

REPORT SUMMARY

REFERENCE NO - 19/00822/HYBRID
<p>APPLICATION PROPOSAL</p> <p>Hybrid Application - Outline (Access not reserved) - (Development comprising of the erection of 13 dwellings); Full - (Erection of 12 Almshouses together with accesses, parking, landscaping and drainage)</p>
<p>ADDRESS Land Adjacent Rothermere Close Walkhurst Road Benenden Cranbrook Kent</p>
<p>RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)</p>
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied); • The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations; • The proposal is considered to comply with Paragraph 172 of the NPPF in terms of its impact on the Area of Outstanding Natural Beauty (AONB); • The development would not be materially harmful to the residential amenities of nearby dwellings; • The proposal can be satisfactorily accommodated around the trees on and off site, some of which are protected by a Tree Preservation Order; • The number of residential units and the mix of unit sizes are considered to be appropriate to this site; • The proposal would deliver replacement almshouses to which very significant weight is given as a form of low cost housing; • The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision; • The site is adjacent to the LBD and is not proposed for an ‘isolated’ rural location; • The proposal lies within reasonable walking distance to a bus route. • The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement and a Landscape and Ecological Management Plan (to be secured by condition); • Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development • The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme; • The proposal would secure financial contributions towards new general practice premises for Orchard End Surgery, Crane Park Surgery and Old School Surgery in Cranbrook; towards additional space and library books within the Cranbrook hub; towards expansion at Benenden Primary School; and towards the cost of improving public transport services in the Cranbrook area. • Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition or

legal agreement.			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
The following are considered to be material to the application:			
Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):			
<ul style="list-style-type: none"> • £25,000.00 towards the cost of improving public transport services in the Hawkhurst area; • £8,853.00 towards Cranbrook Community Hub (Libraries element) • £26,592 (12 almshouses) + £3,324.00 per 'applicable' house / £831.00 per applicable flat (13 market dwellings) (indicative total of £69,804.00) towards Benenden Primary School expansion • £8,352.00 (12 almshouses) + £360.00 per person (13 market dwellings) (indicative total of £21,384.00) towards new single premises for the three General Practices located in Cranbrook. 			
Net increase in numbers of jobs: N/A			
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A			
The following are not considered to be material to the application:			
Estimated annual council tax benefit for Borough: £4,468.88			
Estimated annual council tax benefit total: £44,688.78			
Annual New Homes Bonus (for first year): £25,000.00			
Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE			
Significant major application of over 20 dwellings and recommended for approval.			
WARD Benenden & Cranbrook	PARISH/TOWN COUNCIL Benenden Parish Council	APPLICANT Trustee John Burbage AGENT N/A	
DECISION DUE DATE 30/09/20 EOT	PUBLICITY EXPIRY DATE 05/12/19	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
80/00995/OUT	Outline - Three or four bungalows	Withdrawn	20/10/1980

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located to the east of Benenden and to the south of Walkhurst Road within the High Weald Area of Outstanding Natural Beauty. The SW edge is the LBD boundary and the site forms part of the approach to the Benenden Conservation Area.

1.02 The site is 1.7 hectares in size and is roughly rectangular in shape. It slopes towards the eastern corner, with the gradient becoming more pronounced towards the eastern boundary (overall 8m difference between the western and eastern corners). The field in which the application site sits is enclosed on all four sides by hedges and

trees. There are a couple of dilapidated single storey agricultural buildings on the NE boundary. Existing access is via an agricultural field gate in the north east corner of the site. There is a wide verge dividing the site from Walkhurst Road. There is a large tree on the northern boundary with Walkhurst Road.

- 1.03 To the south west boundary is Rothermere Close and Harmsworth Court, a modern development of sheltered flats and houses. To the SE is Workhouse Gill, an area of TPO protected Ancient Semi Natural Woodland (ASNW) with a gill stream in the centre. Beyond the NE boundary are open fields and Feoffee Cottages, a Grade II listed building containing six almshouses (flats) run by the applicant charity. Opposite are a group of detached dwellings plus a new development of 12 dwellings (Vere Meadows) which was originally permitted in March 2018 (ref: 16/504891/FULL) and is nearing completion.

2.0 PROPOSAL

- 2.01 The application is made on a 'hybrid' basis; part of the application seeks full planning approval for 12 new almshouses, associated access, parking, landscaping and an attenuation basin. The rest is an outline application for 13 new market dwellings with all matters reserved except access. The intention is that the 13 market dwellings would act as a funding mechanism for the 12 new almshouses.
- 2.02 The area of the detailed planning application is 1.12 hectares; the area of the outline application is 0.57 hectares (1.69 hectares in total).

Full application – 12 almshouses, site access arrangements and wider land management

- 2.03 The proposal is for 4 x 1-bed flats, 6 x 2 bed houses and 2 x 3-bed houses. The Design & Access Statement advises that the design of the Almshouses has been informed by the best practice guidance from the Almshouse Association in their publications "The Almshouse Design Guide" and "The Patron's Award Design Brief." In addition the 16 design criteria of Lifetime homes have been applied.
- 2.04 The intention is to provide updated accommodation as the current almshouses at Feoffee Cottages (outside the application site) are considered to be small and outdated.
- 2.05 The new almshouses range from single storey to two storey elements. The scheme has been arranged with a series of larger buildings to the front of the site. These dwellings are set within substantial plots, but sub divided into individual dwellings to reflect the same arrangement of the almshouses at Feoffee Cottages. External materials are predominately red brick and tile hanging with tiled roofs. Roof forms combine red brick chimneys with gabled ends and hipped sections.
- 2.06 They are designed around a central open space with several footpaths connecting this space to the remainder of the development. Further incidental open space is shown to the northern site boundary. Each almshouse is provided with a small private garden area to be enclosed with hedges rather than fences. Existing trees are proposed to be retained.
- 2.07 Pedestrian routes through the site including a new footpath running along the Northern site boundary. New pedestrian access points are proposed in the North East and North West corners. Through off-site improvements, it is proposed to connect the footpath to Rothermere Close. All roads within the development are provided with footpaths or are designed as shared surfaces.

- 2.08 Surface water drainage is proposed to be accommodated via an infiltration basin within the pasture land, outside the 15m buffer to the ASNW. This is located at one the lowest points of the site and therefore the surface water drainage layout takes advantage of the sites natural fall. A foul pumping station is proposed adjacent the access to the pasture land and would connect to the existing public foul sewer network.
- 2.09 The proposals include a new bell mouth vehicle access onto Walkhurst Road. This has been designed within the existing public highway verge. Within the site, vehicle access to pasture land is proposed in order to enable this land to be managed. This will remain as managed pasture land and it is not anticipated that this land will be open to pedestrians.
- 2.10 All of the almshouses are provided with a minimum 1 space per dwelling, with a total of 19 unallocated spaces available to the 12 almshouses. In addition, there are 2 visitor spaces proposed as part of the detailed element of this application.
- 2.11 With regards to refuse collection it is proposed that refuse and recycling collection vehicles will be able to turn within the site. This will mean that the collection vehicle will be able to leave the site in a forward gear and that all storage points within the site are within 25m of the collection vehicle.

Outline application (all matters reserved aside from access) – 13 market dwellings

- 2.12 The indicative plans show 2 x 2-bed dwellings, 9 x 3-bed dwellings and 2 x 4-bed dwellings although at this stage only the access arrangements are fixed. The outline areas of the application are all proposed at two storeys with a ridge height of no more than 10m and with a minimum of two spaces, plus three additional visitor spaces.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Land use	Agricultural	25 dwellings	+25 dwellings
Site Area (ha)	1.69	1.69	No change
Number of residential units	0	25	+25
Number of market dwellings	0	13	+13
Number of almshouses	0	12	+12
Number of storeys	2	3	+1
Number of car parking spaces	N/A	21 (detailed scheme) 26 (indicative- outline scheme)	+ 21 defined spaces
Approximate ridge heights (highest point on the two storey section)	N/A	9.6m	+9.6m
Approximate eaves heights (highest point on the two storey section)	N/A	4.7m	+4.7m

4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification 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*)
- Workhouse Gill to SE of the site - Ancient Woodland + 30M Buffer Area and is TPO protected (ref: 0023/2020/TPO)
- Area of Outstanding Natural Beauty (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- An areas adjoining the pond in the southern corner of the site is designated as an Area Of Landscape Importance within Policy EN22 of the Local Plan 2006
- Limits to built development – outside (adjacent)
- Feoffee Cottages to the NE of the site are Grade II listed (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Site is between 33 and 110 metres from the edge of the Benenden Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

5.0 POLICY AND OTHER CONSIDERATIONS

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

Site Allocations Local Plan Adopted 2016

Policy AL/STR 1: Limits to Built Development

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 8: Retail, Leisure and Community provision

Core Policy 14: Development in Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006

Policy LBD1: Development outside the Limits to Built Development

Policy EN1: Development Control Criteria

Policy EN5: Conservation Areas

Policy EN10: Archaeological sites

Policy EN13: Tree and Woodland Protection

Policy EN16: Protection of Groundwater and other watercourses

Policy EN18: Flood Risk

Policy EN22: Areas of Landscape Importance

Policy EN25: Development affecting the rural landscape

Policy TP4: Access to Road Network

Policy TP5: Vehicle Parking Standards

Policy TP9: Cycle Parking

Policy R2: Recreation and Open Space over 10 bedspaces

Supplementary Planning Documents:

Landscape Character Area Assessment 2018: Benenden Wooded Farmland
Benenden Conservation Area Appraisal
Recreation and Open Space SPD
Affordable Housing SPD
Renewable Energy SPD

Other documents:

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);
High Weald AONB Management Plan
Historic England guidance note, GPA3 'Settings and Views'
Policy AL/BE 3 from the TWBC Draft Local Plan (Regulation 18 Consultation Draft)
20 September to 1 November 2019

6.0 LOCAL REPRESENTATIONS

6.01 Six site notices were displayed along Walkhurst Road and Rothermere Close in May 2019. The application was also advertised in the local press.

6.02 10 separate representations been received raising concerns about;

- Impact on the AONB;
- Loss of trees and landscaping;
- Traffic/highways impacts, including contractor parking, in combination with the site opposite currently undergoing development and recent Benenden Hospital development;
- Loss of ecology and damage to roadside verges;
- Insufficient parking provision
- Excessive housing density;
- Lighting and noise;
- Insufficient affordable housing gains compared to levels of harm;
- Existing almshouses should be modernised instead;
- Outside LBD;
- Land is a 'community asset';
- Development should be moved back from Walkhurst Road;
- Issues with indicative layout of market housing;
- Sewerage and water supply;
- Loss of view (not a planning matter).

