

NOTES FOR TECH:**APPLICATION PROPOSAL**

Ref No 21/01379/FULL

The erection of a replacement farmhouse, three additional dwellings (Plots 37-39), and the re-design of Plots 1-3 within the development for 36 dwellings approved under 18/02571/FULL (Phase 1), together with associated parking, car barns, and hard and soft landscaping work.

ADDRESS Turnden Hartley Road Cranbrook Kent TN17 3QX**RECOMMENDATION - PER****WARD** Benenden & Cranbrook**PARISH/TOWN COUNCIL**
Cranbrook & Sissinghurst
Parish Council**APPLICANT** Mr Robert Franks
AGENT**DECISION DUE DATE**

EOT 31/08/21

PUBLICITY EXPIRY DATE

23/07/21

OFFICER SITE VISIT DATE

Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):**Reference Number: 85/00484/FUL**

Proposal: Conversion of existing swimming pool into a dwelling/annexe pursuant to TW/85/0183

Decision PER Date: 12/06/85

Reference Number: 96/00543/FUL

Proposal: Conversion of part of existing loftspace to holiday let accommodation

Decision PER Date: 30/05/96

Reference Number: 96/00544/LBC

Proposal: Listed Building Consent - Conversion of loftspace to holiday let accommodation

Decision PER Date: 30/05/96

Reference Number: 96/00545/FUL

Proposal: Vary Condition 2 of TW/85/0484 to allow holiday let accommodation

Decision PER Date: 03/06/96

Reference Number: 02/00924/FUL

Proposal: Change of use from agricultural to B1(excluding (a)) involving refurbishment; demolition of one building; new drive and access improvements

Decision REF (appeal dismissed) Date: 13/06/02

Reference Number: 04/01982/FULMJ

Proposal: Demolition of one shed and change of use of redundant chicken rearing sheds to: 1. Oak suppliers store/workshop/office/domestic storage (Part Retrospective); 2. Commercial storage; 3. Drama meeting and rehearsal space and store; 4. New sewage treatment plant.

Decision PER Date: 07/12/04

Reference Number: 08/02616/FUL

Proposal: Part retrospective - Change of use, conversion and redevelopment of farm buildings for use as a depository for wine for exhibition/tasting purposes with ancillary offices and glass washing facility, and access improvements

Decision PER Date: 03/12/08

Reference Number: 09/00645/CEU

Proposal: Certificate of Lawful Development (Existing): Use of annexe as two separate dwelling houses

Decision PER Date: 24/04/09

Reference Number: 09/03645/FULMJ

Proposal: Change of use from agriculture to use for equestrian activities and the provision of a staff office, toilet and kitchen block, quadrangle stable block, American barn, hay barn, sand school, associated parking and landscaping

Decision PER Date: 29/06/10

Reference Number: 11/01944/NMAMD

Proposal: Non material amendment to 09/03645 - Repositioning of American barn

Decision PER Date: 29/07/11

Reference Number: 11/02794/FUL

Proposal: Demolition of existing former chicken building and construction of an additional warehouse for wine storage

Decision PER Date: 24/05/12

Reference Number: 17/02484/FULL

Proposal: Variation/Removal of Condition 9 (Named occupiers) of 08/02616/FUL (Part Retrospective - Change of use, conversion and redevelopment of farm buildings for use as a depository for wine for exhibition/tasting purposes with ancillary offices and glass washing facility, and access improvements) - Removal of restriction of use to named occupiers only

Decision PER Date: 12/09/17

Reference Number: 17/02485/FULL

Proposal: Variation of Condition 10 (Named occupiers) of planning permission 11/02794/FUL (Demolition of existing former chicken building and construction of an additional warehouse for wine storage) - Removal of restriction of use to named occupiers only

Decision PER Date: 12/09/17

Reference Number: 18/02564/LBC

Proposal: Listed Building Consent: Demolition of eastern range (including 2 No. independent apartments); erection of a single storey rear extension; internal and external alterations; hard and soft landscaping works.

Decision PER Date: 21/12/18

Reference Number: 18/02571/FULL

Proposal: Erection of 36 residential dwellings and associated infrastructure, access road improvements, hard and soft landscaping, open space, drainage, and ecology works, following the demolition of the existing commercial and equestrian buildings; restoration of Turnden farmhouse including the erection of a single storey rear extension, internal and external alterations with hard and soft landscape works, following the demolition of 2 independent apartments

Decision PER Date: 26/02/19

Reference Number: 19/00680/SUB

Proposal: Submission of Details in Relation to Condition 3 (Construction/Demolition Environmental Management Plan) of 18/02571/FULL

Decision PER Date: 27/06/19

Reference Number: 19/00686/SUB

Proposal: Submission of Details in Relation to Condition 6 (Demolition Safeguarding) of 18/02564/LBC

Decision PER Date: 09/05/19

Reference Number: 19/00693/SUB

Proposal: Part-submission of details in Relation to Condition 11 (Arboricultural Method Statement only) of 18/02571/FULL

Decision PER Date: 09/07/19

Reference Number: 19/00811/SUB

Proposal: Submission of Details in Relation to Condition 5 (Surface Water Drainage) and Condition 22 (Archaeology - Written Scheme of Investigation for watching brief submission only) of 18/02571/FULL

Decision PER Date: 27/09/19

Reference Number: 19/00812/SUB

Proposal: Submission of Details in Relation to Condition 10 (Levels) of 18/02571/FULL
Decision PER Date: 24/05/19

Reference Number: 19/01863/NMAMD

Proposal: Non-Material Amendment in Relation to 18/02571/FULL - Amendments to dwelling types including small changes to window positions, minor internal alterations, slight adjustments to the front porch designs and removal of the split level ground floor internal layout to Plots 17 and 18; Relocation of visitor parking bays from outside plots 12-13; Extension of footpath to access plots 21-36; Removal of existing invasive rhododendron to the side of the access road and replacement with native hedge planting; re-positioning of new tree planting to avoid conflict with the foundation of buildings and walls; amended specification of the hedgerows to allow a more traditional 'A' frame hedgerow to be achieved at the entrance of the site.

Decision PER Date: 23/07/19

Reference Number: 19/02004/SUB

Proposal: Part Submission of Details in Relation to Condition 11 (Tree Protection Plan and Arboricultural Impact Assessment Only) of 18/02571/FULL

Decision PER Date: 18/07/19

Reference Number: 19/02171/SUB

Proposal: Submission of Details in Relation to Condition 8 (Design Details and Information) of 18/02571/FULL

Decision PER Date: 05/02/20

Reference Number: 19/02620/EIASCO

Proposal: EIA Scoping Opinion - Proposed development of up to 134 dwellings

Decision OPINIO Date: 31/10/19

Reference Number: 19/02879/SUB

Proposal: Submission of Details in Relation to Condition 5 (Surface Water Drainage Scheme) of 18/02571/FULL

Decision PER Date: 04/11/19

Reference Number: 20/00815/FULL

Proposal: The construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works

Decision Called in by SoS

Reference Number: 21/02395/SUB

Proposal: Submission of details in relation to Condition 14 (Ground Works) of 18/02571/FULL
Decision PDE

DESCRIPTION OF SITE

- 1) Turnden is located on the southern side of the A229 Hartley Road approximately 190 metres outside of the Limits to Built Development of Cranbrook (when measured from the site access to the LBD edge) and to the south west of the town.
- 2) The application site forms an irregularly shaped plot of land measuring approximately 0.74 hectares in size, which forms part of the wider 4.59 hectares application site for permission 18/02571, as amended by 19/01863/NMAMD ('The 2019 permission'), often referred to as 'Turnden Farmstead'.
- 3) The site previously comprised the dwelling and residential curtilage of Turnden House (a Grade II listed building which comprised three separate dwellings – the house and two flats within a later extension); plus buildings and wider parcels of land that fall within either commercial (B Class) or commercial equestrian (*sui generes*) uses.

- 4) All of the buildings are now gone; the commercial buildings were demolished pursuant to the 2019 permission listed above. Turnden was destroyed by fire in an arson attack in September 2019. The remains have been de-listed by Historic England. The 2019 permission has been implemented by virtue of the construction of the bell-mouth access and the removal of the commercial buildings.
- 5) The site levels rise initially upon entry to the site before gradually dropping away towards the south east. There is a 3.5 metre drop in levels between the entrance gate and the former rear garden of the house, with a further drop of 1-2m between there and the site of the equestrian facilities, with a steeper drop of 3-5m down to the former site of the commercial buildings. The land then drops away sharply towards the woodlands and pond to the south/south east; the bank level on the NE side of the pond is 95m AOD and the boundary of the woodlands is 99-100m AOD, a full 10m lower than the levels at the entrance gate.
- 6) The land away to the north east of the site otherwise known as Brick Kiln Farm is open land, allocated for development within the Site Allocations DPD 2016 for between 200 – 250 dwellings (Ref. AL/CR4). An outline permission for the development of up to 180 dwellings with open space, community orchard and a children's play area (reference 16/502860) was granted here in February 2020. BKF has recently changed ownership and the RM are due to be re-submitted by the new owners (having been withdrawn earlier this year when the ownership changed). Once constructed, this development will extend the settlement of Cranbrook to the south, approximately 200 metres from the application site.
- 7) The Turnden site outside the area covered by the extant 2019 permission is subject to an application submitted in March 2020 for 165 dwellings, with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works. This application received a resolution to grant planning permission at Planning Committee on 27th January 2021, but was then called in by the Secretary of State to be determined following a public inquiry (to be held between September and November 2021).
- 8) The nearest residential properties to the application site are Turnden Cottages located immediately north of the site access and the residential properties approximately 110 metres west of the access along Hartley Road. Otherwise the site is surrounded by open land. There is a small pond located in the southwestern corner of the site and the Crane Brook runs northeast along the southern boundary of the site. Some of the trees adjacent to the access road are subject to Tree Preservation Orders (TPOs). The site is previously developed land (PDL) and was treated as such for the 2019 permission.

