

REPORT SUMMARY

REFERENCE NO - 20/00815/FULL
<p>APPLICATION PROPOSAL</p> <p>The construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works</p>
<p>ADDRESS Land Adjacent To Turnden Hartley Road Cranbrook Kent TN17 3QX</p>
<p>RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)</p>
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied); • The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and local policy in respect of these material considerations; • The proposal is considered to comply with Paragraph 172 of the NPPF in terms of its impact on the Area of Outstanding Natural Beauty (AONB) and Paragraph 197 in terms of its impact on the historic AONB landscape as a non-designated heritage asset; • The details of the proposal, as a major development within the AONB, is considered to amount to exceptional circumstances, and demonstrates that the development is in the public interest to override the presumption against major development in such areas; • This includes the provision of 21.60% Biodiversity Net Gain, significant areas of public open space; re-instatement of lost hedgerow/field boundaries and the lost historic Tanners Lane route; new woodland block planting; management and enhancement of existing woodland (including Ancient Woodland) areas within the site (to be secured by legal agreement); enhanced pedestrian routes through the site leading to Cranbrook town centre plus additional footpaths (provided on a ‘permissible’ basis) connecting to the existing Public Rights of Way network; • The ‘less than substantial harm’ to the setting of listed buildings and the Conservation Area is outweighed by the public benefits of the scheme in accordance with NPPF Paragraph 196; • The development would not be materially harmful to the residential amenities of nearby dwellings; • The proposal can be satisfactorily accommodated around the trees on and off site, some of which are protected by a Tree Preservation Order; • The number of residential units and the mix of unit sizes are considered to be appropriate to this site; • The proposal would deliver 40% affordable housing to which very significant weight is given; • The traffic movements generated by the development can be accommodated without detriment to highway safety, the residual cumulative impacts on the road network would not be severe and the proposal includes adequate car parking provision; • The site is adjacent to the LBD and is not proposed for an ‘isolated’ rural location; • The proposal lies within reasonable walking distance to a bus route;

- The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement and a Landscape and Ecological Management Plan (to be secured by planning obligation);
- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development;
- The public benefits of the proposal would outweigh the 'less than substantial harm' to the significance of heritage assets (listed buildings and Conservation Area);
- The effect on the significance of non designated heritage assets is also considered to be outweighed by the benefits of the proposal;
- The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme;
- The proposal would secure financial contributions (detailed below);
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition or legal agreement.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

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

KCC: Cranbrook Hub (Libraries, Adult Learning and Social Care)	£69,238.95
KCC: Primary Education (Expansion of Cranbrook Primary school)	£627,830.50
KCC: Waste (Waste transfer station – North Farm)	£27,629.25
KCC: Youth Service (Additional resources for the Kent Youth Service locally in the Cranbrook area)	£10,807.50
KCC: Public Rights of Way and Access Service (Off-site PROW improvements)	£10,000
KCC: Sustainable Transport (Improving public transport services)	£165,000
NHS: The relocation of the three existing general medical practices in Cranbrook being Orchard End Surgery Crane Park Surgery and/or Old School Surgery	£157,932
Cranbrook Parish Council (improvements to the local community facilities at the Crane Valley play area at Crane Lane), or for the proposed Cranbrook Hub (such as future indoor play/recreation facilities)	£318,571.10
Total:	£1,376,201.80

Net increase in numbers of jobs: N/A

Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A

The following are not considered to be material to the application:

Estimated annual council tax benefit for Borough: £29494.60

Estimated annual council tax benefit total: £294,945.95

Annual New Homes Bonus (for first year): £165,000

Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE		
Significant major application of over 20 dwellings and recommended for approval		
WARD Benenden & Cranbrook	PARISH/TOWN COUNCIL Cranbrook & Sissinghurst Parish Council	APPLICANT Mr Robert Franks, Berkeley Homes (Eastern Counties) Ltd AGENT N/A
DECISION DUE DATE EOT 01/02/21	PUBLICITY EXPIRY DATE 16/11/20	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

History for site of main house and two attached flats

18/02564/LBC	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.	Granted	21/12/18
09/00645/CEU	Certificate of Lawful Development (Existing): Use of annexe as two separate dwelling houses	Granted	24/04/09
08/02792/TPO	TREES: T3 - SYCAMORE, T5 - OAK, T7 -SYCAMORE, T8 - OAK: lift crowns to 6-7m, remove deadwood; T4 - SYCAMORE: lift crown to 6-7m, remove extended limb growing over road	Granted	26/09/08
96/00545/FUL	Vary Condition 2 of TW/85/0484 to allow holiday let accommodation	Granted	03/06/96
96/00543/FUL and 96/00544/LBC	Conversion of part of existing loftspace to holiday let accommodation	Granted	30/05/96
85/00484/FUL	Conversion of existing swimming pool into a dwelling/annexe	Granted	12/06/85
WE/5/72/322	Cover for swimming pool	Granted	23/10/72

History for commercial / former agricultural part of site

19/02620/EIASCO	EIA Scoping Opinion - Proposed development of up to 134 dwellings	Comments provided	31/10/19
19/01863/NMAMD	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;	Granted	23/07/19

	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.		
18/02571/FULL	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	Granted	26/02/19
17/02485/FULL	Variation of Condition 10 (Named occupiers) of planning permission 11/02794/FUL (<i>Demolition of existing former chicken building and construction of an additional warehouse for wine storage</i>) - Removal of restriction of use to named occupiers only	Granted	12/09/17
17/02484/FULL	Variation/Removal of Condition 9 (Named occupiers) of 08/02616/FUL (<i>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</i>) - Removal of restriction of use to named occupiers only	Granted	12/09/17
11/02794/FUL	Demolition of existing former chicken building and construction of an additional warehouse for wine storage <i>This permitted an additional wine warehouse to the SW of the other buildings which is controlled in a similar way to the conversions authorised in 2008.</i>	Granted	24/05/12
11/01944/NMAMD	Non material amendment to 09/03645 - Repositioning of American barn	Granted	29/07/11
09/03645/FULMJ	Change of use from agriculture to use for equestrian activities and the provision of a staff	Granted	29/06/10

	<p>office, toilet and kitchen block, quadrangle stable block, American barn, hay barn, sand school, associated parking and landscaping</p> <p><i>The equestrian use established by this permission was centered on the buildings on the 'Phase 1' application site and was also operated by the owners of Turnden. This proposal was also made personal to residents of Turnden and the commercial use of the stables restricted to no more than 20 without prior approval of the LPA</i></p>		
08/02616/FUL	<p>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</p> <p><i>This permission established a B8 use on the 'Phase 1' site, with ancillary activities falling within use class B1 and was allowed as an alternative to TW/04/01982/FULMJ. The permission was made personal to the named persons operating as Sensible Wine Services Ltd because of the potential negative impact on future residents of Turnden, should alternative uses within B8/B1 take place. The owners of Sensible Wine Services Ltd reside at Turnden. Limitations on the hours of use were also imposed.</i></p>	Granted	03/12/08
04/01982/FULMJ	<p>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.</p> <p><i>This application was approved with conditions restricting the uses to those approved to protect the character and amenities of the local area which may arise through an increase in traffic movements.</i></p>	Granted	07/12/04
04/00466/FULMJ	<p>Change of use from agriculture to B1 Class (excluding (a) offices) including refurbishment; demolition of one building; new drive and access improvements.</p>	Refused	13/05/04
02/00924/FUL	<p>Change of use from agricultural to B1(excluding (a)) involving refurbishment; demolition of one building; new drive and</p>	Refused	13/06/02

	access improvements <i>Appeal dismissed against decision 26/03/03. The Inspector dismissed the appeal largely on the basis of the impact of the new drive on the rural characteristics of the area and the listed farmhouse. They also found harm to TPO trees and the High Weald AONB from the access widening works. The introduction of the B1 use and conversion of the buildings on site was considered acceptable.</i>		
00/01391/FUL	Change of use from agricultural to business (B1) involving refurbishment, minor new building works and new drive	Refused	30/11/00
89/01553/FUL	Change of use of agricultural buildings to light industrial units with new access.	Refused	24/09/90
WE/5/72/454	Vehicular access for farm vehicles and lorries	Refused	25/06/73
WE/5/69/186	Air strip and fuel store	Withdrawn	1969
WE/5/69/148	Deep Litter Poultry House	Granted	07/11/68
WE/5/68/108	Agricultural Dwelling	Refused	06/08/68
WE/5/68/107	Dutch Barn	Granted	26/07/68
WE/5/67/173	Outline – Use of existing Dutch Barn for light industrial purposes	Refused	03/11/67
WE/5/67/35	Dutch Barn	Granted	23/03/67
WE/5/66/147	Poultry House	Granted	28/07/66
WE/5/65/196	Poultry Rearing House and Grain Store	Granted	28/10/65
WE/5/62/240	Outline – Residential Development	Refused	01/03/63
WE/5/60/89	Outline – 8 dwellings	Refused	15/06/60

Other applications referred to in the report
Brick Kiln Farm High Street Cranbrook Kent

20/00814/REM	Approval of Reserved Matters (Layout, Appearance, Scale and Landscape) following Outline Permission 16/502860/OUT (Erection of up to 180 dwellings (including up to 35% affordable housing) with means of access to be determined at this stage together with structural woodland planting and landscaping, informal public open space, community orchard, children's play area, attenuation basin, vehicular access point from Hartley Road and associated ancillary development) and seeking consent for matters referred to in conditions 1, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 17, 19, 22, 26, 27, 28, 29, 30, 31 & 32 of outline permission (amended	Pending Consideration
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	description).	
16/502860/OUT	Outline planning permission for the erection of up to 180 dwellings (including up to 35% affordable housing) with means of access to be determined at this stage together with structural woodland planting and landscaping, informal public open space, community orchard, children's play area, attenuation basin, vehicular access point from Hartley Road and associated ancillary development.	Granted 17/02/20

Land West Of Common Road Sissinghurst Cranbrook Kent

14/502645/OUT	Outline Planning Permission - (Access not reserved) development of up to 65 new homes (including 35% affordable housing)	Refused. Appeal allowed 21/03/16
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The White House, Highgate Hill Hawkhurst

19/01271/FULL	Demolition of existing dwelling and erection of 43 retirement living apartments with associated communal facilities, access, parking and landscaping (resubmission of application 18/02767/FULL)	Granted 23/12/19. Judicial Review claim dismissed by the High Court November 2020
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Land At Ockley Road And Hartenoak Road, Hawkhurst

18/03976/OUT	Outline (Access Not Reserved) - Erection of 62 dwellings	Appeal against non-determination dismissed November 2020 (APP/M2270/W/20/3247397)
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Hawkhurst Golf Club High Street Hawkhurst

19/02025/HYBRID	Hybrid Application: Demolition of existing clubhouse, squash courts and ancillary structures, and redevelopment of existing golf course. Full planning permission sought for new relief road and associated earthworks and junctions with A268 and A229. Outline planning permission (all matters reserved for future determination) sought for residential development, a C2/C3 care home, class D1 facilities such as a doctors' surgery and/or community hall, public car park, public park and associated parking, servicing, utilities, footpath and cycle links, formal and informal open space including woodland planting and	Pending consideration
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	recreation facilities, ground and infrastructure works.	
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the southern side of the A229 Hartley Road. It measures approximately 23.94 hectares (59.12 acres) and formed the grazing areas of an equestrian facility that ceased operation several years ago. The site lies to the south west of Cranbrook, approximately 1km walking distance from the centre of the town.

- 1.02 Beyond the site to the east, between Turnden and Cranbrook town centre lies Brick Kiln Farm. This site has the benefit of outline planning permission for 180 homes and will form the new settlement edge of Cranbrook (being allocated for development within the Site Allocations Local Plan 2016 for between 200 – 250 dwellings - Ref. AL/CR4). Once constructed, this development will effectively extend the settlement boundary of Cranbrook to the south, to directly abut the Turnden application site.

- 1.03 The site wraps around (but excludes) a secondary area which benefits from planning permission for 36 dwellings (18/02571/FULL - see planning history above). This development has been implemented following discharge of pre-commencement conditions and demolition of the commercial storage and equestrian livery buildings that formerly stood on the site. This stands outside the application site for the current proposal and is referred to as 'Phase 1' for the purposes of this report.

- 1.04 That Phase 1 scheme also included the restoration of Turnden Farmhouse, a Grade II listed mediaeval building within the application site. This would have involved removing unsympathetic 1970s additions and preserving the historic features of the building with sympathetic repairs and the replacement of unsuitable materials. However the building (along with the applicant's construction vehicles and stores) was subject to an arson attack and destroyed by fire in September 2019. All that remains are the external ground floor structural walls and central chimney breast; these remains have subsequently been de-listed by Historic England.

- 1.05 Bordering the SW end of the site is residential (largely inter or post war) ribbon development that fronts Hartley Road. There is similar development opposite the northern end on Orchard Way.

- 1.06 The site is largely laid to rough grass with a grazing use associated with the equestrian riding school that was located in the Phase 1 site. The site is characterised by a ridge, broadly along Hartley Road, dropping to the Crane Brook valley floor. A series of small irregular fields are enclosed more widely with trees and scrub which includes elements of ancient woodland in the centre of the site. The site slopes from a high point at the Turnden Farmhouse entrance from Hartley Road and contours run broadly south west to north east in parallel with Hartley Road. The gently falling site has a steeper section of slope running through the middle, which along with existing vegetation provides fairly distinctive upper and lower areas to the site. The topography of the site gently slopes away from the A229 in the north/north west at approximately 110-115m Above Ordnance Datum (AOD) to Crane Brook in south/south east of the site which is approximately 85-95m AOD.

- 1.07 The site is generally enclosed with both traditional agricultural boundary treatments and screening of trees and scrub. A number of mature freestanding trees sit on the current field boundaries, breaking up the views across this landscape. Ancient Woodland, along with the Crane Brook itself, forms the southern boundary to the site. As is characteristic of the wider context the site is dotted with a series of ponds and drainage channels that gather surface water locally. A public right of way (WC115) runs through the southern end of the site.
- 1.08 There are currently no existing buildings on the site (aside from a few derelict field shelters) and no formal vehicular access. The site is accessed from Hartley Road by the existing access point leading in to the Phase 1 part of the site.

2.0 PROPOSAL

Overview

- 2.01 The planning application seeks full planning permission for the construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works. These are a mix of 1 and 2-bedroom apartments and 2, 3, 4 and 5 bedroom houses, including affordable homes (40%). The application follows the submission of an EIA Scoping Opinion in September 2019 (re: 19/02620/EIASCO). In response to this, the formal opinion of Tunbridge Wells Borough Council on the information to be supplied in an Environmental Statement (ES) to accompany a planning application for the development of up to 134 residential dwellings (not the 165 now proposed) and associated infrastructure was provided.

Changes to proposal since initial submission

- 2.02 In April 2020, the following amendments/additional information was received, largely in relation to a scheme to distribute spoil from Phases 1 and 2 on two fields to the south of the new housing;

- Amended Environmental Statement Appendix 2.1 – Existing and Proposed Levels including additional wider site drawings - 19-012/P200 Rev L2; 19-012/P200 Rev L2, and 19-012/P202 Rev L2
- Addendum to Environmental Statement - (including):
 - o Build Heritage and Archaeology Addendum
 - o Landscape and Visual Impact Addendum
 - o Ecological Appraisal Addendum
- Submission of a Landscape and Ecology Management Plan (LEMP)
- Amended Design & Access Statement to correct an error on page 66;
- Copy of an A4 publicity leaflet distributed to households in the area (in lieu of a post-submission public exhibition that was cancelled due to the first Covid 19 lockdown).

- 2.03 In May 2020;
- Excel copy of the Biodiversity Net Calculation spreadsheet;
 - An adapted landscape Habitat Management Plan (Figure 3) showing the habitats listed as habitats created and/or enhanced within the spreadsheet;
 - An updated Appendix 9.2 of Chapter 9 – Ecology of the ES including the missing Figure 7 showing the location of badger setts;
 - Duplicate PDF copies of the previously submitted PJC Ecology Arboricultural Survey

- Amended Figures 10.4 and 10.5 included in Chapter 10 of the Environmental Statement ensuring that the Zone of Theoretical Visibility is clearly shown in alternate colour.
- An updated Detailed Drainage Strategy providing further clarification of exceedance flows at KCC's request;
- Additional clarification in relation to the tenure of the proposed affordable housing;

2.04 In June 2020;

- Air Quality Assessment relating to the Hawkhurst crossroads junction;
- Letter in response to initial request for a S.106 contribution towards Cranbrook Hub (Cranbrook & Sissinghurst PC) and Public Rights of Way enhancement (KCC).

2.05 In September 2020;

- Reduction in quantum of development from 168 to 165, including a change in private market and affordable housing mix to correlate;
- Associated change to the description of development;
- Revised house and apartment types to address TWBC comments and provide more distinct character areas and traditional housing forms, including greater use of clay roofing tile;
- Re-orientated properties to front revised shared environment;
- Amended Block A apartment type incorporating a reduction in scale and a change in design approach to a two storey building, intended to reflect traditional Cranbrook village vernacular architecture;
- Amended village green design, working with existing wet depressions within the landscape as part of drainage strategy and safeguarding mature trees with buffer areas and a revised play area strategy;
- Provision of cycle paths, widened pedestrian paths and an additional 4th pedestrian connection through the Brick Kiln Farm boundary;
- Additional tree planting and a greater offset of development from the eastern boundary to safeguard the existing tree/hedge boundary;
- Dwellings set back from Ancient Woodland buffer with provision of a shared surface;
- Landscaped design of open space frontage amended to include a retained historic ditch and re-instated historic hedgerow, plus proposed hedgerows to front the development area of private drives;
- Movement of development parcel northward to allow for widened footway;
- Provision of a detailed landscape scheme and landscape management scheme within the wider land holding and designation of land use - with southern fields proposed for pasture livestock grazing and northern fields proposed for ecological planting with recreational access for the benefit of the wider community. Scheme predicated on the High Weald AONB context and historic evidence, providing reinstated hedgerow historic field boundaries, woodland block planting, species rich grassland, dedicated permissible paths to link to the existing PROW network and Turnden Farmstead development, and recreational walking routes;
- Letter with attached tabulated responses to the comments raised by TWBC's Landscape & Biodiversity Officer, TWBC's Conservation & Design Officer, and the High Weald AONB Unit, plus a schedule of public comments raised in response to the Draft Local Plan allocation policy A/CRS 4;
- Amended plans, reports and ES Appendices/chapters relating to the above.

2.06 In October 2020;

- An updated Transport Assessment addendum together with a revised site layout plan, in order to resolve the minor tracking discrepancies raised by KCC Highways;
- This was only to correct previous tightly drawn kerb radii, where service vehicles previously overhung a footway;
- In connection with this, updated fire tender tracking, refuse vehicle tracking and site access drawings were also submitted;
- A Transport Assessment Addendum to provide clarification in respect of modelling;
- An updated parking plan (C108E) previously omitted from the August submission, and not included in the D&A Addendum was also provided. This did not change the distribution of parking shown on the submitted base layout.
- Open space plan (P108K), illustrating the proposed level of designated on site open space and on site child's play space;
- Agreement to a contribution of £318,571.10 for use towards Cranbrook and Sissinghurst Parish Council's request for an additional contribution towards Cranbrook Hub or towards play facilities at the Crane Valley;
- Updated Biodiversity Net Gain Report with a minor amendment which responded to KWT comments by amending the classification of the field directly adjacent to Turnden Farmstead development. The net result is a minor reduction in overall biodiversity net gain from 24.95% to 21.6% (22% rounded) whilst maintaining the previously confirmed linear hedgerow net gain of 12.54% (13% rounded) (demonstrated on a revised net gain Excel sheet). The applicants stress that a considerable biodiversity net gain is still achieved, despite accounting for the KWT preferred inputs and the amendment does not affect the original assessment and conclusions reached.

2.07 In December 2020;

- In response to comments from the Tree Officer and the Woodland Trust regarding drainage within the buffer zone of tree T57, minor alterations were made to the design which remove the previously proposed drainage channels within the existing wet depressions, and direct the system around the root protection area of the tree;
- Confirmation that the applicants have entered into discussions with Kent Wildlife Trust (KWT) regarding the long term management of the wider land holding.
- Revised and updated Landscape Management Ecology Plan (LEMP), reviewed and contributed to by KWT Consultancy Service which is easier to adopt should KWT or another estate management body take on the management of the land for habitat creation and establishment, whilst delivering a recreational and agricultural land use;
- Confirmation that all comments raised within the statutory consultation response provided by Kent Wildlife Trust (KWT) have been integrated within the revised LEMP. This includes minor amendments to the planting specification and fencing in/adjacent to the Ancient Woodland Buffer Zone (AWBZ) and those plots that directly front the Ancient Woodland;
- Within the landscape plans the term "amenity grassland" has been removed from the proposed buffer zone to avoid any misunderstanding associated to its future use (the applicants clarify it was never the intention to promote recreational activity within the buffer zone);
- Revised pond sections, landscaping drawings, drainage strategy, Arboricultural Impact Assessment and Arboricultural Method Statement relating to the above;
- Agreement to further measures to restrict lighting in the AWBZ.

- 2.08 In January 2021;
- Minor change to the site location plan (and associated LEMP plans) to exclude the electricity sub station at the junction of footpath WC115 and Hartley Road from the red line;
 - Change to the open space plan. This merely corrects the previously submitted plan, by correctly referencing the proposed woodland shaw as being inaccessible. Previously the south eastern side of the shaw was incorrectly shown as accessible;
 - Rebuttal of last set of KCC Highways' comments.

Access and pedestrian links/routeways (internal and external)

- 2.09 It is proposed that vehicular access to the site is taken from a new dedicated priority junction access from the A229 Hartley Road with a right-turn lane facility. The internal road and pedestrian networks will be developed from this point, providing access to the proposed residential units. The main street through the site runs broadly down the centre of the site before bearing onto a north-south alignment and terminating at the site's southernmost boundary. The main street will provide frontage access to c. 20 site dwellings, with the majority accessed from side roads. Three dwellings would be accessed from the existing Phase 1 access point.
- 2.10 The new junction position is 150-metres southwest of the proposed Brick Kiln Farm access and 160-metres northeast of the Turnden Farmstead access. The priority junction access onto the A229 will be provided with a ghost island right turn lane to a width of 3.5-metres with 3.0-metre wide running lanes on the A229. The proposals will result in carriageway widening on the 'site side' that will facilitate the provision of an additional right-turn lane to serve Turnden Road. This right-turn lane will also be provided to a 3.5 metre width. Bollarded traffic islands will be provided between the right-turn lanes and between the A229 traffic lanes to the north of the Turnden Phase 2 site access, to limit overtaking and prevent 'early entry' to the right-turn facilities.
- 2.11 Visibility from the subject site access onto the A229 is achievable from a set-back 'x' distance of 2.4-metres over a 'y' distance of 134-metres in the trailing direction and 124-metres in the leading direction. Pedestrians will be able to cross over the Turnden Phase 2 site access, using dropped kerb provision with tactile paving and a central refuge island.
- 2.12 Pedestrian and cycle access will also be taken from the eastern footway of the A229 Hartley Road whilst also connecting to the Turnden Phase 1 scheme to the southwest and Brick Kiln Farm development to the northeast. This includes links provided to a width of 3.7-metres that would allow emergency vehicle access between the Turnden Farmstead / Phase 2 schemes in the event that one of the main vehicular accesses onto the A229 is blocked. The development will provide pedestrian connections to Public Rights of Way to the south of the site, via permissible paths (to be secured by S106 agreement).
- 2.13 It is proposed to widen the pavement along the site frontage onto Hartley Road to 1.8-metres, over the length north of the site access junction and 1.5-metres to the south of the site access junction respectively. In the event that the Brick Kiln Farm development is brought forward, the northern footway would tie into the provision for this development. The southern footway widening is designed with flexibility to tie into the existing footway infrastructure or that to be delivered in connection with the committed Phase 1 Turnden development and access.
- 2.14 The site masterplan also includes the provision of a further footpath running adjacent to (but set back from) the site boundary onto the A229 Hartley Road at a width of

- 1.2-metres, whilst the Tanners Lane link (the re-establishment of a hitherto lost routeway) running east-west within the northwestern quadrant of the site will be provided to a 1.5-metre width.
- 2.15 Beyond these, both within the site and connecting into off-site provision, dedicated footways / footpaths will be provided to a width of at least 1.2 metres (and at least 2.0 metres on principal routes) with an appropriate surface material that reflects the predicted usage of the routes and lateral clearance from surrounding vegetation. The finished footway level will be higher than adjacent ground to allow for free drainage and the footway network will be provided with a legible signage strategy.
- 2.16 The general characteristics of streets within the development site are as follows:
- Major Access Road (spine road) – 5.5-metres carriageway width, minimum 1.8-metre wide footways either side of the road; frequent junctions with a 'medium' movement and place function; 25mph target speeds; medium levels of pedestrian and cycle activity; dropped kerb accesses to private driveways to frontage residential properties; on-street parking restricted to maintain free-flow of movement;
 - Minor Access Road (main street) – 4.8-metres carriageway width, 1.8-metre wide footway where provided; high levels of pedestrian and cycle activity; target traffic speeds below 20mph; 'low' movement and 'high' place functions; frequent and informal accesses to private dwellings;
- 2.17 Two forms of Minor Access Road have been created within the site; the first a 'higher order' Minor Access Road provided with an adjacent footway and generally linking the Major Access Road (spine road) with shared surface environments; and the second a 'lower order' Minor Access Road formed as a shared surface and typically servicing no more than 25 dwellings in a cul-de-sac.
- 2.18 Within the development, the layout has been designed so that fire appliances will be able to reach within 45-metres of any residential dwelling and the maximum carry distance for refuse collection will be 25-metres. The applicants submit that on the basis that a large refuse vehicle is able to adequately traverse and manoeuvre within the site to within the requisite resident and operative carry distances, and is significantly larger than a fire tender, it is given that a fire appliance will be able to reach within 45 metres of any residential dwelling.
- 2.19 Turning facilities at the end of internal highways have been provided to accommodate refuse, service and emergency vehicle turning manoeuvres. Plan 19072/TK03 at Appendix 11 of the Transport Statement shows the swept-path of a large 4-axle refuse vehicle accessing the development from the A229 Hartley Road, demonstrating that the site can be accessed and egressed on and off the main highway in forward gear, whilst manoeuvring and turning within the proposed development is achievable without overrunning any of the on-site spaces or areas of soft landscaping. Swept path analysis has also been undertaken of a water tanker to ensure such a vehicle can access and egress the on-site water pumping station (for infrequent servicing purposes) satisfactorily.
- Parking**
- 2.20 Parking standards are intended to follow the KCC 'Kent Design Guide Review' document (2008) as follows for a residential development within a 'suburban edge / village / rural' area, with a numerical over provision for 2-bedroom houses and visitor car parking:
- 1-2 Bedroom Flats – 1 space per unit;

- 1-2 Bedroom Houses – 1.5 spaces per unit;
- 3-Bedroom Houses – 2 spaces per unit;
- 4+ Bedroom Property – 2 spaces per unit.

Size of residential property	Minimum parking standards:	Proposed parking provision
1-bedroom apartments	11	11
2-bedroom apartments	25	25
2-bedroom houses	41	54
3-bedroom houses	130	130
4-bedroom houses	62	64
5-bedroom houses	12	12
Total:	281	296

- 2.21 Car parking on site will be provided with 296 allocated spaces and 46 visitor spaces, totalling 342 (including garage spaces and tandem parking). All perpendicular on-site parking spaces measure 5.0 x 2.5-metres in size, whilst parallel parking bays are provided to 6.0 x 2.0-metre dimensions.
- 2.22 9 of the 46 visitor bays on site are provided with electric vehicle charging facilities. All private dwellings provided with a garage or car port will be provided with ducting infrastructure as passive provision (to be connected up at a later date). All cycle storage will be accommodated within the private curtilages of each plot. A secure communal cycle store is provided for apartments on site.

Housing

- 2.23 A range of housing types and sizes are proposed. The split of housing types is illustrated on the table below and has been focused on small sized households with a predominance of 3 bedroom homes;

Market dwellings:

Semi	4 Bed detached house	2
Detached	4 Bed detached house	9
Detached	4 Bed detached house	7
Detached	4 Bed detached house	11
Detached	5 Bed detached house	2
Detached	5 Bed detached house	4
Mid Terrace	3 Bedroom House	4
End Terrace	3 Bedroom House	4
Semi	3 Bedroom House	4
Semi	3 Bedroom House	4
Semi	3 Bedroom House	6
Semi	3 Bedroom House	4
Semi	3 Bedroom House	4
Semi	3 Bedroom House	1
Detached	3 Bedroom House	14
Detached	3 Bedroom House	2
Detached	3 Bedroom House	7
Detached	3 Bedroom House	1
Detached	3 Bedroom House	2
Apartment	1 Bedroom Flat	2
Apartment	2 Bedroom Flat	4
FOG	2 Bedroom FOG	1
Total:		99

Affordable housing

Apartment	1 Bedroom Flat	6
Apartment	1 Bedroom Flat	3
Apartment	2 Bedroom Flat	6
FOG	2 Bedroom FOG	2
Apartment	2 Bedroom Flat	1
Mid and end terrace	2 Bedroom House	10
Mid and end terrace	3 Bedroom House	3
End Terrace	4 Bedroom House	2
Apartment	2 Bedroom Flat	6
FOG	2 Bedroom Fog	5
Semi/terrace	2 Bedroom House	17
Semi/terrace	3 Bedroom House	4
End terrace	3 Bedroom House	1
Total:		66

- 2.24 The layout and mix of dwellings has been designed to exceed the adopted 35% Tunbridge Wells Borough Council (TWBC) affordable housing policy, with 40% of the dwellings being affordable. The affordable homes are provided as 50% rented and 50% shared ownership. The applicants advise that the affordable mix has been derived from the known Affordable Housing Register needs for the area. The rented homes could comprise affordable rented homes and social rented homes, according to the applicant's letter of 21/05/20. A 10% provision of the rented homes will be made available to M4(3) Building Regulations standards, in the form of 1 x 2 bedroom apartments and 3 x 1 bedroom apartments.
- 2.25 The developable area of the site area measures 4.7 hectares giving a density of 35.1 dwellings per hectare.

Design and layout of development

- 2.26 The vast majority of the proposed built form will be two storeys with single storey garages and ancillary buildings. These will be arranged in a combination of terraced, semi-detached and detached forms. Three of the apartment buildings have some 2.5 storey elements but this is confined to the core of each building. Apartment Block A (two storeys) acts as a gateway into the site.
- 2.27 The scheme has been designed to create different 'grains' of development through the site. Within this site there are three ways in which the building pattern has been created, which are outlined below. The central spine road is the linking feature that draws the development together and links it to the wider network.
- Fronting open space: Open space has been set out to seep in from the Hartley Road frontage and run north south as well as link with wildlife corridors (existing and proposed) running east-west. A discernible building line and active frontages surround a large proportion of this open space is intended to provide natural surveillance. With use of brick walls, hedgerows and low shrub planting, private curtilages are intended to be clearly defined from public open space.
 - The Yards: This is designed to be a character area in itself, using varied hard surfacing and car permeable buildings allows properties to be serviced from the rear, whilst still close to or on plot. They are designed to be 'active' frontages with legible access points for cars but multiple 'twittens' offering more permeability for pedestrians and cyclists to prevent private car usage dominating the development pattern.

- Corner turners and key buildings: houses that specifically turn corners through materiality and dual active frontages have been proposed. These along with the proposed apartment buildings are intended to allow a good amount of variation and changes in local building densities to occur throughout the layout and in particular along the principal spine route.