7.0 CONSULTATIONS

Benenden Parish Council

7.01 **(19/05/19)** – Neither object nor support. Benenden Parish Council feels that it has been placed in a difficult position by the applicant. Whilst it recognises the recommendation for development on this site in the draft BNDP Site Allocation, it regrettably has not been involved in any pre-application discussions with the applicant or the Borough Council. It feels that it does not have enough information to reach a properly informed decision and is unable to make a recommendation without KCC Highways and other consultees' responses being available at the time of the meeting, particularly in relation to concerns raised by residents regarding the impact of increased traffic on a rural lane. BPC also considers that the time constraints put on BPC to consider an application of this size are unworkable, having had no pre-submission consultation with the applicant. As the application stands BPC will be looking for compliance with TWBC Renewable Energy Policy SPD Para 1.9 adopted April 2007 and updated 2016 and draft BNDP Policy HD8; draft BNDP Policy HD6

Parking; BDNP Policy HD3 Dark Skies; it would like to see evidence of great-crested newt, dormice, reptile and bat surveys and a Landscape and Ecological Management Plan; BPC seeks written assurance that there will be no yellow brickwork as indicated in the Design and Access Statement by Clague Architects accompanying the application; BPC is opposed to any form of tandem parking.

Historic England

7.02 **(30/04/19)** – no comment

Natural England

7.03 **(09/05/19)** – No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Standard advice given regarding AONBs, Ancient Woodland, SSSI Risk Zones and Priority Habitats.

Southern Water

7.04 **(25/05/19)** - initial investigations indicate that Southern Water can facilitate foul sewage disposal to service the proposed development of the above applications. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Request that should this application receive planning approval, an informative is attached to the consent.

7.05 Advice given regarding SUDS, on-site pumping stations, and development near public sewers.

KCC Flood and Water Management

7.06 **(14/05/20)** - Having reviewed the Drainage Strategy provided KCC are generally satisfied with the principles proposed, should the LPA be minded to grant permission KCC would recommend the following conditions with advisories. Being that the strategy supplied applies to the whole site i.e. that within both the outline and full application boundaries KCC comments and recommendations apply to both.

7.07 The strategy contains rainfall simulation using the correct FSR value, however the value utilised in the volume calculation for the pond has not been corrected from the standardised 20mm, at the detailed design stage we will expect for this to be updated to 26.25mm.

7.08 Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact KCC prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require KCC's formal flood defence consent (including culvert removal, access culverts and outfall structures).

7.09 **(23/04/19)** – object as no drainage strategy submission

KCC Economic Development

7.10 **(28/05/19)** – following sums requested (supersedes earlier request dated 15/05/19);

- £69,804.00 towards Benenden Primary School expansion
- £8,853.00 towards Cranbrook Community Hub (Libraries element)
- High Speed broadband informative

KCC Heritage

- 7.11 **(16/05/19)** - The site of the application lies east of the historic settlement of Benenden and within a wider area of farming small holdings and small country residences of post medieval origin. An outfarm is identifiable on the 1st Ed OS map within the area of the proposed development. The Heritage Statement supporting this application which concludes that there is little archaeological potential at this site. However, given the lack of previous investigation at this site and the size of the proposed development, KCC recommend a condition.

Kent Police

- 7.12 **(24/04/19)** - Having reviewed the on line plans and documents, note the Secured By Design section, 6.10 on page 39 of the Design and Access Statement (DAS). Recommend that the applicant/agent consider applying for SBD accreditation for the full and outline elements of this hybrid application, should it receive planning consent.

Would welcome the opportunity to work with the applicant/agent to discuss the following:

1. Development layout and permeability
2. Perimeter, boundary and divisional treatments should meet SBD requirements.
3. Parking inc. visitor
4. Lighting
5. Doorsets and windows should meet SBD requirements, these being certified to PAS24:2016 for all ground floor or any vulnerable doorsets or windows, including those above any flat roof porches/door hoods.
6. Alarms

KCC Highways

- 7.13 **(21/01/20)** - In the light of the concerns of the RSA stage 1 regarding proposals for the junction with Benenden Road, KCC Schemes Team have advised that these proposals do not bring forward any real improvement over the existing situation . Therefore the highway authority would not pursue this matter in connection with this development.
- 7.14 Previous comments regarding parking provision, access arrangements and contribution to public transport services remain applicable.
- 7.15 Note the development is not be put forward for adoption and the developer should therefore serve notice under S31 of Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.
- 7.16 Recommend a Grampian condition to cover off site works. Conditions are also recommended to cover the provision and retention of parking and turning arrangements, visibility splays and also the standard condition that the access be laid out concurrently with the development and that a CMP be submitted to include details of wheelwashing facilities.
- 7.17 **(06/06/19)** - no revisions have been proposed to parking levels or arrangement at the Almshouses but also that the spaces will be unallocated and this has been found to assist to some degree in managing overall demand. It is not proposed that the development will be put forward for adoption.
- 7.18 The swept path analysis for the refuse vehicle suggests that further improvement could be achieved by easing the radius but this can be addressed as necessary during the S278 process.

- 7.19 Note that the plan has been amended to include provision of a link to the existing footway and these works should be covered by a Grampian condition but see further comments below.
- 7.20 Have now consulted with the Strategic Planner regarding any likely appropriate contributions. It is noted that the TA has not made any assessment of access to local services or of likely trip distribution but as the development will result in additional trips beyond this small village to key facilities, a contribution to the improvement of public transport services in keeping with the Hawkhurst and Cranbrook business cases is considered appropriate. This will provide suitable mitigation by improving the bus services to larger villages such as Cranbrook, and beyond enabling new residents to choose to travel by bus rather than being reliant on the private car, thereby reducing trips and mitigating the impact on the road network. In keeping with other development proposals in the area a contribution of £1000 per unit is therefore sought.
- 7.21 Furthermore the highway and planning authorities would like to see improved crossing facilities at the junction of Walkhurst Road and B2086 Benenden Road to enable new residents to access the facilities to the south of the village. Therefore suggest that a scheme is drawn up which will possibly include, as a starting point to design work, reduced radii and dropped kerbs and to include assessment of visibility at the junction and crossing points. The proposal should also be supported by swept path analysis and RSA stage 1, which should be extended to include all works to the highway.
- 7.22 The highway authority is happy to discuss these matters further as required.
- 7.23 **(14/05/19)** - understand this to be a detailed application for the Almshouses and in outline for 13 market houses. The application is supported by a TS which includes a speed check confirming that the proposed visibility splays are acceptable.
- 7.24 Whilst the highway authority would not seek to raise objection in principle the following details should be addressed to deliver safe and suitable access for all as required by the NPPF:
- The proposals for the footway extension should also extend to the south of Rothmere Close to contribute to a continuous link into the village centre. Whilst some improvement to this link is also proposed in connection with application opposite (16/504891), this current application will also be required to deliver the whole of the link, (to include the highway verge opposite) should the other development not proceed. Therefore a revised plan showing further extension to the footway to provide a link to facilities in the village centre is required. This matter should also be covered by a Grampian condition. The proposals should also be supported by RSA stage 1.
 - With regard to parking provision the scheme may benefit from some additional spaces for the Almshouses as the minimum level of provision of 1.5 spaces for 2 bed units has been found to result in under provision in some schemes and there is also lack of turning space for some of these spaces which results in extended reversing distances. Would add that the high proportion of tandem spaces in the outline scheme is also likely to result in indiscriminate parking across the site. Alternative arrangements should therefore be considered.
 - Swept path analysis should include left in and left out manoeuvre for the 11.4m refuse vehicle.
 - I note that the development is proposed to remain private. Would also confirm that there has been no pre-app engagement with KCC.

- Am in consultation with the Strategic Planner as to whether any financial contribution will be sought due to the impact of additional traffic at the Hawkhurst crossroads and will confirm shortly.

Mid Kent Environmental Protection

- 7.25 **(01/07/20)** - There is no indication of any significant chance of high radon concentrations. There is no indication of land contamination based on information from the contaminated land database & historic maps databases. The site is outside the council's air quality management area. Construction activities may have an impact on local residents and so the usual conditions/informative should apply in this respect. Conditions recommended regarding noise levels.

TWBC Client Services

- 7.26 **(23/04/19)** - Communal bin stores for the Alms Houses are adequate for servicing the properties. No recycling shown, but space shown will accommodate due to certain properties using specific store areas. Changes are taking place where glass included with the plastic bottles/ tins and food caddies weekly food collection. Garden waste will be charged for from Sept/ Oct 19. Individual houses own bins/ boxes. Bins to be purchased from TWBC.

TWBC Conservation Officer

- 7.27 **(19/09/19)** - The amended heritage statement meets the requirements of the NPPF, and agree with its analysis.
- 7.28 **(13/05/19)** - now had the chance to review the documents submitted in relation to this hybrid application and have concerns relating to both applications in terms of NPPF requirements and lack of certain supporting information.
- 7.29 It might be helpful first to repeat some parts of the CO response to the second of the three pre-application requests for advice, dated 15 May 2018, the views in which remain relevant.

'As previously advised, my view is that the proposed development would harm the setting of the conservation area, which is linear in form, by increasing the amount of development within its conurbation and in contrast to the historic form of development. In this sense, it would also harm the setting of the listed buildings given their more isolated position as farm workers cottages, therefore not relating to services within the village core. However, the heritage statement [the same which has been submitted with this application] is very thorough in its assessment of significance and it does note that the occupancy of the cottages has changed over time and may have related more closely to the village community. Also, it is noted that the linear development has changed somewhat before designation as a conservation area. What is missing from the heritage statement is an assessment of the actual impact of the proposals on the identified significance of the conservation area.'

- 7.30 Remain of the view that the proposals as a whole would be harmful to the setting of the conservation area and the listed buildings. This is likely to be less than substantial harm and, in my view, it has not been demonstrated in the supporting documents that the layout in particular has responded to identified harm. The design and access statement is lacking a final analysis of how the proposals exactly respond to context; for instance, it is clear what the design of the almshouses intends not to do (aesthetically, rather than functionally), but not what the final design does reference in terms of local distinctiveness. There is a lack of landscaping detailing for the FULL part of the application and only small reference to the intentions for the

OUT application, and there is also no views analysis to show how it will sit into the landscape and what the impact on the views into and out of the conservation area, and from and two the listed cottages would be.