PROPOSAL

- 9) This application is for a revised development at the entrance approach to Turnden Farmstead which will link to the extant 2019 permission. The application seeks planning permission for;
 - A replacement farmhouse (five bedroomed) with the building proposed as a reconstruction of the original farmhouse in form, materiality and detailing;
 - 3 additional four bedroomed dwellings (Plots 37-39), and
 - The re-design of the previously approved Plots 1-3 from the 2019 permission. These were originally three 3-bedroomed dwellings, however a fourth bedroom has been added to Plot 2.

together with associated parking, car barns and hard and soft landscaping work. External materials are a combination of brick, tile and dark weatherboarding, with slate on the lower car barns/garages.

- 10) The development increases the overall number of homes within Turnden Farmstead from 37 (36 approved under the 2019 permission in addition to the original farmhouse) to 40 homes. The remainder of the Turnden Farmstead/Phase 1 site is not the subject of this application - it remains as permitted and unaffected by the development.
- 11) A slight change has been made to the scheme, whereby the car barn which provided additional parking for the replacement farmhouse has been moved forward by circa 1 metre in its location to avoid the need for piled foundations as a result of previously building within the tree influence zone of the tree behind the pond. This has meant that the parking space which originally sat to the front of the car port, is accommodated in the parking area to the front of the property. The car barn has also been updated to a garage thereby altering the drawings through the addition of garage doors.

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*).
- 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*)
- Outside Limits to Built Development (as defined by the Site Allocations Local Plan 2016)
- Public Footpath WC115 runs to the west and south of the site, but is wholly outside it
- The Crane Valley to the SE is an area of Ancient Woodland
- The site access point is 0.6km from the entry to the Cranbrook Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Three trees along the Hartley Road frontage and four along the access drive are protected by Tree Preservation Order 041/2003
- Between 350m NE and 500m NE of the Site access is a cluster of four Listed buildings (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*), comprising:
 - The Cottage (or Crane Cottage), a small 18th-century roadside cottage under a hipped roof (Grade II);
 - Cranbrook War Memorial (1920) at the junction of Hartley Road / Angley Road and High Street (Grade II) with an undesignated First World War field gun adjacent; and
 - Goddards Green Farmhouse (formerly 'Wardes', a 15th / 16th-century cloth hall) (Grade II*) and;
 - A 17th-century Barn at Goddard's Green Farm listed for group value (Grade II), both located behind strong screen planting on Hartley Road / Angley Road (A229).

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021
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 12: Cranbrook
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 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
Policy H10: Replacement dwellings outside the Limits to Built Development

Supplementary Planning Documents:

Landscape Character Area Assessment 2018: Cranbrook Fruit Belt
Cranbrook Conservation Area Appraisal
Rural Lanes SPD
Recreation and Open Space SPD
Affordable Housing SPD
Renewable Energy SPD
Farmsteads 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 '

Draft NDP

Cranbrook & Sissinghurst Parish Council has applied to Tunbridge Wells Borough Council for the designation of a neighbourhood area under The Neighbourhood Planning (General) Regulations 2012 (as amended). The area proposed covers the whole of the parished area of Cranbrook & Sissinghurst. Local consultation on the Plan concluded in December 2020. However, as the NDP has not progressed to the formal examination or referendum stage it cannot be given any more than very limited weight in this decision.

Draft Local Plan

Following the conclusion of the Regulation 19 consultation on 4th June (post consultation but prior to any modifications) then policies without objections would carry significant weight. Those such as the Turnden allocation policy would still carry limited weight given there are objections to them. The Council's current position at the time of writing this report is that following the Full Council decision of 3rd February to consult upon and then submit the current Regulation 19 version of the Plan, it carries limited weight.

By September 2021, it is anticipated the modifications to the new Local Plan will have been undertaken ('the post modification version'). Once this is published policies such as the Turnden allocation policy would carry moderate weight because the Council has considered everything that has been submitted, and then made modifications as a result of those submissions. This would be the final plan to be submitted for examination. However it is accepted there would still objections to certain elements and following the Local Plan examination the Inspector is the arbiter of those.

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish/Town Council	- Addressed below	N/A
Residential Objections Number received: 1	- Impact on CA, AONB, non-designated heritage assets; - Object to design of farmhouse; - Object to design and materiality of new dwellings; - Design inappropriate within a historic farmstead; - Overdevelopment - Lack of smaller housing; - Limited pedestrian links; - Limited sustainability measures;	Noted and addressed below
Residential Support Number received: 0		

CONSULTATION RESPONSES

Historic England (17/06/21) – below threshold for consultation

Natural England (29/06/21) – no comments

TWBC Conservation Officer (01/07/21) - This application follows pre-application advice meetings to discuss an alternative layout in this part of the proposed residential scheme. These meetings were necessary given the fact that the grade II listed Turnden Farmhouse, to be converted as per the approved scheme, suffered an arson attack and was largely burnt to the ground in 2019. Historic England subsequently de-listed the remainder of the structure. Advice from a conservation-accredited structural engineer has been sought and reports submitted in June 2020 and April 2021, after the chimney had collapsed. The remains are not capable of being reused, and are not salvageable. The report suggests a methodology for recording the structure, which I've suggested as a condition below.

The loss of the farmhouse is unfortunate, as its restoration and continued use as a single dwelling was considered to be a heritage benefit to the original scheme. However, given the unexpected circumstances, I can acknowledge the recording works of the ruined house (the chimney has now collapsed as it was unstable, but can still be recorded), the replacement farmhouse in the same location and of a similar appearance (and necessarily reduced scale), and the publicly accessible pond and well, as the only heritage benefits now possible. Whilst rebuilding a lost historic building has the risk of pastiche due to modern construction techniques, the design in my view is sufficiently different to the original house to avoid this, and also has a quality of detail to respect the original, along with use of the appropriate high quality materials. The heritage statement says this of the replacement farmhouse:

'The proposed Replacement Farmhouse, provides a genuine attempt to reference the past with the form, scale and tile hung design approach of the original structure

recreated, within a housing layout designed for modern day living.'

I agree with this, subject to details. I also agree with the conclusion that this small area of development will not harm any of the designated or non-designated heritage assets identified in the report, as the farmstead character of the former farmstead will be maintained as proposed.

Previously we had considered Turnden farmstead to be a non-designated heritage asset as it is identified as a historic farmstead on the Historic Environment Record, through the KCC and English Heritage survey of historic farmsteads in 2012. It is acknowledged that all buildings of the historic farmstead are now lost, with the buildings other than the farmhouse lost many years prior to the submission of the first application, and significance as a non-designated heritage asset lies purely in recorded form, much of which is presented in the supporting documents to this application. A small amount of harm could be considered the result of a residential development over the remains of the farmstead, in a different pattern, to the nondesignated heritage asset, but this harm would be minimal and includes mitigation with the intended 'restored' farmhouse. Paragraph 197 applies. This application includes three additional dwellings along with the restored farmhouse, and this is the nature of the harm in comparison to harm identified from the consented scheme. I had identified less than substantial harm of the scheme as a whole to the Cranbrook Conservation Area and to a lesser extent to the listed buildings nearby for which the site forms a part of their rural setting. Whilst this is a stand alone application, as the scheme as a whole is consent my view is that cumulatively the addition of the three new dwellings and the alterations to the other three at the site entrance would have some, but little impact on level of harm, adding a small amount due to the increased density where the curtilage of the farmhouse formerly extended. The new units have otherwise been designed to integrate with the farmsteads character of the rest of phase 1, and to complement the farmhouse, which maintains a prominence in the proposed layout.

Suggested conditions:

- In regards to below ground archaeology, I defer to advice from KCC Archaeology in terms of any suggested investigative work or monitoring (referring to condition 22 of the consented scheme).
- No works to dismantle the remains of the chimney of the former Turnden Farmhouse shall commence until a written specification and timetable of recording to at least Level 2 and in accordance with the recommendations in the CTP report dated 1 April 2021 has been submitted to and approved in writing by the Local Planning Authority and implementation of the programme has been fulfilled in accordance with the approved programme and all findings submitted to and approved in writing by the local planning authority. The recording work shall be undertaken by a competent person or organisation approved by the Local Planning Authority.