2.28 The site has been designed to create a series of three complementary character areas informed through study of different local context and varying architectural styles. The character areas are:

1. The Green: references to local vernacular in Goudhurst and Cranbrook has influenced this and is intended to be representative of the central and historic core of those areas. The main building material is tile, used as tile hanging from first floor upwards and within the entire area as a roof material. Elevations facing The Green are tile hung but then wrap around the remainder of the dwellings in white boarding, a typical detail of the area unless located on a prominent corner plot.
 - Detail is linked using white painted timber detailing. Porches specific to The Green provide tile hung pitched roofs with timber posts set on brick plinths. An infill of timber lattice ties in with the use of white painted timber picket fencing to front gardens to allow climbing plants and correspond to a cottage garden village green theme.
 - Properties face onto the landscaped village green orientated around established and veteran trees – adding to the historic core of the development idea. A wet pond, areas for informal play and self-binding gravel footpath links lead to a dynamic and enjoyable public place.
 - Materials involve the use of small module tiles, hung from first floor level upwards. With predominantly tile roofing the intention of to create a harmonious nature of a simple material repeated, to create a sense of a grouping of buildings around the green. Tiles used will represent the burnt orange, rusty hues traditionally found in the area and specifically studied in the village of Goudhurst, intended to be a much warmer palette than other character areas to give this entrance to the site its own specific feel.
2. The Yards: These are the central courtyards that will be mainly composed of low density buildings with simple forms and their associated hardstanding for car parking. The buildings within them have simple forms, gable ends, single ridge, and boarding throughout (mixture of white and black). Planting is minimal in accordance with the yard design theme, but there will be hints of planted border and defined front garden. Homes directly overlook the courtyard areas to provide natural surveillance.
 - Materials are intended to draw on a ‘farmyard aesthetic’. To accommodate the car parking ‘yards’, naturally coloured chippings hot rolled into asphalt are proposed to delineate these areas from other street types and draw the yards together given they are dispersed throughout the development. Buildings are simple forms and would use black or white boarding with a slightly increased use of slate roofs to distinguish them as specifically of the ‘yards’ character area. The applicant states that black boarding is found regularly in the local area and is often associated with agricultural built form that is either hard up against the road or within a hardsurfaced farmyard. Hues are intended to be a cooler palette and tie in with a more agricultural ‘feel’.
3. Rural Village Edge: The character area that fringes the edge of the development – its outward looking face. Draws on precedent from local villages where property

spacing, material and style begin to increase in variance as one progresses along the routeways out of the historic core – examples such as High Street Cranbrook rising to the war memorial and Church Road/Cranbrook Road to the east of Goudhurst. Here, more variety in materials and details is used (with a prevalence of white boarding and brick and the occasional property tile hung to its elevation) to offer intrigue and provide a more varied street scene. The different porches and bays are retained in this area. The mix is intended as a direct contrast to the rigour applied to The Green and The Yards.

- This character area can be further divided into an upper and lower rural edge, whereby the lower rural edge is a further expansion of the concept, with the same variety but a higher proportion of larger plots and dwellings, starting to spread out against the natural enclosing ancient woodland buffer and newly integrated wooded shaw.
- Porch design, cottage garden design concept of the village green is not replicated in these areas - With gardens defined by ornamental planting, hedgerow boundary planting and where space does not allow, natural picket fencing.
- Buildings are generally clad in white boarding. This is either full height or from first floor upwards to give a unified feel across the streetscene but also variation through the boarding steps and ranging heights of brick, as is traditionally found in Cranbrook. The boarding wraps around all elevations so glimpses of return side elevations further add to the boarded aesthetic. The occasional property has brick or tile hanging to its elevation. This is stated to draw on the linear expansion out of Cranbrook where detached plots start to show a variance in style and detail as they move further away from the historic core. A variety of bricks is used which is intended to be representative of the subtle changes found within the AONB.

2.29 The main spine road that runs through the development is designed to pick up on most of the character areas en-route, so as to create the impression of a ‘journey’ through different local character types. Key buildings are placed along this route and are designed to adapt to the changing topography. The principal route has also been scaled down at its termination– providing a small section of shared surface with connectivity onto the wider pedestrian routes at this point.

Landscaping, ecology and biodiversity

2.30 The landscaping layout is summarised as follows:

- A landscape and open space buffer will be provided to Hartley Road which seeks to mitigate views in and out of the site and retain the rural appearance of Hartley Road;
- The natural and open space buffer along Hartley Road leads to a central village green used for recreational purposes and exploratory play whilst also providing a setting and safeguarded buffer for existing mature and veteran trees.
- A multi-functional east to west green corridor with retained trees and hedgerows will connect the open spaces within the Turnden Farmstead and Brick Kiln Farm Schemes, accommodating natural exploratory play, drainage features, existing and proposed vegetation.
- A buffer to the ancient woodland is proposed along the southern boundary at the foot of the site which includes drainage features and additional and enhanced woodland edge scrub for habitat creation and ancient woodland protection.

- The scheme also largely retains the historic field pattern, existing trees and hedges, to form part of the primary route into the development and set within open space to allow them to be key features of the development;
- The scheme reinstates an historic woodland shaw and watercourse along the development area's south-western edges, creating part of an ecological link to adjacent sites and the wooded areas of Hennicker Pit. The intention is to link green infrastructure on a north/south and east/west basis to create the opportunity for increased biodiversity;
- New tree planting and hedgerows are proposed within and to the edges of the housing areas, serving to break up and soften views to the built form.
- Several drainage feature and ponds are to be created within the central green, the green corridor and the edge of the ancient woodland buffer, serving to capture surface water run-off and provide habitat for great crested newts, with ecological planting at the pond edges.
- A footpath is intended to re-establish the former Tanners Lane link across the top corner of the site, which would continue into the Brick Kiln Farm site and would provide part of the pedestrian route that links to Cranbrook.
- Links will be provided with adjacent developments to enhance pedestrian permeability into the wider area;
- Lower density housing will be provided towards the southern boundary of the site overlooking the Ancient Woodland;
- A landscaping buffer in excess of 15 metres will be provided from the Ancient Woodland;
- Some minor tree loss outside the ancient woodland/TPO areas is proposed.

Wider landholding

- The wider landholding comprises three parcels of land, recently used as horse paddocks and two main parcels of woodland: these parcels of land comprise a small field immediately to the west of Turnden Farmhouse; a field immediately to south of the ribbon development off Hartley Road, and a larger field located between Hennicker Pit and the Crane tributary valley.
- The field immediately to the west of Turnden Farmhouse will comprise of a newly planted woodland complex, including scalloped edges and open glades, crossed by permissive paths connecting with the Public Right of Way (WC115). This will also act to screen the development. Surplus material from the Proposed Development Area is proposed to be located within this field, raising the ground level by approximately 460mm. All existing equine fencing and paraphernalia will be removed from this field but, with the newly planted woodland initially be fenced with 1.2m stock proof fencing with rabbit proof mesh to reduce damage by rabbits to establishing trees.
- The field immediately to the south of the ribbon development off Hartley Road is proposed to comprise of species rich grassland, scrub to the field margins, new areas of woodland connecting Hennicker Pit to woodland south of the Turnden Farmstead development; and field trees located along alignments of historic field boundaries. Surplus material from the proposed development area would be located within this field, raising the ground level by approximately 460mm. The field is proposed to contain several informal mown paths for recreational purposes. Existing boundary fencing would be repaired or up-graded along with the installation of sections of new stock proof fencing to allow for ongoing conservation management of the newly sown areas of species rich grassland by occasional grazing. This field will also provide access for livestock to the southern fields to the south of Hennickers Pit. All existing internal equine fencing and paraphernalia will be removed.

- The larger southernmost field located between Hennicker Pit and the Crane tributary valley will be subdivided by new hedgerows with hedgerow trees aligning to historic field boundaries. Stockproof fencing and gates would be installed to provide access for grazing livestock. A permissive path would provide access through the fields, connecting the development area and Brick Kiln Farm with Public Right of Way (WC115). Access will be restricted to the permissive path and the field surrounding the existing PROW to enable the remaining fields to be managed as pasture grazing land for conservation benefit. All existing equine fencing and paraphernalia would be removed from the three fields.

2.31 The application is accompanied by a Landscape & Ecological Management Plan (LEMP) which contains various actions for management of the wider areas.

Levels

- 2.32 A cut and fill land regrading exercise is proposed for the Development Area to achieve suitable development platforms to facilitate the proposed development. This exercise will produce an excess of cut material (top and sub-soil) that is proposed to be spread in the area of agricultural/equestrian land within the site to the south west of the development area. The material amounts to circa 24,403m³ (including that to be retained from the approved Turnden Phase 1 site). Typical 8-wheel, 20 tonne vehicles associated to the movement of such material can transport 10m³ at any one time. The movement of the surplus material would therefore equate to circa 2,434 two-way trips through the local highway network, should it otherwise be removed from site.
- 2.33 The applicants propose that the soil generated from the cutting would be spread over an area of approximately 9.4ha of the wider application site and this would increase land levels by approximately 45cm over this area. The soil will be graded to follow the existing land contours and exclude ponds, existing trees and hedgerows. Once the land grading exercise is complete the area will be seeded with species rich grass seed and tree planting for ecological enhancement and extensive recreational use.
- 2.34 In terms of the development area, the levels of development broadly correspond with the existing site levels save for areas of localised cut and fill. The exception to this is towards the SE end of the site where a greater degree of earthworks are required.

Drainage

- 2.35 The overall drainage strategy has been split into three separate networks for modelling purposes. All networks convey water to ultimately discharge into Crane Brook at rates that mimic the pre-development greenfield runoff and provide water quality treatment. Given the known cohesive nature of the soils, and extent of local watercourses in the area, the applicant's engineers advise that the local watercourses provide the main means of surface water disposal in the area. It is proposed that surface water is attenuated in a series of wet balancing ponds to add ecology value to the development, with approximately 2m depth of standing water below the attenuation volume.
- 2.36 Network 1: comprises of the top half of the site. This will be served by two ponds (termed Pond 1a and 1b by the engineers) in a cascade arrangement and discharge to the Crane Brook. A hydrobrake vortex flow control from both ponds will control the run off. Network 1 includes an existing 'dry' ditch which conveys any overland flows from Hartley Road. The ditch connects to an existing local dry depression 'pond' which will be utilised as a forebay to serve Pond 1a.

- 2.37 Network 2: lies adjacent to the Turnden Phase 1 development and will drain to the attenuation pond approved under that scheme. Calculations within the Flood Risk Assessment indicate the necessary capacity to accommodate this additional water, along with the necessary adjustment to the hydrobrake vortex flow control to ensure an appropriate discharge rate.
- 2.38 Network 3: is the lowest part of the site and will be served by its own dedicated attenuation pond ahead of discharge to the Crane Brook. Again, a hydrobrake vortex flow control to ensure an appropriate discharge rate.
- 2.39 Due to the existing site conditions, plus the gradients and low infiltration rates available on the site, the use of permeable paving is not deemed suitable, therefore all surface water flows will be conveyed via rainwater down pipes or gullies into a gravity surface water network.
- 2.40 The FRA advises that the ponds provide all the necessary storage required for the 1 in 30-year storm events to ensure no surface flooding. 1 in 100-year storm events including an allowance of 40% for climate change have been checked with some areas of unavoidable, limited and localised surface flooding shown to occur. This is explained in Chapter 11.0 of the FRA.
- 2.41 Based on the known depth and location of the foul sewage outfall, flows from the development will be pumped to the public sewer network. The proposed development layout makes provision for a Type 3 Adoptable Pumping Station in the southern (low) part of the site. A rising main will be laid within the road network and out to the public sewer in Hartley Road.

3.0 SUMMARY INFORMATION

	Existing	Proposed
Site Area	23.94ha	23.94ha
Land uses	Agriculture (previously partly used for equestrian grazing in association with now-demolished stables)	165 dwellings and associated infrastructure on 4.7ha. Rest managed via a LEMP as Structural Open Space, Agricultural Land or Landscape Features, including; <ul style="list-style-type: none"> • Designated open space of 1.65ha • Accessible land (with recreational access) within wider landholding of 6.12ha
Car parking spaces	None	342 (296 for residents, 46 for visitors)
Cycle spaces	None	Provided at a ratio of one per dwelling
No. of storeys	N/A	2-2.5 storey dwellings
Max height	N/A	Between approximately 8.0m and 11.9m
No. of residential units	None	165 (including 66 affordable)

4.0 PLANNING CONSTRAINTS

- Outside (and adjacent to) Limits to Built Development (as defined by the Site Allocations Local Plan 2016)
- 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*).
- Public Footpath WC115 runs through the site and WC116 runs to the east
- A Southern Water sewer runs beneath the top corner of the site (adjacent to The Nest)
- The Crane Valley to the SE is an area of Ancient Woodland
- 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*)
- Robins Wood Site of Special Scientific Interest is approximately 500m south of the application site at its nearest point
- Angley Wood and Bedgebury Forest Local Wildlife Sites are approximately 250m and 600m away from the site to the NW respectively
- Turnden Lane opposite is a designated Rural Lane
- Three trees along the Hartley Road frontage and four along the access drive are protected by Tree Preservation Order 041/2003
- The site access point is approximately 0.4km 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*);
- The farmstead setting within the AONB and the First World War field gun adjacent Cranbrook War Memorial are considered to be non-designated heritage assets;
- Between 140m NE and 210m NE of the Site 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 (Grade II);
 - Cranbrook War Memorial (1920) at the junction of Hartley Road / Angley Road and High Street (Grade II);
 - 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).

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 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 3: Transport
- 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 13: Hawkhurst
- Core Policy 14: Development in Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006

- Policy LBD1: Development outside the Limits to Built Development
- Policy EN1: Development Control Criteria
- Policy EN5: Conservation Areas
- Policy EN10: Archaeological sites
- Policy EN13: Tree and Woodland Protection
- Policy EN16: Protection of Groundwater and other watercourses
- Policy EN18: Flood Risk
- Policy EN25: Development affecting the rural landscape
- Policy H2: Dwelling mix
- Policy TP1: Major development requiring Transport Assessment and Travel Plan.
- Policy TP3: Larger scale residential development
- 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 CS4: Development contributions to school provision for developments over 10 bedspaces

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 (2007 and update January 2014) and 2019 Energy Policy Position Statement
- Farmsteads Assessment Guidance for Tunbridge Wells Borough SPD

Other documents:

- Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);
- High Weald AONB Management Plan 2019-24
- Historic England guidance note, GPA3 'Settings and Views'
- Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells Paddock Wood, Horsmonden, Hawkhurst, Cranbrook (July 2018)
- Historic Landscape Characterisation: Parishes of Hawkhurst, Cranbrook, Goudhurst, and Benenden 2015
- Draft Pre-Submission Local Plan (Version for Planning & Transportation Cabinet Advisory Board on 11 January 2021)
- Planning Position Statement for proposed developments which may impact on air quality in Hawkhurst (June 2020)

Cranbrook Neighbourhood Plan (NP)

- 5.01 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.

- 5.02 However, as the NP has not progressed to the formal examination or referendum stage (timetabled for 30th April 2021 and 3rd June 2021 respectively according to the NDP group's website), it cannot be given any weight in this decision.

6.0 LOCAL REPRESENTATIONS

- 6.01 Ten site notices were displayed along Hartley Road, Orchard Way, High Street and on the route of the public footpath adjacent to Hennicker Pit on 9 April 2020. New site notices in the same positions as their predecessors were displayed on 18 September 2020 and 13 November 2020 to advertise amendments to the scheme, as part of a re-consultation. The application was also advertised in the local press on three occasions. A paper copy of the planning application was delivered by TWBC to the PC, as were subsequent advertised amendments.

Consultation during lockdowns

- 6.02 Objections have been raised on the basis that the initial consultation coincided with the first Covid 19 lockdown that began on 23 March 2020. These objections suggested that the application should be 'turned away' or declined to be determined as local people allegedly had insufficient time or were otherwise unable to comment. This issue has been addressed details in letters to various local residents from the Head of Service dated 21 April 2020. In short, TWBC could not, under legislation or regulations, "turn away" or decide to not consider the planning application at Turnden, nor require it to be withdrawn.
- 6.03 The first advertised consultation period lasted 4½ weeks and for all applications comments can be accepted after the deadline shown on TWBC site notices. The application has remained live and open for comment ever since it went 'live' on 7 April 2020.
- 6.04 All LPAs undertake consultation on planning applications in accordance with the relevant regulations and legislation. TWBC's approach, which has been the same since April 2017, is to put site notices at the boundaries of an application site. Additionally, interested residents/businesses etc. have the opportunity to set up an area of search on the TWBC website so that they are notified by email if any planning application is submitted within that area. The approach of advertising by site notices, plus the additional area of search notification, was well publicised ahead of April 2017, and has been publicised periodically since. Within Tunbridge Wells borough all documentation submitted as part of a planning application is available online through the TWBC website. Representations can be provided through a variety of different methods, be that email, directly through the website, or by post.
- 6.05 The (then) Chief Planner at the Ministry of Housing, Communities and Local Government (MHCLG) wrote to all Local Planning Authorities in March 2020 and set out that LPAs should continue to assess and consider planning applications, and to make decisions on them accordingly.
- 6.06 The application includes a Statement of Community Involvement. Aside from pre-application discussions, prior to submitting the application the applicant met with Ward Councillors, members of the PC and the Turnden Action Group in October 2019; A further meeting with the latter at the end of October 2019 (involving members of the NDP group and a Ward Councillor); an update meeting with the

Turnden Action Group (including NPG representatives in December 2019; plus a public consultation event at the Weald Sports Centre in December 2019. A further public exhibition was planned after submission of this application but had to be cancelled due to the Coronavirus pandemic. A leaflet drop throughout Cranbrook was undertaken instead.

Representations

6.07 75 representations (some of which are multiple contributions from the same contributors; and some of which are from organisations representing large numbers of people such as the Cranbrook Conservation Area Advisory Committee, Hartley Save Our Fields and the Neighbourhood Development Plan Group) have been received. These are summarised below as;

- Impact on the AONB, Ancient Woodland and other ecologically sensitive areas;
- Impact on biodiversity and protected species;
- Will create a precedent elsewhere in the AONB;
- Loss of agricultural land and issues raised with spoil deposition;
- Coalescence between Hartley/Cranbrook;
- Loss of trees, hedgerow and landscaping;
- Impact on setting of heritage interests (listed buildings and CA);
- Would cause harm to the character and appearance of the area;
- The site is outside the LBD of Cranbrook and is greenfield land;
- Conflicts with emerging Cranbrook NDP;
- Traffic congestion at on surrounding road network and insufficient parking;
- Highway and pedestrian safety concerns (during construction and afterwards);
- Poor public transport connections;
- Overall environmental impact such as CO2 emissions;
- Pressure on services such as schools, GP surgeries;
- Cumulative impact of various housing developments upon Cranbrook;
- Proposed development comprises too many dwellings;
- Would result in drainage/flooding issues;
- Noise and light pollution;
- Impact on water supply;
- No need for additional dwellings;
- Not in a sustainable location/within reasonable walking distance of Cranbrook centre;
- Site has previously been rejected for allocation in draft NDP;
- Scheme is premature given current stage of Draft Local Plan.

6.08 Natural England have also asked the Secretary of State for Housing, Communities and Local Government to call the application in as a 'referred case'. A copy of this Committee Report has already been sent to the CLG case officer upon publication on the Councils website. If Members are minded to grant planning permission, the application details will be passed through to the CLG Planning Casework unit who will assess whether the application will warrant call-in. This process would be undertaken during post committee S106 work, should Members resolve to grant permission. TWBC has provided a written undertaking to CLG not to issue a decision until such time as the Secretary of State has considered whether call in is warranted. This in itself is a procedural matter that does not have any weight in the planning considerations for the Committee.

7.0 CONSULTATIONS

Cranbrook & Sissinghurst Parish Council

7.01 **(19/11/20)** - The Parish Council supported the proposal of £318,571.10 Section 106 money funding off-site contribution towards Cranbrook Community Centre and/or outdoor play and open space; open space plan.

7.02 Whilst the Parish Council can see some improvement on connectivity and site layout this revision does nothing to address the main concerns of Cranbrook and Sissinghurst Parish Council, which still stand. The Parish Council recommended refusal for the following reasons:

- Significant harm and damage to the Area of Outstanding Natural Beauty, to include the medieval field patterns and use of good quality agricultural land.
- Impact on the A229 of traffic flow, air quality and road safety.
- Over intensive development of the site in a less than sustainable and sensitive location.
- Lack of master planning with adjacent developments.
- Poor connectivity to Cranbrook Town and coalescence with Hartley settlement.
- Assessed as unsuitable for development by the emerging NDP.
- Type and mix of housing proposed does not meet with local requirements.
- The affordable properties are grouped closely together and directly adjacent to the Brick Kiln Farm affordable element, rather than distributed throughout the site.
- Query as to whether the housing numbers that TWBC have allocated are necessary?
- Lack of inclusive public consultation at a crucial time of the planning process.
- Cumulative effect on the Crane Valley in terms of flooding and sustainability.
- No Self Builds on site.
- Insufficient parking, majority at the minimum recommended levels.
- Concern raised regarding spoil distribution within the site which would impact on surface water
- Flow and run-off situation.

7.03 However, if TWBC are minded to approve the application, the Parish Council request the following conditions are considered:

- Include provision of an allotment area for residents of Cranbrook & Sissinghurst. Request the developer works with the case officer dealing with the adjacent Brick Kiln Farm development and Sally Marsh (AONB) to limit the impact of the Anglo-Saxon field patterns. Request the developer works with the Parish Council on the design, layout and mix of housing through further meetings. Confirm there is no intention to develop the remainder of the site.
- The Parish Council supported the comments on the TWBC Planning Portal by June Bell dated 13th November and CPRE dated 7th May and 29th October 2020.

7.04 **(04/11/20)** - recommended refusal. This revision did nothing to address the main concerns of Cranbrook and Sissinghurst Parish Council submitted on 6th October which still stand.

7.05 **(06/10/20)** - Whilst the Parish Council can see some improvement on connectivity and site layout this revision does nothing to address the main concerns of Cranbrook and Sissinghurst Parish Council, which still stand.

7.06 The Parish Council recommended REFUSAL for the following reasons:

- Significant harm and damage to the Area of Outstanding Natural Beauty, to include the medieval field patterns and use of good quality agricultural land.
- Impact on the A229 of traffic flow, air quality and road safety.
- Over intensive development of the site in a less than sustainable and sensitive location.
- Lack of master planning with adjacent developments.

- Poor connectivity to Cranbrook Town and coalescence with Hartley settlement.
 - Assessed as unsuitable for development by the emerging NDP.
 - Type and mix of housing proposed does not meet with local requirements.
 - The affordable properties are grouped closely together and directly adjacent to the Brick Kiln
 - Farm affordable element, rather than distributed throughout the site.
 - Query as to whether the housing numbers that TWBC have allocated are necessary?
 - Lack of inclusive public consultation at a crucial time of the planning process.
 - Cumulative effect on the Crane Valley in terms of flooding and sustainability.
 - No Self Builds on site.
 - Insufficient Parking, majority at the minimum recommended levels.
 - Concern raised regarding spoil distribution within the site which would impact on surface water flow and run-off situation.
 - However, if TWBC are minded to approve the application, the Parish Council request the following conditions are considered: Include provision of an allotment area for residents of Cranbrook & Sissinghurst. Request the developer works with the case officer dealing with the adjacent Brick Kiln Farm development and Sally Marsh (AONB) to limit the impact of the Anglo-Saxon field patterns. Request the developer works with the Parish Council on the design, layout and mix of housing through further meetings. Confirm there is no intention to develop the remainder of the site.
- 7.07 **(30/04/20)** – sought £5k per dwelling (£840,000) towards the Cranbrook Hub, with a 2015 business plan costing as supporting evidence.
- 7.08 **(29/04/20)** – Refuse on:
- Significant harm and damage to the Area of Outstanding Natural Beauty, to include the medieval field patterns and use of good quality agricultural land.
 - Impact on the A229 of traffic flow, air quality and road safety.
 - Over intensive development of the site in a less than sustainable and sensitive location.
 - Lack of master planning with adjacent developments.
 - Poor connectivity to Cranbrook Town and coalescence with Hartley settlement.
 - Assessed as unsuitable for development by the emerging NDP.
 - Type and mix of housing proposed does not meet with local requirements
 - The affordable properties are grouped closely together and directly adjacent to the Brick Kiln Farm affordable element, rather than distributed throughout the site.
 - Query as to whether the housing numbers that TWBC have allocated are necessary?
 - Lack of inclusive public consultation at a crucial time of the planning process.
 - Cumulative effect on the Crane Valley in terms of flooding and sustainability.
- 7.09 However, if TWBC are minded to approve the application, the Parish Council request the following conditions are considered:
- Request the developer works with the case officer dealing with the adjacent Brick Kiln Farm development and Sally Marsh (AONB) to limit the impact of the Anglo-Saxon field patterns.
 - Request the developer works with the Parish Council on the design, layout and mix of housing through further meetings.

- Confirm there is no intention to develop the remainder of the site.
- Inclusion in any discussions regarding Section 106 contributions.

Hawkhurst Parish Council

- 7.10 **(29/05/20)** – Object on the grounds of;
- Inappropriate development in the AONB and impact on the character of our protected landscape.
 - Highway safety, environmental and air pollution impacts from congestion in neighbouring villages like Hawkhurst and Goudhurst, as well as Cranbrook itself, plus additional vehicles on the road;
 - Heavy car reliance of occupiers and unlikelihood of cyclists using the road to access Gills Green employment area;
 - Impact on queuing times at Hawkhurst Crossroads.

Forestry Commission

- 7.11 **(21/04/20 and 05/10/20)** – no site-specific comments. Referred to Natural England and FC joint standing advice.

Environment Agency

- 7.12 **(17/09/20)** – no further comment
- 7.13 **(08/04/20)** – no comment, as low environmental risk

Natural England

- 7.14 **(13/10/20)** - Natural England objects to this proposal. Consider it will have a major adverse impact on the purposes of designation of the High Weald Area of Outstanding Natural Beauty (AONB).
- 7.15 Natural England acknowledges that amended information had been submitted to support this proposal. However, the new information does not represent a change in the scale of the proposal which would alter the previous advice or position (dated 3 June 2020).
- 7.16 This proposal, considered by your authority to represent major development in an AONB, is identified as an allocation site in the draft local plan, but is not supported by the adopted local plan. Considering the scale of the development proposed, the environmental impacts associated with the proposal in this location and the potential to undermine the plan-making process, NE strongly advise that the planning application is refused at this time, and the suitability or otherwise of this site is determined through the local plan process.
- 7.17 **(03/06/20)** – objects to this planning proposal as consider it would have a major adverse impact on the AONB.

If TWBC are minded to approve this development proposal, Natural England will consider it necessary to seek call-in of the application so that it can be determined by the Secretary of State.

Should be assessed against the criteria set out in National Planning Policy Framework (NPPF) paragraph 172. Noting that the proposal is not supported by an allocation in the adopted Local Plan, NE consider that an assessment of the need for and location of a development of this scale should be undertaken at a strategic and District-wide level. Furthermore, Natural England is concerned that the size and scale of the proposal would result in major adverse impacts on the special qualities of the

High Weald AONB. Consider that the impacts of this proposal on the AONB cannot be overcome through mitigation.

- 7.18 As per NPPF paragraph 11) the AONB provides a strong reason for refusal;
- 7.19 Premature to consider this proposal before its merits have been properly tested as part of the emerging local plan process and would undermine it and risks predetermining decisions about the scale and location of new development within the AONB which, in Natural England's opinion, is a central issue in relation to the proposed local plan and should inform reasons for refusing this application (NPPF paragraph 49).
- 7.20 Inappropriate to attribute weight to emerging plan policy in the determination of this application. Instead, we consider that the provisions of the NPPF can inform decision making, including paragraph 172.
- 7.21 Considering the scale of the development proposed, the environmental impacts associated with the proposal in this location, and the potential to undermine the plan making process, we strongly advise that the planning application is refused and the suitability or otherwise of this site determined through the local plan process.
- 7.22 Development proposals for this site may be more acceptable if the size and scale are significantly reduced. In accordance with the NPPF, High Weald AONB Management Plan and the Landscape Sensitivity Assessment for the site, any development proposed for this area should be small scale and sensitive to the character of the landscape.
- 7.23 Annex A to comments: amplifies the above comments. Annex B refer to standard advice

Scotia Gas Networks

- 7.24 (29/04/20) – standard advice

UK Power Networks

- 7.25 (29/04/20) – standard advice

Southern Water

- 7.26 (28/04/20 and 13/10/20) – can connect foul to sewer outside. Surface water – need details of SUDS scheme.

Woodland Trust

- 7.27 (29/10/20) - acknowledge that the applicants have taken steps to revise the scheme to protect the ancient woods and trees on site, would like to maintain an objection to the proposals as do not believe concerns for the ancient woodland and T57 have been fully addressed.

T57

- 7.28 Pleased to see that T57 has now been provided with a veteran buffer zone as outlined within Natural England's Standing Advice. However, the revised arboricultural impact assessment states that there is still to be construction works within the root protection area of the veteran tree. The construction of the attenuation pond will result in encroachment within the veteran buffer zone so we advise that the applicants look to further amend the location of the attenuation pond to ensure this buffer zone remains un-encroached.

- 7.29 Additionally, refer TWBC to sub-clause 7.4 (Permanent hard surfacing within the RPA) of the BS 5837:2012 which states that *“This subclause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA”*.

Ancient woodland

- 7.30 Note that the site layout has been revised to reduce impact on the ancient woodland, however given the scale of the proposals the Trust still recommends that a 50m buffer is provided to the site to ensure the woodland is appropriately protected against the development.
- 7.31 **(28/04/20)** - objects on the basis of potential detrimental impact to an area of Ancient Semi Natural Woodland due to insufficient demonstrable buffer zone of at least 15m, preferably 50m, and to encroachment in to the RPA of T57 (veteran oak).

Historic England

- 7.32 **(18/09/20)** – no comments, suggest that LPA seeks the views of its specialist conservation and archaeological advisers.
- 7.33 **(27/05/20)** – Further letter received framed as *‘a further piece of advice noting our obligation to give regard to the purposes of an AONB when considering planning applications’*. This was received after the AONB Unit contacted Historic England regarding their initial response of 17/04/20.
- 7.34 Historic settlement pattern referred to and Historic England consider this has some heritage significance in historic landscape terms, despite Phase 1 scheme and ribbon development nearby. This significance would be harmed by the proposed development as an understanding and appreciation of the dispersed character of historic settlements and farmsteads would be eroded to a degree, mostly in regard to the separation between Hartley and Cranbrook, by the enlargement of the built up area and a loss of historic field systems.
- 7.35 NPPF Para 172 and cultural heritage: The surviving historic landscape character of dispersed farmsteads surrounded by a network of field systems is a non-designated heritage asset and that when determining this application TWBC should therefore also consider NPPF paragraph 197.
- 7.36 *‘Historic England has a duty to give regard to the purpose of an AONB and while we have provided substantive advice on this occasion, we would not expect to provide this level of advice for all applications within an AONB or its setting but would consider in each case what value we can add in accordance with our Charter for Advisory Services. We hope the above clarifies Historic England’s views on the development in terms of our statutory role to give regard to the purpose of the High Weald AONB.’*
- 7.37 **(17/04/20)** – no comment. Recommendation to seek the views of TWBC/KCC specialist conservation and archaeological advisers

High Weald AONB Unit

- 7.38 **(12/10/20)** - This letter does not repeat any of the advice in the previous letter of 12th May 2020 but specifically responds to the amended documents submitted in September 2020.