- 7.31 To conclude, insufficient information has been submitted in order to apply the relevant paragraphs of the NPPF when commenting on this application. Refer in particular to paragraphs 189, 190, 193, 194 and 196. In regards to 189, whilst the historic values of heritage assets has been thoroughly assessed, the conclusion in the heritage statement relates only to the significance of the function of the almshouses, and not the significance of the heritage assets. This is not sufficient to understand the potential impact of the proposal on their [the heritage assets'] significance. In reference to paragraph 190, which would then enable us to '*avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposals.*' In reference to paragraph 194, the 'clear and convincing justification' has not been, in my view, fully set out in the submission documents. This is all supported by the 'conserving the historic environment' section of the NPPG, paragraph 18a-012 of which states: '*In cases where both a Design and Access Statement and an assessment of the impact of a proposal on a heritage asset are required, applicants can avoid unnecessary duplication and demonstrate how the proposed design has responded to the historic environment through including the necessary heritage assessment as part of the Design and Access Statement.*'

TWBC Landscape & Biodiversity Officer

- 7.32 **(07/04/20)** - The LEMP has been amended and is now suitable. As previously advised implementation can be secured by condition. Whilst much information has been provided there will need to be the usual landscape conditions to cover all planting and landscape/boundary surface details.
- 7.33 **(25/03/20)** – Submission of District Licensing Certificate from Natural England addresses this point in earlier comments.
- 7.34 **(30/01/20)** - The value of grasslands within the Weald is not fully recognised in the metric but this is something that can be discussed once results are provided. Ideally the DEFRA metric would be followed - LPA happy to discuss problems that arise, look at draft results and negotiate a solution where application of the metric is proving difficult. The objective is to have a transparent way of agreeing that gains have been achieved.
- 7.35 Dormice:
There was some confusion about where the additional mitigation was proposed but this is now agreed. LBO reiterated and explained the point that hedgerows placed in gardens will not be accepted as retained from an ecological point of view as they are subject to the grace and favour of their new owners. There may however be a way of ensuring their retention and continued management within the LEMP – details and mechanism for such a scheme need to be provided. Their degree of ecological functionality and their continued value to dormice (and other species) will depend upon the space and protection they are afforded.
- 7.36 GCN:
As before there is no objection to the use of a district licence but the certificate from Natural England must be submitted prior to determination. In addition we would still expect a scheme of Reasonable Avoidance Measures for amphibians and for the LEMP to include enhancements for amphibians generally.
- 7.37 **(14/01/20)**

LANDSCAPE AND DESIGN

It is correct that we gave advice that the scheme being relatively straightforward did not require a full Landscape and Visual Impact Assessment but the advice was to provide some information:

“A full LVIA would not be needed here – but some kind of assessment and evaluation of the landscape impact of the development, together with a views analysis (including views from the CA) would be necessary to accompany the application. This should draw on the section within the High Weald AONB Management Plan ‘Planning and the Management Plan’ to demonstrate an understanding of the landscape, to include historic map regression”;

- 7.38 It appears that this has been interpreted as very little being required which for a green field site in the AONB is disappointing. Built development in such a location will inevitably give rise to significant landscape harm. The test is whether than harm can be minimised to an acceptable degree and then outweighed by the benefits of the scheme. In hindsight it would have been preferable to state that a “Landscape Appraisal” was required rather than an Impact Assessment which is specified by the technical guidance as suitable for non EIA schemes and as always can be proportionate to the scheme in hand. There is some landscape information within the Design and Access Statement sections 2 and 3 but this is limited in terms of how it has been used to assess the scheme. Photographs are helpful but are not annotated to explain where they are from or what they show. The 3d modelling of the details element is however very helpful. I generally accept the opportunities and constraints diagram apart from the area indicated as housing as it seems to suggest that unless there is a physical feature preventing it then any area may be developed which does not then take account of development pattern and context or indeed views.
- 7.39 In fact the development line struck across the site is entirely without visible meaning responding as it does purely to the underground service. This places a greater amount of proposed development to the east, closest to the open countryside and limits development to the west adjacent to existing development and therefore accentuates the projection of development into the countryside which will be emphasised by the localised topography. The consequences of this is that the south eastern corner is sensitive to the scale and location of development and that Units 18 and 19 have not responded well to this in their placement and size. These plots could clearly be reorganised to move the units 18 and 19 closer to 20 and present a softer edge to the countryside. The building line set by unit 17 is I think something to be respected and probably strikes the right balance in terms of constraints and opportunities for this site and the units could be smaller. Recognising that this is part of the outline scheme this can be dealt with through reserved matters/condition.
- 7.40 The landscape strategy is not really explained in this document other than through a typology of spaces illustrated on the “open Space strategy”. There is further information in the ecology reports commented on below but neither of these really explain the role of the pasture land or the intended character of the streetscape. There is reference to the adjoining land within the same ownership which could be brought into the scheme and thereby improve the landscape outcomes for the proposal. There is as you would expect more details for the almshouses but a key element, the main access road receives less attention. Whilst this could be conditioned a stronger design concept of street trees and green frontages would be welcomed.
- 7.41 The AONB management plan and the objectives are referenced but it is not clear as to how the scheme will support these beyond good quality design and materials. The

provision of almshouses is however a positive element as it has the prospect of retaining affordable housing in the AONB in perpetuity.

ECOLOGY

- 7.42 A number of ecological studies have been submitted by the applicant in support of the application. These have all been prepared by Icen Ecology Ltd. They appear to have been prepared by a suitable professional to a recognised methodology and so in broad terms the reports and their findings are accepted but I have noted a number of concerns in reviewing each report below.

Preliminary Ecological Appraisal Icen Feb 2019

- The report helpfully and correctly includes reference to the AONB Management Plan.
- The report notes that the site is mainly semi-improved grassland but does not evaluate the habitat any further. Grasslands are an important component of the high weald landscape and ecology and their habitat value can easily be overlooked where species richness is suppressed by current management regimes or surveys are conducted outside the optimal season. Assigning the correct value is important to coming to a view on biodiversity loss/net gain.
- The report recommended pre commencement checks for badgers but there is no recommendation with regards mitigation to retain connectivity and foraging habitat or to prevent accidents during construction. Mitigation can be picked up in the management recommendations and a CEMP but connectivity and the possible access through the site should perhaps be given some consideration to prevent future problems.
- Further surveys are recommended for dormice, reptiles and GCN. These are provided for below.
- Mitigation is recommended in the form of a wildflower meadow, native planting, a wildlife sensitive lighting scheme and a scheme of bird and bat boxes. This fits with the overall site plan and for the most part can be secured by condition.

Dormouse Survey Icen December 2019

- 7.43 Dormice are present in all the hedgerows and are therefore likely assumed as present in the woodland. Hedgerow loss is limited to access but a considerable amount of the north east and south west hedgerows will be placed in gardens and should then be assumed to have a greatly reduced functionality for wildlife and dormice in particular. Dormice (predominantly arboreal creatures) are likely to be at greater risk of predation by domestic cats (largely ground dwelling animals) when they are within hedgerows. Although the frontage hedgerow is retained in public space it will be severed for vehicular and separately pedestrian access. A new access will also be created through the north west hedge for access to the adjoining pasture.
- 7.44 In total this amounts to a significant loss or degradation of habitat and it would appear that through design revisions some of these affects can be alleviated in accordance with the mitigation hierarchy (avoid, reduce, compensate). Whilst woodland and hedgerow management can be improved within the red line it is not clear that this will be sufficient in respect of licensing and further new compensatory habitat may be required. I note the proposed arboreal connection for the new pedestrian access, which is likely to be affective, but this approach could be extended to the proposed field entrance. A more detailed assessment of the likely impact on Dormice should be provided and consideration given to reasonable alternatives.

Reptile Survey Icení July 2019

- 7.45 Only Slow worms were found and although they were found across the site the only concentration was along the north eastern boundary close to the hedgerow. As with dormice placing the hedgerow within gardens will result in a loss of reptile habitat. Whilst it appears that mitigation can be provided in retained areas of pasture/woodland this will need to be created in advance of development. Such measures can be secured by a pre commencement condition.

GCN Survey 2019

- 7.46 Although there are no breeding ponds on site there is a risk that GCN may use the terrestrial habitat on site as there is a wide spread network of ponds in the locality. A licence is likely to be granted and there is adequate scope for mitigation. However the applicant is suggesting that they use the Kent District Level Licencing (DLL) scheme. The Council has no objection to this but would note that:

- The applicant needs to submit an Impact Assessment and Conservation Payment Certificate (IACPC) to confirm that England have agreed the DLL approach for this site
- The Council expects a mitigation strategy to be provided to demonstrate that newts and other amphibians will be protected from harm during the development and that on site enhancements will include provision for GCN and other amphibians.

- 7.47 The IACPC certificate is required before determination and the mitigation can be secured by a pre commencement condition.

Landscape and Ecological Management Plan Icení and Louise Hooper landscape Architect Jan 2020

- 7.48 This latest report draws on the above findings and recommendations and incorporates specific landscape recommendations. The detail of such plans can be condition but key for determination is understanding the general principles and objectives and in particular the area to which a future LEMP (secured by condition) will apply. This area is I think identified on Figure 5 which is a drawing by Louise Hooper 257-P03 "Landscape management zones" but would note the conflict that hedgerows shown are partly within private gardens.
- 7.49 Subject to any comments on layout the proposed Planting Plan for Boundary Hedge and Pond (Appendix A) is broadly acceptable but details can be secured by condition. I would seek the removal of *Viburnum lantana*. It is difficult to judge the suitability of the pond planting as there is no information on residual water levels (i.e. under normal non storm or flooding events) or water levels in a flood event. The engineering requirements of the pond should be sought prior to determination to ensure that it has sufficient capacity.
- 7.50 The LEMP will need to be secured for the lifetime of the development and monitoring undertaken by a suitable professional. It is not clear whether the meadow will have any amenity use, will be mechanically cut or grazed. Although it suggests that grazing will continue the management prescription is for cutting and there is no apparent plant community/habitat type target – presumably it might be lowland meadow species rich MG5? Management for certain features may need to be more detailed such as specifying a rotational cutting regime for hedgerows and control of plant growth in the woodland pond but these can all be secured by condition.
- 7.51 The Ecology work is proficient but some additional details are required and consideration needs to be given as to how degradation of the hedgerows can be

avoided through changes in design. Absent from the ecological work is any mention of an overall position with regards loss or gains for biodiversity. The scheme will result in the direct loss of an area of grassland but retained habitats will be improved so it is possible that there will be a gain. The adjacent field is also in the same ownership and so if required some minor improvements to land management here may be sufficient to offset any loss. In any event a net gain needs to be proven by the use of the DEFRA metric 2.0 for calculating biodiversity value before and after development.