Reason: to ensure items of historic merit are properly recorded

- You have previously mentioned the possibility of an Interpretation board at pond or well, which I support. Is there a standard condition for this? David Scully may be able to advise.
- No above ground works shall commence until a method statement and timetable for the restoration of the well are submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

- Prior to the commencement of above ground works of the farmhouse, large scale drawings of typical architectural details of eaves, ridge, areas where different materials meet, decorative tile work, and chimney shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- The following conditions from the consented scheme are also suggested:
8(a)(c)(d)(e)

TWBC Landscape & Biodiversity Officer (01/07/21) - This revision for part of the site consented under 18/02571 does not raise any new issues and noting the loss of the historic farmstead this is a rational approach to the proposed development and land use. Matters previously dealt with by condition/legal agreement can still be dealt with in the same way. I will leave it to the Conservation Officer to comment on any design issues of the units but I am satisfied with the approach to landscape. I note the statement on the LVIA which concludes "*The amendments to the Turnden Farmstead scheme would not materially alter the findings of the LVIA that accompanied the original application*". I agree with this position.

Cranbrook Conservation Advisory Committee (01/07/21) – object.

- Firstly it is of great concern that the developers had insufficient site security to prevent the arson attack that has effectively destroyed the medieval farmhouse. Ironically the Built Heritage Statement explains at great length the value of this building. The new design is just a large modern pastiche house on a relatively small plot for its size.
- Secondly if Berkeley Homes are responding to local need why are there just a couple of 3 bed units, no smaller houses and mostly larger houses ?
- On specific aspects, the appearance of units 1 and 3 have roofs gabled on one side, making them appear lopsided. Half hipped or hipped on both sides would look better. Also on 1-3, the eaves on the car ports would be improved if they were lowered. It would also be better visually if the fencing at the rear was also stained black like the elevations.
- On hard landscaping the use of a standard tarmac road with concrete kerbs is suburban looking and disappointing for this rural AONB location. Better block paving would help with possibly no pavement as this is just access for 7 houses
- On soft landscaping the choice of just shady or sunny borders seems very limited and needs greater diversity
- Refuse strategy just seems to assume bins will be left in car ports. As there are likely to be at least 3 bins per household, proper screened provision is needed
- Sustainability seems too limited with no provision for PV or solar panels or air source heat pumps
- On layout a better option could be to emulate the medieval setting of farmhouse and its outbuildings in creating these new houses

Cranbrook & Sissinghurst Parish Council (06/07/21) - Firstly, in principle the Parish Council do not object to the redevelopment of the farmhouse. However, they suggest that the bricks should be laid in English Bond, not Stretched Bond using lime mortar to match the original building. Kent Peg Tiles new or second-hand, should be used for the roof and hanging tiles.

- With regard to the additional and re-design of plots sustainability is limited with no provision for PV or solar panels or air source heat pumps.
- Each dwelling should be fitted with car charge points.
- The additional houses would be better suited to the needs of the Parish if they were 2/3 bedrooms.
- Regarding landscaping block paving would be more in keeping rather than tarmac.
- Units 1-3 the roof gables on one side make them appear lopsided. Half hipped or hipped on both sides would be a better design.

(04/08/21) - still most definitely seeking monies for the Cranbrook Hub Community Centre.

Mid Kent EP (06/07/21) - MAIN POINTS CONSIDERED: Contaminated land, noise, odour, lighting

COMMENTS

I have reviewed the application and made the following observations.

Due to the fire the land made by contaminated by the old farmhouse. An investigation by a contaminated land consultant should be carried out to understand if the site is suitable for use. Provision should be made for EV charging at the houses. Our current condition expects all houses with off street to provide EV charging.

RECOMMENDATIONS:

I have no objection subject to the previous comments made by Environmental Health in application 18/02571/FULL and conditions (EV charging, contaminated land).

KCC Flood and Water Management (06/07/21) - Kent County Council as Lead Local Flood Authority have reviewed the application and understand that the original proposals for phase 1 (Turnden Farmhouse) have changed in light of the farmhouse being destroyed. The submission of these latest proposals are for an additional three dwellings and re-designs to plots 1-3 (with parking). The LLFA have no objections to these proposed changes but would seek clarification on the following:

It is understood from Catchment Areas Plan (185672-001, March 2021) drawing accompanying this submission that the proposed changes to the original design would appear to increase the amount of impermeable areas (hardstanding and roof area).

This drawing is compared against the previous SW Catchment Area Plan Sheet 1 (185670-SK01, January 2019) that is contained within the Drainage Strategy Technical Note by Ardent for condition 5.

The LLFA seek to confirm that the increase in impermeable areas can be adequately managed and contained within the drainage system previously designed. Ideally, we would seek that the Microdrainage calculations are updated and simulations run to take understand the implications on the drainage scheme.

(10/08/21) - Following our previous consultation response (06 July 2021), a letter from Berkley (12 July 2021) has been submitted. The letter informs us that consideration was given the increased impermeable areas compared to the original scheme and highlighted the

locations of the relative information within the Drainage Summary Technical Note. In light of the reviewing these, we are now able to remove our previous objections.

KCC Highways (13/07/21) - This application modifies the approved layout of the site now referred to as Turnden phase one which was granted consent under reference 18/02571 and 19/01863 . The proposals include a replacement farm house plus, three additional dwellings, and the re-design of Plots 1-3 to accommodate these units . The TS advises that the approved vehicular and pedestrian access arrangements with the highway will be retained.

The TS estimates that the additional units will generate of the order of 4 vehicular trips in the AM peak and 3 in the PM Peak but it has not carried out any assessment of the impact at the Hawkhurst junction .

In a recent Judicial Review decision (Case No: CO/431/2020 concerning planning application TW/19/01271 – The White House, Hawkhurst) the Judge states in paragraph 132:

...the policy framework of the NPPF itself does not purport to specify what technical information will need to be obtained in order to reach a conclusion under paragraph 109 of the NPPF as to whether the residual cumulative impacts are severe. To the contrary, it contemplates that the amount of information that may be required in any particular case will be fact-specific, with a Transport Statement involving a lighter-touch evaluation than a Transport Assessment. This is an area where judgments about how much information is required in a particular case are ones which involve questions of proportionality. Here the Applicant's highway consultants, KCC as local highway authority and the Defendant as local planning authority self-evidently were content that the Transport Statement provided a proportionate amount of information.

And in paragraph 133:

It was well within the ambit of a rational conclusion that a 0.2% increase over existing levels of traffic would not create a "severe" residual cumulative impact.

The White House application for 43 retired living apartments, estimated 2 trips through the junction in both peaks. A 2016 traffic count undertaken for KCC Highways shows 1,392 vehicles through the junction in the AM peak and 1,438 in the PM peak. Two development trips through the junction result in increase of 0.14% in the AM and 0.14% in the PM to two decimal places.

In line with the JR, it is the judgement of the Highway Authority that this application does not need to consider committed development or indeed model the Hawkhurst junction in order to conclude that the development would not create a severe residual cumulative impact. However in keeping with the approach taken at The White House site, the applicant is requested to mitigate the impact on the local highway network in the form of a £1,000 per dwelling contribution to bus services to benefit future residents and promote sustainable choices at the site. This additional contribution has been offered through the deed of variation to uplift the previously agreed Sustainable Transport Contribution . The highway authority would be grateful for confirmation that other conditions and obligations such as the improvements to bus stops and crossing points and alteration to speed limit etc secured under the earlier two applications will also remain applicable to this application.

On this basis I can confirm that the highway authority would not seek to raise objections to the proposals.

With regard to the details, we have previously been advised that the site is to remain private and I will not comment in detail on the internal arrangements. However it is strongly recommended that the parking should take the form of car barns rather than garages as the latter are likely to result in over spill parking, which is of particular concern at the entrance to the development . It is further recommended that any spaces which abut a wall are increased in width by 0.2m to improve access. With regard to EV charging KCC emerging standards recommend 1 active charge point per dwelling with minimum output rating 7KW.