- 7.39 This development results in a significant, long term and adverse impact on the High Weald AONB and the purpose for which it is designated. The High Weald AONB Unit maintains its strong objection in principle to this development.
- 7.40 The development of 165 houses and associated access and parking is a major development in the AONB fundamentally in conflict with national planning policy, NPPF: Paragraph 172, which states that *'the scale and extent of development in [AONBs] should be limited', and 'planning permission should be refused for major development other than in exceptional circumstances ...'*
- 7.41 Nothing in the amended documents lodged by Berkeley in September 2020 in any way reduces the impact on the AONB, nor demonstrates exceptional circumstances. The changes proposed in the amended documents (added September 2020) are minor and cosmetic, correcting omissions and inaccuracies. They make no material difference to the significant adverse impact that this major development will have on the High Weald AONB – a landscape of national and international importance for its outstanding beauty and extensive survival of a biodiverse ancient countryside.
- 7.42 **(12/05/20)** - In summary, strongly objects to this proposal on the following grounds:
- 7.43 The justification provided is inadequate and that the overall level of housing provision in the Borough and the need for such a significant scale of development at Cranbrook should be tested through the Local Plan examination;
- 7.44 The proposal has a detrimental effect on the environment and landscape of the AONB contrary to Paragraph 172 of the NPPF and Tunbridge Wells Borough Council's own policies for the AONB set out in the High Weald AONB Management Plan adopted in March 2019. These effects are as follows:
- The proposed development will harm the historic landscape of this area. Instead of a rural fieldscape, there will be a suburban vista extending from Cranbrook to the early medieval hamlet of Hartley, eroding the separation which characterises villages and their surrounding farmsteads in the High Weald AONB;
 - As identified in Appendix 1 the Landscape and Visual Impact Assessment submitted as part of the Environmental Impact Assessment is inadequate and fundamentally flawed. The landscape significance of the site within the AONB, and the effects of development upon it, are not adequately recognised;
 - The proposal does not represent biodiversity net gain as claimed in the ecological reports and the Landscape and Ecology Management Plan contains serious flaws and inaccuracies and is not suitable to guide the ecological mitigation and compensation measures;
 - The Design and Access Statement selectively uses the High Weald Design Guide to justify small details while ignoring the overarching principles of good design in the AONB. The resulting design is not distinctive to the High Weald or appropriate to its immediate setting.
- 7.45 The proposal is contrary to the Borough Council's own commitment to seeking a carbon neutral borough by 2030 (TWBC Climate Emergency Declaration, 17th July 2019), and the objective of the AONB Management Plan (G3). Insufficient consideration has been given by the applicants to achieving carbon neutrality. The lack of zero carbon homes, business as usual approach to car provision and transport policy, and lack of attention to development impacts on soil carbon storage suggests no consideration has been given to either the Borough Council's own climate commitments or the UK's obligations under the Paris Climate Change Treaty.

- 7.46 Without prejudice to the above objections, in the event that the Local Planning Authority considers that the principle of development is acceptable, the land to the west of the application site should be secured by legal agreement as public open space to be managed to conserve and enhance its natural beauty in compensation for the damage to the AONB caused by the proposed development.
- Beyond this:
- 7.47 The matter of the appropriate level of housing provision in Tunbridge Wells Borough should be resolved through the Local Plan process and not pre-empted by assumptions in a planning application. In addition, the need for the development should be justified in terms of the need within this part of the AONB rather than in the Borough as again the distribution of housing is something that should be determined through the Local Plan process.
- 7.48 High Weald AONB Unit has strongly disputed the statement in the Distribution of Development Topic Paper 2019 that, due to the AONB covering 70% of the borough and with significant areas of Green Belt (22%), the housing need cannot be met without some major development within the AONB. Nothing within the NPPF or legislation implies that AONB is less valuable just because it covers a large percentage of an administrative area and NPPF paragraph 11 makes it clear that such a constraint can restrict overall housing provision.
- 7.49 Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining this character, but large scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.
- 7.50 The High Weald AONB is a nationally important landscape because of the high survival of ancient countryside and its associated rich natural environment across a large area at the heart of a wealthy global region. The pattern of this small-scale landscape has changed very little over the last 700 years; it is one of the best surviving medieval landscape in North West Europe. The proposed development will change this historic landscape forever. Instead of a rural fieldscape, there will be a suburban vista extending from Cranbrook to the early medieval hamlet of Hartley, eroding the separation which characterises villages and their surrounding farmsteads in the High Weald AONB.
- 7.51 Insufficient evidence to classify the grassland habitat, which forms the bulk of the Site, as “improved grassland”. This habitat could instead qualify as “semi-improved grassland”, albeit probably not as species-rich semi-improved grassland. A full botanical assessment of the grassland sward was not undertaken because improved grassland can be screened out as a habitat of low biodiversity value. Aspects of the ecological appraisal and the future mitigation recommendations hinge on the biodiversity value of this habitat that comprises the bulk of the Site.
- 7.52 Dispute Biodiversity Net Gain calculations; Weaknesses in planting scheme;
- 7.53 LEMP contains serious flaws and inaccuracies. It does not accurately represent and expand the recommendations made in the ecological reports prepared by BSG.
- 7.54 Some of the management prescriptions in the LEMP risk a breach of the law by recklessly harming European Protected Species known to be present on the site (dormice) and their places of shelter.

- 7.55 The soil deposition and land regrading works would have a potentially major impact on grassland habitat and associated fauna outside the development boundary.
- 7.56 Various design issues raised – scheme uses overly ‘wavy’ streets and appears as a late 20th Century residential development; apartment blocks unsuitable; The landscape principles underpinning the design are generic and vague (Landscape Statement Para 7.2, p.15).
- 7.57 The site is treated separately to the landscape of which it is a part. The over-riding significance of the historic fieldscape that separates Cranbrook and Hartley is avoided completely, and the overwhelming importance of the green wedge of the Crane Valley as a dominant factor in the character of Cranbrook and its environs is negated by the proposal for a large area of housing and hard surfaces, termed ‘Arcadia’ extending right up to the Crane brook.
- 7.58 No landscape strategy is presented for the western part of the site. This area appears in maps up to page 13, it is then greyed out or missing for the remainder of the document. The opportunities to improve ecological linkages across the whole site, or to restore species rich grassland along the remaining Crane valley fields are not addressed. Instead the area to the west is proposed to be the repository of all the soil removed from the application site, resulting in damage to the biodiversity and carbon storage properties of the soil itself and burying any ecological resources on the western fields.
- Appendix 1 – Detailed comments on the submitted documents
 - Appendix 2 – Report by Dr Nicola Bannister on ‘Hartley and Turnden, Cranbrook Historic Landscape Assessment’ and responses to Archaeological Desk-Based Assessment and Addendum
 - Appendix 3 – Report by Kate Ryland, BSc, CEnv, MCIEEM of Dolphin Ecological Surveys on the ecological information submitted.

Campaign for the Protection of Rural England (Kent)

- 7.59 **(27/10/20)** - CRPE (Kent)'s previous letter set out a number of reasons why a large residential development of this type should not be permitted on this site. Briefly, these reasons were: the extent of local opposition to the proposed development; the development would be inconsistent with planning law and policy; protection of the High Weald AONB; protection of biodiversity and ancient woodland; protection of heritage assets; and climate change and sustainability. The amendments to the application now put forward do not impinge materially on any of the grounds on which we have objected to this development, all of which CPRE maintain.
- 7.60 CPRE not alone in taking this view; Cranbrook and Sissinghurst Parish Council continue to recommend refusal of the application; the High Weald AONB Unit has maintained its strong objection to the proposed development; and Natural England have maintained their objection to the proposed development and confirmed their intention to seek the call-in of the application for determination by the Secretary of State, should the Council be minded to approve it. CPRE agree with the grounds on which these bodies continue to object to the proposed development and would support calling-in the application, should the Council be minded to approve it.
- 7.61 As before, CPRE defer to the views of The Woodland Trust on the protection of ancient woodland. Note that their request for a 50m buffer for the ancient woodland on and adjoining the site has not been accommodated.

- 7.62 CPRE recognise that a great deal of detailed and professional work has been undertaken by the Council's officers, notably the Landscape and Biodiversity, Conservation and Urban Design and Tree Officers, in reviewing the details of the applicant's original proposals. It appears from the lengthy appendix in which the applicant sets out its response to their concerns that a number of changes have been made to the proposals which, individually and collectively, may to some extent mitigate the harm which this development would inevitably cause, but without impacting on the grounds upon which CPRE object to it.
- 7.63 CPRE note, however, from the report of the Conservation and Design Officer, dated 6th October 2020, that not all of their concerns have been addressed by the amended proposals. We would expect the Council to refuse the application in any event, should all the Officer's points not be addressed satisfactorily by the applicant.
- 7.64 In the event that the Council were minded to approve the application, we would attach particular importance to the inclusion of planning conditions and landscape management arrangements, as identified by the Landscape and Biodiversity Officer, to ensure the viable, permanent agricultural use of the southern part of the site.
- 7.65 Consider that the applicant's answers to officers' concerns (shared by others who have commented on the application) about the landscape and ecological harm to be caused by spreading spoil from the construction over the southern part of the site are unconvincing and not supported by adequate evidence.
- 7.66 Note that the applicant has provided an Air Quality Assessment which appears to concentrate on effects in Hawkhurst. CPRE rely on the Council to assess this report critically and ensure that the scope of its analysis and the mitigation measures outlined in the report are adequate.
- 7.67 **(07/05/20)** – refuse as develops greenfield land; object to proposed DLP allocation; no NPPF support, should be refused on Para 172 grounds; quote various case law on AONB development; citing previous smaller residential developments in the AONB which have been refused and appeals dismissed so consequentially much larger Turnden scheme should be refused; cumulative impact with BKF; support AONB Unit and Woodland Trust comments; impact on heritage assets, further case law cited; attention drawn to Paris Climate Change Treaty and TWBC declaration of climate emergency; housing estate incoherent with its individual character areas and causes conflict with surrounding heritage assets; Lack of viewpoints from the A229; high car dependency; insufficient attempts to address climate change; issues with soil spread on adjacent land.
- 7.68 **KCC Senior Archaeological Officer**
(05/10/20) - No additional comments on the revised details for this scheme
- 7.69 **(04/05/20)** - The application is supported by a Deskbased Assessment by CgMs. The DBA is fine and provides a good account of the heritage issues. Note the submission of the Heritage Statement too. In view of this heritage and that remains associated with prehistoric and especially post medieval agrarian heritage may be encountered, recommend a condition is placed on any forthcoming consent.
- KCC Public Rights of Way and Access Service**
- 7.70 **(02/10/20)** - **Impact on Public Footpath WC115**
The revised plans provide additional detail for the southern fields, which are located within the land holding of the applicant. It is understood that excess spoil from the construction work will be distributed across this area, which will permanently change

the topography of the landscape and affect the gradient of Public Footpath WC115. While KCC do not object to this work, the maximum gradient along the right of way should not exceed 1:20.

- 7.71 It is anticipated that a temporary path closure will be requested by the applicant, to enable this landscaping work to be completed safely. Efforts should be made by the applicant to minimise the length of this path closure, to minimise disruption for the public. The applicant should also provide an alternative route for the duration of this closure, to maintain network connectivity for the public.
- 7.72 With regards to path surfacing across these southern fields, the plans indicate this area will be sown with grass seed and potentially used for pasture grazing. However, given the paths across this site would provide valuable outdoor recreation opportunities for residents, they are likely to be heavily used. A durable path surface should be therefore be provided along the new permissive paths and Public Footpath WC115. The provision of a compacted, self-binding, stone surface along these paths would ensure they are accessible to the public throughout the year.
- 7.73 The Landscape Betterment Plan illustrates a 'Mown permissive path' (point 17) adjacent to Public Footpath WC115. The provision of this mown path is unnecessary, as it is a duplication of existing public access along Public Footpath WC115, which already has a compacted stone surface.

S106 Developer Contribution

- 7.74 With reference to their letter dated 2 June 2020, the applicant has agreed to fund off-site PRow improvements through a developer contribution, capped at £10,000. While this contribution for improving Public Footpath WC115 is welcomed, it is requested that the money can be used elsewhere for improving additional PRow in the vicinity of the site. It is also requested that the PRow and Access Service is consulted on the wording of the S106 agreement and given the opportunity to comment on the relevant PRow planning obligations.

Summary

- 7.75 On balance, have no objection to the proposal provided that our considerations are taken into account and the PRow network is not obstructed by the development. We also have requirements for improvements and future maintenance if the proposal is approved.
- 7.76 Various points asked to be brought to the applicant's attention (repeated as an informative).
- 7.77 Comments are made in reference to the following planning policy;
- National Planning Policy Framework, Paragraph 98 states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
 - Tunbridge Wells Borough Council Local Plan Policies: EN1, TP1, TP3
 - DEFRA Circular 1/09
 - Kent Design Guide
- 7.78 **(27/04/20)** – no objection subject to £10,000 payment towards PRow upgrading.

KCC Flood and Water Management

- 7.79 **(01/10/20)** - note the comments by TWBC Biodiversity Officer with respect to the existing water courses and the applicant's intention to integrate this within the

drainage strategy (comments May 2020). This will be confirmed with further design detail.

7.80 No further comment to make on this proposal and would refer TWBC to previous response dated 25 June 2020.

7.81 **(25/06/20)** – No objection, conditions recommended

7.82 **(28/04/20)** - In general do not disagree with the approach taken but a degree of uncertainty as to exceedance volumes and routes. Objection raised pending clarification.

KCC Highways

7.83 **(07/01/21)** - Further to submission of the objection to this application on 16th December 2020, KCC Highways would like to advise TWBC of the following. If TWBC are minded to grant the application, permission should be subject to the following S106 agreement matters/Planning Conditions:

- Footpath widening to the north and south of the A229 (at the proposed access).
- New footpath link spanning east to west of the development linking to the Turnden Phase 1 site and Brick Kiln Farm site.
- A reduction in the speed limit and associated measures on A229 Hartley Road should this not be delivered by the approved Brick Kiln Farm site planning application number 16/502860/OUT or
- Turnden Phase 1 planning application number 18/02571.
- Provision of pedestrian crossing facilities if not implemented by the approved Brick Kiln Farm site planning application number 16/502860/OUT.
- Contribution to bus service enhancements in keeping with the Business Plan, at £1,000 per dwelling.
- Improvements to bus stop infrastructure at the two bus stops to the south of the site if not delivered as part of the Phase 1 Turnden site planning application number 18/02571/FULL.
- Travel Plan
- Access, visibility splays, parking and turning to be provided as shown at drawings associated with the submitted Transport Assessment Addendum II dated October 2020 (Appendix 11, 12 and 13)
- Recommendations provided in the Stage 1 Road Safety Audit dated February 2020 should be fulfilled and provided at the detailed design stage. Any detailed designs will need to be reviewed and approved by the local highway authority prior to construction.
- A construction management plan to be submitted and approved to the local highway authority prior to commencing construction at the site.
- Informative regarding the need to enter into a S278 agreement with the highway authority for works to the proposed site access.
- As the development is to remain private the developer should Serve Notice under S 31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.

7.84 **(16/12/20)** - Further to KCC Highway comments submitted in September 2020 the applicant has provided a response to the raised highways matters in an updated Transport Assessment Addendum II dated October 2020 inclusive of updated drawings that are mentioned within our response. This note outlines the highway matters raised in September and our response to the updated documents provided which are listed below.

- Transport Assessment Addendum II
- 19072/TK06 Fire Tender Swept Path Analysis
- 19072/TK03-E Refuse Vehicle Swept Path Analysis
- 19072/001-D Site Access General Arrangement Plan

7.85 2. Highway Design Matters

The Council's highways comments are detailed at Table 3.1 'Schedule of Responses to KCC Highway Comments of 23.09.2020'. The updated drawings and responses provided are considered satisfactory.

7.86 3. Detailed Modelling Review

A second review of the updated modelling outputs alongside the information provided in the TA Addendum II has been produced and the junction summaries are provided below:

- A229 Hartley Road / Site Access: The results of the 2026 Base + Development Phase 2 models indicate that the A229 Hartley Road junction with the proposed site access is predicted to operate well below capacity
- A229 Hartley Road / Turnden Road: The existing Turned Road / A229 Hartley Road junction is predicted to operate below capacity during both peak hours of all assessed scenarios.
- A229 Hartley Road / High Street: The modelling results show that all three priority junctions would continue to operate well below capacity

7.87 Two junctions are of concern;

- A229 / A262 roundabout: The modelling results of the 2016 Base models reveal that the A229/A262 roundabout is currently operating within capacity. In the morning peak hour of the 2026 Base scenario, all arms are predicted to operate above the practical desired maximum values. Similar trends are observed in the morning and evening 2026 Base + Development Phase 2 scenarios. Therefore, the capacity of the junction will be affected by the development related traffic with a slight increase in queueing (maximum recorder increase in 7 vehicles on the A229 South). It may be possible to add capacity through alterations to the roundabout, and KCC Highways will work with the applicant on any proposals put forward.
- Hawkhurst signalised crossroads: (Note: The baseline traffic flows from the Transport Assessment for the Hawkhurst Golf Club have been utilised for the crossroad junction and growthed to a 2026 future year. See paragraph 6.16 of the TA.) As mentioned in paragraph 6.18 of the TA, the junction is predicted to operate with values above 100% in the 2026 Base scenario. It should be noted that the highest value predicted for the 2026 scenario is 117% on the A229 (south), during the evening peak hour. The modelling results of the 2026 Base + Development show that the junction is predicted to operate above the theoretical capacity of 100% with the highest value of 119% and the associated mean maximum queue (MMQ) of 53 PCU (about 305 metres) expected on A229 (south) arm in the evening peak hour.

Total development trips through the Junction AM peak: 32

Total development trips through the Junction PM peak: 25

- 7.88 The proposed development will add, both in itself and cumulatively, to existing congestion at the junction of the A268 and A229 in the centre of Hawkhurst. KCC Highways objects to this application owing to the significant adverse impacts from the development on the transport network (in terms of capacity and congestion). It would

therefore conflict with Policy CP3 of the CS and Policy TP4 of the LP, and with paragraphs 108 and 109 of the NPPF.

- 7.89 **(22/09/20)** - Further to email of 17th September, the addendum documents have now been assessed (including the supplementary note on visibility splays);
- Pedestrian and footpath realignment is acceptable;
 - The swept paths provided for the water tanker are considered acceptable;
 - The refuse vehicle swept paths require some amendments: These show some refuse swept paths overrunning the kerb and/or highlights areas where the turning heads do not have sufficient width or length. There are also instances where there is overhang. Instances of overhang are acceptable in certain locations if this does not create a potential road safety issue. Where there is considerable overhang and in locations where this conflicts with key pedestrian desire lines, this is considered unacceptable.
 - With reference to the fire tender swept paths over hanging kerb lines is more acceptable based on the frequency and purpose of such vehicles attending the site. The main importance is that the design can accommodate a fire tender without obstruction and minimising potential road safety issues.
 - Various detailed comments relating to overhang/over-running provided;
 - A supplementary note has been submitted by the client in response to KCC highways request for CA185 revised speeds/splays. The applicants technical note and accompanied drawing 19072/001 Rev C, Sight Access General Arrangement Plan is considered acceptable and meets the requirements of DMRB guidance CA185.
- 7.90 **(17/09/20)** - Detailed Modelling Review:
- 7.91 A full review of the modelling files and any associated documentation as presented in the applicants TA has been undertaken (by a consultant, the Project Centre). As a result there are variety of identified issues that the applicant will need to verify or provide further information in order to be fully satisfied with the modelling presented, of which are detailed in their technical note attached.
- 7.92 In summary there are a number of amendments that could potentially affect the capacity of the junctions reviewed compared to what is presented in the applicants' TA if these amendments are undertaken.
- 7.93 Some of the proposed changes may only have a minimal or no impact on the capacity at the junctions reviewed, whereby other changes may have more of an impact. However it is advised the applicant review all of the comments, provide information, and a response where required.
- 7.94 Additionally the newly revised layout as presented in the TA Addendum, August 2020 also includes a revised trip generation due to the reduction in units from 168 to 165. Further modelling work recommended to take account of this change.
- 7.95 **(03/09/20)** – Recommendation made that newer guidance is used to calculate visibility splays, that paragraphs 4.26 – 4.29 of the Transport Assessment need to be updated, and a new plan showing the updated visibility splays can be achieved should also be issued.
- KCC Economic Development**
- 7.96 **(21/09/20)** – S106 monies sought towards:

- Cranbrook Community Hub to accommodate increased demand for Libraries, Adult Learning and Social Care generated from the development (£69,238.95)
- Cranbrook Primary School expansion (£627,830.50)
- Additional resources for the Kent Youth Service locally in the Cranbrook area (£10,807.50)
- Tunbridge Wells Waste Transfer Station and new MRF (£27,629.25)
- Plus conditions re: broadband and all Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

7.97 **(14/04/20)** – earlier S.106 request superseded by later request dated 21/09/20

Kent Wildlife Trust

7.98 **(13/08/20 – potentially mis-dated as received 13/10/20)** - Previously raised concerns regarding the likely negative impacts of increased recreational activity on designated and non-designated sites. It is positive that the Environmental Statement has been updated to account for the impacts of recreation on each sensitive ecological receptor. It is KWT's view that the additional open space provision on site, which includes both footpaths and permissive access is likely to be sufficient to mitigate these impacts. Would encourage signage to be incorporated into the scheme to encourage sustainable use of these areas.

7.99 Continue to call for a coordinated approach to green infrastructure provision within Cranbrook, in this instance with particular reference coordinated green infrastructure planning with the Brick Kiln Farm development (16/502860/OUT). Increased permeability between these sites, using high quality multifunctional green infrastructure is supported.

7.100 LEMP and Appendix 2: Landscape and management plans for development area. In some instances, it appears that the proposed management is focused more towards what is deemed to be traditionally "aesthetically" pleasing, as opposed to the more progressive management of developments for the benefit of both people and wildlife. Planting of ornamental species, particular in close proximity to sensitive ecological receptors such as ancient woodland should be assessed for their suitability.

7.101 Recommend that further ecological advice is sought by the applicant on their management plan and planting schedule including the proposals to clear deadwood, and on the use of conservation grazing across the site, including the species rich grassland of the wider landholding. The site should be managed in perpetuity and should be iterative, as advised by a suitably qualified ecologist, in line with section 8.1 of the LEMP. The management agent / land manager should have experience with managing land for conservation purposes, or be guided by professional ecological experience for the duration of the management plan.

7.102 Concerns raised with details of planting and lighting close to Ancient Woodland.

7.103 Recommendations:

- Now that the entirety of the site is included within the proposal (previously when KWT commented the southern fields were excluded from the proposals) query why the eastern extent of the site is being subject to development as opposed to being utilised for increasing the extent of woodland habitat and contributing to a bigger, better and more joined up ecological network. This would also reduce concerns about the appropriateness of the existing buffer zone. It is understood that housing would need to be sited elsewhere on

site, however KWT argue that habitat creation in this area should be prioritised as part of a Local Nature Recovery Strategy.

- Increased ancient woodland buffer should be suitably planted and fenced to deter recreation in this area. Planting of woodland to increase its extent and increased scrub planting are more appropriate than amenity planting. Signage may also contribute to limiting recreation and directing residents to more suitable areas onsite.
 - SUDS features should continue to be located outside of the buffer zone, as extended.
 - All planting within the extended ancient woodland buffer should be of local provenance to prevent encroachment.
 - KWT continue to be concerned by the close proximity of development to the reinstated woodland shaw. Continue to advise that a green space buffer be included, to be contiguous with the buffer provided for the ancient woodland.
- 7.104 Biodiversity net gain calculation – various comments regarding figures/entries on the DEFRA metric sheet
- 7.105 Soil spreading - As per previous letters, suggest that the spreading of spoil leaves continuous areas of existing habitat untouched thereby reducing initial impacts due to habitat loss. The creation of bunds and slopes using spoil would create a diverse topography with greater opportunities for biodiversity.
- 7.106 **(28/04/20)** – Summary: positive to see that efforts have been made to deliver enhancements on-site for biodiversity and that consideration has been given to the provision of multi-functional green infrastructure. A number of opportunities which should be explored further. Do not object to this application in principle but recommend that amendments to the landscape strategy and green infrastructure provision be secured via a suitable condition - should include enhancements to the south of the site for the provision of BNG and coordinated working with the landscaping of Brick Kiln Farm to increase opportunities for recreation.
- Kent and Medway NHS Clinical Commissioning Group**
- 7.107 **(22/09/20)** - £157,932 sought towards new single premises for the three General Practices located in Cranbrook.
- 7.108 **(22/04/20)** – earlier S.106 request superseded by later request dated 22/09/20
- Kent Police Designing Out Crime Officer**
- 7.109 **(05/11/20)** – no further comment
- 7.110 **(28/04/20)** - Due to network issues, have been unable to review this application. Strongly request a Condition/Informative be included to address the standard DOCO points and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.
- Mid Kent Environmental Protection**
- 7.111 **(16/09/20)** - An air quality assessment has now been submitted, which indicates, based on guidance from the Institute of Air Quality Management, that the impacts of the development will be negligible at almost all receptors but that there will be a moderate impact at 2 receptors and a slight impact at one receptor in 2022, with all receptors being below the objective by 2025.

7.112 The applicant proposes a number of air quality mitigation measures, which EP welcome, however, EP would request a 'damage cost calculation condition' as indicated below. Some of the measures already proposed by the applicant can be funded from the damage costs. EP would expect the EV provision as a matter of course anyway, so this should be in addition to the damage cost calculation budget.

7.113 Also recommend that conditions are attached covering the proposed travel plan and Code of Construction Practice

7.114 **(07/07/20)** – agree air quality report

7.115 **(24/04/20)** - request that the application is refused pending receipt of a full air quality assessment

TWBC Affordable Housing Officer

7.116 **(verbal)** – no issues with proposed affordable housing provision which is in accordance with pre-app discussions. Will provide further advice as part of S106 drafting process

TWBC Parking Services

7.117 **(07/04/20)** - no comment as no direct impact on parking in the locality

TWBC Client Services

7.118 **(07/04/20)** – standard advice regarding refuse collection

TWBC Planning Environmental Officer

7.119 **(02/05/20)** - This development is proposing to comply with the very minimum standards expected within existing energy reduction policy. In the face of the Climate Emergency and TWBC's 2019 Energy Position statement for planning, this approach is disappointing. For this reason, cannot support this application at present. Recommend the applicant considers implementing a more ambitious energy reduction strategy and PEO happy to provide further guidance on how this could be achieved.

7.120 Specifically, large, sensitive planning applications such as this one should carefully consider construction of zero, or near zero, carbon homes. Accreditation to sustainability standards such as the BRE's Home Quality Mark is a useful way of demonstrating compliance (zero carbon or otherwise). Have raised several queries regarding the assessment approach and request that these are addressed.

TWBC Conservation Officer

7.121 **(06/10/20)** - Amended plans have now been submitted and, with these, an appendix to the covering letter that includes responses to officer consultation comments, including a meeting discussion. Will address those points raised in the table in order below, as they are numbered. Note the amended design and access statement as well, which has taken on board much of the concern raised previously and clearly sets out the response, for instance:

- The stronger individual identity of the character areas, but with appropriate common features across the site. This includes a reduction in number of character areas; given that CO noted the lack of distinction between Arcadia and The Rural Fringe, this makes sense rather than trying to further develop the 'Arcadia' design.
- The High Weald AONB Design Guide checklist.
- The permeability and connectivity plan is welcome as well.

- The tenure mix appears appropriate and blended into two of the character areas.
 - 6.13 Building and hard landscaping materials – the intent for clear character area palettes as set out here is supported, for instance the reference to the tone as well as type, and how this can be distinct within character areas. We will need to ensure that this is followed through when details of exact materials are submitted.
 - However, the buildings materials proposed still includes a slate effect tile, for which CO remains unsupportive.
- 7.122 7 – Apartment Block A - this apartment block has been greatly simplified and now utilises vernacular roof forms and cladding, on a smaller scale. This is quite different to the original proposed oast building and it is somewhat disappointing that it does not at least include a few more details to enrich the appearance as an entrance building, such as pinned open boarded doors or other agricultural building references. Having said that, it is preferable to the oast design for the reasons CO gave in their original consultation response and therefore, whilst it could still be improved, they can otherwise support the design intent and cladding distribution as set out in the table.
- 7.123 25 – Apartment Block B - can support the amendments made to this block.
- 7.124 27 – Apartment Block C- with the additional side lights to the entrance doors, can now support the design of this block.
- 7.125 29 – Apartment Block D - can support the amendments made to the design of this block.
- 7.126 30 – Mixing Architectural References - remain of the view that there is a mix not consistent with architectural references; whilst CO would prefer this to be better resolved, they note the otherwise intended strengthening of the character areas by reducing to three. Whilst noting the integration of the Arcadia Area into the Rural Village Edge, CO still has some concerns specifically about this area. In Streetscene A-A, the roof of plot 110 has been changed to tiled; otherwise no changes. In fact it appears that brick cladding has replaced some of the weatherboarding, which seems to be a retrograde step (plots 127 and 139).
- 7.127 31 – Dormers - support the use of just flat roof dormers throughout the scheme, which is appropriate to several periods of architectural style and is a good unifying feature to give the scheme an overall distinctive character. Also support the amendment to the porch design to be more consistent on terraces.
- 7.127 32 – The Green Character Area - can now support the intent for predominantly tile-hung frontages along this route.
- 7.128 35 – Roof Cladding - can support the increase in the amount of tiled roofs, and the justification provided in regards to house types and use of slate where it remains. However, remain unsupportive of the intention to use synthetic slate, given the sensitivities of the site, including CO views on harm to the Conservation Area.
- 7.129 36 – UPVC Windows and Synthetic Slate – CO would not insist on timber or other materials for windows; for UPVC windows to have a greater quality appearance it depends on the section and colour finish. Samples as suggested at condition stage would be welcome. Can accept the use of just one horizontal glazing bar in places rather than multi-paned windows. In regards to the slates, as above CO is not convinced that natural slate is not an option given the range available, the reduction

in number of slates for the scheme, and the fact that the dimension of a slate and lapping mean that far fewer are needed for a roof slope than with clay tiles.

Conclusion: there have been a number of welcome amendments and further work in the DAS on the character areas and these are welcome and have improved the scheme, though they do not address all of the CO's concerns.

HERITAGE

- 7.130 A revised heritage statement has now been submitted in response to consultee comments and the amended landscaping and design. CO will defer to the comments of the Landscape and Biodiversity Officer and perhaps the KCC Senior Archaeologist, but it does appear that the landscaping strategy includes reference to historic landscape features, including substantial reinstatement (see point 5.3) over the wider landholding, but an acknowledged loss of some that it is felt are of little remaining value.
- 7.131 The heritage statement then responds to each of the heritage assets discussed in various consultee comments, including the CO's. It is, unsurprisingly, very similar to the addendum heritage statement for the adjacent proposed development to the north, currently submitted as a reserved matters application, particularly in relation to the role of the rural landscape in the setting of the Conservation Area. To summarise, in the CO's view the Conservation Area appraisal wording is taken out of context and used as a gazetteer of features of significance, rather than a summary of special character, which is the intention of a conservation area appraisal.
- 7.132 The result of this is the downplaying of the harm caused to the setting of the Conservation Area which CO had identified in their original consultation comments. CO remains of the same view and disagrees with the conclusions reached in the revised heritage statement, as well as those relating to the listed buildings. Do note, however, that as with Brick Kiln Farm the landscape strategy for the front of the site will serve in mitigating harm and helping to blend in with the landscape. Unlike Brick Kiln Farm, however (in response to the contention that the Brick Kiln proposal should be given significant weight), this development intrudes further into the countryside. Like Brick Kiln Farm, it is nevertheless still of a significant size and, whether easily visible or not, will fundamentally and permanently alter the character of the site, and that part of it which contributes to the significance of the listed buildings and the Conservation Area.
- 7.133 The re-appraisal raises many of the same points that were raised in the addendum report for Brick Kiln Farm, and CO has repeated their comments from that application.