Discussion

- 7.52 The scheme is close to the Draft Local Plan policy (AL/BE 3) in that it is broadly consistent with extent of development and the number proposed. The policy is of course caveated by the need for further studies including landscape and there is a small incursion into the proposed green space and the policy particularly highlights the need to respect the sensitive edge of settlement location. The Council's approach to development in the AONB as set out in the draft local plan is the subject of considerable challenge. Whilst this site is not considered to be 'major' development in the context of paragraph 172 of the NPPF there is an objection to the Local Plan in terms of the scale and number of sites proposed to be developed in the AONB. The Council's position in the Local Plan is that development in the AONB is supported by robust site policies to ensure an appropriate quality of development that brings forward public benefits with a suitable level of mitigation. At present it is not clear that the outline part of this scheme has met that requirement or that the overall extent of public benefits and mitigation has been achieved. However as an outline scheme there is the opportunity to address some of this through reserved matters and/or conditions and further mitigation and public benefits might be achieved through the landscape scheme and the LEMP.
- 7.53 There are some amendments need to improve outcomes in respect of ecology and to demonstrate application of the mitigation hierarchy through avoidance where possible and in the provision of a suitable level of mitigation and compensation. The hedgerow should be excluded from private gardens where possible. For the almshouses and the hedgerow on the south western side I presume that management can be left to a management company which would have the necessary access rights. If that is the case then a post and rail fence with stock wire may be sufficient to protect the hedgerow as a high quality functioning habitat. For the hedgerow on the north eastern side the hedgerow back to unit 20 could be retained in communal ownership through an improved design. This would go some way to addressing the impact on dormice but some further improvements to hedgerows and/or woodland might also be needed. The applicant also needs to provide evidence that the proposed DLL for GCN is acceptable to Natural England.
- 7.54 A key concern is the defining the extent of any LEMP area (can adjacent meadow and woodland be included), confirming the proposed management/use of the meadows and woodlands and demonstrating a biodiversity net gain through application of the DEFRA metric 2.0.
- 7.55 Subject to the additional information requested that and through reserved matters and the application of suitable conditions the scheme may achieve an acceptable balance between development and landscape harm but at present I would caution against such a judgement.
- 8.0 APPLICANT'S SUPPORTING COMMENTS (conclusion for D & A statement at Part 7)**

- 8.01 The design of the proposed new almshouses and dwellings on the land to the South of Walhurst Road, has evolved and developed as a result of a rigorous analysis of context, constraints and opportunities. The proposal is very much design-led and seeks to establish the principles for a well considered development. In addition, there has been consultation with the Local Authority to ensure that their views and expectations have been met, and in many cases exceeded, in a balanced and pragmatic manner.
- 8.02 The principles set out in these discussions have been taken into account throughout the detailed design stage. We believe that this proposed development is one that is of a well-considered and high-quality design. It is befitting of the site and its surroundings, and will make a positive contribution to the existing local character within the wider context of Benenden. We trust that the Local Authority will appreciate the work and efforts undertaken by the applicant and consultant team in order to produce these well-considered proposals.

9.0 BACKGROUND PAPERS AND PLANS

Application form

Existing drawings 23240C/02A, 23240C/04, 23240C/05

Arboricultural Report March 2019

Transport Statement 06/03/19

Stage 1 RSA November 2019 and Designer Response

Design & Access Statement March 2019

Drainage and Flood Risk Assessment March 2019

EMC-2018-118-04 Rev 04 (Highway aspects plan)

EMC-2018-118-05 Rev 01 (off-site footway link)

EMC-2018-118-06 Rev 01 (Offsite pedestrian crossing)

Preliminary Ecological Appraisal February 2019

Great Crested Newt Assessment Report July 2019

Reptile Report July 2019

Dormouse Survey Report December 2019

Letter from ecologist dated 30/01/20

GCN District Licensing Certificate 03/03/20

Biodiversity Net Gain report April 2020 and accompanying Defra Metric spreadsheet

Heritage Impact Statement Rev B

Almshouse letter of appointment, Almshouse residency policy, Almshouse residents handbook, Almshouse scheme details

Landscape & Ecological Management Plan April 2020

10.0 APPRAISAL

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

Principle of Development

- 10.02 The site lies outside the LBD. The adopted Development Plan policies seek to direct new residential development to the most sustainable locations, which are indicated by the LBD. However, the fact that the Council cannot demonstrate a 5 year housing land supply is highly relevant to the consideration of this application.

Housing Land Supply situation

- 10.03 The appeal decision at Land at Common Road, Sissinghurst was issued on 21/03/16. Some conclusions on this appeal (in respect of housing land supply) are highly pertinent to this application. In particular, the conclusion that in relation to the objectively assessed need (at that point in time) that applying *“the Council’s preferred backlog, buffer and claimed deliverable supply against the SHMA figure of 648 per year results in a supply of only 2.5 years of housing land”*.
- 10.04 Since this date work on the Council’s new Local Plan has been progressed with an anticipated formal examination date of Autumn 2020. Recent updates to Planning Policy Guidance and the NPPF (2019) have changed the way that local authorities must calculate their housing targets. Local authorities must now calculate housing figures through the new Standard Methodology which uses the recently updated Household Projections 2016 (released 20/09/2018) to calculate housing targets.
- 10.05 Para 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.
- 10.06 The Council has identified that (inclusive of the 5% buffer required by the NPPF 2019) it can currently demonstrate a housing land supply of 4.69 years. Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.
- 10.07 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- “i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 10.08 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include AONBs and heritage assets.
- 10.09 Para 172 of the NPPF advises that ‘great weight’ should be given to conserving landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to landscape and scenic beauty. This does not create a blanket presumption against new housing in the AONB, but does require detailed consideration of the impacts of new development in such locations. Para 172 also restricts major development within AONBs - this is relevant to this proposal and is addressed in detail later on in this report.
- 10.10 Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the

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

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

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

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

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

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

New Local Plan

10.13 The draft new Local Plan was published in July 2019 as part of the papers for the Planning and Transportation Cabinet Advisory Board meeting on 05/08/19. The DLP has progressed to the point that the Reg 18 consultation has recently concluded and the Council are collating and reviewing all responses received during that period. The early stage of the DLP is such that limited weight can be given to it.

10.14 Within it Policy AL/BE3 (Feoffee Cottages and land, Walkhurst Road) states that the site is allocated for residential development (C3) providing approximately 23-25 residential units. Specific criteria with that draft policy are set out below, with comments against each criterion in respect of this development;

1. *A single vehicular means of access from Walkhurst Road (Met);*
2. *The provision of a pedestrian footway from the site entrance, past Rothermere Close, to a position opposite the start of the existing footway on the opposite side of Walkhurst Road. This shall be designed having regard to the sensitive ‘edge of settlement’ character in this part of Walkhurst Road (Met; the footpath design would be secured by condition);*
3. *No built form shall take place within the landscape buffer as defined on the allocation plan, and the proposal must secure the management of this buffer in the long term (Met; whilst the development does slightly stray in to the buffer through the positions of Outline plots 18 & 19, a larger area is left undeveloped to the SE boundary)*

4. *The layout and design of the scheme must reflect the location of the site on the edge of the settlement, and take account of the sensitive topography (see Policy EN 1: Design and other development management criteria, EN 20: Rural Landscape and EN 21: High Weald Area of Outstanding Natural Beauty (AONB)); (Met – see comments on AONB/landscape and design impact below. Levels are proposed to be secured by condition)*
5. *Provision of on-site amenity/natural green space, and improvements to existing allotments, parks and recreation grounds, children’s play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation; (Not met)*
6. *Development to be informed by a Landscape and Visual Impact Assessment and heritage assessment (see Policy EN 1: Design and other development management criteria, Policy EN 7: Heritage Assets, Policies EN 20: Rural Landscape and EN 21: High Weald Area of Outstanding Natural Beauty (AONB)); (Partly met – no LVIA provided although the Landscape & Biodiversity Officer has not recommended refusal on this basis)*
7. *Design shall be sensitive to the approach and setting of the Benenden Conservation Area (see Policy EN 7: Heritage Assets) (Met as far as practicable although the Conservation Officer raises concerns in principle about the impacts of development on this site – see CA/listed buildings section below)*

It is expected that contributions will be required towards the following if necessary, to mitigate the impact of the development:

- a. *Provision of a suitably designed crossing point across the B2086; (KCC Highways do not consider this necessary)*
 - b. *Works to the junction between Walkhurst Road and the B2086; (KCC Highways do not consider this necessary)*
 - c. *The designation of a 30 miles per hour speed limit along Walkhurst Road to the north of the site; (KCC Highways have not referred to a need for this in their comments although it can be secured within the S278 agreement with KCC)*
 - d. *Improvements to the public realm at the centre of Benenden (not provided, nor sought by consultees)*
 - e. *Other highway related works (this would be addressed through the S278 agreement with KCC)*
 - f. *Measures to enhance bus travel (Proposed to be secured as part of the S106 agreement)*
- 10.16 Given the very early stage of the new Local Plan it can only be given minimal weight as it has not been through the Regulation 19 or examination process. Nevertheless there are many aspects of the proposal that do meet the above criteria – it should be also noted that the DLP was first published some four months after this application was submitted.

Benenden Neighbourhood Plan

- 10.17 Benenden Parish Council applied to TWBC for the designation of a neighbourhood area under The Neighbourhood Planning (General) Regulations 2012. The area proposed covers the whole of the parished area of Benenden and was approved on 31 August 2017.

- 10.18 The PC then published its draft, Pre-Submission' Neighbourhood Plan, under Regulation 14, on 25th August 2019. The consultation period ran until 31st October 2019. The Benenden NDP group have reviewed the Regulation 14 Draft Plan. As the draft NDP has not progressed beyond this stage and has not been through the referendum/adoption processes, it cannot be given any weight at this present time.

Locational sustainability

- 10.19 A key consideration is whether future occupants of the dwellings would be likely to meet some/all day-to-day needs by walking to facilities, thereby reducing the need to travel by private car, which would reduce greenhouse gas emissions (para 148 of the NPPF).
- 10.20 Whilst the LBD as a restraint on new housing development in itself is not "up-to-date" with the NPPF (for the reasons set out above), the sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the one of the purposes of the LBD is to direct development to built up areas to ensure sustainable development patterns. Notwithstanding the fact that it is outside the LBD, the site is adjacent to both it and a modern housing development (Rothermere Close). It is almost opposite the recently approved development at Walkhurst Road (Vere Meadows) that was also deemed to be a locationally sustainable site.
- 10.21 KCC Highways have sought a condition that would secure a footpath links to the settlement centre and proximity to public transport. Benenden settlement centre lies on a bus route (No. 297: Tenterden - Cranbrook - Goudhurst - Pembury - Tunbridge Wells) which runs approximately every 90 mins/two hours Monday-Saturday.
- 10.22 When considering appeals for dwellings outside the LBD close to bus routes, inspectors have not attached significant weight to how this could contribute toward a move to a low carbon future - although they have for larger housing schemes. Officers have had regard to the fact that a bus route would be accessible from this site; there are bus stops within reasonable walking distance. It is therefore considered moderately likely that the bus service would be readily accessible to future occupiers. In addition KCC Highways have sought £25,000 for public transport enhancements which can be secured via a S.106 agreement.
- 10.23 It is therefore considered that, although partly reliant on private vehicle use (in light of the Inspector's conclusions regarding the relationship between the Common Road site and Sissinghurst in the appeal decision referred to above) the fact that some journeys need to be made by private car is an adverse impact, but this is more balanced by the relative position of the application site to the settlement centre with its range (albeit limited) of services including shops, school and other services within Benenden. The location and accessibility of the site is considered to be moderately sustainable in relation to its proximity to services and the nature of the route to them.