Informative recommended

CPRE (15/07/21) – object;

1. This application is presented as a new application for part of the site to which 18/02571/FULL (Turnden Phase 1) relates. The consent for the latter application cannot be implemented in accordance with its terms, because the approved restoration of Turnden is no longer possible. If permission is granted for this application, other elements of the development permitted under 18/02571/FULL cannot be implemented. This situation raises a number of questions, as it is not clear to us how the terms and conditions of the existing permission can be amended pursuant to this application. We would suggest that the proper course should be for the applicant to withdraw this application and submit a new application for the entirety of the site covered by 18/02571/FULL.
2. As 20/00815/FULL (Turnden Phase 2) has been called in by the Secretary of State, this application should not be assessed on the basis that permission will be granted for that development. This consideration makes the plans submitted with this application, which show the Turnden Phase 2 development in situ, misleading.
3. Under 18/02571/FULL, the area covered by this application would have accommodated the restored farmhouse, with a double garage and three new homes with two car ports. Under the present application, the same area would accommodate the new farmhouse with a double garage (in a different position), six new homes and 13 car ports, with a commensurate increase in the area of driveways and hard standing. This area is the part of Turnden Phase 1 which is closest to the A229 and from this perspective increases the harmful landscape impact of the development, as compared with what is currently permitted.
4. This part of the site is closest to Cranbrook Conservation Area and to the heritage assets mentioned in paragraph 7.33 of the Built Heritage Statement and so the present application increases the harm to the setting of these heritage assets, as compared with what is currently permitted.
5. The additional new homes and car ports would largely be built on parts of the site which were not previously developed, increasing the harm to the AONB landscape and taking the development further from the footprint of the former farmstead, increasing its impact on historic settlement patterns.
6. There is little in the present application to suggest that the new farmhouse will be of great architectural merit, or will be built of traditional materials. It will be in a more cramped setting than Turnden was and is overall a poor replacement for that formerly listed building.

7. We are in favour of the efficient use of building land and so do not object, in principle, to increasing by three the number of new homes to be built in Turnden Phase 1. We would, however, suggest that three additional homes could be built without increasing the area to be built upon, especially if they were smaller, more affordable homes, than the 4-bedroom houses with 2 or 3 car ports which are proposed in this application.
8. In other contexts, we have pointed out an unsatisfactory element of the applicant's two-phase approach to the proposed development of Turnden Farm, which is that it envisages two separate access roads to the A229 for a total of approximately 200 new homes. This is sub-optimal, both from a highways and landscape perspective and a master planning approach should be adopted, in the event that both Phases are to be permitted, to consolidate the two access roads into one.

KCC Heritage (14/07/21) - Turnden was a 17th century or earlier farmhouse and may have occupied the site of a Medieval farm complex. Remains associated with this residential and farming historic site may survive on site. As such I recommend a condition is placed on any forthcoming consent.

Kent and Medway CCG (06/08/21) - Further to our letter of 6 September 2018 (18/02571) I am writing to provide an updated response to reflect the changes highlighted in application 21/01379. We originally requested £36,108. Having reviewed the amendments of 3 additional dwellings and 1 dwelling changing from 3 beds to 4 beds we will be requesting £40,104. This is an increase of £3996.00.

Southern Water (06/07/21) – standard advice regarding drainage connections, SUDS scheme

TWBC Client Services (16/06/21) - As with previous submissions bins to be purchased from TWBC or the developer prior to properties being sold or occupied .

KCC Economic Development (13/07/21) -

Request Summary

	Per applicable House (x 3)	Total	Project
Primary Education	£4,642.00	£13,926.00	Towards the enlargement of Cranbrook Primary School
	Currently no Secondary requirement		

'Applicable' excludes: 1 bed units of less than 56 sqm GIA and any sheltered accommodation.

	Per Dwelling (x3)	Total	Project
Community Learning/Social Care/ Libraries	£419.63	£1,258.89	Towards Cranbrook Community Hub – Libraries/Adult Education/Social Care
Youth Service	£65.50	£196.50	Towards additional resources for Youth services in the Cranbrook area
Social Care	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£129.20	£387.60	Towards Tunbridge Wells Waste Transfer Station
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>		
Highways	<i>Kent Highway Services will respond separately</i>		

BACKGROUND PAPERS

Application form

Cover letter 13/04/21

29799A / 001 P11 (Proposed Site layout)

29799A / 002 Rev P8 (Boundary Treatment Plan)

29799A / 003 P8 (Proposed Parking Strategy)

29799A / 004 P8 (Proposed Refuse Strategy)

29799A / 006 P7 (Housing mix diagram)

29799A / 009 P4 (Floor Plans (Plots 1-3))

29799A / 010 P4 (Plots 1-3 Roof Plans & Elevations)

29799A / 0011 P2 (Plots 1-3 Side Elevations)

29799A / 0012 P6 (Replacement Farmhouse Plans)

29799A / 0013 P5 (NP37 Plans & Elevations)

29799A / 0014 P2 (NP38 And NP39 Plans And Elevations)

29799A / 016 P7 (current and previous scheme overlay)

29799A / 017 P7 (materials diagram)

29799A / 018 P6 (Building heights diagram)

29799A / 0020 H (Phase 1 masterplan)

29799A / 0022 P4 (Replacement Farmhouse Car Barn Plans)

29799A / 0023 P3 (Phase 1 masterplan)

29799A / 0024 P1 (Site location plan)

185672-001 P2 (Catchment area plan)
185672-002 P2 (Drainage strategy plan)
7490_001D and 7490_002E (Hard landscape 1/2 and 2/2)
7490_003D and 7490_004E (Soft landscape 1/2 and 2/2)
7490_101C (P1 Preliminary Illustrated Landscape Masterplan)
Arboricultural Impact Assessment & Preliminary Method Statement (17/03/21)
Archaeological Desk Based Assessment March 2021
Built Heritage Statement March 2021
Drainage Strategy April 2021
Ecological appraisal March 2021
Energy Statement March 2021
Flood Risk Addendum April 2021
Landscape and Visual Impact Assessment April 2021
Landscape Statement April 2021
Planning Statement April 2021
S106 Deed of Variation Draft Heads of Terms
Structural Inspection and Discussion of Heritage Issues April 2021
Transport Assessment Addendum April 2021
Design and Access Addendum April 2021
Letter from applicant 12/7/21 and 16/8/21

APPRAISAL

Preliminary matters

- 1) A Senior Planning Manager within The Planning Casework Unit advised TWBC by e-mail on 1 July 2021 that *'In the light of the information you have provided, I am content that the new application (TWBC ref 21/01379/FULL) for 'the erection of a replacement farmhouse, three additional dwellings (Plots 37-39), and the re-design of Plots 1-3 within the development for 36 dwellings approved under 18/02571/FULL (Phase 1), together with associated parking, car barns, and hard and soft landscaping work, can be determined by Tunbridge Well Borough Council.'* Therefore the application is not required to be heard as part of the forthcoming public inquiry.
- 2) Objectors have referred to the presence of drawings relating to the undetermined 'phase 2' application (20/00815/FULL) which is to be determined by the Secretary of State following a public inquiry. The landscaping schemes show links through to this development and the block plan also shows it shaded around the outside of the Phase 1 development.
- 3) The proposed 'phase 2' scheme plays no part in the recommendation below and no weight has been given to it. This application has been judged on its own merits (particularly how it relates to the 2019 permission, within whose application site it wholly lies). Those drawings including elements of phase 2 which are to be approved plans have been annotated in condition 2 below so they exclude consideration of the Phase 2 illustrations.
- 4) The landscaping drawings will be required by condition to be revised if Phase 2 does not receive planning permission and there is no alternative permission in place for a development that could link to Phase 1 using the links shown on the landscaping plans.
- 5) The CPRE suggest that the 2019 permission cannot be implemented in accordance with its terms, because the approved restoration of Turnden is no longer possible.

Whilst the restoration of Turnden Farmhouse can never be carried out, this is an element of the 2019 permission that would simply be left unimplemented - there are no conditions compelling the applicant to restore it on 18/02571. There is only a condition that requires the buildings/part buildings show for demolition to be removed. It is well established that an applicant cannot be compelled to complete a permission except in very exceptional circumstances through a Completion Notice, which would be inappropriate here as the 2019 permission is incapable of being completed. It is commonplace that subsequent permissions are granted on a part-site of a larger permission.

- 6) A demand for an entirely new application for phase 1 could only be justified if the whole nature of the existing development is being changed and/or the conditions on the extant permission are rendered incapable of compliance if this new application were granted. Having reviewed the conditions again TWBC do not believe this to be the case. A S.73 application is not appropriate based on recent case law, as it would be contrary to the description of development of the 2019 permission. Therefore a stand-alone application for 7 units is the only realistic application route for this development.
- 7) The plans show how the new development would 'tie in' to the extant phase 1 permission in terms of landscaping, SUDS, access roads, hard landscaping etc. Objections have not been raised from other consultees on this point.
- 8) An 'overlapping permission' condition has been considered here. However the applicant, if they wish to construct a replacement farmhouse, has no alternative but to implement this later permission. Also, the construction of the three new dwellings is dependant on the amended layout of Units 1-3 as shown in this permission. It is unlikely the applicant would leave the site in its current state and build out the rest of the 2019 permission, nor leave the space redundant.

Principle of development

- 9) This proposal involves three areas of development which are addressed by different areas of Local Plan policy; three dwellings on Plots 1-3 which are an alternative to the 2019 permission on this area; a replacement dwelling for the destroyed farmhouse; and three new dwellings (NP37-39).