(12/05/20) –

Heritage Assets:

- 7.134 Agree with the various methodologies quoted and applied in the heritage statement, and many of the conclusions are agreed with. However, whilst the identification of assets, referencing of appropriate guidance, and general assessment is thorough, the application of guidance is, in some cases, not appropriate or otherwise not thorough enough in order to be able to accurately assess the impact on significance. Impact on individual landscape and built heritage assets are discussed; CO has considered the listed buildings as individual assets have assessed impact as a shared impact on significance and relates mainly to the historic association of town (Cranbrook) and countryside (the open countryside and farmland that supported the trade of the town and is therefore a closely linked, important historic association).

The farmstead buildings are clearly related to the latter, and the town buildings and their landscape setting to the former.

- 7.135 Conclusion is that less than substantial harm on the higher end of the scale would be caused to the significance of the Conservation Area, and on the lesser end of the scale to some of the listed buildings and other heritage assets that are discussed in the heritage statement, having a smaller impact associatively on these buildings or groups of buildings as part of either the densely built form of the historic town along the main route, or the overall rural landscape forming part of the wider setting of the listed cottages and farmhouses. It would sustain the significance of the war memorial, as the development site does not contribute towards the significance of this.
- 7.136 Note that the heritage statement relies heavily on the consented scheme, in outline form only (only access not reserved), of Brick Kiln Farm, which should only be given limited weight due to its status and having regard to the setting of the Conservation Area, but in any case Historic England's GPA3, discussed below, notes the potential harm to be caused by cumulative effect. This, rather than justification for more development, is the right approach in CO opinion.
- 7.137 In regards to landscape heritage assets, including any impact on trees - defer to the advice of the Landscape and Biodiversity Officer and the Tree Officer; in regards to the below ground archaeological potential of the site - defer to the comments of Kent County Council's Senior Archaeologist.
- 7.138 Finally, the assessment includes reference to the setting of the grade II listed Turnden – this building has now been de-listed by the Secretary of State and therefore CO assessment is based on this, but considers the site to remain to be a non-designated heritage asset as a former farmstead.

Urban design

- 7.139 D&A statement submitted is thorough and appropriate in terms of policy and guidance reference and it is clear what the design process is that has led to the current proposal, apart from some details as discussed below. CO has two areas of principal concern as follows:
- A large number of slate covered roofs in the proposal and this in my view would not sit comfortably in the landscape and may make it more incongruous, therefore not meeting the aims of mitigating any harm caused;
 - The scale and character of the entrance apartment block will be important as a landmark building, and the treatment of its character in particular has been the subject of pre-application discussion. The final design as proposed includes the corner as a square kiln oast, attached to a building with a mix of cladding materials. Whilst a more general farmstead aesthetic may be appropriate in terms of local distinctiveness, as there was no farmstead in this location and an oast was lost historically which was nearly adjacent to Turnden, in CO view this is a historically confusing reference and inappropriate for this location.
- 7.140 Note the local reference provided in the design and access statement but this would further justify CO view that it would dilute the historic character of the actual remaining historic farmsteads, by introducing a false, very recognisable feature of the High Weald landscape with the distinctive kiln, which would be attached to a very large building with various cladding types not typical of a stowage or other configurations normally associated with a hop drying kiln. This needs revisiting – we

had welcomed the opportunity at pre-app stage to review further proposals for this but have not had the opportunity presented prior to submission.

7.141 Other issues raised are:

- not always explicitly clear how the criteria within the HW guide's checklist has actually been implemented in some of the elements, other than the obvious intention;
- many of the house types do seem to repeat features that mix architectural references, such as the rectangular bay used on some of the more Victorian inspired houses, which is then used on the houses with more vernacular features (such as plot 144 as compared to Plots 10-11, 16-17 and 150-151);
- not certain for the reasons behind Plots 18 and 55 having two flat roof dormers and one gable ended one – this seems odd. As does the alternating Classical flat hood with weather boarded gable end door hood on the terrace of plots 88-91. Similar issue with the roof forms of the dormers at plots 40-50 - are again a mix of classical (flat roofs) and gable ended
- Plots 56-61 (apartments) have an odd mix of white and black weatherboarding, and the half hip roof would look odd clad in slate rather than tile. The scale and roof form lend itself more to an agricultural building and there are some residential features that discord with this.
- In regards to permeability, this is a strong positive feature of the scheme, particularly in relation to pedestrian linkages within the site and in and out of it. Unfortunately due to the single point of access, vehicular permeability is not strong and there are a number of non-through routes, but appreciate that this is a constraint of the site and land ownership.
- The layout and grain of the character areas is recognisable but (as per earlier comments re: detailing and materiality) may need to be revisited in terms of housing type mix and use of features and materials to ensure that each character area is truly distinctive.

TWBC Tree Officer

7.142 **(15/12/20)** - Further to my email to the applicant, I have real outstanding concerns related to the proximity of the development to the ASNW, but it is clear that Berkeley are not interested in significantly re-designing the layout to accommodate a larger buffer. LBO would be confident arguing the risk posed to woodland by a minimal buffer, but should point out that there is limited hard evidence on which to draw, so this matter would be open to debate in a Committee or appeal situation. Condition recommended.

7.144 **(03/11/20)** - Initial concerns related primarily to oaks T56-T58 (proposed to be within the 'village green') and the ancient woodland buffer.

7.145 Note that veteran oak T57 now has a buffer in line with Natural England standing advice, which excludes most development with the exception of a footpath and pond, both of which are outside the root protection area of the veteran oak and beyond the crown spread of T58 (though pond 1A still abuts the RPA of T57 and would likely involve some root loss). Wildflower meadow seeding is proposed for most of the area around T57 and T58, with amenity grass and ornamental shrubs surrounding T56 and throughout much of the veteran tree buffer; this is acceptable. The removal of the outdoor gym, picnic tables, etc. from nearby T57 is a significant improvement.

7.146 However, still concerned about the proposed drainage elements within the buffer and RPA of T57. Although these elements utilise an existing 'dry depression' to the north, west and south of the oak, they would require excavation of a 200-300mm deep

channel across most of this depression, with the northern end functioning as a forebay for pond 1A. The arboricultural impact assessment specifies that the excavation would be carried out carefully, by hand and under arboricultural supervision, but the channel is within 1-2m of the oak's trunk and would pass through ¼- ½ of the soil profile with the highest probable concentration of roots. The drainage strategy further specifies that sediment be removed from the forebay and its inlets and outlets every 1-5 years, works which could be very disruptive and would eventually fall outside planning control and enforceable tree protection. The forebay would receive surface water from a considerably larger area compared with the present, including along the main internal road and other roads serving 20+ units, which will change hydrological conditions within the RPA and increase the risk of flooding near to the oak. To promote the retention of this veteran tree across its potential lifespan, NE advice should be followed in full (SuDS features are only allowed in the buffer if RPAs are respected).

- 7.147 The submitted ancient woodland assessment considers that the Crane Brook woodland is of 'particular ecological value' and notes that there is presently no built development within 30m of the woodland. The assessment concludes that a 15m buffer is sufficient for the proposed development, and the site layout has been retained accordingly. Although the assessment recommends that street lighting near the ASNW would be kept to 0.5 lux, there are 15 plots with fenestrated front or side elevations facing the woodland, some of which are within 5m of the buffer. It is not clear whether the assessment or lighting strategy take these into account, and in any case once inhabited these dwellings may be fitted with additional exterior lights at any time.
- 7.148 Subject to the views of the Landscape & Biodiversity Officer, it would be beneficial to have fencing along the footpath near plots 9-15 and 24, not only along the woodland edge, to discourage access to the buffer.
- 7.149 Also, it is unclear how existing trees and woodland around the receptor sites may be impacted by the deposition of spoil from Phase 2 and the Farmstead.
- 7.150 **(05/06/20)** – issues raised are:
- 7.151 Tree removals and pruning - although the fragmentation of G7/G9 would be unfortunate, the proposed site access is in the best position to minimise arboricultural impacts. Encourage the retention of T21 (U category tree) on ecological grounds as this is part of the central green corridor to be preserved and enhanced. If it is too close to the proposed track connecting the LEAP and Phase 1, it could be retained as a monolith.
- 7.152 Incursions and future pressure - The only root protection area (RPA) incursions relate to a proposed footpath near T56-T58. However, internal roads and pond A1 are shown directly abutting the RPAs of these trees on 2-3 sides; substantial root systems of mature oaks can occur many metres beyond the nominal RPA. New surface water drainage runs and an attenuation tank are shown connecting to an existing ditch within the RPA of T57 - the proposed drains and headwalls are not addressed in the AIA. There is also a ditch alongside the trunk of T58 which appears will be filled in; if so, this may impact the roots and rooting environment of the tree and is also not addressed in the AIA.
- 7.153 Moreover, veteran oak T57 is shown with an RPA capped at 15m, as per British Standard BS 5837:2012, but with no veteran tree buffer zone. Footfall within the RPA of T57 in particular should be discouraged and the proposed footpath should remain

well outside of the canopies of T57 and T58, as pedestrian movement and recreation will require the removal of dead wood and require a more cautious approach to managing hazards.

- 7.154 Also concerned over future pressure to T29, related to plot 87. Although effort has clearly been made to avoid RPA incursions and provide a sizeable garden, the canopy would overhang the garden by 9m and I am confident occupants will take issue with this over safety and shading. The AIA acknowledges the potential for future pressure but considers the canopy encroachment minimal.

Ancient woodland

- 7.155 Natural England standing advice specifies a minimum 15m buffer for ASNW which, like the veteran tree buffer, should exclude hard surfacing and SuDS features, unless the latter adheres to RPAs and does not alter the water table in a way which would adversely affect the woodland.
- 7.156 The 15m has been used here, though plot 15, the adjacent footpath and pond 2 are very close and may extend into this minimum buffer. Certainly, construction of the proposed surface water drainage runs would be within the minimum buffer. As the LBO noted, the TWBC DLP shows a precautionary buffer of 25m and no assessment has been made justifying use of the 15m buffer.
- 7.157 In the southern half of the site, the land slopes downward through the ASNW to Crane Brook. A proportion of this area will become hardstanding or occupied by buildings, with surface water diverted to pond 2. There will also be major engineering works near to and possibly encroaching the 15m buffer, and the site surface water drainage network will connect to Crane Brook through the ASNW to the north (near pond 2) and south (reinstated stream connecting to the Turnden Farmstead Pond). These changes may affect the hydrology of the western edge of the woodland. Plots 10-15, the adjacent footpath and the internal road between plots 15 and 24 are all within the precautionary 25m buffer, which may have light and noise pollution implications that have not been addressed.
- 7.158 Further evidence should be provided that the Natural England minimum buffer is sufficient to protect the quality of the ASNW habitat in the long term, taking into account the planting, management and possible use of the buffer and plausible changes to the ASNW as ash dieback progresses.

Landscape & Biodiversity Officer

- 7.159 **(22/12/20)** – addressed in appraisal
- 7.160 **(04/05/20 and 01/06/20)** – Summary of comments
- 7.161 This response includes requests for further information and identifies a need for an addendum to the ES in respect of:
- i. The disposition of soil on adjacent land.
 - ii. Supporting information for the biodiversity metric.
 - iii. Impact assessment on the designated and non-designated sites for nature conservation including a SSSI.
 - iv. Further details and assessment of impact on ancient woodland
 - v. Badger surveys and mitigation proposals including fencing.
 - vi. Provision for and design standards of walking/cycling routes.
 - vii. Confirmation of water levels in attenuation ponds

- 7.162 There is a significant query with regards the probable loss of a water course/ditch. Criticisms of the scheme layout and materials require changes to the design including:
- i. Changes to details on apartments blocks
 - ii. Roofing materials
 - iii. Adjustment to spine road width at southern part of site
 - iv. Changes and some additional details for hard and soft landscaping.
- 7.163 Apartment Block A probably needs a more radical rethink and should probably be deleted and it would certainly merit further discussion with the applicant.
- 7.164 The proposals for the wider landscape or rather a lack of them are a concern and go to the heart of the consideration of the overall landscape effects and the approach taken to the AONB and the justification for 'major' development in the AONB. There is perhaps a question over the applicants approach to justification for the development which appears to lean heavily on the Draft Local Plan work but does not fully comply with the policy and does not address the objections to that policy from statutory consultees. It is perhaps notable that there is an over delivery on housing numbers and an under delivery on the wider landscape benefits. LBO has, based on preliminary work from an independent landscape architect and review of the application, proposed some additional landscaping on the wider landscape which it may be useful to discuss with the applicant along with the issues around justification.
- 7.165 A reduction in numbers/omission of some units, that will also lessen landscape effects, is a reasonable alternative that should perhaps be considered.
- 7.166 At present it appears to that there are (in the terms of paragraph 11d) of the NPPF "clear reasons" in connection with the AONB for refusing the application despite the absence of a 5 year supply. However changes and improvements to the scheme may result in a different conclusion.
- 7.167 TWBC has yet to conclude on whether to continue to take forward this site as a proposed allocation in the Regulation 19 Local Plan submission but if it were to do so it is likely that in order to address the objections and concerns raised through the Regulation 18 consultation it would strengthen the policy with regards the landscape and environmental requirements, possibly reduce the number of units expected and be more explicit about the standards and requirements of the design. In essence it is likely that it would be considered a material benefit to an application that meets or goes above and beyond the contested policy in the Draft Local Plan rather than it fall short on any aspect.

Environmental Statement

- 7.168 Generally fine but the following are issues;
- A scheme for spreading surplus soil on agricultural/equestrian land to the south west. These works are not covered by either the landscape or ecological studies within the ES and there is little information on how this proposal has arisen, what options there are or what effects it may give rise to. (It is however included within the LEMP area).
 - There does not appear to be a full assessment of the likely impact on the ancient woodland in accordance with Natural England standing advice but LBO will defer to the tree officer on this matter. (Note: LBO has not reviewed the arboricultural reports)

- The section in the ES on “alternatives” (2.7) relies upon the DLP which is the subject of considerable objection on AONB grounds and the Council is undertaking further studies to consider these objections and the proposed allocation. (The same argument is also set out in the planning statement to address para 172 of the NPPF). Whilst doing so the application also exceeds the draft allocation in terms of number of units in proposing 168 rather than the 124 to 134 in the draft policy. A reasonable alternative then might also be a draft policy compliant scheme.
- BHEC recognise NPPF footnote 6 and the limitations that AONBs imposes but argues that there is no “clear reason” in terms of AONB policy to suggest that development should be restricted and the “tilted balance” applies (9.2.11).
- In particular (11.3.4) this conclusion draws on the LVIA conclusion of impact on the AONB as a whole (negligible magnitude, minimal significance and neutral) to conclude that there is no “clear reason” with regards the AONB that would suggest that development should be restricted. Heavy reliance on housing need and DLP allocation.
- Uncertainty regarding future use of the surrounding land – e.g.: agriculture, leisure, equestrian etc;

Layout and Design

7.169 Objections raised:

- Proximity to the ancient woodland to the south east and the loss of a water course/ditch at right angles to Hartley Road
- There are other places where development is in close proximity to or impinges upon green infrastructure and/or features such as Plots 102,94, 88, 57-61 on the eastern boundary and some plots/roads around the linear green space and attenuation ponds.
- Whilst there is a strong hierarchy of roads and footpaths with good connectivity across and through the site there is no mention of cycling and no description/hierarchy of walking/cycling paths i.e. are they shared or segregated and what are the widths?
- Similar issues to CO regarding Block A – suggest removing altogether;
- Minor design issues raised with apartment blocks B-D;
- Attenuation ponds are very engineered in appearance and could be softened by further contouring/landscaping; depths also unclear;
- Scheme does not refer to or utilise the water course ditch near Hartley Road although it does appear to pick up a discharge from it- potential for this and new ditches to be better utilised as part of a SUDS scheme;

Design and Access Statement March 2020

7.170 Issues raised with;

- Loss of field boundary with ditch near Block A;
- D&AS is silent on the wider landscape or the proposed soil bunds;
- The statement on biodiversity on page 62 claims a biodiversity gain of 17.74% in area and 5.27% in linear features which is promising but there are further comments on this under biodiversity below.
- The purpose of the access road to the retained agricultural land to the south is not explained but is clearly over engineered as a field access and should by the time it reaches plot 5/6 need only a single width shared driveway. Designed as it is one may be inclined to think that there are development aspirations further south;

Drawings

- Boundary Treatment 19183 P106 RevB ; Hard landscape Drawings 6958_002 and _003; Hard landscape Drawings 6958_002 and _003; Soft landscaping Drawings 6958_004, 005B and 006A various detailed design issues raised;

Environmental Statement - Ecology chapter 9

- Disagree regarding assessed hedgerow impact;
- Similar issue with ASNW buffer that TO raises;
- Some ecological details missing;
- Agree with and support Woodland Trust comments. Some may be achieved by condition but most need to be addressed pre determination;

Environmental Statement - Landscape chapter 10

- The LVIA (10.41) refers to the existing planning consents at Brick Kiln Farm (outline) and at Turnden Farm (full) and for the purposes of the assessment includes these as part of the baseline i.e. it assumes that they are built. Whilst technically a correct approach to assessment the scheme cannot be considered in isolation and a wider consideration is needed of recent consents, the Draft Local Plan allocations of which this is one, and the wider impact on the settlement and High Weald AONB in terms of cumulative effects.
- There is also a significant difference between the two applications referred to – one PDL and the other greenfield.
- LBO accepts that views of the site and potential views of the development are generally limited to nearby roads and footpaths and from within the site and the adjacent consented developments.
- A more rounded consideration of the AONB MP objectives and how they might inform the development and what aspects of the development make a specific contribution to the objectives would be more useful and evidence of importance placed on the AONB landscape as a receptor.
- Various issues raised regarding application of AONB MP
 - The effect on the AONB with regards components of settlement pattern and field and heath are considered by BHEC to be Moderate and Major-moderate respectively and do not diminish over time. However the overall effect on the AONB is considered Minimal. LBO would strongly suggest that it is the components that are more important here than the “overall effect” and do not agree with this approach of focusing on the wider effect and giving little emphasis to the effect on site which is still AONB.
 - Various disagreements and comments relating to photo viewpoints;
- In terms of the overall conclusion the LBO would challenge the assumption that the effect beyond the immediate site confines is Minimal and would suggest that the effects in terms of the AONB that the effects on components (Moderate and Major Moderate) are more useful than the assessment on the AONB as a whole (Minimal) when it comes to understanding the nature and severity of landscape effects.

7.171 In summary: What LBO does agree with is that both landscape and visual effects are very local in scale and that this is generally a well contained site and would note:

- Whilst effects on the character of Hartley Road are a significant concern those travelling through the area along the Hartley Road will experience a range of traditional and modern ribbon developments and their points of access as a sequence and in that sequence this development would not look out of place.
- The proposal includes some significant enhancements to the landscape

- Turnden Farmstead despite its current appearance is a previously developed site.
- LBO believes that if comments above are satisfactorily addressed and there is an improved landscaping scheme that it is possible to retain the perceived and physical separation between settlements.
- Point made that the Council has commissioned further landscape work to support the Local Plan process and inform the site and policies to be taken forward to Regulation 19. The report is likely to suggest that if this allocation goes forward that further landscape mitigation is required within the red line but beyond the area proposed for development in the form of more woodland planting to the south eastern boundary, to the field adjacent to Hartley Road and between the two woodlands on site. LBO has made recommendations that could be incorporated into any scheme with the following areas of planting with a view to strengthening the physical and visual separation between Hartley and Cranbrook and to reduce the visual prominence of the new proposed development whilst also reinforcing landscape character. These measures, if enacted, will make a significant difference to preserving the visual and physical separation between Hartley and Cranbrook and respond in part to concerns and recommendations for the wider landscape noted above. They will also make a significant contribution to the objectives of the applicant (landscape principles in D&AS page 60) and increase the schemes contribution to AONB management plans objectives for woodland, field and heath and settlement.

LEMP (April 2020)

- 7.172 The general approach and objectives are broadly acceptable but it lacks ecological details and there are other matters that will need to be improved and/or further clarity sought prior to determination noting that in any event a more detailed document will need to be secured by condition/legal agreement attached to any consent:
- Not clear what area the LEMP covers i.e. some areas of communal amenity landscaping will be excluded but what areas of the wider landscape are included?
 - Recommendations are only very general whereas plans and actions will need to be more specific
 - Whilst the Phase I habitat survey may have provided sufficient information to inform the development there is insufficient habitat information to inform the detailed management of grassland and woodland habitats. Further surveys will be required and will need to be built into the LEMP.
 - Various other minor issues raised re: matters for LEMP to include.
- 7.173 Compliance with DLP Policy AL/CRS 4 Turnden Farm, Hartley
- Broad conformity found except the assessment of cumulative effects; impact on ASNW; Impacts on Robins Wood SSSI; limited assessment of the entire landholding; further details required on access routes.
- 7.174 **(01/06/20** – includes assessment of High Weald AONB Unit comments) – comments specifically on later submitted information:
- Appendix 9.6 Confidential Badger Information
 - Excel copy of the Biodiversity Net Calculation spreadsheet together with an accompanying plan
 - (To cover the spreading of soil on adjacent land) - Environmental Statement Addendum April 2020 With appendices on:
 - i. Ecology
 - ii. Landscape and Visual Impact

- iii. Archaeology and Cultural Heritage
- Amended Environmental Statement Appendix 2.1 Existing and Proposed Levels March 2020

Drawings

- 20_00815_FULLL-Bulk_Earthworks_Bund-4046674
- 20_00815_FULLL-Bulk_Earthworks_Bund_section-4046676
- 20_00815_FULLL-Bulk_Earthworks_Bund_Sections-4046677

Landscape and Environmental Management Plan (LEMP)

7.175 *ES Addendum April 2020*

- The total volume of 24,403m³ includes material from the Phase 1 development but the breakdown between the two developments and details of any consented spreading under the Turnden Farm development is not provided here.
- The material is proposed to be spread on two fields of 9.4ha to the south west to a maximum depth of 45cm to 46cm. Off-site disposal would require 1,626 vehicle movements on the local road network using 15m³ lorries, (although the information on tonnage is not provided LBO estimates that this equates to 18 - 20 tonne per load).
- Could some be retained on site and some disposed of? If the material can be kept on site without undue harm then it is patently more sustainable and so the question that arises and which the ES attempts to addresses is what environmental effects does the spreading of the spoil have?

7.176 *Chapter 9 Ecology – Appendix A Ecology Technical Note*

- Limited / unclear survey information regarding the spoil spreading site
- Not yet clear whether they are supported by appropriate species surveys and as before there is some concern in dismissing the value of the grassland. In addition an assessment of the impact on soils and how that might be mitigated together with proposed haul routes should ideally form part of the assessment.
- Additional works add to the identified harm.
- Original concern with the original ES over the consideration of alternatives is even stronger with the addendum in that there is insufficient information on the alternatives for the disposal of the spoil to come to any meaningful conclusion on the matter.

7.177 *Chapter 10 Landscape and Visual Impact - Appendix B LVIA Technical Note*

- The appendix to this Note includes the earthworks drawings and a 360o annotated photographs taken from within the larger field to the southwest from a position on PROW WC115.
- It is apparent from the photograph and survey information that the fields follow a consistent topographical plane with adjacent fields and that the soil spreading will appear as an unexplained feature and will place the hedgerow between the two fields into a dip. When walking north to south along the PROW the earthworks are likely to appear to accentuate the drop into the next field and when walking south to north the earthworks are likely to create a minor but noticeable and alien landform in the form a steep slope. The LVIA has already established that the area and site are consistent with local landscape character and exhibit the qualities expected of an AONB landscape. This change in topography will not conserve or enhance that character or quality and can only be viewed as harmful.
- Do not consider these permanent effects to be negligible.

- The assessment does not describe how the earthworks will appear other than to give the maximum amount of fill.

*Amended Environmental Statement Appendix 2.1 Existing and Proposed Levels
March 2020*

- Appears to show a reasonable approach to following the existing topography but the levels are very difficult to read and a clearer drawing would help identify any particular issues but these are likely to be concerns with individual plots and relationships between retained features, spaces and trees rather than any strategic issue. Some sections of key area would greatly help with identifying any issues.

7.178 Earthwork Drawings

- 20_00815_FULL-Bulk_Earthworks_Bund-4046674
- 20_00815_FULL-Bulk_Earthworks_Bund_section-4046676 (Drawing 19-012/P20112 Turnden Phase 2)
- 20_00815_FULL-Bulk_Earthworks_Bund_Sections-4046677 (Drawing 19-012/P202 I2 Turnden Farmstead)
- From the sections the soil spreading appears rather modest. However as set out earlier the land will be elevated 450mm to 460mm above adjacent land which will be very discernible to those on or close to the land but may be imperceptible when viewed from a distance. Obviously this will be a greater concern for the Phase 2 works on the southern field where users of PROW WC115 will have to cross the spread soil and so will experience visual and physical changes to the topography.
- The Phase 2 works will have an adverse effect on sensitive landscape and visual receptors with little scope for mitigation such that it adds significantly to the overall negative effects identified in previous comments.
- The Phase 1 works affect fewer receptors and there is some scope for further mitigation for visual effects as outlined in previous comments. These would only be a minor addition to the adverse effects previously identified.

7.179 Appendix 9.6 Confidential Badger Information

- No issues

7.180 Biodiversity Net Gain - Excel copy of the Biodiversity Net Calculation spreadsheet together with "an adapted landscape Habitat Management Plan (Figure 3)"

- Insufficient plans to relate to the listed areas
- Whilst it is not possible to check the entries within the spread sheet the general approach to habitat types and values seems reasonable noting previous concerns expressed with regards the treatment of grassland.
- Biodiversity Net Calculation Report – the ancient woodland should not be included within the metric and requires a separate assessment. Plus there is no overall narrative that picks up non matters not covered by the metric or which should be taken into account when coming to an overall judgement with regards net gain.

7.181 Response of the High Weald AONB Unit

- Appendix 1 to the AONB Objection contains a detailed commentary on the submitted LVIA and in particular with the way that it has approached the landscape assessment and the components of natural beauty. LBO has also been critical of the LVIA, its approach to AONB issues and do not agree with the conclusions reached and consider that the harm would be greater than predicted

- Would not go as far as to say that the LVIA failed to meet the requirements of the EIA regulations and it is not necessary for LBO or the AONB Unit to agree with the findings in order for it to do so. What is important is whether it provides a suitable basis together with other information available to the Council to come to a view on the likely landscape effects. LBO has suggested some changes to the scheme to improve landscape outcomes and to reduce the likely impact on landscape and visual receptors. The applicant should be asked to consider these, LBO comments and those of the AONB Unit and provide a detailed response so that the Council can come to a more informed view on landscape matters.
- Reduction or loss of any gaps between Cranbrook and Hartley - there will undoubtedly be some loss as a result of the development and a consequent effect on settlement pattern. There is a degree of mitigation inherent in the layout (corresponding with the DLP) in setting the development some way back from Hartley Road and retaining areas of open landscape. LBO has suggested further ways the adverse landscape effects can be moderated some of which is based on independent advice and is aimed specifically at this issue.
- Note the various submissions in the appendices by Dr Nicola Banister (appendix 2) on the historical landscape and the likely effects that this will have on settlement. The information and arguments are more heritage based than landscape based and so will leave comment on that work to the CO
- If the landscaping is implemented as suggested and other suggested changes are taken on board then LBO believes that any adverse effect on coalescence and settlement can be greatly moderated and Hartley would retain its separate identity as an outlier to Cranbrook. It is probably worth some further discussion on this issue with the conservation officer to come to an overall view on the likely effects on settlement and coalescence.
- On the matter on net gain and the ecological assessment the AONB Unit have submitted "Appendix 3 Ecological Reports comments" which makes 11 key points ; LBO has commented on each. LBO largely in agreement with the AONB Unit on ecological matters and further details and a response is required from the applicant to take this matter forward.
- Reference to overly wavy streets - do not see a significant amount of gratuitous waviness but strong curves that follow features and topography. Concede that the secondary road around the upper green space (front of units 81-114) does appear contrived and driven by house type rather than landscape considerations and should probably be revisited.
- Whilst the comments are critical of the use of the High Weald Design Guide and point to examples where the Unit thinks that it may not fully comply there are many aspects of the proposal in terms of green spaces, green edges, street hierarchy and pedestrian routes/connection that clearly do conform to the design guide. *'Truly disappointing that the AONB Unit is unable to at least acknowledge some positive elements of the scheme so that we may all learn how to apply the design guide and in particular, despite its strong objection, to at least recognise the aspects of landscape restoration even though the details need improvement.'*

8.0 APPLICANT'S SUPPORTING COMMENTS (taken from summary and conclusion of Planning Statement)

- 8.01 This application follows the approval of Turnden Farmstead in February 2018 whereby consent was granted for the erection of 36 new dwellings alongside the extension of the Grade II listed Turnden Farmhouse (LPA Reference 18/02571). This

is in addition to the approval of outline consent for up to 180 dwellings at Brick Kiln Farm (LPA Reference 16/502680) immediately north east of the site which once constructed, will effectively extend the settlement boundary of Cranbrook to the south, to directly adjoin the application site. As a result of this, the proposed development at Turnden which forms the basis of this application will be situated between the two recently approved developments which will in any event, alter the character and appearance of the site once constructed.

