter be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 15) Details pursuant to Condition 1 shall include details of proposed renewable energy technologies in order to meet the requirements of the Development Plan. The works shall be carried out in accordance with the approved details, prior to the first occupation of the dwelling in which it relates.

Reason: In the interests of sustainable development.

- 16) Notwithstanding the submitted details, prior to development commencing, a scheme for biodiversity mitigation and enhancement, which seeks to provide an overall net gain for biodiversity in accordance with both local and national policy and guidance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site and include details of management of all communal areas and landscape features. 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: This is a pre-commencement condition to ensure the protection and necessary mitigation of protected species and to seek biodiversity net gain.

- 17) The details submitted in pursuance of Condition 1 shall include details of refuse storage and screening. The development shall be carried out in accordance with the approved details and be made ready for use prior to first occupation of the dwelling in which it relates and thereafter retained.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- 18) The details submitted in pursuance of Condition 1 shall include details of existing and proposed levels, site survey and cross-sections to include relationship with adjacent properties. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development on the site.

- 19) No development shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This is a pre-commencement condition to ensure protection and retention of trees important to the character of the area.

- 20) 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 by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and the approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. 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.

- 21) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the

Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- 22) Prior to the commencement of above ground works, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings they relate to are first occupied and in accordance with a timetable previously agreed in writing with the Local Planning Authority. The approved details shall be implemented in full and shall be permanently maintained thereafter.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to secure a reasonable degree of privacy for occupiers of the proposed dwellings.

- 23) A Landscape and Ecological Management Plan (LEMP) following the principles set out in British Standard 42020:2013 Biodiversity - Code of Practice for Planning and Development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground construction of the development.

The content of the LEMP shall include the following, as a minimum:

- a) Description and evaluation of the landscape and ecological features to be managed and note any features or areas covered by other management agreements or prescriptions e.g. play areas or drainage schemes.
- b) Ecological trends and constraints on site and wider environmental issues that might influence management and in particular consider the likely effects of climate change.
- c) Landscape and ecological aims and objectives of the management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions for each identified habitat and feature covered.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) with recommendations for periodic review.
- g) Details of the body or organisation responsible for implementation of the plan and the resources both financial and personnel by which the LEMP will be implemented. This shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured post development with the management body(ies) responsible for its delivery.
- h) A scheme of community engagement geared towards raising awareness of landscape and biodiversity issues, active volunteering and social cohesion operated by a experienced provider approved by the Council such as Kent Wildlife Trust or Kent High Weald Partnership.
- i) Ongoing monitoring and remedial measures including regular review by accredited professionals including setting out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the

development still delivers the fully functioning landscape and biodiversity objectives of the originally approved scheme.

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

Reason: In the interests of ecology, the landscape and scenic beauty of the area.

- 24) Prior to the occupation of any of the units hereby approved, details of the provision of electric vehicle charging points, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details and in accordance with an agreed timescale and retained thereafter.

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

- 25) Prior to the commencement of above ground construction works, written and illustrative details for energy and water conservation 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: To ensure a satisfactory standard of development, which meets the needs of current and future generations.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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

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

- 2) Planning permission does not convey any approval for works within the highway for which you will be required to enter into a S. 278 Agreement under the Highways Act 1980 with KCC as local highway authority. You are advised to contact the Agreements Team telephone: 03000 418181 in order to progress this matter.
- 3) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

- 4) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- 5) The public right of way should remain open and available at all times. However if it is necessary to temporarily close the footpath during the development, the applicants should contact KCC Public Rights Of Way team.
- 6) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 7) In the current of absence of any national or local policy on net gain, as part of the future reserved matters application or any site preparation works the applicant is expected to demonstrated a minimum 10% net gain in biodiversity is achieved.

B) If the applicant fails to enter into such agreement by 18 January 2021, the Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):

- (1) The proposal fails to make provision for affordable housing and would therefore conflict with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1, 6 and 14 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Affordable Housing Supplementary Planning Document.
- (2) The proposal fails to make provision for community services/facilities, such as secondary schools, libraries and youth services and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010 and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

Case Officer: James Moysey

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.