Housing supply

- 10) 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.
- 11) 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 relevant 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*".
- 12) Since this date work on the Council's new Local Plan has been progressed with an anticipated formal submission date of early 2022. The Planning Practice Guidance and the NPPF require LPAs to calculate housing figures through the Standard Methodology which uses the updated Household Projections 2016 (released 20/09/2018) to calculate housing targets.

- 13) 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.
- 14) The Council has identified that (inclusive of the 5% buffer required by the NPPF 2019) it can currently demonstrate a housing land supply of 4.93 years (April 2021 figure) although on 23 August, as part of the exchange of evidence relating to a current public inquiry an alternative figure of 4.89 years was accepted by TWBC. 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.
- 15) 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 7) 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.”*
- 16) Footnote 8 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 74. Footnote 7 states these policies include AONBs, irreplaceable habitats and heritage assets.
- 17) When considered as a whole, the Council does not consider the 'basket' of the most important Development Plan policies against which this application would be determined (Local Plan: LBD1, EN1, EN5, EN13, EN25, H10, TP3, TP4, TP5, R2, CS4; Core Strategy CP1, CP4, CP5, CP6, CP12, CP14; SALP AL/ STR 1) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be 'irrelevant'. NPPF Para 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 18) 10) As regards weight to be given to current Development Plan policies, in the recent appeal decision on the Hartley Gate Farm House site for 27 dwellings (19/02170/OUT and APP/M2270/W/20/3247977) the Inspector set out that;
- 138. I find Policies EN1 and EN25 of the Local Plan and Core Policy 4 up-to-date insofar as they relate to the need for the proposal to respect the context of the site, to have a minimal impact on the landscape character of the locality, and to conserve and enhance the AONB and the landscape as a whole. The same applies to Policy EN1 and to Core Policy 4 insofar as the Borough's heritage assets should be*

conserved and enhanced, special regard should be had to their settings, and proposals should respect the context of the site.

139. Whilst Policy EN25 refers to sites outside the LBD, it does not preclude development beyond that area and its substance relates to a general need to safeguard landscape character and the built environment in rural parts of the Borough. Core Policy 14 is out-of-date, not just in terms of its underlying housing need but also in seeking to protect the countryside for its own sake contrary to the wording of the Framework. Nevertheless, it still seeks to maintain the local distinctiveness of particular localities and to enhance biodiversity.

140. I apply full weight to Policies EN1 and Core Policy 4 and limited weight to Policy EN25, and very limited weight to Core Policy 14. Core Policy 4 also weighs in favour of the scheme in relation to biodiversity enhancements.

141. Of the other policies, whilst Core Policy 6 is out-of-date in relation to housing land supply, other aspects remain relevant including recognising the need for affordable housing. Core Policy 6 weighs in favour of the scheme in that regard. LBD1 deals with restraints to development. Whilst cited by the authority in its decision notice, the policy is out-of-date in relation to both housing need and the expectations of the Framework and can attract only very little weight.

142. I also find Policy TP4 out-of-date insofar as it again refers to the LBD and seeks to preclude additional access onto primary and secondary routes in such areas. I attach very little weight. Whilst Core Policy 1 is out-of-date in terms of its underlying database and relationship to the LBD, it still commits the Council to meeting known development needs and identifies general priorities and opportunities for development. I attach limited weight. Policies R2 and CS4 are each relevant to matters of mitigation, are up-to-date and attract full weight in those regards.

- 19) Footnote 7 policies: Para 176 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. Paragraph 180 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 203 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 20) The proposal is not considered to comprise 'major' development within the AONB owing to its size and scale and thus is not required to be determined against NPPF Para 177.
- 21) 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. 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.

- 22) 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 Cranbrook the site is not considered to be “isolated” and therefore NPPF para 79 is not applicable. This is consistent with the stance taken on the 2019 permission.

New Local Plan

- 23) NPPF Paragraph 49 states arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 24) Paragraph 50 states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

- 25) The NPPF is clear that applications can only be refused on grounds of prematurity in limited circumstances. The proposal is only for a small number of houses on a small area of PDL land where there is already an implemented 2019 permission for 36 dwellings. It is not for a significant quantum of development in relation to Cranbrook..

- 26) In this case neither the emerging LP nor the NDP can be considered to be at an ‘advanced stage’ given the DLP has not been submitted for examination, nor has the NDP progressed to the formal examination or referendum stage. TWBC have at the consultation stage raised issues with the wording and consequent effects of NDP draft plans Policy LN7.7 (Local Protection & Enhancement of the Crane Valley) and Policy LN7.10 (Green Gaps & Preventing Settlement Coalescence) both of which relate to this site and seek to preclude development within it. The landowner has objected on similar grounds. Furthermore, the Council’s approach to applications on this site has consistently been that it should be determined against current Development Plan policies rather than the draft allocation. Given that the new local plan only carries moderate weight at best, providing it has reached post-modification stage (as opposed to the full weight to be given to the current Development Plan) this remains the case.

- 27) Given that both limbs a) and b) of NPPF Para 49 need to be satisfied the arguments relating to prematurity do not in this case lead to a refusal reason that can be justified, nor is it accepted that the plan-making process is undermined.

Location

- 28) The Council’s Committee report of 13 December 2018 at paras 10.13 – 10.21 concluded 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, the fact that some journeys need to be made by private car is an adverse impact, but this is more balanced by the relative position of the application site to the tier two settlement of Cranbrook. 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.'

- 29) The same stance is to be taken here. Since that report was published the 2019 permission has been implemented. Plus this proposal seeks permission for a net increase of three dwellings on a site where there is currently an extant permission for 37 (albeit which cannot be fully implemented because the farmhouse has gone).
- 30) The potential for footpath links between Phase 1 and Cranbrook town centre is subject either the proposed Turnden allocation within the draft local plan (to which either limited or moderate weight be given, as above); or the plans within Phase 2 application 20/00815/FULL, to which no weight can be given as that application is yet to be determined by the SoS. Therefore the locational sustainability of this site is approached in the same way as with the 2019 permission.

Housing mix

- 31) Whilst the proposal creates larger dwellings (1 x 5-bed and 3 x 4-bed, plus Plot 2 will go from 3-bed to 4-bed) the five bedroomed farmhouse is a replacement for the previous building that is expected to be commensurate with its predecessor. It would have been preferable for some smaller dwellings to be included however it is not considered the application could be refused on this basis. The current 2006 Local Plan policy relating to mix (H2) is out of date and failure to comply with it would not be a matter on which a refusal could reasonably be defended.

Use of Previously Developed Land (PDL)

- 32) In the 2018 Committee Report it was stated that '*...Much of the site amounts to PDL as it is occupied by buildings whose lawful use falls in to either Use Class B8 (Storage and Distribution), or a commercial riding school (sui generis). In addition a small part of the land to be developed forms part of the wider garden area of Turnden. A recent court case has clarified the wording of Annex 2 of the 2012 NPPF so that garden land outside built-up areas is often defined as PDL. Therefore part of the site would also be PDL, as it is garden outside a built up area.'*
- 33) The development is focussed wholly on land that formerly comprised the garden/footprint of the former dwelling, or on land formerly part of the commercial and equestrian uses. Therefore this scheme, like the 2019 permission, still uses PDL.

Approach to new dwellings and material considerations relating to extant permission and former dwelling

- 34) There are no existing dwellings on site and whilst Plots 1-3 are essentially an amendment to the 2019 permission, this is not a S.73 application. Therefore plots 1-3 and NP37-39 are new dwellings outside the LBD, as is the new farmhouse (given the previous one was destroyed).
- 35) In respect of the farmhouse, LP Policy H10 advises that planning permission will be granted for the replacement of an existing dwelling provided certain criteria are met. Criterion a) is that the building enjoys a lawful residential use which has not been abandoned. Criteria b) and c) will be dealt with later in this report.
- 36) This proposal cannot meet criterion a) as the previous dwelling was completely destroyed by fire nearly two years ago. Case law arising from the judgment in

Iddenden v SSE [1972] 1 WLR 1433 has long made it clear that a use cannot survive the destruction of the buildings and installations necessary for it to be carried on.

- 37) However, as the previous dwelling had only been demolished two years previously, this represents a material consideration to warrant a departure from criterion a) of LP policy H10, and therefore considered that the proposal of a new dwelling on the site should not be rejected in principle. Although the site has become increasingly overgrown since the appeal decision, clear evidence of that dwelling remains - the nature of the residential site has not become subsumed by the surrounding landscape. Steps have been taken by the applicants throughout this time to secure a replacement dwelling (in the form of engaging in pre-application discussions with the Council and submitting this application) indicating that there is an underlying intention to return the site to residential use and a continuous link with the previous dwelling. This is similar to the approach in an appeal decision nearby in Benenden back in February 2013 (APP/M2270/A/12/2183424 - *Land at the former site of Moat Bungalow, Cranbrook Road, Benenden, Cranbrook, Kent TN17 4EU*).
- 38) Thus, it is considered both pragmatic and justified to depart from criterion a) of LP policy H10 in this instance and, subject to compliance with criteria b) and c) of this policy to consider the farmhouse element of the proposal acceptable in principle.
- 39) No weight is given to the two flats that formerly stood on this site as part of the farmhouse, as they were required to be demolished as part of the scheme of farmhouse enhancements associated with the 2019 permission anyway.