- 8.02 In addition to this, the site forms part of a wider draft residential allocation under the emerging policy AL/CRS4 of the Regulation 18 Draft Local Plan (2019). The principle of residential development has therefore been broadly accepted in principle.
- 8.03 The scheme will bring a mix of high quality market and affordable housing into a highly sustainable location, helping the Council to meet the housing need within the Borough within the development plan period and helping to provide access to affordable homes for residents of the Borough, whilst making a modest contribution towards the Council's unmet housing need. Furthermore, this statement demonstrates that the site represents a suitable location for a proportionate level of development which is reinforced by emerging policy AL/CRS4. The public benefit test of paragraph 172 have therefore been addressed and passed as part of the Applicant's assessment.
- 8.04 In light of the above content, and in the absence of any 'clear reason for refusal, the presumption in favour of sustainable development is engaged and the Council should grant planning permission unless the adverse consequences of doing so significantly and demonstrably outweigh the benefits. On this basis, it would now be wrong to approach the Framework by applying a simple balance between positive and negative factors and only proposals that have adverse effects markedly or "significantly" outweighing the benefits should constitute development that was unsustainable, permission should not be granted.
- 8.05 Consideration of this application has also shown the unequivocal need for the development, the limited scope for developing elsewhere outside the designated area and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 8.06 Extensive consultation with the public, Council officers and other interested stakeholders has taken place and has underpinned the final design of the scheme. Overall, the proposal would deliver a high quality and contemporary development that will enhance the character and appearance of the locality.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form
Residential dwelling units supplementary form
S106 Heads of Terms
Cover letter 06/03/20
Cover letter 23/04/20
Cover letter 30/04/20
Cover letter 12/05/20
Cover letter 19/05/20
Cover letter 21/05/20
Cover letter 02/06/20
Cover letter 08/09/20
Cover letter 10/09/20

Cover letter 20/10/20
BHEC Newsletter April 2020 and e-mail from applicant 1/5/20

9.02 Environmental Statement;

- Chapter 1 (Introduction)
- Chapter 2 (Site Description and Proposed Development)
- Chapter 3 (Methodology and Scope of the EIA)
- Chapter 4 (Traffic and Transport)
- Chapter 5 (Climate Change) (*revision August 2020*)
- Chapter 6 (Noise and Vibration) (*revision August 2020*)
- Chapter 7 (Socio-Economic)
- Chapter 8 (Water Environment);
- Chapter 9 (Ecology) (*revision August 2020*)
- Chapter 10 (Landscape & Visual Impact) (*Amended Figures 10.4 and 10.5 supplied on 12/05/20 ensuring that the Zone of Theoretical Visibility is clearly shown in alternate colour*) (*text revised August 2020*)
- Chapter 11 (Archaeology and Cultural Heritage)
 - Appendix 1.1 ES Authors CV
 - Appendix 2.1 Existing and proposed site levels (*Amended version received 23/04/20 plus addendum dated August 2020, and spoil heap replacement plan 19-012/P200 I3*)
 - Appendix 3.1 Scoping Report
 - Appendix 3.2 TWBC Scoping Opinion
 - Appendix 3.3 Response to TWBC Scoping Opinion
 - Appendix 4.1 Transport Assessment
 - Appendix 4.2 Travel Plan
 - Appendix 4.3 Transport Assessment Addendum (August 2020) (plus Transport Assessment Addendum II (October 2020))
 - Supplementary Note to Transport Assessment on Site Access Visibility (September 2020)
 - Appendix 5.1 Energy Strategy
 - Appendix 5.1 Energy Statement Addendum (August 2020)
 - Appendix 6.1 Noise Assessment
 - Appendix 6.2 CEMP Noise Guidance
 - Appendix 6.3 Road Traffic Noise Assessment
 - Appendix 8.1 Flood Risk Assessment and Drainage Strategy (*August 2020 revision; Detailed Drainage Strategy November 2020 revision*)
 - Appendix 9.1 Summary of Relevant Ecology Policy and Legislation (*plus August 2020 addendum*)
 - Appendix 9.2 Ecological Appraisal (*August 2020 revision*)
 - Appendix 9.3 Ecology - Designated Sites
 - Appendix 9.3 Ecological Appraisal (*August 2020 addendum*)
 - Appendix 9.4 Phase I Habitat Plan
 - Appendix 9.4 Designated Sites (*August 2020 addendum*)
 - Appendix 9.5 Biodiversity Net Gain Calculation Report (*October 2020 revision*)
 - Excel copy of the Biodiversity Net Calculation spreadsheet;
 - An adapted landscape Habitat Management Plan (Figure 3) showing the habitats listed as habitats created and/or enhanced within the spreadsheet
 - Appendix 9.6 Confidential Badger Information
 - Appendix 9.7 Ancient Woodland Assessment (August 2020)

- Appendix 9.8 Soil Compatibility Report
 - Appendix 10.1 LVIA Glossary
 - Appendix 10.2 LVIA Methodology
 - Appendix 10.3 LVIA Visualisations and ZTV Studies
 - Appendix 10.4 LVIA – Relevant NPPF Policies
 - Appendix 10.5 Brick Kiln Farm Parameters Plan (16/502860/OUT)
 - Appendix 10.6 Turnden Farmstead Masterplan (18/02571/FULL)
 - Appendix 10.7 Extracts from Landscape Character Assessment
 - Appendix 10.8 LVIA Study Area and Viewpoint Agreement
 - Appendix 10.9 Extract from Kent County Council Public Rights of Way Online Map
 - Appendix 10.10 Extracts from High Weald AONB Management Plan
 - Appendix 10.11 High Weald AONB Cranbrook Character Map (*plus August 2020 addendum updates*)
 - Appendix 10.12 Initial Assessment of Effects on High Weald AONB (*plus August 2020 addendum updates*)
 - Appendix 10.13 Extract from Campaign for the Protection of Rural England (CPRE) Light Pollution and Dark Skies Map
 - Appendix 10.14 Viewpoint 1, Baseline Photomontage of Brick Kiln Farm and Turnden Farmstead
 - Appendix 11.1 Built Heritage Assessment (*revised version August 2020*)
 - Appendix 11.2 Desk Based Heritage Assessment (*plus August 2020 Archaeology Addendum*)
 - Revised Built Heritage and Archaeology Addendum: Earth Movements (21st August 2020)
- Environmental Statement: Addendum April 2020 (relates to earthworks on southern fields)

9.03 Reports/statements:

- Ground Appraisal Report (June 2018)
- Design & Access Statement (March 2020)
- Design and Access Addendum (August 2020)
- Arboricultural Method Statement (10/11/20)
- Arboricultural Impact Assessment (10/11/20)
 - E-mail from applicant 09/12/20 regarding arboricultural and lighting matters
- Air Quality Assessment (June 2020)
- Air Quality Technical Note: Construction HGV Emissions (August 2020)
- Alternatives Assessment (August 2020)
- Planning Statement (March 2020)
- Planning Statement Addendum (August 2020)
- Statement of Community Involvement (March 2020)
- Landscape Statement (December 2020)
- Landscape and Ecology Management Plan (December 2020)

9.04 Drawings

Existing drawings

S101-J Proposed Site Location Plan

S102-A Existing Site Survey

Site plans

P101-AF Proposed Site Plan
P105-E Materials Site Plan
P106-D Boundaries Plan
P107-B Refuse Plan
P108-Q Open Space Plan
C101-K Coloured Site Layout
SK106-B Proposed Site Location Plan showing LEMP Area
SK107-C Proposed Site Layout showing LEMP and Wider Land Holding Area

Plots

P110-D – Plots 1, 4, 15 & 126
P111-B – Plots 2 & 14
P112-C – Plots 3 & 9
P113-D – Plots 5
P114-B – Plots 6
P115-B – Plots 7
P116-B – Plots 36
P117-C – Plots 35
P118-D – Plots 10-11 & 16-17
P119-C – Plots 12, 25, 129 & 159
P120-D – Plots 13
P121-B – Plots 19
P122-A – Plots 20
P123-B – Plots 21, 127
P124-B – Plots 22-23
P125-C – Plots 24 & 162
P126-B – Plots 26-27, 28-29, 136-137, 151-152
P127-D – Plots 30, 32, 33, 37, 138 & 158
P128-D – Plots 31
P129-A – Plots 34
P130-E – Plots 134 & 149
P131-D – Plots 81 & 82
P132-B – Plots 83-84 & 147-148
P133-C – Plots 104-106
P134-B – Plots 107-108
P136-D – Plots 111-112
P137-E – Plots 128 & 157
P138-B – Plots 121-125
P139-C – Plots 8
P140-C – Plots 109
P141-C – Plots 131
P143-B – Plots 135
P144-D – Plots 141
P146-B – Plots 150
P147-D – Plots 153
P148-B – Plots 154
P149-F – Plots 155 & 156
P150-D – Plots 155 & 165
P151-C – Plots 160
P152-C – Plots 161
P153-D – Plots 113 & 114
P154-B – Plots 164
P155 – Plots 110
P156 – Plots 130, 133
P157 – Plots 132
P158 – Plots 139 & 140

P165-D – Plots 38-39 & 92-93 – FOG
P166-E – Plots 15 & 55 – FOG –
P170-E – Plots 52-54, 70-72, 85-87, 94-9
P171-D – Plots 62-64
P172-D – Plots 65-67
P173-F – Plots 68-69
P174-E – Plots 79-80 & 100-101
P175-E – Plots 88-91
P176-C – Plots 97-99
P177-D – Plots 102-103
P178-D – Plots 142-146
P180-D – Block A - Plots 115-120
P182-D – Block A - Plots 115-120
P183-D – Block B - Plots 56 & 57-61
P184-C – Block B - Plots 56 & 57-61
P185-C – Block C - Plots 73-78
P186-D – Block C - Plots 73-78
P187-C – Block D – Plots 40-51
P188-C - Block D – Plots 40-51
P189-C - Block D – Plots 40-51
P190-B – Block D – Plots 40-51
P160-C Proposed Detached Garages
P161-C Proposed Car Barns
P162-E Proposed Car Barns and Substations

Street scenes

C102-C Coloured Street Scene AA, BB, CC
C103-B Coloured Street Scene DD, EE
C104-D Coloured Street Scene FF
C105-C Coloured Street Scene GG
C111-A Coloured Perspective (from Hartley Road)
C112-B Coloured Perspective (Across the Green)
C113-B Coloured Perspective (Aerial View)

Landscaping and ecology

6958_002-H Landscape Hardworks 1 of 2
6958_003-G Landscape Hardworks 2 of 2
6958_004-H Landscape Soft works 1 of 6
6958_005-J Landscape Soft works 2 of 6
6958_006-I Landscape Soft works 3 of 6
6958_007-J Landscape Soft works 4 of 6
6958_008-G Landscape Soft works 5 of 6
6958_009-F Landscape Soft works 6 of 6
6958_010-E Landscape Woodland Buffer
6958_011 Lighting Strategy
6958_012 Illustrative Landscape Masterplan
6958_101-C Illustrative Section Pond 1A
6958_102-B Illustrative Section Pond 1B
6958_103-C Illustrative Section Pond 2
6958_SK017-E Betterment Plan

Levels

19-012-P200 I3 Bulk Earthworks Bund Plan
19-012-P201 I3 Bulk Earthworks Bund Sections
19-012-P202 I2 Bulk Earthworks Bund Sections

19-012-P203 I2 Bulk Earthworks Bund Sections
19-012-P100-P4 Proposed Site Levels Site Plan
19-012-P101-P5 Proposed Site Levels Sheet 1
19-012-P102-P4 Proposed Site Levels Sheet 2
19-012-P103-P4 Proposed Site Levels Sheet 3
19-012-P104-P4 Proposed Site Levels Sheet 4
19-012-P105-P5 Proposed Site Levels Sheet 5
19-012-P106-P5 Proposed Site Levels Sheet 6
19-012-P107-P5 Proposed Site Levels Sheet 7
19-012-P108-P4 Proposed Site Levels Sheet 8
19-012-P109-P4 Proposed Site Levels Sheet 9
19-012-P110-P4 Proposed Site Levels Sheet 10
19-012-P111-P3 Proposed Site Levels Sheet 11
19-012-P112-P3 Proposed Site Levels Sheet 12
19-012-P102-P1 Contour Plan

Highways

19-012-SK10-P4 – Fire Tracking
19012-SK11-P4 – Refuse Tracking
19072/003 Rev A – Proposed Road Hierarchy Plan
19072/001 Rev B - Site Access General Arrangement Plan
Rebuttal of KCC Highways comments dated January 2021

Drainage

19-012/P01 P5 Drainage Strategy Plan
19-012/P02 P6 Exceedance Flow Plan

10.0 APPRAISAL

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

Housing Land Supply situation

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

10.03 The appeal decision at Land at Common Road, Sissinghurst was issued on 21/03/16. Some conclusions on this appeal (in respect of housing land supply) are highly 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*”.

10.04 Since this date work on the Council’s new Local Plan has been progressed with an anticipated formal submission date in the summer of 2021. The Planning Practice Guidance and the NPPF (2019) have changed the way that local authorities must calculate their housing targets. Local authorities must now calculate housing figures through the new Standard Methodology which uses the recently updated Household Projections 2016 (released 20/09/2018) to calculate housing targets.

- 10.05 Para 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.
- 10.06 The Council has identified that (inclusive of the 5% buffer required by the NPPF 2019) it can currently demonstrate a housing land supply of 4.83 years. Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.
- 10.07 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (*Officer emphasis*):
- "i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 10.08 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 states these policies include AONBs, irreplaceable habitats and heritage assets.
- 10.09 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, EN25, TP3, TP4, TP5, R2, CS4; Core Strategy CP1, CP3, CP4, CP5, CP6, CP12, CP14) 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).
- 10.10 Footnote 6 policies: Para 172 of the NPPF advises that 'great weight' should be given to conserving landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to landscape and scenic beauty. This does not create a blanket presumption against new housing in the AONB, but does require detailed consideration of the impacts of new development in such locations. Paragraph 172 also states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Paragraph 175 (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 196 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.

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

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

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

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

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

- 10.13 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 (plus the location adjacent to the LBD), the site is not considered to be “isolated” and therefore NPPF para 79 is not applicable.

New Local Plan

- 10.14 The draft new Local Plan (DLP) was published in July 2019 as part of the papers for the Planning and Transportation Cabinet Advisory Board (P&T CAB) meeting on 05/08/19. The DLP has progressed to the point that the Reg 18 consultation has concluded and the pre Reg 19 version was published on 31st December 2020, in advance of P&T CAB on 11 January 2021, followed by Cabinet on 21st January and Full Council on 3rd February where a decision will be made as to approval of Reg 19 submission and consultation.

- 10.15 Within it Policy AL/CRS 3 (Turnden Farm) of the PSLP states that the site is allocated for residential development providing approximately 200-204 (164-168 new additional)¹ dwellings, of which 40 percent shall be affordable housing, and significant green infrastructure.

¹ The published version of the Draft Pre-Submission Local Plan for P&T CAB on 11 January 2021 states ‘approximately 160-170 (124-134 new additional) dwellings’ however this was an error. It was corrected for the version reported to Cabinet for the 21st January 2021 meeting.

Development on the site shall accord with the following requirements:

- 1. A suitable and safe access from the A229 Hartley Road, with a secondary emergency access if required;*
- 2. Provision of accessible, safe, non-vehicular routes for pedestrian and cyclists through the site connecting to: the corresponding routes on the allocated sites to the north (Policies AL/CRS 1 and AL/CRS 2) (and on into Cranbrook); the footway on Hartley Road; the existing Public Rights of Way network to the south;*
- 3. Improvements to the Public Rights of Way within the site;*
- 4. The design, layout, and final number of dwellings to be informed by a comprehensive landscape and visual impact assessment, ecological studies, and a heritage assessment (to include archaeology and landscape heritage), and consideration of cumulative effects of any other planned development in the vicinity;*
- 5. Regard shall be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment;*
- 6. Development shall be located on the areas identified for residential use on the site layout plan;*
- 7. Extensive green infrastructure shall be provided, both on the areas shown indicatively in green on the site layout plan and through the non-green areas where relevant, in the form of:*
 - a. a suitably designed green infrastructure link along the Crane Valley to link into the routes provided further north along the valley, providing an extended and improved green route into the centre of Cranbrook and Hartley, and creating links to the allocated sites to the north (Policies AL/CRS 1 and AL/CRS 2);*
 - b. retained and improved meadows, woodlands, hedgerows, and water features;*
 - c. landscape buffers to existing woodlands;*
 - d. the reinstatement of historical field boundaries with hedgerows, shaws, and woodlands;*
 - e. retained and enhanced water bodies and water courses;*
- 8. The provision of, and adherence to, a Landscape and Ecological Management Plan to cover all public spaces, retained and restored habitats, and any retained agricultural land;*
- 9. This site lies within, or very close to, the relevant impact risk zone for Robins Wood SSSI and so an assessment of potential adverse effects on the SSSI as a result of the development will be required as part of any application and, if required, the proposal shall include adequate mitigation measures, both during construction and on completion, to the satisfaction of Natural England to ensure no adverse effects on the SSSI as a result of the proposed development;*

10. Provide on-site amenity/natural green space and children's play space;

11. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/CRS 1.

10.16 This links back to strategic policy STR/CRS 1 which sets out various requirements for development in the parish. In theory Cabinet and Full Council could decide to proceed with consultation with a modified plan without Policy AL/CRS 3. Should this occur at Cabinet on 21st January 2021, Members will be advised.

10.17 NPPF Para 48 states that;

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.18 There are many aspects of the proposal that do meet the draft policy criteria, although some are not met. The applicant has sought to meet those PSLP criteria. Given the early stage of the new Local Plan, plus the significant objections to AL/CRS 3 it can only be given minimal weight given it has not progressed through the formal Regulation 19 or examination process. Greater weight would be given to it once it is formally submitted for examination.

Draft Neighbourhood Plan

10.19 As set out earlier, the draft Neighbourhood Plan has not progressed to the formal examination or referendum stage (timetabled for 30th April 2021 and 3rd June 2021 respectively according to the NDP group's website).

10.20 Draft Policy LN7.10 (Green Gaps & Preventing Settlement Coalescence) seeks to maintain greens gaps and prevent settlement coalescence. The maps provided appear to show the entire site pursuant to draft allocation AL/CRS4 as open space and green gap. Draft Policy LN7.7 seeks to protect and enhance the Crane Valley and relies on a plan titled "Crane Valley and Its Setting" produced by the High Weald AONB Unit. It proposes 25m, 100m, and 500m buffer zones. Both would conflict with TWBC Draft Local Plan policy AL/CRS4 that allocates the north eastern part of the site for residential development. Both TWBC's Planning Policy team and the applicant have raised concerns/objections based around these issues. Further meetings with the NP group are proposed for early January to discuss the NP, based on the Reg 19 pre-Submission Local Plan (the NP was prepared with reference to Reg 18 Draft Plan).

10.21 To re-iterate, the Draft NDP cannot be given any weight in this decision given its very early stage.

Prematurity

10.22 This issue has been raised by some consultees and objectors. It is addressed in NPPF Paras 49-50;

49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – 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.*

50. 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.

10.23 The NPPF is clear that applications can only be refused on grounds of prematurity in limited circumstances. The proposal is for a significant quantum of development in relation to Cranbrook, but is not in relation to the numbers proposed as part of the entire Draft Local Plan (678 per annum, equivalent to some 12,200 additional homes over the plan period to 2038). Turnden is a draft allocation in the DLP (as opposed to the NDP, in which development is sought to be resisted here). Part of the allocation site already has permission for 36 houses. Moreover, AL/CRS 3 stands apart from other proposed allocations (in that, aside from footpath links, other DLP allocations are not reliant on it for phasing purposes) and Brick Kiln Farm is already allocated in the 2016 SALP. Clearly the development would have a cumulative impact from its extension of housing further along the Crane Valley, but this does not equate to development that has such a significant cumulative impact at this stage that it would undermine the plan making process. It reflects the Reg 18 and Reg 19 approach to the overall DLP strategy of some, but not all development being proposed in the AONB.

10.24 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. With regards to LN7.7 it is usual for policies which are restrictive to set out, 'unless proposals meet the following requirements'. TWBC have objected as this does not: it sets out that no development (regardless of scale or impact) would be supported, plus there is not justification for a "no development" approach. The landowner has objected on similar grounds. Whilst this report is not the place to debate the merits or otherwise of either emerging Plan, it indicates that there are significant unresolved objections to both.

10.25 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.

Location

- 10.26 A key consideration is whether future occupants of the dwelling would be likely to meet some/all day-to-day needs by walking to facilities, thereby reducing the need to travel by private car, which would reduce greenhouse gas emissions (para 148 of the NPPF).
- 10.27 Whilst the LBD as a restraint on new housing development in itself is not “up-to-date” with the NPPF (for the reasons set out above), the sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the one of the purposes of the LBD is to direct development to built up areas to ensure sustainable development patterns. The adjacent land at Brick Kiln Farm, through being allocated as a housing site in the SALP, forms the LBD boundary.
- 10.28 The nearest schools are Cranbrook Primary (approximately 1.6km from the access point), plus Cranbrook School (approximately 1.2km away) and High Weald Academy (formerly known as Angley Secondary, 0.9-1km away). There is a continuous pavement between the site and all three schools, albeit in places it is necessary to cross the road to reach those destinations. It is also narrow in places.
- 10.29 The route to High Weald Academy is however only sporadically lit. Regular street lighting is not present until the entry to Cranbrook High Street, just past the junction with Angley Road. The distances involved (c.15-20 mins walking time from the access point) in itself is at the edge of what can reasonably be considered ‘walkable’ under normal circumstances. The nature of the route and the lack of lighting may discourage walking in poor weather or when it is dark. However the scheme seeks to widen the roadside pavement, provide multiple pedestrian routes that link between those permitted under the Turnden Phase 1 scheme and those proposed by the developers at Brick Kiln Farm. These take pedestrians heading towards the centre of Cranbrook and Cranbrook Primary School away from the roadside pavement and provide an alternative, more attractive and more usable route towards those destinations, alongside enhancing the part of the route alongside Angley Road.
- 10.30 The site lies on a bus route (No. 297: Tenterden - Cranbrook - Goudhurst - Pembury - Tunbridge Wells) which runs approximately every 90 mins/two hours Monday-Saturday. Service No. 5, which runs between Sandhurst and Maidstone via Cranbrook, Hawkhurst and Staplehurst runs on an hourly basis with less frequent weekend services. A couple of other daily ‘school only’ services run during term time towards the St Johns area of Tunbridge Wells, where a number of Grammar/Secondary schools are located. The nearest bus stop is at the War Memorial, approximately 250m away to the NE from the site entrance.
- 10.31 When considering appeals for dwellings outside the LBD close to bus routes, inspectors have not attached significant weight to how this could contribute toward a move to a low carbon future (although they have for larger housing schemes). Nevertheless, Officers have had regard to the fact that this site lies on a bus route; there are bus stops within walking distance of the site. Furthermore the scheme can be required by S106 agreement to provide enhancements to roadside bus stops / footways and other works on Hartley Road if adjacent developments at Turnden Phase 1 and Brick Kiln Farm to not deliver them (for whatever reason). It is therefore considered likely that the bus service would be readily accessible to future occupiers, particularly for secondary school children travelling to Tunbridge Wells. In addition KCC Highways have sought £165,000 for public transport enhancements which can be secured via the legal agreement. These improvements would serve to offer a

greater choice to the future residents of modes of travel that would not be private cars.

- 10.32 A further factor is that in addition to the site being in close proximity to the LBD, it also in close proximity to an area which is identified as tier two settlement in the Core Strategy. Cranbrook is an area where the Core Strategy 2010 seeks to concentrate some development to support sustainable development (albeit less than in tier 1 settlements in Tunbridge Wells and Southborough).
- 10.33 Cranbrook offers a range of services and facilities, including convenience shopping in the form of a Co-op supermarket and a range of local comparison-shopping options. Within Cranbrook there is a post office, a convenience store, a pharmacy, a bakers, two butchers, greengrocers, banks and a number of specialist / comparison shops. The town also benefits from having public houses, churches, doctor and dentist surgeries, a sports centre and other recreational facilities as well as the education facilities outlined earlier.
- 10.34 Whilst the wide range of amenities, facilities, public transport links and recreational facilities may often be accessed by the private car, they are a relatively short distance away. In addition, a public footpath network for recreation opportunities is located very close to the site and the applicants have agreed to pay a sum of £10,000 for enhancement of the public footpath running through the application site. KCC's comments regarding the use of the monies on other footpaths are noted. The wording of the S106 could be written in a 'cascade' manner so any unspent monies from works from the PROW running through the site can be spent on other footpath improvements in the vicinity.
- 10.35 It is therefore considered that although partly reliant on private vehicle use, in light of the Inspector's conclusions regarding the relationship between the Common Road site and Sissinghurst, the fact that some journeys will inevitably be made by private car is an adverse impact. This is considered to be balanced by the relative position of the application site to the tier two settlement of Cranbrook, enhancements to public transport and improved pedestrian links (which also benefits the previously consented Phase 1 scheme). In light of the above, the location and accessibility of the site is considered to be strongly sustainable in relation to its proximity to services and the nature of the route to them.

Use of Previously Developed Land (PDL)

- 10.36 Annexe 2 of the NPPF defines 'previously developed land'. This is, *inter alia*, defined as land which has previously been occupied by permanent or fixed surfaced infrastructure. Agricultural buildings/land is excluded from this definition. None of the site amounts to PDL as it is either lawfully agricultural land or was previously used for grazing in connection with the now extinguished commercial equestrian uses on the Phase 1 site.

Impact upon heritage assets (listed buildings and the CA) and non-designated heritage assets (former farmstead and AONB significance and WW1 field gun)

- 10.37 As set out in the 'constraints' section above there are several heritage assets nearby. The access is also sited on the approach to the CA, albeit approximately 0.5km from the boundary.
- 10.38 Para 192 of the NPPF states that Local Planning Authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality is highlighted, as is the desirability of new development making a positive contribution to local character and distinctiveness.

- 10.39 Para 196 requires a balance of public benefits to be applied should the harm from new development be considered less-than-substantial, to the significance of a heritage asset. 'Substantial harm' as per NPPF Para 195 has not been identified to the setting of designated heritage assets.
- 10.40 Para 197 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.41 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5). The Cranbrook CA Appraisal supplements these policies.

Conservation Area

- 10.42 The CO considers that less than substantial harm (on the higher end of the scale) would be caused to the significance of the Conservation Area. The level of harm identified is higher than concluded in the applicant's Heritage Statement. This relates largely to the historic association of the town (Cranbrook) with the surrounding open countryside and farmland. This land supported the trade of the town and is a closely linked, important historic association. The loss of open countryside that forms part of the setting of the town thus impacts on the setting of its historic core.

Grade II listed The Cottage, grade II listed Goddards Green Farmhouse, Grade II listed Barn and Goddards Green*

- 10.43 Turnden, to a small extent, forms part of the setting of these buildings, which contributes towards their significance, mainly as part of the general rural landscape setting in which they can be appreciated as more isolated buildings rather than forming part of the core. The impact on these has been assessed in the heritage statement in the same manner as the impact on the CA and is considered to be neutral. For the same reasons above, the CO disagrees with the applicant's stance and considers the impact to be harmful. The harm in their view would be 'less than substantial' and on the lower end of this scale, having a smaller impact associatively on these buildings or groups of buildings as part of either the densely built form of the historic town along the main route, or the overall rural landscape forming part of the wider setting of the listed cottages and farmhouses.

Summary of impact upon designated heritage assets and Para 196 balancing exercise

- 10.44 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.

10.45 Some harm would arise from the proposal towards the setting of designated and non-designated heritage assets, as set out above. The resulting harm to the setting of the CA, Turnden and the listed buildings grouped around the Hartley Road/High Street junction 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 196. The benefits of the scheme that can be considered to be in the public interest are;

- The provision of 165 houses at the prescribed mix at a time when the Council cannot demonstrate a five year housing land supply;
- The provision of 66 of those dwellings for affordable housing 5% above the adopted policy requirement;
- Various highway safety enhancements and upgrades to two bus stops (in the event that they are not brought forward by other schemes) which would benefit more than just the occupiers of the new dwellings;
- The moderate positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
- The site is adjacent to the LBD and is not proposed in an 'isolated' rural location;
- The proximity to local primary and secondary schools and to a bus route;
- The proposal would result in the provision of significant areas of open space and permissible footpaths that link to adjacent developments and provide alternative pedestrian routes to the roadside pavement;
- Additional benefits that would arise from some of the S106 financial obligations (for example: non Turnden residents would benefit from the new amalgamated GP surgery and the Cranbrook Hub payments; other footpath users would benefit from the upgraded footpath; plus non-Turnden residents may well use the play area);
- Delivery of a net ecological gain well in excess of the standard 10% through a scheme of mitigation and enhancement and a wider Landscape and Ecological Management Plan (to be secured by legal agreement);

10.46 These are summarised in more detail at the end of this report and are considered to outweigh the harmful impacts of the development.

Non-designated heritage assets

10.47 No concerns are raised by the CO regarding the impact on the WW1 field gun adjacent to the war memorial. The impact of the development upon the AONB landscape as a non-designated heritage asset (and associated cultural heritage impacts) is addressed in the relevant landscape/AONB section.

Archaeology

10.48 The application includes a desk-based assessment, which KCC Heritage consider provides a good account of the heritage issues. In view of this heritage and the remains associated with prehistoric and especially post medieval agrarian heritage which may be encountered, they recommend a condition accordingly.

Sustainability measures

10.49 NPPF paragraph 8(c) sets an overarching objective to achieve sustainable development with measures for "...mitigating and adapting to climate change, including moving to a low carbon economy." In Chapter 14, the NPPF states that

planning should “*support the transition to a low carbon future in a changing climate*” and “*shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience*”. In the remainder of Chapter 14 the NPPF emphasises that new development should be planned in a way that avoids or adapts to risks from climate change and in a way that can help to reduce GHG emissions. It requires that Local Plans provide positive strategies for renewable and low carbon energy and heat.

- 10.50 The NPPF states in paragraph 150(c) that “*any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*”. A written ministerial statement in 2015 clarified that local requirements equivalent to Code for Sustainable Homes (CSH) Level 4 could be set in the interim between with the withdrawal of CSH and the introduction of a new Zero Carbon Homes policy, at that time expected in 2016. However, the expected Zero Carbon Homes policy was dropped in 2016. The minimum technical standards for new housing are those in the Building Regulations 2010 (as amended in 2013 and 2016) but LPAs have some discretion to impose higher standards for matters such as energy efficiency where evidenced by need.
- 10.51 The Clean Growth Strategy published by the National Infrastructure Commission in 2017 sets out priorities relevant to planning for new residential development of: improving the energy performance standard of new homes; making walking and cycling the “*natural choice for shorter journeys*”; requiring provision of electric vehicle charging points; and deploying heat networks and improving the standards of boilers to decarbonise heating.
- 10.52 The applicant considers that national policy recognises a declared climate emergency requiring “*radical reductions in greenhouse gas emissions*” and climate risk adaptation through the planning system. Current policy gaps to achieve this are noted by the government’s advisory bodies on infrastructure and climate change, particularly around building energy efficiency, low-carbon heating and sustainable transport for residential developments.
- 10.53 The Renewable Energy SPD Update (2016) provides an update to policy requirements following the Housing Standards Review which sought to rationalise the locally derived standards being applied to new housing developments through the Deregulation Act 2015 and Infrastructure Act 2015.
- 10.54 The Government published The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings in October 2019. These changes were proposed to be officially incorporated in mid/late 2020, although have not been yet. These seek to implement a 20-31% improvement on greenhouse gas (GHG) emissions above existing standards. The TWBC draft PSLP seeks to secure an improvement of GHG emissions of between 25-39% above existing standards.
- 10.55 Local Plan Policy EN1 (3) requires the design of the proposal to take account of the efficient use of energy.
- 10.56 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;

10.57 The Council's Planning Environmental Officer (PEO) has commented on the application. Whilst compliance with current Development Plan renewable energy standards is probably achievable (and there is no current policy basis for seeking anything greater). It is disappointing that the applicant has gone no further than the current policy compliant 10% reduction. The PEO considers there is scope for a greater reduction as a betterment. A condition seeking *at least* 10% reduction in CO₂ emissions, through the use of low-carbon technologies can be attached as can consideration of accreditation to sustainability standards such as the BRE's Home Quality Mark.

Drainage

- 10.58 NPPF Para 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Para 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The site lies outside of the Flood Zone 2/3 and is not considered to be at risk of flooding. The site is not within a groundwater source protection zone and Environment Agency maps show the area to be low permeability, and with a superficial aquifer designation as unproductive strata.
- 10.59 The total site area to be developed (for flood risk calculation purposes) is 5.71 hectares, of which 3.14 hectares will be developed as impermeable areas (roads/hardstanding and roofed areas, etc).
- 10.60 All proposed dwellings will be constructed at levels of at least 0.15 metres above ambient ground level. All housing will be at a low risk of flooding.
- 10.61 In the completion of the detailed surface water design following a grant of planning permission, climate change allowances are to be included at a rate of 10% for the 30 year storm and 20% for the 100 year event. Additionally, the 100 year event is to be assessed using a 40% allowance to ensure there is no additional flood risk to properties on site or downstream.
- 10.62 Due to the Wadhurst Clay geology, discharge of surface water to soakaways is considered by the applicant to be unfeasible. The surface water drainage strategy utilises attenuation ponds. As a worst case scenario, if all storms up to the 100 year (+40% potential climate change) are attenuated to the 'QBar' flow rate (16.4l/s), approximately 3400m³ of attenuation storage is proposed. This volume may potentially be reduced in the detailed design (should permission be granted) by a more efficient and detailed network design.
- 10.63 The foul drainage will be routed into the public foul sewerage network. A pumping station has been designed within this scheme's proposal in the south west part of the site (due to the adverse gradient away from the roadside). The developer requires separate consent to discharge foul drainage from the new development into the public sewer through an application to Southern Water, which sits outside the planning process.
- 10.64 KCC Sustainable Drainage (lead flood authority) has also commented on the application. Amended plans submitted in September 2020 sought to address various

issues they raised. KCC agree that the amended plans address their concerns and recommend two conditions. The EA consider the scheme low risk and have not commented.