Previously developed land

- 10.24 Annexe 2 of the NPPF defines 'previously developed land'. This is, *inter alia*, defined as land which has previously been occupied by permanent or fixed surfaced infrastructure. This is not the case here as the site is wholly greenfield and historically agricultural land. The NPPF details that development should be focused on PDL rather than non-PDL land.

Housing and economic considerations

Background

- 10.25 The applicants are the Benenden Almshouse Charities, which is operated by eight voluntary Trustees and was established in 1960. The charity currently operates nine

almshouses (six at the adjacent Feoffee Cottages and three at Thorn Cottages, Coldharbour Lane, Iden Green).

- 10.26 The land and buildings were originally gifted by local benefactors in the 17th Century to benefit the poor and needy of the parish. The fields at Feoffee Cottages were intended to generate an income for the same purposes. The original occupants of the Grade II listed Feoffee Cottages were workhouse residents and more recently former workers on the large nearby Hemsted estate.
- 10.27 In 1963 the four Feoffee Cottages were converted into six smaller single storey flats (1 x 2-bed and 5 x 1-bed). These are now quite small by modern standards with a very restrictive layout. Thorn Cottages comprise three 1-bed houses.
- 10.28 Occupiers do not pay 'rent'; they make a set weekly maintenance contribution (WMC) towards the upkeep of the dwelling. Their occupation is permanent so long as they comply with the residency policy. Potential occupiers apply to the charity and are drawn from Benenden Parish.
- 10.29 The charity is bound by its own rules and is overseen by the Charities Commission. However there are no restrictions within the Planning Acts that would prevent the dwellings being sold or occupied by non-almshouse residents.

Proposal

- 10.30 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.
- 10.31 The NPPF sets out in paragraph 62 that where there is an identified need for affordable housing, this should be met on site. As the size of the overall scheme exceeds 10 units, it would trigger a requirement for affordable housing in line with the requirements of Core Policy 6 (4).
- 10.32 The 12 new almshouses would be operated by the applicants in the same manner as Feoffee and Thorn Cottages currently are. How the applicants subsequently use those existing nine almshouses is outside the scope of this application, although the Design & Access Statement refers to an aspiration to return Feoffee Cottages to its original layout of four dwellings. There are no planning restrictions to prevent their sale on the open market, although the ability to do so may be limited by their own rules and the Charity Commission. This report is not however the arena to explore that issue.
- 10.33 The NPPF defines affordable housing in the Glossary (Annex 2) at the end of the document. Following discussion with the Council's Housing Register and Development Manager and Mid Kent Legal Services, it is considered the almshouse scheme falls outside the NPPF definition of affordable housing. Despite this, the almshouse model clearly provides a low-cost form of housing (at a lower cost than the majority of forms of affordable housing within the NPPF definition) which is aimed at people in housing need who live in the vicinity.
- 10.34 The Council's Affordable Housing SPD requires 35% affordable housing for developments exceeding 10 units. Within this 35%, 75% must be rented. Securing

35% on this scheme would equate to 9 units (rounded), 6 or 7 of which should be rented.

- 10.35 This scheme however provides slightly under 50% low cost housing, all of which are 'rented' and would be controlled by a S106 agreement which is a significant benefit. Whilst the Charity's 9 existing units could be sold off, which would only leave a net increase of three units, this could occur at any time without further recourse to the LPA anyway.
- 10.36 As a form of low-cost housing almshouses are probably unrivalled, in that they can never be sold off to the occupiers under right-to-buy or similar schemes. It is proposed to give the provision of new almshouses significant weight and greater weight than would be given to the standard affordable housing package which developers are required to provide as part of housing schemes.
- 10.37 The standard and size of accommodation within the new almshouses is also given significant weight; there are clear benefits to a scheme that delivers a range of one, two and three bedroom units within modern buildings compared to mostly small 1-bed flats in a 17th Century listed building, which are restrictive and difficult to modernise/extend. Even if Thorn and Feoffee Cottages were sold off and the net increase in almshouses only amounted to a net three units, the benefits of 12 modern almshouses controlled by a S.106 agreement still carries significant weight.
- 10.38 The applicant has made it clear that as Charity Trustees they are committed under the terms of the official Charity Commission Scheme and not legally entitled to depart from those obligations. This creates some drawbacks in this housing model compared to NPPF-compliant affordable housing provided by a Registered Provider. Principally, the Trustees are not beholden to schemes of allocations and they must have the final "say" in the choice of residents. The Trustees are able to accept housing nominations from the Council but cannot be committed to them. Also there is no TWBC control over the WMC levels (as the residents do not pay 'rent'); the occupiers do not sign tenancy agreements but occupy their premises either as Licensees or as a form of beneficiary under a charitable Trust.
- 10.39 Nonetheless, almshouse charities are commonplace nationwide and the provision of the almshousing is the core purpose of this charity, who are bound by the Charities Commission. Whilst that is not planning legislation and TWBC cannot enforce it, almshousing is a model which operates successfully on its own as an alternative means of delivering low-cost housing. The S.106 agreement is therefore likely to 'piggyback' the existing Charities Commission rules and simply require the applicants to operate the almshouses in accordance with that, along with restrictions on the future sale of the almshousing.
- 10.40 Given the nature of the development the mix of units is considered acceptable.
- 10.41 KCC and the NHS have assessed the proposal for contributions towards meeting the additional needs for infrastructure and services generated by the proposed development. The applicants have agreed to pay the requisite KCC and NHS financial contributions (which are still required even though the applicant is a charity) The figures quoted for the NHS and primary school sums do not however take into account the fact that 13 of the dwellings are at outline stage and therefore the final mix of dwelling sizes is unknown. The S106 agreement will therefore seek contributions on the following basis;

Request	Calculation	Sum due from	Sum due	Total
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	rate	Detailed stage (12 almshouses)	from Outline stage (13 market dwellings)	
KCC - Benenden Primary School expansion	£3,324.00 per 'applicable' house and £831.00 per 'applicable' flat (those over 56m2 floorspace)	£26,592 (only levied from 8 dwellings as 4 are below the 56m2 floorspace threshold)	£3,324.00 per 'applicable' house / £831.00 per applicable flat (those over 56m2 floorspace)	£26,592 + £3,324.00 per 'applicable' house / £831.00 per applicable flat for 13 market dwellings
KCC - improving public transport services in the Hawkhurst area	Flat rate of £1,000 per dwelling	£12,000	£13,000	£25,000
KCC - Cranbrook Community Hub (Libraries element)	Flat rate of £354.12 per dwelling	£4,249.44	£4,603.56	£8,853.00
NHS - new single premises for the three General Practices located in Cranbrook.	Secured at the following rate per Person - £360) • 1 bed unit @ 1.4 Persons • 2 bed unit @ 2 Persons • 3 bed unit @ 2.8 Persons • 4 bed unit @ 3.5 Persons • 5 bed unit @ 4.8 Persons	£2,016.00 for 1-beds £4,320.00 for 2-beds £2,016.00 for 3-beds Total: £8,352.00	£360.00 per person	£8,352.00 + £360.00 per person for 13 market dwellings

- 10.42 KCC have also asked that (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc.) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings is required by informative.
- 10.43 Future occupiers would make a contribution to the social vitality of Benenden, as they are likely to use the settlement for some services. As economic benefits for the construction of 25 houses would be short-term, these are limited and would carry little weight. There would be some contribution to the economic vitality of Benenden however, from the use of shops, services etc. by the new residents.

Impact upon designated heritage assets (the CA and Feoffee Cottages)

- 10.44 The proposed access is sited on the approach to the CA. Feoffee Cottages are grade II listed.
- 10.45 Para 192 of the NPPF states that Local Planning Authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality is highlighted, as is the desirability of new development making a positive contribution to local character and distinctiveness. Paras 195 and 196 require a balance of public benefits to be applied should new development be considered substantive in harm, or less-than-substantive, to the significance of a heritage asset.
- 10.46 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5).
- 10.47 The application is accompanied by a heritage statement, the contents of which were initially objected to by the Conservation Officer (CO). Subsequent revisions of the statement were submitted and the CO now considers it adequately addresses the heritage issues on site and meets the requirements of NPPF Para 189.
- 10.48 The proposals would cause harm to the setting of the listed building and to the approach to the CA. It would extend development away from the historic linear form of the CA and infill a historically open piece of land that forms part of its approach. Similarly the setting of the listed building would be harmed as it would reduce its character as a building isolated away from the rest of the village. The harm to the setting of the CA and listed building would be less than substantial.
- 10.49 There are two small agricultural structures on site which are also considered worthy of retention and to do so would add quality to the outline scheme. These can be required to be retained within this phase by condition.

Archaeology

- 10.50 KCC Heritage has been consulted and recommends an archaeological condition.

Trees

- 10.51 As set out in the 'constraints' section above, Workhouse Gill to SE of the site is Ancient Semi Natural Woodland (ASNW) protected by a Tree Preservation Order (TPO). Other trees on the site are not protected. The main trees are the roadside trees and boundary hedges. The application includes a tree survey which identified one woodland group of Category A (trees of high quality); one individual tree of Category B (trees of moderate quality); Four individual trees of trees of Category C (trees of low quality). The Category A trees are the off-site TPO protected ASNW group.
- 10.52 The Category B individual tree (Beech) and two of the Category C holly trees all located on the northern boundary of the site will have portions of their calculated RPA breached by the development (the internal footpath running parallel to the frontage hedge), plus small sections of units 8 and 9. However, providing the recommended protection and mitigation measures take place, the survey considers these trees can be maintained and not pose a constraint to the proposed development.

- 10.53 The survey recommends that work within the RPA of the Category B tree is undertaken with an arboricultural watching brief and covered in an Arboricultural Method Statement. It is recommended that prior to any on-site construction activities protective fencing should be installed around the RPA of the retained trees as indicated in Appendix B Table 2 to protect them from any enabling and construction activities. Details of protective fencing have been provided, along with outline ground protection details.
- 10.54 It is considered that conditions can be used to require an AMS and to provide the necessary tree protection.