Impact upon designated heritage assets (listed buildings and the CA)

- 40) The 2018 Committee Report concluded that the 2019 permission set out that;

10.28 The CO considers that the proposal would cause less than substantial harm to the setting of heritage assets, on the slightly higher end of the scale. This is due to the presence of a residential development in what is an increasingly rare rural landscape surrounding the CA and its historic core, and also within the historic curtilage of the listed farm building.

10.29 With regards to the other heritage assets further away from the site, the CO considers the proposal would also cause less than substantial harm (on a much lower scale). It would create a much smaller 'associative' impact through development of the overall rural landscape that forms part of the wider setting of the listed cottages and farmhouses. It would sustain the significance, in their view, of the war memorial and the unlisted WWI field gun adjacent to it, as Turnden does not contribute towards their significance.

- 41) The listed building at Turnden is no longer a consideration as it was de-listed following the fire which destroyed it. Again, the implementation of the 2019 permission is also a new material consideration although clearly the heritage benefits of restoring Turnden Farmhouse now cannot be realised.
- 42) The CO accepts the remains of the farmhouse are unsalvageable and has recommended a scheme of recording the remains is secured by condition. They do advise that cumulatively the addition of the three new dwellings and the alterations to the other three at the site entrance would have some, but little impact on level of harm previously identified, adding a small amount due to the increased density where the curtilage of the farmhouse formerly extended. Given the loss of the farmhouse it is considered reasonable that an interpretation board which explains the site's history along one of its routes can be secured by condition.

Summary of impact upon designated heritage assets and 'internal' Para 203 balancing exercise

- 43) Planning legislation requires that, when considering whether to grant planning permission for development which affects the CA and the setting of listed buildings, the LPA shall have special regard to the desirability of preserving or enhancing the character of the area and to the special character of the listed building. These matters should be accorded considerable importance and weight when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status.
- 44) Some limited harm would arise from the proposal towards the significance of designated heritage assets, as set out above. The resulting harm is considered to be 'less than substantial' and thus there is a presumption against the grant of planning permission. However such a presumption may be overridden in favour of development which is desirable on the ground of some other public interest. This is expressed in the wording of NPPF Para 203. The benefits of the scheme that can be considered to be in the public interest are;
- The provision of three additional houses at a time when the Council cannot demonstrate a five year housing land supply;
 - The modest positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
 - Additional fringe (but ultimately unquantified) benefits that would arise from some of the S106 financial obligations (for example: non Turnden residents would benefit from the new amalgamated GP surgery, the expansion of Cranbrook Primary School, the new hub and the services therein and Tunbridge Wells Waste Transfer Station);
 - The off-site affordable housing contribution of £20,000.
- 45) These are summarised in more detail at the end of this report. The greatest weight goes to the £20,000 affordable housing contribution (which although CIL complaint and which is agreed by the applicants, is generally not a feature of applications for 3-4 new dwellings). On this basis, the very limited harm is considered to be outweighed by the public benefits in accordance with the NPPF Para 203 balancing exercise.

Non-designated heritage assets

- 46) The impact of the development upon the AONB landscape and farmstead as a non-designated heritage asset (and associated cultural heritage impacts) is addressed in the relevant landscape/AONB section.

Archaeology

- 47) The application includes a desk-based assessment. KCC Heritage does not object on these grounds and recommend a condition accordingly. This is the same approach as taken in the 2019 permission.

Sustainability measures

- 48) Local Plan Policy EN1 (3) requires the design of the proposal to take account of the efficient use of energy. Core Policy 5: Sustainable Design and Construction states TWBC will apply and encourage sustainable design and construction principles and best practice in order to combat avoidable causes of climate change and adapt to and/or mitigate already-unavoidable impacts of climate change. This involves

- Making efficient use of water resources and protect water quality;
- produce no negative effects on existing flood patterns; and, where necessary, apply mitigation and adaptation measures to reduce potential flood risk;
- Manage, and seek to reduce, air, light, soil and noise pollution levels;
- Be designed to minimise waste creation and disposal throughout the lifetime of the development;

49) Compliance with current Development Plan renewable energy standards appears achievable and there is unfortunately no current policy basis for seeking anything greater. The submitted energy report advises a total CO2 reduction of 13.9% which exceeds the 10% required by current policy. This is through exceeding Building Regs requirements, use of various heating controls, PV panels and ventilation measures. These can be secured by condition.

Air quality

50) Issues relating to the proposed AQMA at the Hawkhurst crossroads are a feature of the Phase 2 application however the Mid Kent EP team have raised no such issues here.

Loss of agricultural land

51) The site is PDL and its prior uses were as a dwelling/garden and in connection with the now extinguished commercial uses. Thus there would be no material loss of agricultural land.

Residential amenity

52) Due to the distance from any other dwelling there is no impact on residential amenity by way of overlooking, loss of outlook/light etc.

Highway safety

53) KCC Highways do not object to the application, neither on the impact from additional traffic through the previously permitted access nor on the Hawkhurst crossroads. The access is controlled by the 2019 permission, as are the off-site matters such as the crossing and the new bus stops. The 2019 permission has been implemented so already can serve 36 dwellings; this in itself was deemed acceptable for the 2019 permission as the prior use of the site also generated traffic (eg; commercial stables and various industrial uses).

54) EV charging can be required by condition. The concerns relating to garages rather than the use of car barns are noted, but this not a matter on which KCC recommend refusal.

Drainage

55) KCC Flooding and Water Management initially raised a concern regarding the SUDS scheme. However this has been overcome and their earlier objection has been withdrawn. Southern Water raise no objections.

56) As with Phase 1, foul drainage will be routed to the public sewer network which would be addressed by the 2019 scheme's inclusion of a pumping station, as it needs to be pumped to the sewer on Hartley Road. Also as with Phase 1, the proposal would use a SUDS scheme and would link to the previously permitted SUDS network. This can be ensured by compliance condition.

S106 contributions

57) The summary of consultee responses sets out that various parties request S106 contributions. Summarised, these are;

KCC Highways	£3000.00
KCC Waste	£387.60
KCC Education	£13,926.00
KCC Cranbrook Hub/adult education/social care	£1,258.89
KCC Youth Service	£196.50
NHS CCG	£3,996.00
Off-site affordable housing	£20,000.00
Parish Council – Cranbrook hub	£10,785.00

58) All have been agreed to in principle by the applicant in their Heads of Terms (save KCC Waste and KCC Youth) however they have not disputed these requests from KCC. All are considered CIL compliant. All (save KCC Waste) were secured on the 2019 permission. The recommendation below will be dependant on these sums being secured.

Trees

59) As set out in the constraints section, there are a series of TPO protected trees along the driveway. The impact of development near to these, bearing in mind the access route next to them was already in place, was assessed in the 2019 permission and found to be acceptable subject to conditions.

60) Within the application site area trees T32, T34, T37 are required to be removed together with T48 and part of G8. These trees have already received permission to be removed under 18/02571/FULL - T48 and G8 are already gone.

61) Category C trees T35, T36, and T38 will require removal to facilitate the proposed development. These would have been little more than garden amenity trees in the 2019 permission, albeit required to be replaced by condition 14 should they have been removed. Adequate space within and adjacent to the development area is available to accommodate a tree planting strategy. The applicant considers the loss of these low value trees can be mitigated by re-planting during the soft landscaping phase of development.

62) New property driveways and turning heads have been designed to wrap around the rooting area of T33 (a B1 graded oak, to the immediate rear of the pond). Minor encroachment, up to 5% of the trees total root mass, will occur in order to achieve adequate vehicular turning. The applicant considers this minor level of encroachment will not significantly impact upon the physiological or structural condition of T33. Its retention is therefore considered viable by the applicants tree consultants. The application includes an AMS which can be conditioned.

AONB/landscape (including design issues)

63) Adopted local and national planning policy has not materially changed since the determination of the 2019 permission. The NPPF still advises that 'great weight' is given to the protection of the AONB at para 176; 174 a) and b) *inter alia* seek to protect and enhance valued landscapes, sites of biodiversity and to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Core Policies 4 & 14 still seek to protect the rural landscape (including AONBs), whilst LP policy EN25 requires various criteria to be met when considering development outside the LBD.

64) It was summarised in the Committee report to the 2019 permission that *'it is considered that overall there is likely to be a degree of harm to the AONB in the short term but this can be greatly diminished through a sensitive approach, detailed design and securing long term management to the point where the scheme is neutral or even beneficial.'*

65) The application includes a Landscape & Visual Appraisal (LVA) which has been reviewed by the Council's Landscape & Biodiversity Officer. The LBO does not consider the scheme raises any new issues and considers it a rational approach to the proposed development and land use. Matters previously dealt with by condition/legal agreement can still be dealt with in the same way. They are satisfied with the landscape/AONB impact and agree with the statement on the LVIA which concludes *"The amendments to the Turnden Farmstead scheme would not materially alter the findings of the LVIA that accompanied the original application"*.