- 10.65 Southern Water raise no objections to the scheme. The conditions requested by KCC and Southern Water are considered to be necessary and appropriate and conditions relating to these respective areas will be included within the recommendation.
- 10.66 Overall, there is not considered to be any significant drainage issues at this site which cannot be dealt with by planning conditions. The term 'Initial Enabling Works' at Part 11 below includes 'temporary surface water management'- this has been advised by the agent to typically include modest temporary bunds, hay bales acting as filtered baffles, and the positioning of a machine (Siltbuster) which takes in the surface water and extracts the silt. The agent has advised this is necessary on a steeply sloping site with a water course at the bottom, as they have to carefully manage water runoff during construction to avoid silt deposit in the water course.

Trees

- 10.67 The potential impact on trees falls in to two broad categories;
- i) The impact from the proposal upon the trees (protected or otherwise) around the site during the construction phase;
 - ii) Once completed, the impact of the development upon the area of Ancient Semi Natural Woodland (ASNW) and other retained trees.

Impact on trees during the construction phase

- 10.68 Tree removals: Tree groups G5 and G7 (C2 rated ash, hazel and hawthorn) will require removal in order to create the new access from Hartley Road and the main spine road through the development. In addition, a 90m² section of group G18 (C2 rated group of hawthorn, blackthorn and dog rose) will require removal to provide the new access into development land to the north and to provide sufficient clearance with plot 102.
- 10.69 Trees T16 (oak), T18 (ash) and T21 (oak) have been categorised 'U' by the tree surveyor as they have a predicted future life expectancy of less than ten years owing to poor physiological condition, dieback and /or damage. Tree T18 is advised to be removed on grounds of sound arboricultural management due to defects rendering it unsuitable for retention regardless of the proposed development. Trees T18 and T21 have also been categorised U, however they are considered feasible to retain as monoliths for their ecological benefits. All remaining arboricultural features are to be retained and incorporated into the development.
- 10.70 Access facilitation pruning: Trees T24, T28, T29 and T56 require minor crown lifting to provide sufficient height clearance for the erection of boundary fencing and to reduce the likelihood of damage occurring to the low overhanging crowns during construction. Additionally, the crowns of trees within group G6 require lifting to provide 3m height clearance to allow the erection of tree protection fencing and boundary fencing. The level of pruning required is considered minimal by the applicant and not to impact upon the tree amenity value or physiological condition.
- 10.71 The crown of linear group G17 requires lateral reduction to its southern crown aspect to provide sufficient clearance with plots 88, 94 and 102. The intensity of pruning is considered minimal and is advised unlikely to impact upon the group's amenity value or physiological condition.

- 10.72 The crowns of all remaining trees are considered a sufficient distance from proposed construction works as not to require access facilitation pruning.
- 10.73 Works within root protection areas: A light pedestrian footpath encroaches the RPA of oak T56, T57 and T58. This path has been located on the periphery of the rooting area of T57 and T58 and away from the stem of T56. The AMS advises the construction of this footpath can be completed using sympathetic construction methodologies to prevent impacting upon the root network of these category A trees. Additionally, a light pedestrian footpath is proposed within the root protection area of T30 and T40. As above, this footpath shall conform to an above ground, no-dig specification to minimise impacts to the root network of these retained trees.
- 10.74 The scheme includes minor drainage adaptations on the periphery of T57's and T58's rooting area. Works will include the construction of a new headwall on the periphery of T58's rooting area, a new section of culvert installed on the periphery of T58's rooting area and the installation of a 300mm diameter pipe on the periphery of T57's veteran buffer zone to connect an existing depression into Pond 1A.
- 10.75 The creation of the village green will also require soft landscaping, fencing and the creation of play within the RPAs of trees T56, T57 and T58. A proposed pedestrian/maintenance vehicle access dissects RPA of T16 however this is only to be retained as a monolith. All remaining areas of construction are advised to have been designed to avoid the RPAs of retained trees to maximise tree retention and avoid the requirement for complex working methodologies in proximity to trees.
- 10.76 The Tree Officer raised various issues in their initial comments on 5 June 2020. Tree T21 (U category tree) is proposed to be retained as a 'monolith' for ecological grounds. The only incursions in to RPAs of retained trees occurred around T56-58, where internal roads and pond A1 are shown directly abutting the RPAs of these trees on 2-3 sides. The applicant clarified that an existing ditch close to these trees will be retained and a modest forebay is proposed in the vicinity of T57, which will act as a filter to the proposed Pond 1A. This will operate in a similar way to the existing wetland depressions. T57 is a veteran oak with a significant RPA (as is typical of the species).
- 10.77 The September 2020 amendments showed the layout and road network to be re-orientated to accommodate the required RPA buffer to development. The proposed path network and recreational equipment were also re-routed away from the canopies and buffer area. Access is proposed to be restricted within the tree canopy of T57 through fencing. Information boards are proposed highlighting the age and importance of the tree. Structural planting and landscape treatment will further deter access to the trees. Concerns about drainage elements within the RPA of T57 remained. This was addressed in a further AIA/AMS provided in December 2020 and the Tree Officer now recommends a condition to address the works around these three trees.
- 10.78 Concern was also raised regarding pressure on retained tree T29, which would be in the garden in Plot 87. The applicants responded that T29 will shade the garden only in the early morning and the Tree Officer has not pursued this objection.
- 10.79 It is agreed the limited loss of trees as a direct result of the proposed development will be strongly outweighed by replanting during the soft landscaping phase of development.

ii) Impact of the development upon the area of ASNW and other retained trees.

- 10.80 Mitigation for ancient woodland is being addressed through improved management and buffering. In relation to concerns regarding the relationship with the Ancient Woodland a plan has now been provided which clearly shows the 15m buffer (Landscape Proposals to Woodland Buffer 6958-010 Rev E). This shows that all paths and buildings are outside the minimum 15m albeit very close or on the 15m line at two points between units 10 to 15. For units 24 to 31 the distance quickly doubles and is then greatly exceeded but a balancing pond is placed within this gap and is constructed up against and slightly within the 15m zone. However the LBO considers this transgression to be relatively minor and the balancing pond will have some permanent water and be planted with native plants to create wetland habitats.
- 10.81 The buffer zone and wider area between the woodland and development will be planted with native grassland and scrub with some trees. There is some concern that the Units are too close and will result in disturbance to wildlife but overall (and in this particular case) the LBO considers this to be an effective buffer zone. They also consider the new habitats will compliment the woodland and provide an interesting and appropriate mosaic of habitats that will improve biodiversity in this area and ultimately provide long term protection for the woodland.
- 10.82 The LBO considers the woodland will benefit in particular from the removal of the intensely managed pasture, replaced with semi nature habitats, the new proposed woodland edge planting and improved connectivity through new planting to other woodland and the exclusion of people and animals through fencing.
- 10.83 There is an outlet required from the balancing pond to the Crane Valley stream that will need to be dug through the woodland. It will be necessary to cover this element of the works under the arboricultural conditions to ensure that it is done without harming individual trees or the woodland more generally (Proposed Drainage Strategy Plan 19-012/P01 P5).
- 10.84 It is noted that concerns remain from various consultees regarding the proximity of development to the ancient woodland. This is addressed above. These concerns are recognised and understood and ideally a larger buffer than the minimum 15m would be provided. However no actual *loss* of ancient woodland is proposed. Most importantly, when the whole scheme is viewed 'in the round' it results in an overall significant ecological gain, plus those ancient woodland areas will be actively managed in a more sustainable way in the long term.

AONB and landscape, including design and layout

- 10.85 NPPF Para 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside. NPPF Para 172 also relates to major development in the AONB and states that *“Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”* Footnote 55 states that *‘whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.’*
- 10.86 Impact on the setting of the AONB here (including the setting of the Turnden farmstead) is also considered within the scope of NPPF Para 197 which requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 10.87 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”*. It does not create a blanket presumption against development in the AONB (major or otherwise)
- 10.88 The PPG advises (Paragraph: 041 Reference ID: 8-041-20190721 Revision date: 21 07 2019) that the National Planning Policy Framework makes clear that the scale and extent of development in AONBs should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty.
- 10.89 The Council had considered this issue in some depth as part of developing the Draft Local Plan (DLP) and has made a judgement as to ‘major’ or not on all sites proposed in the AONB. That judgement is based on a methodology within the DLP. The methodology and judgements are set out in full in the Distribution of Development Topic Paper. It applies the factors set out in footnote 55 of the NPPF of nature of development, scale, setting and whether it could have a significant adverse impact on AONB designation purposes. The PSLP allocation for Turnden is considered major development given the scale of the development, the number of dwellings and the sensitivity of the site. For the same reasons it is considered appropriate to assess the application against the ‘major development’ criteria of para 172.
- 10.90 The NPPF states that such applications should assess considerations contained in three bullet points and these are set out in the headings below. Many of the matters to be taken into account as set out in Para 172 form material considerations in their own right. The assessment against these matters will take place on the basis of the impact being, slight, moderate, large or neutral.
- Need for the development and the impact of permitting it or refusing it on the local economy*
- 10.91 The need for residential development is set out earlier in this report and given the lack of a 5 year housing land supply currently, there is a need for new housing development within the Borough. The development would provide significant additional housing for the settlement of Cranbrook as well as affordable housing, of which there has been a consistently significant Borough-wide undersupply. This is also significant in relation to the overall Borough need, along with its local and cumulative contribution.
- 10.92 The NPPF (Paragraph 170b) states that LPAs should take into account the economic and other benefits of the Best and Most Versatile (BMV) agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher quality. This does not preclude the loss of BMV agricultural land but does require that be justified. In this context the application relates to a loss of 4.7ha of Grade 3 greenfield land to 165 dwellings and associated infrastructure on one part of the site. Any greenfield development around the rural part of the Borough is likely to result in the loss of historically agricultural land.
- 10.93 19ha would be put in to ecological management, with designated open space of 1.41ha and further accessible land (i.e. recreational access within wider landholding) of 6.11ha. The land has historically been used for equestrian grazing; the LEMP sets out that livestock grazing will be introduced from year one into the south eastern fields of the wider landholding area (between Hennicker Pit and the Crane Brook).

Based on Kent Wildlife Trust consultancy advice, the north western land parcel within the Development Area (i.e. the buffer between Hartley Road and the housing) is too small to be actively grazed by livestock and is disconnected from the wider landholding's proposed pasture grazing fields. This will be managed at length as a naturalistic meadow and in order to discourage recreational access for ecological gain. Therefore whilst 4.7ha of BMV agricultural land will be lost to development, a much larger amount of land elsewhere will be enhanced and put back to agricultural use as part of a wider scheme of ecological enhancement (that ultimately results in ecological net gain).

- 10.94 The impact of permitting this development would have a short term positive economic impact due to the employment opportunities which would be created with its construction including supply of materials and skilled labour. Beyond this, the provision of additional housing will also likely result in the increased use of local shops and services from future residents.
- 10.95 The impact of refusing the application would be that the site would still remain available for a limited agricultural use. The 2008 permission for the commercial equestrian use has been extinguished through the loss of the stables and other infrastructure on the Phase 1 site, however some limited horse grazing (not amounting to a material change of use) could continue on the land. That use could provide some very limited benefit to the local economy. In addition the need for housing would remain and therefore, this demand would need to be met within other sites within the locality and elsewhere within the Borough.
- 10.96 Having regard to the above, it is considered that:
- the economic impacts of permitting the scheme are a major positive;
 - the economic impacts of refusing the scheme are slightly negative;
 - the economic benefits arising from the proposal justify the loss of agricultural land.

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

- 10.97 The second bullet point on Para 172 does not refer specifically to alternative sites. It refers to the "cost" and "scope" for development "elsewhere outside the designated area", and to the possibility of meeting of the need for the development "in some other way". In many cases, this will involve the consideration of alternative sites. But the policy does not prescribe for the decision-maker how alternative sites are to be assessed in any particular case. It does not say that this exercise must relate to the whole of a local planning authority's administrative area, or to an area larger or smaller than that. This will always depend on the circumstances of the case in hand. The whole of Cranbrook town centre and the surrounding area lies within the AONB. Some areas within the parish lie outside the AONB, but these are away to the north and well outside the town centre/LBD. Cranbrook is identified as a Tier 2 settlement in the 2010 Core Strategy settlement hierarchy (the only others being Hawkhurst and Paddock Wood). The level of housing need for the Borough is high and due to the spatial distribution of existing development it is highly likely that additional housing sites within the AONB will be required. This is illustrated by the number of sites within the Pre-Submission Local Plan that are within the AONB in areas such as Hawkhurst, Benenden and Cranbrook.
- 10.98 There are a number of benefits which the site offers. It is adjacent to an LBD (the most locationally sustainable parts of the Borough) and the Brick Kiln Farm site, which has been allocated for residential development since 2016 and also benefits

from Outline permission for up to 180 dwellings. On the other side is the Turnden Phase 1 site, with an extant permission for 36 dwellings. The proposed development provides pedestrian links between the two developments (at four points on the boundary with Brick Kiln Farm and seven with Turnden Phase 1, along with contiguous public open space with the latter). On this basis the proposal would provide pedestrian routes (both recreational and functional) between all three sites through to the centre of Cranbrook and provide an alternative to walking alongside Hartley Road for a wider group of people beyond the new residents.

- 10.99 Furthermore the applicant owns a significant amount of land around the site. The land being in single ownership allows it to be put into cohesive ecological management resulting in a significant net biodiversity gain, plus provide public open space. The merits of this are assessed later but the point made at this juncture is that it is rare for a site to provide this amount of open space and ecological management, particularly one where housing can be located on the periphery of an existing tier 2 settlement (with its attendant greater amount of shops, services etc).
- 10.100 Other sites outside of the AONB designation are possible for such residential development, however, the town centre of Cranbrook is wholly within and surrounded by the AONB, and therefore any housing proposed in or on the edge of the town would be within the AONB. The proposal would provide a significant addition to the housing provision here. The Housing Needs Assessment Topic Paper August 2019 – (para 1.49) states there are 870 households on the housing need register as of June 2019. This figure as of December 2020 is 917. Of these, data from TWBC Housing is that 157 applicants have specified they want to live in Cranbrook whilst 51 households have a local connection to Cranbrook
- 10.101 Other sites in Cranbrook have been submitted through the ‘Call for sites’ process as part of the new Local Plan. The majority are within the AONB, but some of those are outside. Without prejudice to any future decisions made with regards allocating those sites which have come forward through the new Local Plan process, some of those are well outside the Cranbrook LBD. It would be premature and outside the scope of this report to try to actively evaluate the merits or otherwise of sites submitted through Call for Sites or within the PSLP. That is subject to an entirely different future procedure and some of those sites within the Reg 18 version of the Plan are not allocated in the draft Reg 19 PSLP. Natural England state *‘The search for alternatives to building in the AONB should be exhaustive, fully documented and available for scrutiny’* however this is not a requirement of the NPPF or the PPG.
- 10.102 The applicant has undertaken a qualitative alternative site assessment looking at the availability of other sites in Cranbrook to deliver 160-170 dwellings as per the draft allocation for the application site, or the significant ecological, landscape and recreational benefits proposed by the subject application (*Alternatives Assessment for Land at Turnden, Hartley Road, Cranbrook* – DHA, August 2020). The assessment considers sites submitted and/or promoted as part of the SHELAA and any other potentially suitable land (albeit acknowledging it is not possible to know if the land is available and deliverable). Sites already subject to a draft allocation in the Regulation 18 Local Plan were excluded as these are not considered reasonable alternatives if the necessitated 700-800 dwellings are to be developed in Cranbrook. The locations of TWBCs draft allocations for Cranbrook are provided in Figure 1 for reference.
- 10.103 A total of 6 potential alternative sites were identified and considered comparatively to the application site where necessary. The identified sites have been considered with regard to the feasibility of their delivery and to their impact on the AONB where

necessary. Where an overriding constraint to the feasibility of a site exists no further detailed analysis took place. All six were discounted based on factors such as access, sustainability, AONB impact and inability to provide the additional ecological and recreational improvements available at Turnden. The applicant considers that no sites identified in such close proximity to the settlement centre can offer the same material recreational, landscape enhancement and ecological benefits proposed by the development nor propose the same quantum of private market and affordable residential development. This is agreed with.

10.104 With regard to the proposed development itself alternative solutions to the development design, size and scale have been considered throughout the application process. The applicant makes it clear that where an aspect of the proposed development would result in an adverse environmental effect this has been avoided within the development proposals in the interests of good practice and as part of the response to the constraints of the site. Alternatives to the development strategy have been considered in full and the applicant believes there are no material adverse effects resulting from the Proposed Development that would necessitate alternatives to the proposed development.

10.105 Having regard to the above, it is concluded that there is limited scope for developing sustainably located housing for Cranbrook outside the AONB; and there is no scope for a development that delivers the same level of benefits as this in Cranbrook.

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

10.106 This will be considered under individual sub headings.

Visual and Landscape Character Impact

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

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

10.108 The Council’s Landscape Character Assessment details Fruit Belt areas (of which Cranbrook is one) at para 4.1 as;

“An intensively managed and cultivated series of landscapes comprising orchard plantations extending across sandstone plateaux, rolling slopes and ridges which in turn are intersected in parts by intricate wooded ghyll valleys and sunken lanes. The undulating ridge around Goudhurst has a more intricate, rural landscape comprising smaller orchards, occasional hop fields and open to long views.”

10.109 Landscape Character Area 4 (Cranbrook Fruit Belt) is defined at p.58 as;

“A plateau-top landscape where the topography flattens out (compared with the more intricate topography of the fruit belt to the west) permitting larger-scale land uses to exist. This is a diverse zone of transition and typical of the High Weald landscape. The strong yet diverse character incorporates elements of fruit belt, forested plateau and wooded farmland and the historic town of Cranbrook.”

10.110 P.63-64 sets out that The Local Character Area should be considered in the context of the High Weald AONB, and the potential role of certain parts of the character in

the setting of the AONB. The valued features and qualities of the landscape should be conserved and enhanced.

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

- Increasing suburbanisation of the wider rural landscape;
- The presence of large scale, modern rural buildings which can have a considerable visual impact;
- Dilution of the strong local vernacular with sometimes poor interpretation of traditional building styles and layouts;
- Loss of sense of remoteness and the special perceptual qualities of peacefulness and tranquillity;
- Traffic pressures leading to a decline in the quality of many vulnerable rural lanes resulting in the erosion of delicate verges and sandstone banks, and the introduction of inappropriate management including widening, kerbing, urban signage and roadside furniture.
- Changes to character and landscape degradation as a result of poorly designed or over intensive use of equestrian facilities and associated pressure for 24 hr staffing, security and lighting.
- Loss of ponds through development and poor management ,
- Loss of landscape features due to development - existing landscape features should be conserved within development schemes.
- Increasing artificial light pollution which results in the loss of dark skies, the loss of the sense of remoteness and adverse effects on wildlife;
- Neglect of the landscape, particularly small parcels, as a possible prelude to development.
- Loss of unimproved and semi-improved grassland.

10.112 Specific to Area 4 is the impact of busy main roads cutting through the landscape introducing background noise, visual intrusion and movement. The LCA seeks to ensure locally sensitive screen planting, in association with development proposals, along main road corridors to reduce visual impact and the wider infiltration of traffic noise.

10.113 The application includes a Landscape & Visual Impact Assessment (LVIA) which has been subject to detailed comment by the Council's Landscape & Biodiversity Officer. The High Weald AONB Unit have also appraised the LVIA and object to the application, as detailed above. Significant weight is given to the LBO's comments.

10.114 In their previous comments on the application, the LBO does query some of the conclusions drawn from analysis of the various viewpoints shown in that document. In terms of the overall conclusion the LBO would challenge the assumption that the effect beyond the immediate site confines is Minimal and would suggest that the effects in terms of the AONB that the effects on components (Moderate and Major Moderate) are more useful than the assessment on the AONB as a whole (Minimal) when it comes to understanding the nature and severity of landscape effects. The LBO does consider that both landscape and visual effects are very local in scale and that this is generally a well contained site. They consider that whilst effects on the character of Hartley Road are a significant concern those travelling through the area along the Hartley Road will experience a range of traditional and modern ribbon developments and their points of access as a sequence. In that sequence this development would not look out of place. They also made it clear from early on that if their earlier comments were satisfactorily addressed and there is an improved

landscaping scheme that it is possible to retain the perceived and physical separation between Hartley and Cranbrook.

10.115 The LBO's final comments from December 2020 summarises that the changes in the September 2020 set of amendments (and the lesser amendments submitted in December) are all generally very positive and the improvement and management of the wider land is very significant. Back in May 2020 The LBO raised various issues with the application;

Requests for further information:

- i. The disposition of soil on adjacent land.
- ii. Supporting information for the biodiversity metric.
- iii. Impact assessment on the designated and non-designated sites for nature conservation including a SSSI.
- iv. Further details and assessment of impact on ancient woodland
- v. Badger surveys and mitigation proposals including fencing.
- vi. Provision for and design standards of walking/cycling routes.
- vii. Confirmation of water levels in attenuation ponds

Concerns and changes requested

- i. Retention of a water course/ditch.
- ii. Changes to details on apartments blocks
- iii. Roofing materials
- iv. Adjustment to spine road width at southern part of site
- v. Changes and some additional details for hard and soft landscaping.

Specific concerns:

- Design and location of Apartment Block A
- No scheme for the wider landscape
- In comparison to the draft site Policy "*an over delivery on housing numbers and an under delivery on the wider landscape benefits*".

10.116 Their comments 6th June 2020 dealt with an addendum to the ES to cover the soil disposal on site which revised a number of technical appendices:

- Chapter 9 Ecology – Appendix A Ecology Technical Note (which the LBO concluded was incomplete and/or insufficient)
- Amended Environmental Statement Appendix 2.1 Existing and Proposed Levels March 2020
- Appendix 9.6 Confidential Badger Information
- Chapter 10 Landscape and Visual Impact - Appendix B LVIA Amended
- Environmental Statement Appendix 2.1 Existing and Proposed Levels March 2020
- Plus further information on biodiversity - Biodiversity Net Gain - Excel copy of the Biodiversity Net Calculation spreadsheet together with "an adapted landscape Habitat
- Management Plan (Figure 3)" – for this the LBO requested further information.

10.117 The LBO also reviewed the comments of the AONB Unit.

10.118 The LBO's main conclusion covered six points summarised as:

1. The ES addendum and supporting appendices is helpful but their disagreement on landscape effects continues with the proposed earthworks. In their view these additional earthworks add to the identified harm.

2. However the proposal has two parts and the LBO can see that one is more acceptable than the other. They raised a concern with the original ES over the consideration of alternatives. That concern was even stronger with the addendum in that there is insufficient information on the alternatives for the disposal of the spoil to come to any meaningful conclusion on the matter.
 3. Matters of ecology raised by the spreading of the spoil were not adequately covered in the ES addendum and concerns raised in previous comments on the approach to grassland and net gain are pertinent to this aspect of the works as well.
 4. In reviewing the comments of the AONB Unit in terms of ecology the LBO considers they are largely in agreement - further details and a response from the applicant was required to take this matter forward.
 5. Whilst on landscape the LBO noted some agreement with the AONB Unit on the shortcomings of the submitted LVIA it is clear that the Unit have an in principle objection and see little or no merit in the scheme. These comments have reinforced the LBO's views on particular deficiencies that they have noted but they also continue to note the many positive aspects of the application and stand by the suggestions to improve the scheme as part of a positive approach to planning.
 6. There are serious matters raised by the AONB Unit that the LBO has not addressed regarding national policy and heritage which will need to be considered by others.
- 10.119 All of these concerns are now considered under the headings of the scheme for wider landscape, design and layout, the proposed soil mounds, ecology (including LEMP) and the landscaping scheme which the LBO has considered in turn below.
- 10.120 The Council commissioned independent LVIAs from Hankisson Duckett Associates (HDA) for sites (and settlements) proposed to be allocated for development in the AONB in the Draft Local Plan that were considered to be major under paragraph 172 of the NPPF. The LVIAs were commissioned in direct response to comments from Natural England and the AONB Unit at Regulation 18 stage and both organisations were consulted on the brief and the methodology. The applicant was made aware of this work at an early stage and early drafts informed some of the LBO's earlier comments. Whilst early drafts were available to the LBO during earlier comments they now have a final draft which has been created in support of the Regulation 19 Local Plan.
- 10.121 This document (aside from those sections relating to Reg 18 draft allocation AL/CRS6 - Land adjacent Hartley Gate Farmhouse, Hartley Road, Cranbrook - as part of the recent Public Inquiry) is not however in the public domain because it is in a final draft form and has not been agreed by Members, so whilst the LBO has referred to it in their comments it is not a material consideration in the determination of this application. As a result of commissioning and being involved in this the LBO is fully aware of and have had time to absorb its findings which has informed their understanding of the sites it covers, the likely landscape impact and their suitability for development. The LBO has drawn on this work and made reference to it in their comments on this application. As part of the DLP process they have kept (where possible) developers aware that this work was ongoing and it was assisting the LBO and TWBC in their considerations. Their comments on this application however are

their own and represent their own professional judgement. They do not rely upon the HDA work.

10.122 Turnden is referred to as CRS4 in accordance with the Reg 18 Draft Local Plan. The Cranbrook LVIA report draws on the Councils existing Landscape Sensitivity Report where it falls within area Cr2 which is mostly 'High Sensitivity' with some areas of 'Medium High' and reports the conclusions on Cr2:

"The area is typical of the AONB landscape of ridges and wooded ghyll valleys, with frequent orchards. These are characteristic features of the AONB and the character area, valued for scenic qualities, biodiversity and sense of place, so sensitivity to built development is generally high, in particular in the area to the south/east of the Crane Brook which has a strong sense of remoteness from Cranbrook. Adjacent to the allocated AL/CR4 development on the edge of Cranbrook, around Turnden, and in remaining open gaps along Hartley Road, proximity to existing/intended development means that sensitivity is slightly lower".

10.123 As part of the baseline, key landscape features are identified as:

- Ancient Woodland forming the site's south-eastern boundary;
- Tributary stream with pond features and associated woodland within the site at Hennicker Pit;
- The Grade II Listed Turnden Farmhouse (now lost due to an arson attack); and
- Mature trees and gappy field boundary hedgerow.

10.124 And it notes with reference to the AONB that *"Whilst the site displays some of the qualities of the AONB, it is separated from the wider rural landscape by the existing development, woodland and the local landform"*. The Cranbrook LVIA is in general agreement with the proposal map for the proposed allocation but suggests additional structural landscaping as illustrated by the Green Infrastructure Plan below. This suggested approach was previously noted and although the LBO was supportive they had some reservations about a solid block of new woodland on the small field on the central western boundary. The report noted the landscape and recreational opportunities that the site offered:

"Creation of new woodland and wildflower meadows together with the retention, enhancement and management of existing features, would provide biodiversity and amenity enhancements. There are opportunities to re-introduce historic field boundaries to the north of the site. The surface water drainage solutions required for the development also offer opportunities to create new and complementary habitats.

There are opportunities to create new informal routes within the proposed open space, which could link existing rights of way and settlement and allow residents to enjoy the potential habitat enhancements within the site. This could include an alternative route off-set from Hartley Road to enhance the 'A walk through time – Bedgebury' recreational walk".

10.125 In conclusion the Cranbrook LVIA advises:

"There is potential for sensitive development within the site, following the principles set out within the allocation policy and relevant design guides. The development could be assimilated into the landscape through the mitigation outlined within Figure C14, which would establish additional woodland cover and grassland enhancing the

route of the footpath within the site footpath and creating new recreational opportunities. The key components of character outlined for the High Weald would be protected, where present. The development of the site in conjunction with the proposed mitigation could be achieved without residual significant landscape and visual effects (from publicly accessible viewpoints). There is also the potential for the proposals within the allocated site to enhance the landscape of the AONB with areas of the site allocated for open space uses.

Policy recommendations for the Regulation 19 version of the Draft Local Plan would include:

- *Wording to protect trees within the site as well as hedgerows.*
- *Locate play facilities within an accessible part of the site – with good natural surveillance.*
- *Incorporate wildlife enhancements within the area of the site allocated for open space to offset the effects of development within the north-eastern area and to provide enhanced access to the AONB.*
- *Phase development so that the proposed woodland is planted prior to the development parcel to the north-east of the site”.*

10.126 Overall the Cranbrook LVIA has assessed the harm to the AONB from the allocation as Medium and subject to the recommended mitigation Medium-Low. The proposal is very similar to the allocation which is why the Cranbrook LVIA carries weight in this matter.

10.127 Based on this work and subject to other matters being satisfactorily addressed including the test required of major development of exceptional circumstances being met it would appear that the level of landscape harm can with the mitigation recommended be reduced to an acceptable level. This of course further emphasises the need to include the wider landscape within the proposal as well as other landscape benefits if it is to be supported.

Wider Landscape

10.128 The additional information submitted in September advised that changes to the wider landscape included:

“Provision of a detailed landscape scheme and landscape management scheme within the wider land holding and designation of land use - with southern fields proposed for pasture livestock grazing and northern fields proposed for ecological planting with recreational access for the benefit of the wider community. Scheme predicated on the High Weald AONB context and historic evidence, providing reinstated hedgerow historic field boundaries, woodland block planting, species rich grassland, dedicated permissible paths to link to the existing PROW network and Turnden Farmstead development, and recreational walking routes”.

10.129 This is a significant as it incorporates further suggested landscape mitigation and secures the wider landscape for amenity, landscape and ecological benefits. It also brings the proposal in line with the draft policy although this is a matter which would only carry limited weight given the early stage of the PSLP. The scheme is illustrated on drawing 6958 SK07-C (Betterment Plan) which shows a number of landscape features. In addition to showing the avoidance and mitigation within and immediately adjacent to the scheme such as the retention of hedgerows and trees and the landscaping previously illustrated to the Hartley Road it illustrates the proposals for the wider landscape which include:

- Woodland block planting on field to west of Turnden Farm House with permissive paths through mown pathways north-south and east-west (this offers an improvement to the existing north-south PROW which is narrow and runs along side a close boarded garden fence);
- There is a new mown permissive path that runs along the eastern boundary with the Crane Valley and joins the existing PROW with new similar routeways on the adjacent site at Brick Kiln Farm;
- The field farthest west is proposed as a flower rich meadow with some standard trees and scrub edges;
- Woodland planting around Hennicker Pit will be strengthened and be better connected to woodland to the north east;
- The fields to the south will be separated from the proposed development by a wide band of woodland that reinstates a feature lost in the 1980's. This includes the opening up of a culvert to reveal a stream. This will connect the woodland and water habitats at Hennickers Pit with those of the Crane Valley;
- Within the fields to the south field boundaries and standard trees lost during the 19C and 20C will be restored and field kept available for grazing;

10.130 These are all positive proposals that make a significant contribution to AONB Management Plan Objectives for field and heath, woodland and water as well as accessibility and connectivity to the landscape. Provided that these features and their management are secured for considerable period of time this element of the proposal would contribute to exceptional circumstances.

Design and layout

10.131 Design and layout are integral to the success of the scheme particularly given the AONB and landscape setting. There are a number of areas where design/layout considerations cross over and so they dealt with in this section of the report. The Conservation Officer (CO) and the Landscape & Biodiversity Officer (LBO) have commented in detail about this aspect of the development.

10.132 NPPF Paragraph 127 (which states that developments should *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'*) the CO has raised concerns about the lack of permeability and legibility of the site, which in their view weakens its robustness as a new development. The paragraph also requires that developments are *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*. The CO considers there is potential to the development being visually attractive and to provide appropriate landscaping. They support the multi-yard concept however the site is in their view impermeable and the density means that it does not follow the existing grain.