Loss of agricultural land

- 10.55 The NPPF (Paragraph 170b) states that LPAs should take into account the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher quality. This does not preclude the loss of BMV agricultural land but does require that be justified. In this instance the application relates to a relatively small area of land and its loss to development would not prejudice the agricultural use of the land around it. Any greenfield development around this area is likely to result in the loss of agricultural land.

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

Development Plan and NPPF AONB and landscape policy

- 10.56 Adopted Development Plan Policy (including Core Policies 4 and 14) requires the conservation and enhancement of the AONB and rural landscape. The NPPF within paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Paragraph 172 also relates to major development in the AONB and states that *“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”* Footnote 55 states that *‘whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.’*
- 10.57 In this case, it is not considered that this should be considered as a ‘major development’ for NPPF Para 172 purposes. Whilst there would be a significant amount of new built development within the site, the works are concentrated on a single field next to a modern development, with no encroachment in to the Ancient Woodland. There are no particular landscape features that would be lost and the proposal would not result in coalescence with other settlements. It is noted the High Weald AONB Unit and Natural England did not comment on whether they considered the draft allocation for this site to be major, whereas they have subjectively commented on this point for other sites.
- 10.58 The High Weald AONB Management Plan details that the AONB as a whole is;
“characterised by dispersed historic settlement, ancient routeways, an abundance of woodland, wooded heaths and shaws, and small irregularly shaped fields. These are draped over a deeply incised and ridged landform of clays and sandstones with numerous gill/ghyll streams, and are closely related to socio-economic characteristics that have roots extending deep into history”.

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

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

- 10.60 Landscape Character Area 6 (Benenden Wooded Farmland) is defined at p.111 as;

‘A peaceful rural landscape of rolling hills with scattered farmsteads and rural dwellings, often concealed by woodlands and the topography, but representing a rich built heritage. The interconnected wooded framework, created by the ecologically-valuable incised ghylls and field boundary shaws, is one of the defining features of the area. The landscape also has an ‘ornamental’ overlay created by the formal parklands, which can be glimpsed from the public roads.’

- 10.61 Valued features and qualities (as relate specifically to this site) are;

- 1) The scenic rolling hills and wooded ghyll valleys. The ridgelines and gently undulating hills permit intermittent and glimpsed views within the area, which occasionally stretch for considerable distances across the High Weald.*
- 2) The pattern of dispersed historic farmsteads and hamlets and locally distinctive buildings which add important local character to the landscape and a sense of history.*
- 3) Ancient routeways that form a clear network of rural lanes, footpaths and tracks, lined by hedgerows or woodland which add historic interest and local distinctiveness to the landscape.*
- 4) Woodland, providing a strong landscape framework— particularly ancient woodlands, ghylls and shaws. This is of value for many reasons including historic, aesthetic, biodiversity and recreation interest.*
- 5) The intact historic landscape pattern of small and irregular fields bounded by woodland, shaws and ghylls, closely related to the presence of historic farmsteads and the network of ancient routeways.*

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

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

- Loss of unimproved and semi-improved grassland.
- 10.63 Key local objectives are to maintain the essentially wooded and rural agricultural character of the area; Ensuring that the well-managed, small-scale agricultural character remains intact, preventing hedgerow loss and ensuring that the existing pattern of settlement (small-scale dispersed rural buildings) is protected.
- 10.64 Built development in locations such as this will inevitably give rise to significant landscape harm. The test is whether than harm can reduced to an acceptable degree and then outweighed by the benefits of the scheme. In terms of public viewpoints the development (particularly the access) will be most prominent from Walkhurst Road although this will be partially mitigated by the boundary hedging and trees. There are no public rights of way through or close to the site. From any long views such as the NE and SE (from PROW WC 351) the development would be seen in context with Rothermere Close, from which there would also be filtered views of the development. From close range the character and amenity would change from a rural outlook to village fringe with dwellings and mature hedgerows, consistent with the setting to these views.
- 10.65 It is considered landscape effects will be limited to the site and visual effects limited to those in the immediate local surroundings. Clearly the proposals will result in the introduction of residential dwellings to a greenfield site, resulting in significant effects at the site and local level. Proposals are to retain landscape features, which are identified within the High Weald AONB Management Plan as *“contributing to the distinctive pattern and form of the (AONB) landscape”*;
- 10.66 Features at the site level include the distinct landform and the field features. The inherent landform will be retained, however, only part of the green field will be retained (but not publically accessible). The proposed development parcel has been sited so as to be sensitive to the settlement edge quality of the eastern parcel of the site and the topographical constraints whilst being in keeping with the local characteristic of settlements on upper valley slopes and ridges, with woodland mid slopes.
- 10.67 The concerns raised by the Conservation Officer regarding the proposal’s departure from the historic linear nature of Benenden are also relevant to the setting of the AONB and create harm for a similar reason. During construction stage the land use and character of the site will change from that of a grassland field to a construction site with an emerging built form. Similarly, there will be a change in the character and amenity to those visual receptors that experience views of the site. Such effects will have commenced at the construction phase and will continue into the operational phase. This will also involve minor change to the topography of the site, to accommodate development platforms, and the formation of the road corridor and attenuation pond, albeit that the inherent sloping topography of the Site will be maintained.
- 10.68 There is a development line struck across the site and the LBO points out this is entirely without visible meaning, as it responds to an underground water service route. Whilst this focusses development to the east, closest to the open countryside and limits development to the west adjacent to existing development and therefore accentuates the projection of development into the countryside. However, the alternative would be to develop closer to the Ancient Woodland and close to the buffer zone, which would be significantly more harmful (and also result in an odd linear gap running through the site).

- 10.69 The LBO would prefer development to stay the other side of Plot 17 and considers there is scope to re-organise Plots 18/19. This is part of the outline scheme this can be dealt with through reserved matters/condition. Other concerns relate to the limited explanation of the landscape strategy, a stronger design concept behind the main access road.
- 10.70 It is also recognised that the scheme will support AONB management plan objectives regarding good quality design and materials, plus provision of affordable accommodation in the AONB in perpetuity.
- 10.71 In summary it is considered that overall there is likely to be significant localised harm to the AONB but this can be diminished through a sensitive approach, detailed design and securing long term management. The AONB and landscape harm will most clearly arise from the introduction of an intensive residential use into a greenfield site. The proposal offers opportunities to improve some aspects of the site condition and management, such as hedgerow and grassland. Many of the harmful impacts would be significant within the site itself but the impact localised.

Ecology

- 10.72 The application was submitted in March 2019 and validated in mid April 2019. It was submitted without some of the necessary ecological surveys and other supporting documents (the last of which was not submitted until April 2020). In total these are;
- Preliminary Ecological appraisal;
 - Great Crested Newt report;
 - Reptile survey;
 - Dormouse survey;
 - Landscape & Ecological Management Plan (LEMP), and;
 - Net gain report and supporting biodiversity metric calculations;

- 10.73 The LBO has commented extensively on the submissions and these are repeated in the 'Consultations' section earlier in this report. Concerns were raised in earlier comments but these have now been overcome, either through the use of conditions or by amendments/additional ecological information. They accept the findings of the Preliminary Ecological Appraisal (Iceni Feb 2019) and also agree the LEMP is now suitable.

Design

- 10.74 As the outline part of the application only addresses access, with all other matters reserved for future consideration, there are no specific details for the design of the thirteen market dwellings. Materials, scale, appearance, layout etc. would all be addressed at the Reserved Matters stage. The Design & Access Statement refers to maximum parameters of two storeys and 10m in height, which can be conditioned.
- 10.75 The new almshouses are largely bespoke buildings whose design refers to best practice guidance provided by The Almshouse Association ("The Almshouse Design Guide"). The architects set out that a number of key considerations in the design of new almshouses are as follows:
- Almshouses should be attractive buildings that sit well within their environment.
 - Good proportions are essential. New designs should have well proportioned façades and windows. Prominent roofs and chimneys are a characteristic element of almshouses.
 - New buildings should sit harmoniously within their surrounding.

- Composition is traditionally a 3 sided courtyard with an emphasis on the most public facing building;
- It is important that residents feel they have their own front door.
- Buildings composed together to form a strong sense of community

10.76 The almshouses are arranged around a central courtyard garden with ancillary bin stores and parking areas located to the periphery of the almshouse development. They are finished in a variety of traditional materials and are considered to relate well to the local red brick and tile hung buildings that are prominent throughout Benenden. The strongly expressed red brick chimneys help break up the roofscape and establish the character of the development, as do the prominent front gables, combination of materials and peripheral landscaping. The buildings are not considered to be out of scale with those in Rothermere Close which, whilst not setting a design precedent, are of a limited height and scale. Overall the composition of the separate buildings and the arrangement around the courtyard is considered to be appropriate to the design intentions to create small communal dwellings and assimilates with the rural character of the area.

10.77 Given the sensitivity of the site through its rural AONB setting and the proximity to heritage assets, it is proposed to condition various specific design areas such as joinery, bin stores, cycle stores, highway design, boundary treatment etc. as is commonplace on developments of this size and in this type of location. This will ensure the design integrity of the development.

10.78 It is noted that whilst the development provides an open space area within the courtyard of the almshouses, it does not provide any on-site playspace or publically accessible open space. The LEMP controlled area is not intended for wider public access and the indicative plans for the outline element do not leave sufficient room for an on-site play area. There are however recreational facilities (including a playground and a large open area) at the nearby village hall site (towards which a continuous footway would be provided) which is within a short walking distance. No requests have been received for S.106 monies towards new play equipment there as part of the consultation reply.

Summary of whether the proposal comprises sustainable development

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

10.80 In terms of negative aspects;

- The proposal is considered to cause significant localised harm to the AONB through the introduction of a residential development (with its attendant land level changes, introduction of built form, access arrangements, small-scale tree loss, and domestic presence within the countryside) on greenfield (non PDL) land;
- The proposal would cause 'less than substantial harm' to the setting of the adjacent CA and listed buildings;
- The proposal does not provide an on-site play area to serve the whole of the development and only a small amount of open space within the Almshouse courtyard area, however there is a substantial public open space area within walking distance at a recreational ground.

10.81 In terms of the positive aspects:

- The site is adjacent to the LBD and is not proposed for an 'isolated' rural location;

- The proposal would deliver footpath improvements to Walkhurst Road which will benefit all users, not just the occupants of the new development (see 'Highway Safety' section below for more details);
- The proposal would be well located to the local primary school and lies within reasonable walking distance to a bus route.
- The provision of 25 houses at the prescribed mix is a positive addition to aid in addressing the Borough's housing shortfall, particularly where there is a lack of a five-year housing supply, to which significant weight can be attached;
- The proposal would result in the provision of 12 new-build almshouses which carries significant weight (and greater weight than would be given to the standard affordable housing which developers are required to provide as part of housing schemes);
- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area (less so during construction and more so through the introduction of new residents);
- The proposal would result in the provision just under £125,000 of financial contributions (detailed on the first page of this report), which attract significant weight as wider public benefits;
- The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement and a wider Landscape and Ecological Management Plan (to be secured by condition);
- The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme;
- The design is considered to relate well to the buildings' intended purpose and the materiality of nearby dwellings;
- The proposal can be conditioned to include electric vehicle charging points to serve the majority of the dwellings;
- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape impact of the development and the wider landscaping proposals within the LEMP can be secured by condition.

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

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

10.84 Based on the figures quoted earlier in this report it is recognised that TWBC is figuratively close to demonstrating a five year housing supply. However, even if it could do so, and thus the lack of a five year supply would fall away as a material consideration, it is considered that the proposal is still acceptable by virtue of its location relative to the nearest settlement and the other identified matters that weigh in its favour.

Drainage - surface water

- 10.85 NPPF Para 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Para 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The NPPF recommends that SuDS should be utilised, where possible, within all new drainage schemes. SuDS generally mimic the natural drainage patterns of the undeveloped site allowing infiltration into the ground (where viable), controlling outflow rates from the development and preserving water quality. This reduces the impact and risk of flooding on downstream developments alongside providing additional benefits such as pollution control, increasing biodiversity and providing water-based amenity.
- 10.86 The lower lying southern edge of the site falls within an area that is identified as at low risk of surface water flooding. There is a small area around the existing outbuildings that also falls within a low risk surface water flooding area. Within these low risk areas there are small areas of medium risk surface water flooding. The site lies outside of EA Flood Zone 2/3 and is not considered to be at risk of fluvial flooding. The total site area to be developed is 1.01 hectares, of which approximately 34% (0.34ha) will be developed as impermeable areas such as roads/hardstanding and roofed areas. All housing will be at a low risk of flooding and therefore no flood mitigation measures are required.
- 10.87 The existing topography of the site dictates that surface water runoff is directed to the permeable area and watercourse on the eastern side of the site. SuDS techniques such as permeable paving and an attenuation pond feature within the development and have been integrated within the proposals. The proposed surface water management plan is to provide a positive drainage system to the impermeable areas and discharge at a controlled rate to the adjacent watercourse at the equivalent 'Greenfield' Run-off rate. The SUDS solution involves an attenuation pond with 1:3 sloping banks (0.6m Contours) to provide a storage capacity of 316m³ with a 57mm Ø 'Hydrobrake Optimum' vortex flow control device to limit to discharge to 1.7 litres/second at a 1.4m design head. The post development run-off volume is reduced by 69m³ from the pre-development run-off volume. Thus the discharge of surface water will mimic existing outfall conditions. It would be managed and maintained by a private management company.
- 10.88 KCC Sustainable Drainage (lead flood authority) has also commented on the application. They initially objected owing to the absence of a FRA. This has now been provided and they consider that the proposal is acceptable. Various conditions recommended by KCC are added below.
- 10.89 The Landscape & Biodiversity Officer has not objected to the general arrangement and principles (use of surface water ponds and ditches with permanent water).

Drainage - foul water

- 10.90 It is intended for foul water to discharge to the existing 225mm diameter Southern Water sewer which runs parallel to the site within Walkhurst Road. Confirmation of capacity has been provided by Southern Water. The developer requires consent to discharge foul drainage from the new development into the public sewer through an application to Southern Water, which sits outside the planning process.
- 10.91 Overall, there are not considered to be any significant drainage issues at this site which cannot be dealt with by planning conditions. Overall, the drainage impact here is considered to be neutral.

Residential amenity

- 10.92 LP Policy EN1 addresses impacts on neighbouring occupiers. The only dwellings that would be likely to be impacted are the two separate blocks of flats comprising Nos 1-4 and 5-8 Rothermere Close to the SW. This would from Units 9-12 (almshouses) and 13 (Outline private dwelling) towards the windows as the grounds are communal in nature and are not private garden spaces.
- 10.93 Whilst Units 9-12 are 1½ storey with a two storey section in the centre, the separation distances between the proposed dwellings and those around it are typical of suburban housing layouts. They are not considered to create any overshadowing, substantial loss of light or overbearing impact such that outlook can be considered to be significantly and detrimentally harmed.

Highways and Parking

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

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

- 10.95 A Transport Statement has been submitted as part of this application.
- 10.96 The site is currently accessed by a field gate leading off Walkhurst Road, a rural lane. The proposed site entrance is located within existing public highway verge and requires a bell-mouth junction. The proposed site access is located just beyond the 30mph speed restriction that becomes un-restricted at Rothermere Close to the south. The construction of the bell-mouth entrance will require a Section 278 Highways Act agreement along with an independent stage two safety audit which will be progressed subject to planning permission. The TS includes drawings of the new access point and the proposed visibility splays. The internal access road within the development will not be put forward for adoption.
- 10.97 KCC Highways’ main comments regarding this application related to;
- Parking levels/arrangement and limited turning space within the development due to use of tandem parking and minimum policy-compliant space numbers, although as they will be unallocated KCC consider that will assist in managing demand;
 - They are seeking £1000 per dwelling towards public transport improvements, which the applicants have agreed to pay;
 - No objections in principle to access arrangements for the refuse vehicle but this can be refined during the S.278 agreement process;
 - Provision of a link to the existing footway beyond Rothermere Close (should the Rydon homes site opposite not proceed, although this is underway), again to be secured by condition;
 - No issues raised regarding the proposed visibility splays, based on speed checks outside the site;
 - No improvements will be sought to the junction of Walkhurst Road with Benenden Road (a draft policy requirement) as the RSA stage 1 does not bring forward any real improvement over the existing situation.

- 10.98 KCC seek a condition requiring off-site works which can be included in the recommendation.
- 10.99 Concerns have been raised by neighbours regarding the width of the road, existing driver behaviour and its capacity. Ultimately the additional local traffic generation is not considered by KCC to result in conditions that could be described as a severe impact on congestion or safety; significant weight is given to their professional opinion in this matter.

Other Matters

- 10.100 In terms of refuse storage, there is space within the amenity areas to cater for the suitable storage of bins. This matter can be dealt with in more detail by condition.
- 10.101 In terms of future development to dwellings within the scheme, it is considered necessary to restrict permitted development rights here due to the potential impact upon the street frontage and the appearance of the development. As such, classes A, B, C, D, E and F would be restricted in order to ensure the overall character of the dwellings is retained.
- 10.102 The future occupiers of the properties would each have reasonable to good sized private gardens (as shown on the indicative plans) which would provide adequate amenity space.

Summary

- 10.103 In conclusion, whilst the proposed development is considered to cause significant harm to the landscape and AONB by virtue of the introduction of new build development on the site, when assessed against the requirements of para 172 of the NPPF, and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the 5 year housing land supply, this harm is considered to be outweighed by the housing supply benefits. Based on the finding above the proposal is considered to be sustainable development. It would also provide significant public benefits, which have been outlined earlier and which outweigh the 'less than substantial' harm to the listed building setting. The development would not cause significant harm to neighbouring amenity, ecology or the surrounding landscape character. Overall, the proposed development is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.
- 10.104 Pre-commencement conditions 8, 11, 12, 22, 23, 34 and 37 listed below have been agreed by the agent in accordance with section 100ZA (8) of the Town and Country Planning Act (this provision excludes Outline applications).

11.0 RECOMMENDATION –

A) Grant subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended), in a form to be agreed by the Head of Legal Partnership Mid Kent Legal Services by 30 November 2020 unless a later date be agreed by the Head of Planning Services) to secure the following;

- The provision of 12 almshouse units;
- A contribution of £25,000.00 towards Sustainable Transport (calculated at the rate of £1000.00 per dwelling);

- A contribution of £8,853.00 towards Cranbrook Community Hub (Libraries element) calculated at the rate of £354.12 per dwelling);
- A contribution of £26,592.00 towards Benenden Primary School expansion from the detailed element of the application for 12 almshouses;
- A contribution based on the rate of £3,324.00 per 'applicable' dwelling and £831.00 per 'applicable' flat (those over 56m² floorspace) towards Benenden Primary School expansion from the outline element of the application for 13 dwellings;
- A contribution of £8,352.00 towards new single premises for the three General Practices located in Cranbrook from the detailed element of the application for 12 almshouses (the formula below applies to both the full and the outline part);
- A contribution based on the rate of £360 per Person towards new single premises for the three General Practices located in Cranbrook from the outline element of the application for 13 dwellings and to be secured at the following rate;
 - 1 bed unit @ 1.4 Persons
 - 2 bed unit @ 2 Persons
 - 3 bed unit @ 2.8 persons
 - 4 bed unit @ 3.5 Persons
 - 5 bed unit @ 4.8 Persons
- Payment to cover the Council's legal costs.

and subject to the following conditions:-

'Initial Enabling Works' means: Initial infrastructure enabling and site set up works required for the development which includes:

- ecological survey or associated work;
- site establishment and temporary welfare facilities and temporary site accommodation;
- installation of construction plant;
- utilities diversions and reinforcements insofar as necessary to enable the construction of the development to commence;
- temporary drainage, power and water supply for construction;
- archaeological investigations; and
- contamination investigations
- and excludes 'Above Ground Development' and 'The New Access'

'Above Ground Development' means development within the Detailed Application area on drawing number 23240C/03B that would take place after Initial Enabling Works, construction of The New Access and construction of the dwellings up to damp course level.

'The New Access' means the New Bell-mouth entrance within the existing highway verge to be constructed under a Section 278 Highways Act Agreement

CONDITIONS

Detailed implementation condition

- 1) The development hereby permitted (identified as the Detailed Application area on

drawing number 23240C/03B) shall be begun before the expiration of 3 years from the date of this decision.

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

Reserved matters implementation

- 2) Details of the appearance, landscaping, layout and scale (the 'reserved matters') of development relating to the area of the site that is the subject of the outline permission (identified as the Outline Application area on drawing number 23240C/03B) shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase begins and the development shall be carried out as approved.

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

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

Approved plans – detailed element

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans (insofar as this relates to the Detailed Application area as identified on drawing number 23240C/03B):

23240A/01A Site Location Plan
23240C/03B Outline Application Plan
23240C/10B Proposed Site Plan
23240C/11B Proposed Coloured Site Plan
23240C/12A Proposed Site Plan Mix Plan
23240C/13A Proposed Site Plan Parking Plan
23240C/14A Proposed Site Plan Refuse Collection Plan
23240C/15A Proposed Site Plan Fire Prevention and Rescue Strategy
23240C/20A Proposed Almshouses Units 1-4
23240C/21A Proposed Almshouses Units 5-8
23240C/22 Proposed Almshouses Units 9-12
23240C/23 Proposed Bin Stores
23240C/24 Proposed Almshouses Units 5-8- Part M4(3) 1 Bed Accessible Flat
23240C/30 Proposed Site Sections (1/2)
23240C/31A Proposed Site Sections (2/2)
23240C / 100 S106 plan
EMC-2018-118-04 Rev 03 (Highway Aspects Plan within Transport Statement – Tridax, March 2019)
Attenuation Pond Section EMC-2018-118-07
Arboricultural Report March 2019 - tree protection details

Reason: To clarify which plans are approved.

Approved plans – outline element

- 4) The outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) shall be carried out in accordance with the following approved plans:

23240A/01A (insofar as it relates to access only)
23240C/03B (insofar as it relates to access only)
23240C/10B (insofar as it relates to access only)
23240C/11B (insofar as it relates to access only)
EMC-2018-118-04 Rev 03 (Highway Aspects Plan within Transport Statement – Tridax, March 2019) (insofar as it relates to access only)

Reason: To clarify which plans have been approved

Maximum dwelling numbers - outline

- 5) Within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) shall provide a maximum of 13 dwellings.

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

Maximum dwelling height - outline

- 6) Within the area of the site that is the subject of the outline permission (identified as the Outline Application area on drawing number 23240C/03B) no dwelling shall be greater than two storeys with a ridge height of no more than 10m.

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

Retention of existing buildings

- 7) The existing agricultural buildings on the site that are identified by Existing Drawing 23240C/05 shall be retained.

Within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) prior to above ground construction a scheme for their refurbishment and retention as ancillary or incidental residential outbuildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the buildings thereafter retained.

Reason: To ensure the retention and re-use of historic buildings on the site

Construction/Demolition Environmental Management Plan

- 8) No works or development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction works.
- Measures to minimise the production of dust on the site(s).
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off road parking for all site operatives.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

Residential noise levels – detailed application

- 9) Prior to the commencement of any Above Ground Development hereby approved with regards to the detailed part of the scheme (identified as the Detailed Application area on drawing number 23240C/03B) 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 – Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity

Residential noise levels – outline application

- 10) Prior to the commencement of any Above Ground Development hereby approved with regards to the detailed part of the scheme (identified as the Detailed Application area on drawing number 23240C/03B) a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

Highways - visibility splays

11) Prior to the commencement of any development on site (excluding Initial Enabling Works);

- The New Access hereby approved shall be constructed and brought in to use, and;
- The visibility splays shown on approved drawing EMC-2018-118-04 Rev 03 (within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge) shall be provided at The Access.

The splays shall be so maintained at all times thereafter.

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

Highways – off-site highways works

12) Notwithstanding the approved plans and submitted details, prior to commencement of development on site (excluding Initial Enabling Works), details of all off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include provision of a footway with dropped kerbs to link from the site to the west to tie in with the existing footway on the north side of Walkhurst Road into the village centre (as shown on submitted plan EMC -2018-118-05 Rev 01 for indicative purposes only).

This may involve linking only to the first extension of the existing footway which may be provided under application 16/504891/FULL, providing that first extension has already been delivered to the satisfaction of the highway authority.

The agreed works shall be implemented in accordance with highway authority standards and specification prior to first occupation.

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

Vehicle parking/turning - detailed

13) Notwithstanding the approved plans and submitted details, the area shown on the approved site layout plan that is the subject of the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the first occupation of any part of the development.

They shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

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

Vehicle parking/turning - outline

- 14) Notwithstanding the approved plans and submitted details, within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of facilities for the garaging (where appropriate), parking and turning relating to the dwellings to be constructed within that phase.

Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended, shall be carried out on that area of land so shown or in such a position as to preclude the use of these facilities for their intended purpose.

Reason: To ensure the provision and retention of adequate off-street parking, turning and servicing facilities for vehicles in the interests of highway safety. Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

EV Charging Points - detailed

- 15) Prior to the commencement of any Above Ground Development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of the provision of electric vehicle-charging points, including a timescale for their provision and a plan identifying the units/parking spaces which shall be allocated the charging points shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

EV Charging Points - outline

- 16) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of the provision of electric vehicle-charging points, along with a timescale for their provision and a plan identifying the units/parking spaces which shall be allocated the charging points.

Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied and retained thereafter.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

Renewable Energy - detailed

- 17) Notwithstanding the approved plans and submitted details, prior to the commencement of any Above Ground Development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) written and illustrative details for renewable energy technologies/energy conservation measures to be used on that phase shall be

submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

Renewable Energy - outline

- 18) Notwithstanding the approved plans and submitted details, within the area of the site that is the subject of the outline permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include written and illustrative details for renewable energy technologies/energy conservation measures to be used on that phase. shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied and retained thereafter.

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

Additional design details - detailed

- 19) Prior to the commencement of any works hereby approved in relation to the areas below with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) detailed plans and information regarding the following aspects of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details:
- a) Details relating to windows, window glazing and joinery and dormer windows;
 - b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
 - c) The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts, and any street furniture, including seating;
 - d) The positions, design, materials and type of boundary treatment;
 - e) The storage and screening of refuse and recycling areas;
 - f) Details of cycle storage;
 - g) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;
 - h) Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards, signs and lighting columns (if applicable);
 - i) Details showing how dedicated and continuous footway routes will be demarked;

The submitted details shall also demonstrably take in to account the comments on the application of Kent Police dated 24/04/19.

Reason: To ensure the build quality of the development. This is a pre-commencement condition as some of the matters relate to operations undertaken at an early stage of the construction phase.

Additional design details - detailed

- 20) Within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B) the

submission of reserved matters for that phase of the development shall include detailed plans and information regarding the following aspects of the proposed development:

- j) Details relating to windows, window glazing and joinery and dormer windows;
- k) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
- l) The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts, and any street furniture, including seating;
- m) The positions, design, materials and type of boundary treatment;
- n) The storage and screening of refuse and recycling areas;
- o) Details of cycle storage;
- p) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;
- q) Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards, signs and lighting columns (if applicable);
- r) Details showing how dedicated and continuous footway routes will be demarked;

The submitted details shall also demonstrably take in to account the comments on the application of Kent Police dated 24/04/19.

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

Reason: To ensure the build quality of the development.

Levels - outline

- 21) Notwithstanding the approved plans and submitted details, within the area of the site that is the subject of the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of existing and proposed levels. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development

Levels - detailed

- 22) Prior to the commencement of development (excluding Initial Enabling Works) hereby approved within the area of the site subject to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of existing and proposed levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development. This is a pre-commencement condition as the site levels will need to be determined prior to the commencement of the development phase..

Trees - detailed

- 23) Prior to the commencement of any development hereby approved subject to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) a method statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance shall be submitted to and approved in writing by the local planning authority.

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 as the measures will be required to be in place from the commencement of the development phase.

Trees – outline

- 24) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details a method statement detailing hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance shall be submitted to and approved in writing by the local planning authority.

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

Trees – compliance condition covering both detailed and outline

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

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

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

Hedges – compliance condition covering both detailed and outline

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

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

Landscape and Ecological Management Plan

- 27) Notwithstanding the submitted details, 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 be approved in writing by, the Local Planning Authority prior to the commencement of above ground construction of the development.

The LEMP shall apply to all areas as identified within Figure 5 (Landscape Components) on page 14 of the submitted document 'Landscape & Ecological Management Plan' (Iceni Ecology Ltd. and Louise Hooper Landscape Architect, April 2020).

The content of the LEMP shall accordance with Council guidance and include the following:

- 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 organization 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.
- 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: To ensure the development delivers ecological net gain in accordance with the requirements of the National Planning Policy Framework, to ensure the development meets the statutory requirement to conserve and enhance the High Weald Area of Outstanding Natural Beauty and to assimilate the development in to the wider landscape.

Biodiversity Mitigation and enhancement

- 28) Notwithstanding the submitted plans and documents, prior to development commencing (excluding Initial Enabling Works), a scheme for the mitigation and enhancement of ecology and biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account any protected species that have been identified on the site, and shall demonstrate how the scheme will achieve biodiversity net gain as required by the National Planning Policy Framework.

It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

Landscaping outside defined LEMP area - detailed

- 29) Prior to the first occupation of the development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval.

The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture 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.

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

Landscaping outside defined LEMP area - outline

- 30) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include 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; street furniture 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.

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

Landscaping outside defined LEMP area – compliance condition covering both detailed and outline

- 31) The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

Land contamination

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

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

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

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

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

External lighting

- 33) Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting (where applicable) full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The submitted lighting scheme shall be informed by an ecologist to limit the impact upon protected species from artificial light sources. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

Flooding and SUDS scheme

- 34) Notwithstanding the approved plans, development shall not begin (excluding Initial Enabling Works) until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Impact and Flood Risk Assessment dated March 2019 undertaken by Tridax Associates and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change climate change adjusted critical 100 year storm) can be accommodated and disposed of without increasing flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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.

- 35) No building hereby permitted in either phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

Foul drainage

- 36) Foul water drainage shall be directed to the main sewer (as described in S3.0 of the submitted Drainage Impact and Flood Risk Assessment dated March 2019 undertaken by Tridax Associates) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

Archaeology

- 37) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

Permitted Development rights

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

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

INFORMATIVES

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

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

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

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

The applicant is advised that they will need to enter into an agreement with the highway authority under S278 of the Highways Act 1980 for works to the access. As the development is to remain private the developer should also Serve Notice under

S.31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.

- 4) Planning permission does not convey any approval for works within the highway or verge for which the applicant will be required to enter into a S.278 Agreement under The Highways Act 1980. Please contact Kent County Council - Highways and Transportation - Agreements Team 03000 41 41 41. The Agreement Engineer for the area can be reached at James.pronger@kent.gov.uk
- 5) This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affect the way in which the property may be used.
- 6) Kent County Council (KCC) recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. KCC understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

B If the applicants fail to enter into such agreement by 30 November 2020 the Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):

- (1) The proposal would not provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Core Strategy 2010, the Affordable Housing Supplementary Planning Document, the Planning Practice Guidance and the National Planning Policy Framework.
- (2) The proposal would fail to provide a contribution towards new single premises for the three General Practices located in Cranbrook as requested by the NHS West Kent Clinical Commissioning Group; towards Benenden Primary School expansion, Cranbrook Community Hub (Libraries element), nor towards Sustainable Transport as requested by Kent County Council; and would therefore conflict with Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.