Three revised dwellings

66) The three revised dwellings would be in place of the three permitted in 2019 so there would be a minimal impact from this element. Their relationship with the rest of the phase 1 scheme is very similar, plus their form, materials and position on the site are very similar and this element alone would probably be considered a Minor Material Amendment.

Farmhouse

67) The replacement farmhouse, whilst not strictly a replacement dwelling owing to the near total loss of its predecessor, can still be considered within the scope of Policy H10. It has been established earlier that the scheme cannot comply with Policy H10 (a). The remains of the farmhouse are beyond salvage or reasonable repair and no objection is raised to the removal of its remains subject to the conditions specified by the Conservation Officer.

68) H10 (b) requires that *'The replacement dwelling would be sited on, or as close as is reasonably practicable to, the site of the existing dwelling, unless an alternative position on the plot would result in clear landscape, access or local amenity benefits'*. The replacement farmhouse is partly sited on the footprint of the former house, albeit slightly to the north-west. H10 (b) does not require it to occupy the same footprint – it occupies the same site as the previous dwelling and thus complies with the policy.

69) H10 (c) requires that *'The replacement dwelling would be no more obtrusive in the landscape than the dwelling which is to be replaced'*. The footprint is very similar to that which Turnden was permitted to be reduced to in the 2019 permission. The height is 9m to the ridge and 5.2m to the eaves, vs 7.8m and 3.3-4.8m of the original listed building. The increase in height has little material impact beyond the site and is to be expected given modern Building Regulations floor-to-ceiling height requirements. Both are two storey and the form, design, materials palette and overall appearance is intended to reflect the previous building. The curtilage would be smaller too. The Conservation & Urban Design Officer does not object to the design of the building, which they consider avoids pastiche. Subject to conditions, the details are considered acceptable and broadly in line with Policy H10.

70) Given the fact that the lost dwelling is a material consideration and the limited impacts identified by both the LBO and CO, the proposal would be acceptable in landscape/AONB terms even if policy H10 were disregarded. It continues the historic use of the site for residential purposes in a way that has very little if any wider impact. It would also aid in remediating the site of the former farmhouse which the EP team consider to be potentially contaminated, although even if this application were

refused it is considered unlikely that a commercial developer would leave the site with a burned-out dwelling surrounded by Heras fencing, not least because of the safety issues.

- 71) The CO has advised they would not seek to change their comments based on objector comments regarding the design of the development. The applicant is aware of them and has chosen to leave the design unchanged. Some of the comments seek changes to the hard surfacing and landscaping, but this would risk an inconsistency with the remainder of Phase 1.

Three new dwellings

- 72) The three new dwellings are proposed for land that was originally intended to be the garden area for the restored Turnden Farmhouse, plus a small area to the east that was originally to have been occupied by Plot 1 as permitted in the 2019 permission. The original plan was to leave the farmhouse with a sufficiently large garden so that its setting was not adversely encroached upon by the new development. This clearly is no longer a consideration.
- 73) This element of the proposal does intensify the residential use compared to the 2019 permission, however the overall character of the development remains the same. Again, the form, materiality and overall character of the three new dwellings is very similar to what has already been permitted. The loss of the former garden space around the farmhouse in context with the extant permission (and given the development is proposed for PDL land) is considered to be a minimal impact on the landscape character of the locality, plus there would be no impact on the landscape setting of Cranbrook or Hartley.
- 74) Overall, the proposal is considered to meet both NPPF and Development Plan objectives relating to preserving the character of the countryside, the wider landscape and the AONB.

Ecology/biodiversity

- 75) The biodiversity value of the current application site is limited, as established by the ecological surveys supporting the 2019 permission. The submitted ecological surveys with this application have ultimately found little risk to wildlife and ecological matters. Habitats on site are limited to amenity grassland and pond, former gardens although there is a native hedgerow along one side of the access track. This latter feature already falls within the control of Phase 1's LEMP. The only potential impacts are to for mice and breeding birds, but these are considered very limited. It is considered that ecology can be addressed by a standard ecological mitigation and enhancement condition

S.38 (6) balancing exercise

- 76) Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).
- 77) Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building, or its setting, or

any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

- 78) In order to give effect to the statutory duty under section 66(1) a decision-maker should accord considerable importance and weight to the *'desirability of preserving the listed building, or its setting'* when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status. Decision-making policies in the NPPF and in the development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions. A similar approach is required with the need to 'preserve or enhance' the CA under S72 of the same legislation.
- 79) If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, although, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest. But if a development would not conflict with that objective, the special regard required to be paid to that objective will no longer stand in its way and the development will be permitted or refused in the application of ordinary planning criteria.
- 80) It has been set out earlier that the public benefits from the proposal outweigh the 'less than substantial harm' caused to the significance of the CA and the nearby listed buildings: therefore that harm does not feature in the overall planning balance, having been outweighed by the balancing exercise required by NPPF Para 203.
- 81) Similarly, Section 85 of the Countryside and Rights of Way Act 2000 requires that *"In exercising or performing any functions in relation to, or so as to affect, land in national parks and Areas of Outstanding Natural Beauty, relevant authorities should have regard to their purposes"*. Again this is a significant material consideration to which great weight should be given.
- 82) In terms of negative aspects;
- The site is at the very edge of what could be considered a reasonable walking distance to Cranbrook and its occupants are likely to be largely car dependent (this would not be the case if Phase 2, currently with the Secretary of State for decision, is granted permission as that permission would create footpath links to Cranbrook, via an allocated site at Brick Kiln Farm whose allocation requires the inclusion of connecting pathways as part of any scheme that comes forward. However no weight is given to this);
- 83) In terms of the positive aspects:
- The provision of a net increase of 3 houses (compared to the 2019 permission, and 4 given the former farmhouse has been lost) at the prescribed mix is a positive, to which significant weight can be attached;
 - The proposal will be a very mild positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
 - The site is close (albeit not adjacent) to the LBD and is not proposed for an 'isolated' rural location;
 - The proposal would be moderately well located to the local primary and secondary schools and lies on a bus route.
 - The proposal would re-use Previously Developed Land;

- The proposal would result in the provision of various S106 contributions to which there would be some residual benefit, as they would not solely mitigate the impacts of the development.

84) The overall benefits to the proposal are considered to outweigh the limited harm from the development. With this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms.



85) It is not considered that the 'tilted balance' exercise within NPPF Para 11 (d) (ii) is engaged, as there are relevant Development Plan policies for the determination of the application. Even if it were, the adverse impacts of granting permission would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the NPPF taken as a whole.

Conditions

86) Whilst this is a proposal for seven dwellings (including a re-design of three which already have planning permission) it will need to be consistent with and to 'tie in' to the extant 2019 permission.

87) Drainage, boundary treatment, trees and hard/soft landscaping can be addressed by compliance condition. Ecology cannot and this development is outside the control of the LEMP appended to the 2019 permission - the landscaping compliance condition can require the LEMP to take precedence on areas it applies to. Certain additional design details relating to the appearance of the development are necessary (conditions 6-10). The CEMP will need to be revised to take in to account this enlarged development. The application includes a renewable energy statement and further details of this along with levels are necessary, as is lighting (all of which is controlled by the first permission). The Mid-Kent EP team require a further contaminated land condition following the fire that destroyed the farmhouse, which is added below. The standard parking condition can be used.

RECOMMENDATION – Grant subject to the completion of a Deed of Modification to the legal agreement dated 26th February 2019 under Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) in a form to be agreed by the Head of Legal Partnership, Mid Kent Legal Services to secure the following;

- A contribution of ~~£13,296.00~~ £13,926.00  towards the enlargement of Cranbrook Primary School;
- A contribution of £1,258.89 towards the Cranbrook Community Hub – Libraries/Adult Education/Social Care elements;
- A contribution of ~~£387.50~~ £387.60  towards Tunbridge Wells Waste Transfer Station;
- A contribution of £196.50 towards additional resources for Youth services in the Cranbrook area;
- A contribution of £3,000 towards the cost of improving public transport services in the Cranbrook and Hawkhurst area;
- A contribution of £3,996.00 towards new single premises for the three General Practices located in Cranbrook;
- A contribution of £20,000 towards affordable housing off-site;
- A contribution of £10,785.00 towards Youth and Adult Recreation and/or community uses at the Cranbrook Hub.

and subject to the following conditions;

Definitions

'Ecological Enabling Works' means: Ecological enabling works required for the wider development (as secured by legal agreement and approved within the 2019 planning permission 18/02571/FULL) which includes:

- ecology works - including ecological vegetation/hedgerow/tree works, clearance, management, mitigation, enhancement measures, pond creation and compensatory habitat construction, and all works under Natural England licence

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

- "Ecological Enabling Works"; and
- 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

'Above Ground Works' means: Development hereby permitted above the finished floor level approved under Condition 11.