10.133 NPPF Para 127 states that developments should:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.134 Para 130 states;

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

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

3 The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;

4 The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;

6 The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and

7 The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.

10.136 Core Policy 4: Environment; seeks amongst other things to conserve and enhance the locally distinctive sense of place and character and the High Weald AONB will be conserved and enhanced (as set out earlier).

10.137 Core Policy 5: Sustainable Design and Construction identifies that the Council will apply and encourage sustainable design and construction principles and best practice. Developments will also be required to create safe, accessible, legible and adaptable environments plus conserve and enhance the public realm.

10.138 The PPG supports the design paragraphs within the NPPF and provides a framework for assessment of the quality of the development based on the previous By Design guidance in paragraph 26-023. It also states in paragraph 26-015 that *'well designed new or changing places should: be functional; support mixed uses and tenures; include successful public spaces; be adaptable and resilient; have a distinctive character; be attractive; and encourage ease of movement.'*

10.139 The CO and LBO generally support the intention of the proposal and the research behind the design and layout to ensure local distinctiveness. With reference to the

final sets of comments from both, a number (but not all) prior concerns relating to layout and design have been satisfactorily addressed through the revised plans. In particular:

- The ditch near Hartley Road is now retained and Block A has been moved and redesigned;
- The design has now been assessed against the High Weald AONB Design Guide checklist;
- The character areas have been revised and the 'Arcadia' area removed, although the CO considers that the issue of mixing architectural references highlighted in their earlier comments could have been resolved further;
- The tenure mix and the way it is blended in to the two areas is supported;
- The Proposed Road Hierarchy Plan shows clearly the different types of footpaths and cycle paths and in particular it shows two cycle path connections and a pedestrian connection to Brick Kiln Farm that corresponds with proposals for that site;
- These connections will enable residents from the new development and existing residents at Hartley to enjoy attractive walking and cycling routes into the centre of Cranbrook. There is one poor connection within the site for the southern most cycle route – the cycleway ends opposite Plot 36 and does not restart until the pumping station making wayfinding difficult between these two points. This can be addressed through a revised detail secured by condition;
- Block A has been redesigned to an acceptable form with a suitable level of detailing, although the CO considers that further agricultural motifs could have been added (this can be required to be investigated by condition);
- Blocks B, C and D have revised detailing as requested and are supported by both consultees;
- The other architectural revisions such as changes to flat roofed dormers, use of tile hung frontages along the Green Character Area route
- As noted elsewhere there are now clear details for the balancing ponds confirming standing water;
- The access to the field to the south has been redesigned and is now at a more modest and suitable scale;
- UPVC windows accepted depending on design;
- The gated development area has been removed;
- Comments on footways and roadways have been responded to.

10.140 However the concerns remain about

- Synthetic 'slate effect' covered roofs (materials can be sought by condition) and CO is not convinced that natural slate is not an option;

10.141 There have been positive changes to the Boundary Treatment Plan and the LBO considers the principles are sound but there are some details that need to be reviewed in particular:

- The post and wire fence to the Ancient woodland would be more effective if it followed or ran parallel to the footway and western edge of the balancing pond as this is largely an ecological landscape rather than an amenity one. A 1 m set back would be appropriate.
- Garden boundaries with the northern hedgerow (adjacent to Brick Kiln Farm) should not be post and rail but hit and miss fences. Access to the strip of land should be controlled by post and wire rather than close board.
- Picket fencing should be added to Plot 111 and the south side of Block C, Plots 15 and 24

- The main flower meadow should be fenced for possible grazing

These matters can be dealt with by condition. It should be noted that this plan does not show fencing for the wider landscape but these are shown on the soft landscape drawings which the LBO has commented on below.

Proposed Soil Mounds

- 10.142 There has been some slight revisions to this element of the proposals and the drawings provide a clear indication of what is now proposed. The LBO was previously of the view that soil spreading on the area adjacent to Turnden Farm would “*only be a minor addition to the adverse effects previously identified*”. Noting now how it is to be landscaped they advise they are “*even more convinced of that conclusion and retention of the spoil on site in this way is likely to be preferable to disposal elsewhere.*”
- 10.143 The LBO was previously more concerned with the likely effects of spreading the spoil on the field to the south west as this contained PROW WC116 and was of the view, noting the lack of certain information, that it would add “*significantly to the overall negative effects*”. Based on all the information now available and the additional landscaping they now consider that the additional adverse effects would be slight, very localised and over time would diminish so as to be not significant. Overall, subject to appropriate controls for the handling of the soil, agreed methods of working and remediation LBO does not have any objection to the retention of spoil on site as proposed.

Ecology

- 10.144 NPPF Para 170 states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraphs 020 – 028 Reference ID: 8-020-20190721 of the PPG also address ecological net gain.
- 10.145 EN1 (5) requires that “*there would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements*”. This and CP4 (criteria 3 and 4) relate to the protection, mitigation and enhancement of biodiversity and are up to date with NPPF Para 170 and 175 (a). -However the requirement in criterion (3) to ‘avoid net loss’ has been superseded by NPPF Para 170 (d)’s requirement to provide net gains for biodiversity.
- 10.146 Loss of BMV agricultural land is addressed elsewhere in this report.
- 10.147 The ecology reports have been updated and now include the whole site. This work has fed into the Biodiversity Net Gain calculations and the LEMP which are considered below.

BSG Net Gain Calculation Report October 2020 and DEFRA Biodiversity Metric.

- 10.148 This work appears to accord with the guidance and decision making is clearly explained and it is supported by appropriate plans. According to the metric the scheme will result in a net gain of area habitats of 21.60% and linear habitats of 12.54%. This figure includes the ancient woodland in the baseline but with no allowance for betterment. Ancient woodland should be excluded from metric calculations and treated separately but in this case doing that would merely inflate the area net gain figure to around 50%. It is possible to challenge some values

attributed to existing habitats and the likely outcomes for new/enhanced habitats but as can be seen the proposal exceeds the proposed mandatory net gain of 10% by a further 10 to 40%. Net gain is not currently mandatory and whilst Core Strategy Policy 4 only requires 'no net loss' and this scheme evidentially requires a gain it appears that it goes considerably beyond the 10%. Provided that this can be secured for the lifetime of the development this may be considered to contribute towards exceptional circumstances.

LEMP

10.149 This is a comprehensive document supported by clear plans. Further details of any new features such as bird and bat boxes, interpretation panels etc. can be secured by condition for a scheme of mitigation and enhancement. There are some further details that the LBO considers need to be added including:

- *4.9 Objective 6 Raising awareness* – this appears to allow for only an annual school event for just 5 years and a one off resident event. Residents should be given greater priority, and it will take a number of events over several years starting during construction to ensure that the landscape associated with the scheme and its value to wildlife is understood and respected. Residents should be encouraged to participate in management events and any contractual land management agreements should allow for this. Residents should also be involved in management decisions with representation at management company meetings.
- There is no management proposed for either the ancient woodland to the Crane Valley or the woodland associated with Hennicker Pit. Whilst there are valid ecological arguments for no intervention it is likely that the ancient woodland would benefit from some coppicing and some monitoring and possible interventions may be required in terms of invasive species.
- The woodlands at Hennicker may benefit from improvements to structural diversity and additions to the ground flora. Again monitoring and intervention with regards to invasive species may also be required. For both but particularly for the woodland associated with Hennicker Pit where there is public access trees will need to be monitored for health and safety.
- *Monitoring of Habitats Prescription 6.8.1* requires a single annual visit by an ecologist for 5 years. The requirements for monitoring do not specify how any survey work will be undertaken or to what standard and it is general rather than being targeted to the objectives of the plan or to monitoring the predictions of the DEFRA Biodiversity metric. The 5 years would in themselves be necessary just to ensure implementation and establishment of the landscaping scheme. Some species monitoring should also be included and this could be coupled with community engagement e.g. bat walks. Thereafter monitoring will be required to ensure ecological objectives continue to be met and that the site is delivering on net gain.
- Section 8 deals more specifically with monitoring and sets out that the LEMP be reviewed every 5 years for 30 years and beyond that every 10 years. However it does not say what that review will entail and also suggest that changes can be agreed between the ecologist and the management company.
- There is no information on grazing and what it might be restricted to or how it will be controlled. It should not for instance be over grazed, be for animals that require shelter or be for a recreational purpose. In addition there should be a basic prescription should management not be possible at any time. Agree with the suggested frequency save that the period should start on

completion of the development, and there should be additional reporting at year 1 and three and that any changes must be agreed by the Council.

- 10.150 Further details of the LEMP and review can be dealt with by condition and/or legal agreement.

Landscaping scheme

Soft works Drawing 1 to 6

- 10.151 As mentioned above these do show various elements of fencing although it is not always entirely clear. It is not clear for instance whether newly planted scrub areas will be fenced, what elements of Hennickers Pit will be fenced, why hedgerows have rabbit fences rather than stock fences when grazing is proposed, post and rail to the woodland should have stock proof mesh etc.

- 10.152 The general approach to planting is broadly accepted. However in order to maximise landscape and ecological benefits the scheme of planting can be improved through additional tree planting within the development and improvement to mixes in the wider landscape. These matters can be dealt with condition.

Ponds Drawing 6958_101 Rev C Illustrative Sections AA& BB - Pond 1A

- 10.153 The plan and sections show the upper pond can be delivered in a suitable manner with standing water. The LBO suggests that some decking for access is provided on the southwestern bank over the top of the gabions and that the gabions are layered with willow cuttings.

Conclusion and exceptional circumstances/public interest

- 10.154 The LBO states that they are acutely aware of the objections of Natural England and the AONB Unit and whilst they have considered them as part of these comments they have not provided further detailed comment.

- 10.155 Natural England have given notice to the Secretary of State (Ministry of Housing, Communities & Local Government) of an intention to seek a call in by the SoS should the scheme be granted. They have an objection in principle to major development in the AONB and so in order to provide cogent reasons for going against the advice of Natural England and to satisfy the test of paragraph 172 of the NPPF TWBC will have to consider whether exceptional circumstances exist.

- 10.156 The revisions over time to this scheme have resulted in considerable improvements to the overall design and appearance of the scheme as well as improvements to the level of connectivity and accessibility it provides and the quality of the landscaping to be provided. Significantly there is considerable net gain for biodiversity and some large scale and individually significant benefits to the AONB in terms of restored landscape features. It is inevitable that housing development on a green field site will cause considerable landscape harm through the loss of agricultural land for large-scale residential purposes and the attendant harm from domestic intrusion, built domestic form, car parking domestic paraphernalia etc and loss of open countryside. However in addition to establishing exceptional circumstances required by para 172 of the NPPF it is important to consider the test in section c) of that paragraph (*any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated*).

- 10.157 With this in mind it is clear that the scheme has avoided harm to the majority of the most sensitive of landscape and ecological features, offers considerable recreational opportunities through the creation of new green spaces and permissive paths and harmful effects have been moderated through a comprehensive scheme of

landscape and ecological enhancements. Exceptionally this site offers protection and enhancement of areas of woodland and restoration of historical landscape boundaries and features (which provide new/enhanced wildlife corridors), connects people with the wider landscape and includes proposals for raising awareness of the AONB landscape and wildlife. Concerns over coalescence with Hartley have for the LBO been addressed to a satisfactory degree, through the considerable set back from Hartley Road and the associated improvements to landscaping and significantly the new block of woodland planting to the west of Turnden Farm. Such enhancement and mitigation outweighs the harm to the historic AONB landscape when the NPPF Para 197 balancing test is applied.

10.158 The considerable area of landscape restored and improved under this scheme will provide a strong and permanent rural edge to Cranbrook in a way that integrates the development into the landscape and townscape whilst retaining a respectful distance from the CA (albeit it still cause less than substantial harm to its setting). From a wider sustainability point of view it will enable new residents to walk and cycle into Cranbrook along attractive and safe routes in a way that very few other sites could hope to deliver.

10.159 Whilst there is also a cumulative impact resulting from the proximity of the recently approved adjacent development at Brick Kiln Farm this proposal also compliments it through the furtherance of improved accessibility. The existing site context, the recent consented development at Turnden Farm is also a factor to be considered but which on the whole supports the proposal. Concerns have been raised regarding coalescence of Cranbrook and Hartley; whilst the development clearly brings development closer to Hartley it does not coalesce the two. Concerns have been raised regarding future development however this alone is a not a matter on which an application can be refused. Each application has to be determined on its own merits and it is not considered this acts as a precedent for development further along the Crane Valley. The permission (if granted) would set aside a large area of land for open space/recreation/ecological enhancement between the development and Hartley which is secured by legal agreement and is integral to the scheme's acceptability.

Conclusion in respect of the impact relating to the AONB

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

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

Component of overall "environment impact"	Considered impact (neutral, slight, moderate, major)
Landscape Character/ Appearance (and AONB)	Moderate – slight negative
Ecology	Moderate positive
Drainage	Neutral
Residential amenity	Neutral
Conclusion	Moderate - slight negative

- 10.162 It is therefore considered that the proposed development would have a moderate-slight negative impact on the environment as a matter to be considered under para 172 of the NPPF.
- 10.163 Of the three elements within para 172 of the NPPF considered above it has been concluded that there would be a moderate-major positive economic impact balanced against a moderate –slight negative impact on the environment with no realistic scope for developing sustainably located housing for Cranbrook outside the AONB that delivers the degree of benefits that this scheme does.
- 10.164 The overall conclusion when assessed against the requirements of para 172 of the NPPF, and having particular regard to the emphasis in the NPPF and PPG on supporting sustainable development and contributing to the 5 year housing land supply, but also on the weight to be given to conserving and enhancing landscape and scenic beauty in AONBs is that the proposal will have a moderate positive impact overall.
- 10.165 Consequently, subject to other requirements being satisfied, conditions and most importantly the securing of the wider land with a LEMP for the lifetime of the development, the proposal is considered acceptable in AONB, landscape, ecology and design terms. The proposal would therefore meet with local and national policy relating to the AONB, landscape, ecology, design and non-designated heritage assets.
- 10.166 As such, it is considered that principally due to the housing delivery benefits (market and affordable at 40%) outweighing the identified harm to the landscape and environment, there are exceptional circumstances in this instance to depart from the NPPF presumption against major development in the AONB.

Highways and parking

- 10.167 Paragraph 103 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- NPPF 108 a) requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - 108 b) states that safe and suitable access to the site can be achieved for all users;
 - 108 c) requires that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
 - 109 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Para 110 also requires that development minimise the scope for conflicts between pedestrians, cyclists and vehicles.
 - Paragraph 111 requires that *“developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*
- 10.168 LP Policy TP4 concerns access to the road network. It states that proposals will be permitted provided all five of its criteria are satisfied. The subtext at Para 11.27 states

that sites should be well-linked by all modes of transport to key destinations and this may require provision of, for example, a new footway, cycleway or road crossing facility.

- 10.169 Para 11.28 of the supporting text states that access to the road network will remain important in the control of development as an instrument in achieving a safe highway network. This is particularly important in a Plan area containing a number of roads which have severe width restrictions and poor alignment. Para 11.30 refers to a detailed listing of the road hierarchy within settlements is set out in Appendix 6 against which proposals affecting both existing and proposed roads can be assessed. Appendix 6 defines an Inter-Urban Hierarchy which defines Primary and Secondary Routes. The A229 Hartley Road at this point is a Primary Route.
- 10.170 It goes on to define an Urban Hierarchy which includes Primary Distributors as roads forming the primary network for the towns and villages as a whole. Where capacity exists, all longer-distance traffic to, from and within the towns and villages should be channelled onto the primary distributors. Hartley Road is not specifically mentioned however Angley Road (which forms part of the same contiguous A229 route as Hartley Road) is part of the same route) is referred to as a Primary Distributor.
- 10.171 It is considered TP4 is on balance up-to-date and consistent with the NPPF except with regards to criterion 4 as this is based on a specific Structure Plan requirement which is no longer in place - continued application of this criterion may unreasonably frustrate housing supply. The presumption to dismiss a proposal due to the designation of the road is not in accordance with the NPPF and each proposal is considered on its merits. The Council took this position at the 2019 appeal hearing for the site at 'Land Adjacent Hartley Gate Farmhouse, Hartley Road, Cranbrook' (17/03481/FULL – appeal decision APP/M2270/W/18/3203543 dated 5 July 2019) on advice from the Highway Authority, an approach the Inspector agreed with. However this criterion applies to all development, not just housing. It frustrates housing supply on the basis of highway safety given that higher speed limits and different road conditions are generally found in rural, less developed areas.
- 10.172 Policy TP3: large scale residential development requiring Transport Assessment and Travel Plan is engaged here, as LP Policy TP5. TP3 is considered up to date with the NPPF, as is TP5 which specifies minimum parking standards outside town centres, an approach endorsed by NPPF Para 106 which states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. On this basis TP5 is considered up to date with the NPPF. It is also considered that it should carry full weight. Policy TP9 states that cycle parking will be required to serve new-build residential development without private curtilage at a standard of one space per dwelling unit.
- 10.173 Core Policy 3 relates specifically to Transport Infrastructure with its aim being to outline key transport issues and the provision of necessary infrastructure. The Policy states that, "*Sustainable modes of transport, including cycling and walking and the use of public transport will be encouraged to reduce dependence on private car use.*"
- 10.174 A full Transport Assessment has been submitted as part of this application. The Environmental Statement at Chapter 4 summarises the traffic impacts including the impacts on the road network around Cranbrook, such as highway capacity and congestion), plus the Hawkhurst crossroads. The design, geometry and safety of the access arrangements are also taken in to account. This takes into account the crash record on Hartley Road plus the highways effects from the construction stage of the

development (the latter are proposed to be managed by a Construction Management Plan which can be secured by condition). This has been revised since initial submission.

10.175 The works involved with creating the new access are described in section 2.0 above. KCC Highways have commented on the application several times (see section 7.0 above). Significant weight is given to their comments as a specialist consultee (KCC have in turn sought the advice of their own consultants on transport modelling matters, in relation to the impacts on key routes/junctions around Cranbrook). They do not consider that further information is required for them to come to a judgement on the highways effects of the development. In this respect Officers agree with their conclusions on the safety of the access and all other matters aside from the matters discussed below.

10.176 KCC Highways raise no objections to the proposal save for the impacts on two junctions; the Hawkhurst crossroads and the Wilsley Pound roundabout. The capacity of the latter junction will be affected by the development related traffic with a slight increase in queueing on what is already a busy roundabout. It is noted that KCC's recommendation to refuse, in summary, does not refer to the Wilsley Pound roundabout, but focusses on the Hawkhurst Crossroads. It would be difficult to make the jump to a significant adverse impact from this, let alone a severe one.

10.177 There are longstanding concerns regarding queuing lengths and congestion around the Hawkhurst crossroads. This issue was central to both;

- An unsuccessful Judicial Review (JR) challenge against the 2019 grant of planning permission for 43 dwellings at The White House, Highgate Hill Hawkhurst – TW/19/01271/FULL (partly on grounds of the assessment of traffic impacts upon the junction) upon which judgement was handed down in November 2020; and
- An appeal for a 62-dwelling residential development in Ockley Road (18/03976/OUT / APP/M2270/W/20/3247397) which was dismissed in November 2020.

10.178 It would have been outside the scope of the JR challenge to address the planning merits (and judgement therein) of the White House permission. Rather, it challenged the manner in which the application was determined, principally KCC Highways' approach to assessing cumulative impacts of development on the Hawkhurst Crossroads in coming to their consultee response; and the assessment of those impacts by the LPA. As summarised in KCC Highways' comments of 16 December 2020, the Inspector in the Ockley Road decision took account of KCC Highways' objections to the addition of 22 trips through the junction in both the am and pm peaks as a result of the development. In dismissing the appeal, the Inspector states in paragraph 26:

'I consider that there would be significant adverse impacts from the development on the transport network (in terms of capacity and congestion), and harm to general highway safety in the area. It would therefore conflict with Policy CP3 of the CS and Policy TP4 of the LP, and with paragraphs 108 and 109 of the Framework.'

10.179 Paragraph 42 of the Appeal decision states:

'...[the development] would be likely to add, both in itself and cumulatively, to existing congestion at the junction of the A268 and A229 in the centre of Hawkhurst.'

- 10.180 As stated earlier, Turnden Phase II for 165 dwellings would add 32 and 25 trips through the junction in the AM and PM peaks respectively. Although some mitigation is proposed through a contribution towards public transport improvements (mirroring the suggested similar contribution at the Ockley Road appeal proposal), KCC consider this is very unlikely to achieve a modal shift away from the private car significant enough to reduce the trips through the Hawkhurst junction.
- 10.181 As noted in the Transport Assessment, mitigation is proposed as part of the Hawkhurst Golf Club planning application TW/19/02025 (diversion of the A229 northern arm and reduction from a 4-arm signalised crossroads junction to a 3-arm signalised junction), but the Golf Club application has not yet been decided. Appropriately, the TA for the Turnden phase 2 application does not test whether the Golf Club's proposed junction layout can better cope with development traffic from this application, as it has not been permitted. That application remains undetermined.
- 10.182 KCC Highways therefore objects to this application owing to the '*significant adverse impacts from the development on the transport network (in terms of capacity and congestion)*'. They consider it would conflict with Policy CP3 of the CS and Policy TP4 of the LP; plus with paragraphs 108 and 109 of the NPPF, in that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (108); and that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (109).
- 10.183 The NPPF test in Para 109 is whether the residual cumulative impacts on the road network would be 'severe'. The severe test is a very high bar in order to justify the refusal of permission. KCC have not advised that in their view as the Highway Authority it would be 'severe' and advise that the impact would be 'significant' – a lower impact than 'severe' and consistent with the Inspector's conclusion on the Ockley Road appeal. This is not considered to be a hairsplitting exercise in wordplay; the two words indicate differing levels of impacts.
- 10.184 Queuing would slightly increase at both junctions however this impact from the development in itself is not argued by KCC to create an unacceptable impact on highway safety. KCC do not seek to argue the consequential impact would cause such 'severe' cumulative residual impacts in Hawkhurst (e.g. the consequence of queues in terms of driver behaviour, risk and safety, as opposed to inconvenience) to the extent that planning permission should be refused in the context of paragraph 109 of the NPPF. Taking account of the overall implications of the proposal on the local highway network, it is not considered that the residual cumulative effects of the proposal would be severe.
- 10.185 Similarly, TP4 (1)'s requirement that the road hierarchy and the function of routes have *adequate* capacity to cater for the traffic which will be generated by the development, is not considered to be clearly breached. The development makes provision for alternative modes to the private car through its network of footpaths and public transport enhancements. It is not considered that KCC's comments conclude that highway capacity at either junction is *inadequate* to accommodate the additional movements (would create an impact) but that impact itself would not be 'severe'. Likewise, TP4 (5) requires that the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Whilst some limited disruption to the flow of traffic caused by slightly longer queueing times and additional vehicle movements through the respective junctions will occur the safety impacts are not considered to be at the NPPF's high bar of 'severe'.

10.186 TP4 (5) also states that where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. Highways-related improvements in the form of the public transport contribution (to enable alternative transport modes) are proposed. Physical works to the Hawkhurst crossroads are not feasible and in any event would be disproportionate to the development, given its size and distance from that junction. Mention is made by KCC of possible improvements to the Wilsley Pound junction but is not stated to be necessary to make the development acceptable.

10.187 Therefore the impacts of the development when assessed against NPPF Paras 108 and 109 are not considered to amount to a refusal reason. They are however negative matters which can be taken in to account in the overall 'planning balance'.

Residential amenity

10.188 Due to the distance between the proposed dwellings and the nearest existing dwellings to the site, there would not be any adverse impacts from overlooking, loss of light/outlook etc from the proposed development. The CEMP will be required to be produced prior to the commencement of the development. The recommended condition from the Environmental Protection team will be added in the interests of residential amenity.

Air quality

10.189 Since the application was submitted in March 2020, TWBC have declared an air quality management area in Hawkhurst and published the June 2020 Position Statement listed in section 5 of this report.

10.190 Exceedances of the Annual Mean Objective for Nitrogen Dioxide (NO₂) have been identified in Cranbrook Road, Hawkhurst to the north of the crossroads: specifically, close to the traffic lights and going down the hill for approximately 150m. (TWBC) is currently working to declare an Air Quality Management Area (AQMA) in this location. Independent consultants are currently undertaking work which will provide information on the impact which changes in traffic movement will have on air quality. The timetable for the formal declaration of the AQMA involved consultation over summer 2020 before formal declaration in December 2020, although this timetable has slipped due to resources being diverted following the coronavirus pandemic.

10.191 In planning terms, whether there is or isn't a formally declared AQMA is something of a side issue as an application of this size is always going to need quite careful scrutiny now for its effects on that area. If a development is shown to have an adverse impact on the Cranbrook Road properties, then some degree of mitigation is necessary because it is known that the levels there are high.

10.192 The implication for air quality is a material consideration when determining planning applications, and in the consideration of allocations in the Local Plan, and in particular is related to changes in traffic movement through a location. Vehicles' engines are becoming less polluting over time, and there may be changes to private vehicle use and trip generation post 'coronavirus lockdown' as people's places of work and travel preferences change.

10.193 Going forward, any development which is expected to increase annual average daily traffic movements per day through the northern arm of the crossroads in the town centre (through a specific section of the Cranbrook Road) by more than 100 LDVs/cars or 25 HDVs is required to supply a full air quality assessment.

- 10.194 The operational impacts associated with emissions arising from the additional traffic on local roads due to the proposed development, have been assessed (*Air Quality Assessment: Turnden Farm, Cranbrook, Tunbridge Wells – June 2020*). Concentrations have been modelled for fourteen worst-case receptor locations in Hawkhurst, representing existing properties where impacts are expected to be greatest.
- 10.195 The report summarises that the proposed development will generate additional traffic on the local road network, some of which will travel along Cranbrook Road in Hawkhurst, an area identified as having high annual mean nitrogen dioxide concentrations by Tunbridge Wells Borough Council. The assessment has predicted adverse impacts at up to three properties in 2022 and 2023, two properties in 2024, one property in 2025, and none thereafter. It has also predicted that air quality will be acceptable in Hawkhurst in 2025 and beyond, with or without the proposed development.
- 10.196 The proposed development is expected to increase Annual Average Daily Traffic (AADT) flows by a maximum of 363 vehicles along Cranbrook Road, through Hawkhurst. This is in the context of 8680 vehicles per day passing through this arm of the junction in 2019, rising to 9303 in 2023 and 9636 in 2026.
- 10.197 Specifically, the operational air quality effects without mitigation are judged to be ‘not significant’. This professional judgement is made in accordance with the methodology set out in Appendix A1 of the document, and takes account of the assessment that:
- the proposed development will not cause any new exceedances of the objectives;
 - the proposed development is predicted to cause moderate adverse impacts at two flats in 2022 and 2023, and at one flat in 2024. By 2025, concentrations at both flats will be below the objective, with or without the scheme; one flat will still experience a moderate adverse impact, but the impact will be negligible by 2026. There will also be a slight adverse impact at one further home in 2022 and 2023.
 - these adverse impacts will be temporary, lasting no more than four years, and will affect no more than three residential properties; and
 - the changes in concentrations predicted are all small (no more than 0.6 µg/m³) and the adverse impacts are primarily a result of the elevated baseline concentrations.
- 10.198 The predicted adverse impacts are primarily related to the elevated baseline concentrations; the incremental changes associated with the scheme-related traffic are small, and less than 1.5% of the objective level. They will also be temporary and will affect no more than three residential properties.
- 10.199 A Travel Plan has been produced which aims to minimise private car trips from the proposed development and encourage the use of sustainable transport measures. Overall, the operational air quality effects of the proposed development are judged to be ‘not significant’.
- 10.200 The EP team suggested a condition in their consultee reply of 16 September. They have subsequently agreed to an alternative wording, which referred to general air quality mitigation. However most of those measures suggested in Part 6 of the air quality report (travel plan, EV charging points, pedestrian footways, cycle storage) is required by other conditions. The only matter not included is low NO_x boilers and the condition can be worded in this way accordingly.

Section 106 Contributions

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

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

10.202 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the CS and requirements relating to various types of contributions, for instance education, recreation, transport etc. are referred to in various CS and LP Policies (such as Core Policy 12 of the Tunbridge Wells Core Strategy 2010, Policies CS4, R2 of the Tunbridge Wells Borough Local Plan 2006, the Site Allocations Local Plan 2016 Policy AL/CRS 6), plus the Recreation and Open Space Supplementary Planning Document and in relevant sections of this Report.

10.203 KCC has assessed the proposal for contributions towards meeting the additional needs for infrastructure and services generated by the proposed development, as summarised above. As a result, financial contributions are requested towards the Libraries, Adult Learning and Social Care elements of the Cranbrook Hub project; the North Farm Waste Transfer Station; and additional resources for the Kent Youth Service locally in the Cranbrook area. These are considered to meet the relevant tests as listed above and will be included within the recommendation below. The payment of £165,000 towards public transport improvements is addressed separately under highways considerations, and the £10,000 sum sought towards the footpath enhancement has been addressed earlier in the report.

10.204 Developer contributions have also been requested by the NHS West Kent Clinical Commissioning Group towards new single premises for the three General Practices located in Cranbrook. The CCG advise that there is very limited patient growth capacity at the existing three GP surgeries and there is no capacity to expand the workforce/services. They consider the new patient registrations from the Turnden Phase II development plus those from other developments will exceed existing capacity, so the new surgery is the only solution. As with all of the above sums, the developer has agreed to pay them.

10.205 In certain circumstances monies can also be sought towards any projects for which the Parish Council may potentially require funding. Developer contributions have been requested by Cranbrook & Sissinghurst Parish Council towards improvements to the local community facilities at the Crane Valley play area at Crane Lane and/or the construction of the Cranbrook Hub.

10.206 Based on TWBC's adopted Local Plan Policies R1 and R2 and the adopted Recreation Open Space SPD (2006), Berkeley are required to deliver children's play space, calculated at the rate of 0.3 ha per 1,000 population (3sqm per bed space). In addition to designated open space, calculated at a rate of 1.6 ha per 1,000 population (16sqm per bed space). Where this is not possible the policy requires any shortfall to be provided as an off-site contribution to deliver improvements elsewhere.

10.207 In the case of Turnden, the adopted policies seek the following amount of on-site open space and child's play to be delivered on site, based on the proposed housing mix and a total number of bedspaces of 851:

- Designated Open Space: 1.65ha
- Play Areas: 0.13ha

10.208 Based on the submitted open space plan (P108K), the applicants propose to deliver a level of designated open space (1.65ha) in excess of the adopted requirements and a level of open space significantly in excess of the requirements, when accounting for accessible land within the wider land holding (7.77ha combined) for which they will be granting permissible access. Therefore it is agreed that no 'top up open space contribution' is due.

10.209 However, due to the minor shortfall of child's play space (against standards) the applicants are required to off-set the impact of the new development with an off-site contribution at a rate of £783.50 or £450.06 (depending on whether the contribution is targeted toward a Locally Equipped Area of Play (LEAP) or Neighbourhood Equipped Area of Play (NEAP)). Based on a total number of bedspaces 840 (exc. 11 x 1 bedroom properties – which are illegible from the calculation), and applying the higher contribution of £783.50 (per bed space and sqm not provided), the required contribution can be calculated as follows:

$$2520\text{m}^2 \text{ (Required Play Areas)} - 1300\text{m}^2 \text{ (Proposed Play Areas)} = 1220\text{m}^2 \text{ (Shortfall)}$$

$$1220\text{m}^2 \text{ (Shortfall)} / 3\text{m}^2 = 406.6 \text{ (Bedspaces)}$$

$$406.6 \times \text{£}783.50 = \text{£}318,571.10 \text{ (Off-site contribution)}$$

10.210 Final details of the play area can be sought by condition. The applicants draw attention to the fact that the above sums are due despite the significant overprovision of open space and the committed delivery of child play facilities within the adjacent Turnden Phase 1 development. However these payments are required towards different aspects of a development that would make it acceptable (and in the case of Turnden phase 1, that play area was secured for the benefit of the residents of that particular site).

10.211 As set out in the applicant's letters (of 2nd June 2020 and 20 October 2020), relating the PC's request for an additional contribution towards Cranbrook Hub, they have agreed that it will be at both the TWBC's and the Parish Council's discretion to use the above contribution for other means, should it be considered that;

- the aggregate level of outdoor play and open space delivered as part of the application is sufficient to meet the needs of the development, and;
- whether the proposed Cranbrook Hub could feasibility provide facilities to enable indoor play/recreation provision in the future.

This either/or approach can be addressed in the wording of the S106 agreement. The new Cranbrook Community Centre benefits from an extant planning permission along with an allocation in the Site Allocations Local Plan (AL/CRS 6) plus a requirement for contributions in Core Policy 12.

10.212 S106 financial 'benefits' should be treated with caution in the overall planning balance. The reason they are included is primarily to make development acceptable and/or because there is a policy requirement to make those payments. Some fringe benefits would arise from some of the obligations (for example: non Turnden residents would benefit from the new amalgamated GP surgery and the Cranbrook Hub payments; other footpath users would benefit from the upgraded footpath; plus non-Turnden residents may well use the play area). But the monies are there primarily to mitigate the impact of the development.

Affordable Housing

- 10.213 The NPPF sets out in paragraph 50 that where there is an identified need for affordable housing, this should be met on site. As the size of the scheme exceeds 10 units, it would trigger a requirement for affordable housing in line with the requirements of Core Policy 6 (4). 35% affordable housing would be required. The proposal seeks to provide 40% affordable housing of the gross number provided (66 units), which exceeds the current policy position by 5% (8 units). A tenure split of 50% shared ownership and 50% rented homes is proposed. The applicant has stated that the rented homes could comprise affordable rented homes and social rented homes. The Council's Affordable Housing SPD requires that 75% be rented and 25% ownership (para 2.19).
- 10.214 The applicant advises they have worked closely with Town and Country Housing Group TCHG to deliver all of their recent affordable housing provisions across all of their developments in TWBC's area and would expect this to continue across the future developments including Turnden. On all of Berkeley's schemes TCHG have let the affordable rented homes at Social Rents by investing their own internal subsidy. TCHG are proposing to continue this position on all future projects with Berkeley Homes in the Council area. To be able to achieve this TCHG will require that the obligation contained in any Section 106 agreement must refer to an obligation to provide the affordable rented properties at Affordable Rents. They can then invest their subsidy to provide for the Council and the nominated tenant's properties let at Social Rents. The applicant proposes that within the Section 106 agreement an obligation is included that prior to completion and occupation of the affordable housing a contract is entered into between T&C and Berkeley Homes and a separate direct Nomination Agreement is entered into between the Council and TCHG to secure that all the Affordable Rented properties are let at rents agreed between the Council and TCHG.
- 10.215 The applicant has already entered into discussions with TCHG, a local Registered Provider (RP) and as set out above the precise rented affordable tenure will be negotiated through the nominations agreement, to be detailed in the final s106. Therefore whilst the total number of affordable units would exceed policy compliant levels, the tenure therein would not.
- 10.216 The applicant advises that the homes are interspersed throughout the site, whilst working within the context of the sites constraints, the planning requirements associated with an application of this nature and the management practices of an RP. RPs prefer dwellings under their management to be grouped closely together to enable more effective management. The applicant advises the mix and location of the proposed affordable homes is also supported by TCHG.
- 10.217 The applicant advises that following their own discussions within the community and community groups, they consider a strong need remains for not only rented affordable homes but affordable homes that could be acquired by those who may not otherwise be able to afford to purchase a home on the open market. A 'local connection first' priority in terms of how the rented affordable homes are made available can potentially form part of the S106 agreement subject to the agreement of the RP, the Council and the applicant.
- 10.218 Again, the difference between financial obligations and 'benefits' is highlighted. The provision of new housing (including affordable housing) carries significant weight as set out earlier. The provision of 35% affordable housing is an obligation upon the developer but the 5% over provision of affordable housing in itself also carries

significant weight. This is tempered by the departure from a policy-compliant tenure mix (75/25 in favour of rented) however it is noted that there are local circumstances which seem to advocate greater weighting towards non-rented dwellings. In addition the PSLP advocates a shift towards 60/40 in favour of rented, although this can only be given limited if any weight.

10.219 It is noted that this area is covered by the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 which prevents the ability to 'staircase out' and take full ownership of certain affordable housing where part-ownership is included.

10.220 Therefore on the information provided there is considered to be sufficient justification to depart from Core Policy 6 with regards to the provision of affordable housing, largely due to the 5% oversupply. This provision would be secured through the Section 106 agreement.

S.38 (6) balancing exercise

10.221 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).

10.222 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.

10.223 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.

10.224 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.

10.225 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.

10.226 In terms of negative aspects;

- The proposal is, overall, considered to cause moderate localised harm to the AONB;
- The proposal would not re-use Previously Developed Land;
- The proposal would cause slight additional queuing in peak hours at the Hawkhurst Crossroads and (to a far lesser extent) at the Wilsley Pound roundabout;
- There would be minor impacts on air quality in respect of three dwellings at Hawkhurst Crossroads between 2021 and 2025, which can be mitigated by condition;
- There are some limited aspects of the design Officers do not consider to be positive – such as the route of one of the internal pathways, the proposed use of synthetic slate and some areas where the designs could have been improved, although some of these issues can be addressed by condition;
- There are still some concerns regarding the proximity of the development to the Ancient Woodland

10.227 In terms of the positive aspects:

- The provision of 165 houses at the prescribed mix is a positive, to which significant weight can be attached;
- The provision of 66 affordable dwellings is a further significant positive. Whilst the proposal would deliver 25% less rented dwellings than required by current Development Plan policy, that lesser number is driven by local circumstances and the total provision would exceed current overall requirements by 5% - this would result in an overprovision which carries significant weight;
- The proposal would potentially deliver an extension of the proposed new 30mph speed limit (which forms part of the Brick Kiln Farm and Turnden Phase 1 schemes) on Hartley Road past the junction for Turnden – this will be subject to agreement with KCC (see ‘Highway Safety’ section below for more details);
- The proposal would deliver upgrades to the nearest two bus stops (should Turnden Phase 1 not be implemented or deliver those improvements) - this will be subject to agreement with KCC (see ‘Highway Safety’ section below for more details);
- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area and in particular Cranbrook centre (during construction and through the introduction of new residents);
- The site is 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 result in the provision of significant areas of open space and permissible footpaths that link to adjacent developments and provide alternative pedestrian routes to the roadside pavement;
- Some benefits would arise from some of the S106 financial obligations (for example: non Turnden residents would benefit from the new amalgamated GP surgery and the Cranbrook Hub payments; other footpath users would benefit from the upgraded footpath; plus non-Turnden residents may well use the play area);
- The proposal would deliver a net ecological gain well in excess of the standard 10% through a scheme of mitigation and enhancement and a wider Landscape and Ecological Management Plan (to be secured by legal agreement);
- The scheme includes provision of interpretation boards, public art and (within the LEMP) educational work such as guided walks and activity days;

- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape impact of the development and the wider landscaping proposals within the LEMP can be secured by legal agreement.

10.228 This summary takes in to consideration the requirement of NPPF paragraph 11, which indicates that development should be restricted where NPPF Irreplaceable Habitats, AONB and designated heritage assets policies are not considered to comprise a clear reason for refusal as per NPPF Para 11 (d) (i). There are overall significant social and economic benefits to the proposal and with this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms. It is considered that in light of the extensive public interest benefits of granting permission and the exceptional circumstances that this development on this site offers, the proposal should not be refused in line with NPPF Para 172.

10.229 It has been set out earlier that the social and economic benefits from the proposal outweigh the 'less than substantial harm' caused to the setting of the CA and the nearby listed buildings so that harm does not feature in the overall planning balance, having already been outweighed by the balancing exercise required by NPPF Para 196.

10.230 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 the benefits when assessed against the policies in the NPPF taken as a whole. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted and other material considerations do not indicate otherwise.

Other Matters

10.231 In terms of refuse, there is space within the amenity areas to cater for the suitable storage of bins. This matter can be dealt with in more detail by condition.

10.232 In terms of future development to dwellings within the scheme, it is considered necessary to restrict permitted development rights here due to the potential impact upon the street frontage and the appearance of the development. As such, classes A, B and F would be restricted in order to ensure the overall character of the dwellings is retained.

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

Summary

10.234 In summary, the proposal is considered to be acceptable in principle. Based on the finding above the proposal is considered to be sustainable development. It would also provide significant public benefits, which have been outlined earlier.

10.235 There are not considered to be significantly harmful impacts which cannot be controlled by condition or S106 planning obligation.

11.0 RECOMMENDATION –

- A) Grant subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), in a form to be agreed by**

the Head of Legal Partnership Mid Kent Legal Services by 26 March 2021 (unless a later date be agreed by the head of planning services) to secure the following;

- The provision of a minimum of 66 units of affordable housing
- Provision of on-site open space, permissible paths within the development and on-site children's play space;
- The implementation and long term funding and maintenance of the Landscape and Ecological Management Plan;
- A contribution of £318,571.10 towards improvements to the local community facilities at the Crane Valley play area at Crane Lane or towards Cranbrook Hub;
- A contribution of £627,830.50 towards the Phase 1 enhancement of Cranbrook Primary School
- A contribution of £69,238.95 towards the Libraries, Adult Learning and Social Care element of the Cranbrook Hub project;
- A contribution of £27,629.25 towards the North Farm Waste Transfer Station;
- A contribution of £10,807.50 towards additional resources for the Kent Youth Service locally in the Cranbrook area;
- A contribution of £165,000 towards Sustainable Transport;
- A contribution of £10,000 towards off-site Public Rights of Way improvements;
- A contribution of £157,932 towards new single premises for the three General Practices located in Cranbrook;
- Improvements to 2 x bus stops within Hartley Road (only in the event that the housing development at Turnden Phase 1 is not completed in time for that scheme to provide the 2 x bus stops);
- Provision of pedestrian crossing facilities at the junction of Hartley Road and the High Street (only in the event that the housing development at Brick Kiln Farm or Turnden Phase 1 is not completed in time for that scheme to provide the pedestrian crossing facilities);
- A reduction in the speed limit and associated measures along the A229 (only in the event that the housing development at Brick Kiln Farm or Turnden Phase 1 is not completed in time for that scheme to provide the speed limit extension);

Definitions

'Ecological Enabling Works' means: Ecological enabling works required for the development which includes:

- ecology works - including ecological vegetation/hedgerow/tree works, clearance, management, mitigation, enhancement measures 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, temporary surface water management, 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 13.

and subject to the following conditions:-

- 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:

Location Plan

S101J - Location Plan

Site Plans

P101-AH Proposed Roof Level Plan
P108-Q Open Space Plan
C108-E Parking Plan
P105-E Materials Site Plan
P106-D Boundaries Plan
P107-B Refuse Plan
C101-K Coloured Site Layout

Housetypes

P110-D – Plots 1, 4, 15 & 126 – 5H1b
P111-B – Plots 2 & 14 – 4H7
P112-C – Plots 3 & 9 – 4H7
P113-D – Plots 5 – 4A1
P114-B – Plots 6 – 4H7
P115-B – Plots 7 – 4H7
P116-B – Plots 36 – 4A1
P117-C – Plots 35 – 4C
P118-D – Plots 10-11 & 16-17 – 3H9b/3H1
P119-C – Plots 12, 25, 129 & 159 – 3H10
P120-D – Plots 13 – 3H10
P121-B – Plots 19 3A.1.2
P122-A – Plots 20 – 4C
P123-B – Plots 21, 127 – 3A.1.2
P124-B – Plots 22-23 – 3H10/4H18
P125-C – Plots 24 & 162 – 4C
P126-B – Plots 26-27, 28-29, 136-137, 151-152 – 3E.1b/3E.1
P127-D – Plots 30, 32, 33, 37, 138 & 158 – 3A.1.2
P128-D – Plots 31 – 3A.1.2

P129-A – Plots 34 – 4C
 P130-E – Plots 134 & 149 – 4A1
 P131-D – Plots 81 & 82 – 3H10
 P132-B – Plots 83-84 & 147-148 – 3H9b/3H1
 P133-C – Plots 104-106 – 3x3H1
 P134-B – Plots 107-108 – 2x3H1
 P136-D – Plots 111-112 – 3H10/4H18
 P137-E – Plots 128 & 157 – 4C
 P138-B – Plots 121-125 – 5 x 3H1
 P139-C – Plots 8 – 4C
 P140-C – Plots 109 – 3A.1.2
 P141-C – Plots 131 – 3H9
 P143-B – Plots 135 – 3H1
 P144-D – Plots 141 – 3E.1
 P146-B – Plots 150 – 4H7
 P147-D – Plots 153 – 4A1
 P148-B – Plots 154 – 4H7
 P149-F – Plots 155 & 156 – 5H1
 P150-D – Plots 155 & 165 – 5H1
 P151-C – Plots 160 – 3E1.b
 P152-C – Plots 161 – 3H9
 P153-D – Plots 113 & 114 – 4C
 P154-B – Plots 164 – 4H7
 P155 – Plots 110 – 4C
 P156 – Plots 130, 133 – 3A.1.2
 P157 – Plots 132 – 3A.1.2
 P158 – Plots 139 & 140 – 3H10
 P165-D – Plots 38-39 & 92-93 – FOG 2BFG
 P166-E – Plots 15 & 55 – FOG – 2BFG
 P170-E – Plots 52-54, 70-72, 85-87, 94-9 – Aff HT2A
 P171-D – Plots 62-64 – Aff HT4A & HT2A
 P172-D – Plots 65-67 – Aff HT3A & HT2A
 P173-F – Plots 68-69 – Aff HT2A
 P174-E – Plots 79-80 & 100-101 – Aff HT2A
 P175-E – Plots 88-91 – Aff HT4A HT3A & SO HT3B
 P176-C – Plots 97-99 – Aff HT3A4P
 P177-D – Plots 102-103 – Aff HT3A4P
 P178-D – Plots 142-146 – Aff HT2A

Apartment Types

P180-D – Block A - Plots 115-120
 P182-D – Block A - Plots 115-120
 P183-D – Block B - Plots 56 & 57-61
 P184-C – Block B - Plots 56 & 57-61
 P185-C – Block C - Plots 73-78
 P186-D – Block C - Plots 73-78
 P187-C – Block D – Plots 40-51
 P188-C - Block D – Plots 40-51
 P189-C - Block D – Plots 40-51
 P190-B – Block D – Plots 40-51

Garages and Car Ports

P160-C Proposed Detached Garages
 P161-C Proposed Car Barns
 P162-E Proposed Car Barns and Substations

Street Scenes

C102-C Coloured Street Scene AA, BB, CC
C103-B Coloured Street Scene DD, EE
C104-D Coloured Street Scene FF
C105-C Coloured Street Scene GG

Landscaping Plans

6958-002-H Landscape Hardworks Sheet 1
6958-003-G Landscape Hardworks Sheet 2
6958_004-H Landscape Soft works 1 of 6
6958_005-J Landscape Soft works 2 of 6
6958_006-I Landscape Soft works 3 of 6
6958_007-J Landscape Soft works 4 of 6
6958_008-G Landscape Soft works 5 of 6
6958_009-F Landscape Soft works 6 of 6
6958_011 Lighting Strategy
6958_010-E Landscape Woodland Buffer
6958_101-C Illustrative Section Pond 1A
6958_103-C Illustrative Section Pond 2
6958_SK017-E Betterment Plan
6958_012 – Illustrative Landscape Masterplan

Highways Plans

19072/001-D Site Access General Arrangement Plan

Drainage Plans

19-012/P01 P5 Drainage Strategy Plan
19-012/P02 P6 Exceedance Flow Plan

Levels Plans

19-012-P200 I3 Bulk Earthworks Bund Plan
19-012-P201 I3 Bulk Earthworks Bund Sections
19-012-P202 I2 Bulk Earthworks Bund Sections
19-012-P203 I2 Bulk Earthworks Bund Sections
19-012-P100-P4 Proposed Site Levels Site Plan
19-012-P101-P5 Proposed Site Levels Sheet 1
19-012-P102-P4 Proposed Site Levels Sheet 2
19-012-P103-P4 Proposed Site Levels Sheet 3
19-012-P104-P4 Proposed Site Levels Sheet 4
19-012-P105-P5 Proposed Site Levels Sheet 5
19-012-P106-P5 Proposed Site Levels Sheet 6
19-012-P107-P5 Proposed Site Levels Sheet 7
19-012-P108-P4 Proposed Site Levels Sheet 8
19-012-P109-P4 Proposed Site Levels Sheet 9
19-012-P110-P4 Proposed Site Levels Sheet 10
19-012-P111-P3 Proposed Site Levels Sheet 11
19-012-P112-P3 Proposed Site Levels Sheet 12
19-012-P120-P1 Contour Plan

LEMP

Landscape and Ecology Management Plan December 2020

Reason: To clarify which plans are approved.

Phasing

- 3) No development (excluding 'Initial Enabling Works') shall take place until a scheme detailing the phasing of the construction of the development and an indicative programme for the development of the entire site, has been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

Reason: the interests of the proper planning of the development. Such details are fundamental to the application and are therefore required prior to its commencement.

Construction/Demolition Environmental Management Plan

- 4) Notwithstanding the submitted details and approved plans, no development (excluding 'Ecological Enabling Works') shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to :

- All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Measures to minimise the production of dust on the site(s).
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off road parking for all site operatives.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers and highway safety. This is a pre-commencement condition as the measures will be required to be in place from the commencement of development

Foul drainage

- 5) The development shall be carried out in accordance with the approved details of foul drainage (drawing 19-012/P01 P5 Drainage Strategy Plan) 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.

Surface water drainage

- 6) Notwithstanding the submitted details and approved plans, development (excluding 'Initial Enabling Works'), shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the detailed Drainage Strategy prepared by Withers Design Associates (Rev D 06 November 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

- 7) No building on any phase of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system associated to that Phase and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system, associated to that Phase, where the system constructed is different to that approved.

The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed associated to the Phase.

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

is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

External materials and window details

- 8) Prior to the commencement of 'Above Ground Works' on any phase of development, details (including source/ manufacturer, and photographic samples) of bricks, tiles and cladding materials to be used externally on that phase, together with details relating to windows and dormer windows, and details associated with the appearance of Block A shall be submitted to and approved in writing by the Local Planning Authority before. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and ensure the build quality of the development

Additional design details

- 9) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works' on any phase of development, detailed plans and information regarding the following aspects of the proposed development phase. The development shall be carried out in accordance with the approvals, unless otherwise agreed in writing by the Local Planning Authority:
- a) The positions, design, materials and type of boundary treatment;
 - b) Design and the location of utility meters, the pumping station and enclosure, and below ground water booster tank and equipment;
 - c) The storage and screening of refuse and recycling areas (in conjunction with approved plan 19183 P107-B);
 - d) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;

Reason: To ensure the build quality of the development

Road and footway details

- 10) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works' on any phase of development, detailed plans and information regarding the following aspects of the proposed development phase. The development shall be carried out in accordance with the approvals, unless otherwise agreed in writing by the Local Planning Authority:
- The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts, and any street furniture;
 - Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards, signs and lighting (if applicable);
 - Details showing how dedicated and continuous footway routes will be demarked;
 - Details of the demarcation of the cycleway or revised cycleway between Plot 36 and the side of Plot 31 to enhance legibility between these two points.

Reason: In the interests of highway safety and to ensure the build quality of the development

Play Area and Open Space Details

11) Notwithstanding the submitted details and approved plans, prior to the first occupation of development on any phase, detailed plans and information regarding the following aspects of the proposed development phase. The development shall be carried out in accordance with the approvals, unless otherwise agreed in writing by the Local Planning Authority:

- Details of on-site play areas, as indicatively shown in the submitted 'Landscape Statement' (December 2020), including details and finished levels or contours, means of enclosure (if applicable), surfacing materials, and play equipment
- Details of seating, litter bins, signs, artwork (if applicable) and lighting;
- Timetable for implementation of all the above

Reason: To play areas/open spaces are designed to an acceptable standard.

Crime prevention

12) The development hereby permitted shall incorporate measures to minimise the risk of crime. No phase shall be occupied until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety. Such details are fundamental to the application and are therefore required prior to its commencement.

Levels

13) Notwithstanding the submitted details and approved plans, no development (excluding 'Initial Enabling Works') no development shall take place until details of existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development. This is a pre-commencement condition as the agreed details will be required to be in place from the commencement of development

Trees

14) Notwithstanding the submitted arboricultural documents, no development (excluding Initial Enabling Works) shall take place until an updated Arboricultural Method Statement (AMS) in accordance with the current edition of British Standard BS 5837 has been submitted to and approved in writing by the Local Planning Authority.

The AMS shall incorporate the following:

- A schedule of tree works;
- An updated tree protection plan including, if appropriate, demolition/construction phases;
- Specific measures to protect retained trees during level changes, spoil deposition and utility installation;

- Specifications for the protective fencing, temporary ground protection and permanent cellular storage system(s) to be used; and
- Provision for a pre-commencement site meeting between the main contractor, appointed arboriculturist and LPA Tree Officer;
- A schedule of arboricultural supervision, including the contact details of the Arboriculturist to be appointed by the developer or their agents to oversee tree protection on the site, the frequency of visits and the reporting of findings.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, and to safeguard existing trees to be retained and mitigate impacts from demolition and construction which could lead to their early loss. This is a pre-commencement condition as the measures will be required to be in place from the commencement of development

- 15) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- 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 British Standard BS 5837 and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement pursuant to condition 14. Such tree protection measures shall remain throughout the period of construction
 - No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

- 16) 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 no later than the end of the first available planting season, with equivalent hedge or hedgerow species.

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

Biodiversity

- 17) The development shall be implemented in accordance with the approved Landscape & Ecology Management Plan (LEMP) in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site and to cover ecological enhancements on individual dwellings/curtillages that are not bound by the LEMP. The occupiers of the dwellings are not proposed to be bound by the S.106 agreement insofar as it relates to the LEMP

Biodiversity enhancement

- 18) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works' on any phase of the development a scheme showing the specific locations of bird, dormouse and bat boxes on that phase of the development site, together with a timetable for installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and shall have regard to the enhancement of biodiversity generally. The scheme(s) shall be implemented in accordance with the approved proposals within it and shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future and the submitted details are shown in indicative form only.

Protected and notable species and habitats

- 19) Prior to the commencement of development, suitable licences covering protected and notable species and habitats (as identified in the ecological site surveys), proposals for avoidance, mitigation, monitoring and future long-term site management shall be obtained and submitted to the Local Planning Authority in writing. In addition to this, the submission shall include details of mitigation measures for species identified in the submitted ecological survey which are not required to be subject to Natural England licences.

The works shall be implemented in completed accordance with the approved licences and details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition in order to protect and enhance existing species and habitat on the site in the future.

Pond drainage/Ancient Woodland relationship

- 20) Prior to the commencement of development of the new ponds hereby approved (in accordance with Condition 6), details of the drainage outlet/overflow leading from them to the stream within the adjacent woodlands shall be submitted to and

approved in writing by the Local Planning Authority. The details shall include a method statement, alignment of the drainage outlet and details of construction. The development shall be carried out in accordance with the approved details.

Reason: This information is required prior to the commencement of development in order to protect and enhance existing species and habitat on the site in the future.

Soil movement

- 21) Notwithstanding the submitted details and approved plans, prior to any works of excavation a full method statement for the deposition of spoil within the wider land holding shall be submitted to and approved in writing and the development shall be carried out in accordance with the approved details. The method statement shall include appropriate controls for the handling of the soil, methods of working and remediation along with a timetable for this element of the development. The scheme shall also have regards to the position of the existing Southern Water sewer adjacent to Hartley Road.

Reason: In order to protect and enhance existing species and habitat on the site in the future. In the interests of protecting the visual amenities and character of the site and locality.

Landscaping details and implementation

- 22) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works' on any phase of the development, details of soft landscaping and a programme for carrying out the works associated with that phase shall be submitted to the Local Planning Authority for approval.

The submitted scheme shall include details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The submission shall include details of protection for new and retained structural planting.

The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase, or in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Except where otherwise indicated by the approved Landscape & Ecological Management Plan, any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

Land contamination

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

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

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

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

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

External lighting

- 24) Notwithstanding the submitted details and approved plans, 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

- 25) The areas shown in each phase of development on the approved plans (or subsequent approved revisions thereof) as resident and visitor vehicle garaging, parking, servicing and turning shall be provided, surfaced and drained in that phase in accordance with details submitted to and approved in writing by the Local Planning Authority before the buildings they serve are occupied.

After this they shall be retained for the use of the occupiers of, and visitors to, the development in accordance with the details approved, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities for their intended purpose.

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

Highways – off-site works

- 26) Prior to the commencement of above-ground development, details of off-site highways works within the A229 (Hartley Road) as shown in principle on Drawing

19072/001D shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the following;

- Footpath widening to the north and south of the proposed access onto the A229 (within the site frontage);
- Right hand turn ghost lane highway works into Turnden Road and the site access; and
- Traffic Islands;
- Details of the timetable for implementation and completion.

The works shall be carried out in accordance with approved plans.

Reason: In the interests of highway safety.

Access

27) a) Prior to the commencement of development (excluding Initial Enabling Works);

- The access point to the highway shown on the approved plans shall be completed to a bound course in accordance with the approved drawing 19072/001D (drawings associated with the submitted Transport Assessment Addendum II dated October 2020 (Appendix 13));
- The area of land within the vision splays shown on the approved plan 19072/001D shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway and be so retained in accordance with the approved plan.

b) Prior to the first occupation of development;

- The access point to the highway shown on the approved plans shall be practically complete in accordance with the approved drawing 19072/001D (drawings associated with the submitted Transport Assessment Addendum II dated October 2020 (Appendix 13), unless otherwise agreed in writing by Local Planning Authority;

Reason: This is a pre-commencement condition in the interests of highway safety as the access will need to be completed to a safe standard for use during the construction process

Internal highway layout and connections to the A229

28) Before the first occupation of any dwelling on any phase of the development, the following works between the dwellings on that phase and the adopted highway shall be completed as follows:

- i. Footways and/or footpaths shall be completed, with the exception of the wearing course; and
- ii. Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - Highway drainage, including off-site works,
 - Junction visibility splays,
 - Street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.

Emergency vehicle access

- 29) No residential dwelling on any phase of the development shall be occupied until details of the emergency access, as shown on drawing P101AH, shall be submitted to and approved by the Local Planning Authority. The details shall include the location and design of the emergency access linking the development and Turnden Farmstead (aka Phase 1), the means of preventing access by other vehicles, and a timetable for the implementation of the emergency access in relation to the phasing of the development.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.

Residential Travel Plan

- 30) Notwithstanding the submitted details and approved plans, no residential dwelling on any phase of the development shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained from the 1st residential occupation until 3 months after the last residential occupation of the buildings hereby permitted.

The Travel Plan shall include some or all of the following:

- a) Setting objectives and targets.
- b) Measures to promote and facilitate public transport use, walking and cycling.
- c) Measures to reduce car usage
- d) Monitoring and review mechanisms.
- e) Provision of travel information.
- f) Marketing of environmentally sensitive forms of travel.

Together with a timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area and in the interests of air quality mitigation.

Cycle storage for flats

- 31) No flats within any phase of the residential development shall be occupied until secure cycle storage facilities to serve them have been provided in accordance with the approved details. The cycle storage shall thereafter be retained.

Reason: To ensure the proposal provides adequate sustainable transport measures. In the interests of air quality mitigation.

Refuse storage

- 32) No dwellings on any phase of the development shall be occupied unless refuse storage facilities, including bin collection points, have been provided in accordance with the submitted and approved Refuse Strategy (Ref:19183 P107 B). The refuse storage facilities shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

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

Renewable energy / energy efficiency

- 33) Prior to the commencement of 'Above Ground Works' on each phase of the development full details of a scheme for the incorporation of energy efficiency measures and renewable energy (including the location of PV panels and resident/visitor EV charging points within that phase) 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 and retained thereafter.

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

Permitted Development rights

- 34) 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 or F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order) without prior planning permission from the Local Planning Authority.

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

Demolition of buildings and other structures

- 35) Prior to the first occupation of any part of the development, all the former equestrian buildings/parts of buildings and paddock fencing on site shall be demolished/removed.

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

Archaeology

- 36) Prior to the commencement of any works that require ground breaking, the applicant, or their agents or successors in title, will secure and implement:

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

Reason: This is a pre-commencement condition to ensure that features of archaeological interest are properly examined and recorded prior to any ground breaking taking place, due to the sub-surface nature of the potential archaeological finds.

Obscure glazing

- 37) No dwelling on any phase of the development shall be occupied until details of the provision of obscure glazing to dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity.

Heritage interpretation and public art

- 38) No dwelling on any phase of the development shall be occupied until details of a scheme of heritage, arboriculture, and ecological interpretation in addition to public art display (if applicable), including a timetable of implementation has been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the approved details and shall be retained on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that information on the heritage, arboriculture, ecology of the site is recorded and is suitably accessible to the public, and is included within the overall proposal

Air quality mitigation

- 39) Prior to the commencement of 'Above Ground Works' details of residential boilers, to mitigate the air pollution arising from the development when in occupation, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with approved scheme.

Reason: To mitigate air quality impacts arising from the development.

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) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 4) It is 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) As the development is to remain private the developer should Serve Notice under S31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.
- 6) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- 7) No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

No hedging or shrubs should be planted within 1 metre of the edge of the Public Rights of Way.

This permission confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority.

No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, six weeks' notice is required to process this.

- 8) The applicant is encouraged to meet more ambitious targets in terms of energy efficiency, as reflected in the emerging Local Plan

B If the applicants fail to enter into such agreement by 26 March 2021 The Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):

- (1) The proposal would not provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Core Strategy 2010, the Affordable Housing Supplementary Planning Document, the Planning Practice Guidance and the National Planning Policy Framework.
- (2) The proposal would fail to provide;
 - The implementation and long term funding and maintenance of a Landscape and Ecological Management Plan;

- Developer contributions requested by Kent County Council towards the Libraries, Adult Learning and Social Care elements of the Cranbrook Hub project; the North Farm Waste Transfer Station; additional resources for the Kent Youth Service locally in the Cranbrook area; off-site Public Rights of Way improvements; sustainable transport measures; and the Phase 1 enhancement of Cranbrook Primary School;
- Developer contributions requested by the NHS West Kent Clinical Commissioning Group towards new single premises for the three General Practices located in Cranbrook;
- Developer contributions requested by Cranbrook & Sissinghurst Parish Council towards improvements to the local community facilities at the Crane Valley play area at Crane Lane and/or the construction of the Cranbrook Hub;
- Provision of on-site open space, permissible paths within the development and on-site children's play space;

and would therefore conflict with Core Policies CP1, 4, 5, 8 and 12 of the Tunbridge Wells Core Strategy 2010, Policies EN1 (5), CS4, R2 of the Tunbridge Wells Borough Local Plan 2006, the Site Allocations Local Plan 2016 (Policy AL/CRS 6), the Recreation and Open Space Supplementary Planning Document and the National Planning Policy Framework 2019.

Case Officer: Richard Hazelgrove

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

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