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

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

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

- 29799A / 0024 P1 (Site location plan)
- 29799A / 001 P11 (Proposed Site layout) (*approved in respect of area subject to the red line only*)
- 29799A / 002 P8 (Boundary Treatment Plan)
- 29799A / 003 P8 (Parking Strategy)
- 29799A / 009 P4 (Floor Plans Plots 1-3)
- 29799A / 010 P4 (Plots 1-3 Roof Plans & Elevations)
- 29799A / 0011 P2 (Plots 1-3 Side Elevations)
- 29799A / 0012 P6 (Replacement Farmhouse Plans)
- 29799A / 0013 P5 (NP37 Plans & Elevations)
- 29799A / 0014 P2 (NP38 And NP39 Plans & Elevations)
- 29799A / 017 P7 (Materials Strategy)
- 29799A / 0022 P4 (Replacement Farmhouse Car Barn Plans)
- 29799A / 0023 P3 (Site Layout Plan) (*approved in respect of area subject to the red line only*)
- 185672-001 P2 (Catchment area plan)
- 185672-002 P2 (Drainage strategy plan)

- 7490_001D and 7490_002E (Hard landscape 1/2 and 2/2) (*approved in respect of area subject to the red line defined by approved Site location plan 29799A / 0024 P1 only*)
- 7490_003D and 7490_004E (Soft landscape 1/2 and 2/2) (*approved in respect of area subject to the red line defined by approved Site location plan 29799A / 0024 P1 only*)
- Arboricultural Impact Assessment & Preliminary Method Statement (17/03/21)
- Drainage Strategy April 2021
- Flood Risk Addendum April 2021
- Ecological Appraisal March 2021

Reason: To clarify which plans are approved.

Construction/Demolition Environmental Management Plan

- 3) No development hereby approved (excluding 'Ecological Enabling Works' and demolition and foundation removal works) shall take place until an amended and updated version of the site specific Construction/Demolition Environmental Management Plan approved pursuant to planning permission 18/02571/FULL has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers and highway safety

Foul and surface water drainage

- 4) The development hereby approved shall be carried out in accordance with the approved details of foul drainage and the sustainable surface water drainage scheme, which shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure provision for foul sewage disposal. 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

- 5) No building on any phase (or within an agreed implementation schedule) shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority.

The Report shall relate to both the development hereby permitted and that approved under 18/02571/FULL. It shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters,

property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained

Additional design details

- 6) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of Above Ground Works detailed plans and information regarding the following aspects of the hereby approved development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approvals:

- a) Details relating to windows, window glazing and joinery (including recess depths dimensions) and dormer windows;
- b) The storage and screening of refuse and recycling areas;
- c) Written details including source/ manufacturer, and photographic samples of bricks, tiles and cladding materials to be used externally
- d) Details of passive connections for EV charging points for each dwelling.

Reason: To ensure the build quality of the development

- 7) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of Above Ground Works of the Replacement Farmhouse details of eaves, ridge, junctions between material types, decorative tile work, and chimney shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the build quality of the development

- 8) Prior to the first occupation of the development hereby approved, details (including design, height, siting, orientation and materials) of an interpretation board to be sited within the close vicinity of either the retained pond or well within the development shall be submitted to and approved in writing by the Local Planning Authority.

The content shall relate to the history of the site, including the former historic buildings and uses. It shall include a combination of written and illustrative detail, along with references to features that relate the history of the site, such as the retained well and the wider landscape. The development shall be carried out in accordance with the approved details and the interpretation board retained thereafter.

Reason: to enhance the public realm by providing details relating to the former buildings and uses within the site

- 9) Prior to the first occupation of the development hereby approved, a method statement and timetable for the restoration of the well shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and the well shall be retained in accordance with the approved plans thereafter.

Reason: To ensure items of historic merit are retained

Renewable Energy

- 10) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of Above Ground Works written and illustrative details for

renewable energy technologies, water and energy conservation within the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

Levels

- 11) Notwithstanding the submitted drawings and all supporting documentation, no development (excluding 'Ecological Enabling Works' and demolition and foundation removal works) shall take place until details of existing and proposed levels of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved 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

Trees and landscaping

- 12) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement. 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 except as agreed in writing by the Local Planning Authority.;
 - 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

- 13) 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.

Hard and soft landscaping

- 14) The approved hard and soft landscaping scheme (7490_001 and 7490_002 - Hard landscape 1/2 and 2/2; 7490_003 004 - Soft landscape 1/2 and 2/2) shall be carried out fully within 12 months of the completion of the development, unless otherwise agreed in writing by the Local Planning Authority, or otherwise superseded by the requirements of Condition 15. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

The approved scheme of landscaping shall where located outside of individual plots, be managed in accordance with the provisions required by the Landscape & Ecological Management Plan (LEMP) secured by planning permission 18/02571/FULL, where appropriate.

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

- 15) If planning permission is not granted pursuant to application 20/00815/FULL (or if there is no suitable alternative adjacent development in place) prior to the occupation of the last remaining dwelling details of a revised hard and soft landscaping scheme to remove cross overs and development providing residential access to the proposed adjacent development, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the last remaining dwelling, and shall be carried out fully within 12 months of the date of approval of those details. This scheme shall include any necessary amendments to the approved site layout plans.

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

The approved scheme of landscaping shall where located outside of individual plots, be managed in accordance with the provisions required by the Landscape & Ecological Management Plan (LEMP) secured by planning permission 18/02571/FULL, where applicable.

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

Boundary treatment

- 16) The development hereby permitted shall be carried out in accordance with the details of fencing and other hard boundary treatment hereby approved on drawing 29799A / 002 P8, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development and to protect the character of the countryside.

Land contamination

- 17) The development hereby permitted (excluding Ecological Enabling Works) shall not be commenced within Plots 1, NP37, NP38, NP39 and the Replacement Farmhouse, until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

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

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

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

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

External lighting

- 18) 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 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

Parking areas

- 19) Notwithstanding the submitted drawings and all supporting documentation, the area shown on the approved drawing 29799A / 003 P8 as vehicle parking and/or parking within car barns and areas provided for turning shall be paved and drained in accordance with the approved hard landscaping plans before the first occupation of that dwelling.

The above details shall be retained for the use of the occupiers of, and visitors to, the premises for parking and turning, and no permanent development, whether or not permitted by 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 or in such a position as to preclude their use for parking and turning.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users

Permitted Development rights

- 20) 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.

Archaeology and heritage recording

- 21) a) Works associated to the demolition and clearance of the chimney of Turnden Farmhouse shall be carried out in strict accordance with Appendix C of the CTP Structural Inspection and Discussion on Heritage Issues Report dated 1 April 2021, including foundation recording and site investigation works.

b) Prior to the commencement of works associated to the Replacement Farmhouse (excluding demolition and clearance) an updated report shall be submitted to and approved in writing by the Local Planning Authority, and thereafter submitted to the County Archive as a record of the investigation works.

The recording work shall be undertaken by a competent person or historic building professional

Reason: To ensure items of historic merit are properly recorded

- 22) Prior to the commencement of the development hereby approved within Plots 1, NP37, NP38, NP39 and the Replacement Farmhouse (excluding Ecological Enabling Works), a scheme of implementation of a phased programme of archaeological work in accordance with a written specification and timetable shall be submitted to and approved by the Local Planning Authority. The development within that area shall be carried out in accordance with the approved details.

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

Ecology

- 23) Notwithstanding the submitted drawings and all supporting documentation, prior to development commencing, a scheme of ecological mitigation and enhancement in accordance with Sections 5 and 6 of the Turnden Farmstead Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account of the mitigation and enhancement measures contained in Sections 5 and 6 of the Turnden Farmstead Ecological Appraisal and shall include details of management of all communal areas and landscape features. It shall be implemented and managed in accordance with the approved proposals within unless otherwise agreed in writing by the Local Planning Authority.

The approved ecological and enhancement scheme shall, where located outside of individual plots, be managed in accordance with the provisions required by the Landscape & Ecological Management Plan (LEMP) secured by planning permission 18/02571/FULL, where applicable.

Reason: This is a pre-commencement condition to ensure the protection and necessary mitigation of protected species and to seek biodiversity net gain

INFORMATIVES

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

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

- 2) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 3) Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: www.developerservices.southernwater.co.uk and read their New Connections Charging Arrangements documents which are available on their website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements
- 4) 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.

- 5) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.

to Applicant: APPROVAL

The Council's approach to this application:



In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The applicant/agent was advised of minor changes required to the application and these were agreed.
- The applicant/agent was provided formal pre-application advice.

Case Officer Richard Hazelgrove

Case Officer Sign: 	Date: 18/08/21
Delegated Authority Sign: 	Date: 26/8/21.
TL/DM Countersign if refused:	Date:

