

**Hadlow (Hadlow)**  
Hadlow And East  
Peckham

**13 March 2020**

**TM/20/00597/FL**

Proposal: Erection of 25 dwellings comprising of 2 x one bed apartments, 8 x two bed apartment and dwellings, 11 x three bed houses and 4 x four bed houses and associated development

Location: Land South Of Hoath Cottage Carpenters Lane Hadlow  
Tonbridge Kent

Go to: [Recommendation](#)

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## **1. Description:**

1.1 This application seeks planning permission for the construction of 25 dwellings on the site located to the east of Carpenters Lane. The development is to comprise the following:

- 2 x one bed apartments;
- 8 x two bed apartment and dwellings;
- 11 x three bed houses; and
- 4 x four bed houses.

1.2 The dwellings are to be contained within two storey buildings, either as a single dwellinghouse or individual apartments set at ground and first floor. This allows the apartments to match the appearance of the houses providing consistency in appearance and style across the development. A total of 10 of the units are proposed to be provided for affordable housing which equates to 40% of the total number.

1.3 The site is to be accessed from a new single vehicular access off Carpenters Lane which will lead into a series of internal parking areas. The layout has been designed specifically to ensure the dwellings to the west front Carpenters Lane in order to create an active frontage. In addition, a landscape buffer is proposed between the houses and Carpenters Lane, incorporating planting and a footpath. The existing hedgerow along the northern site boundary is to be retained.

1.4 All dwellings are proposed to be two-storey in scale and are to be constructed from a mix of brick, weatherboarding and tiles.

## **2. Reason for reporting to Committee:**

2.1 At the request of Cllrs Anderson and Rogers to allow for consideration of impacts on the highway network, heritage assets, the street scene and character and appearance.

### 3. The Site:

- 3.1 The site consists of a parcel of land located to the east of Carpenters Lane. At present the site is an open paddock. It is relatively flat in nature with views available from the highway across the site. The southern boundary of the site is demarcated by a post and rail fence. A mature hedge sits on the northern, north-eastern and north-western boundaries of the site. A close boarded fence demarcates the eastern boundary of the site between the adjacent residential properties. There are a number of semi-mature trees on the site predominately located towards and within boundaries of the site. The site abuts the settlement confines of Hadlow to the east.

### 4. Planning History (relevant):

TM/84/11026/OUT Refuse

23 January 1984

Outline application for residential development of 25 dwellings, access road and drainage.

### 5. Consultees:

- 5.1 PC: Hadlow Parish Council do not object to the principle of residential development on this site, but we do object to this specific application on the following grounds.
- The proposed scheme represents an over-development of the site in terms of the density and number of units, which is significantly greater than the surrounding properties in this part of Hadlow.
  - The parking provision is inadequate for the number of units proposed, which will result in owners/tenants parking on roads within the site, on Carpenters Lane and on other surrounding roads. There is insufficient provision for visitors parking. Parking on Carpenters Lane adjoining the site must be avoided for safety reasons. Most residents lodging objections to the proposed development mention traffic as a major consideration.
  - The internal roads in the proposed development are too narrow. Congestion will be inevitable, particularly when delivery lorries or service vehicles arrive. Parking on the internal roads should be avoided.
  - The building line for plots 1-3 inclusive and 15-21 inclusive is not consistent with others in the area and is too close to Carpenters Lane, which is a narrow road. This will result in inadequate sight lines for traffic travelling both northwards and southwards on Carpenters Lane. The 30mph speed limit on Carpenters Lane should be extended northwards.

- The potential impact and harm to the Grade II listed properties (Hope Farm and Hoath Cottage) should be properly assessed, with appropriate mitigating action taken as required. Setting back the building line of properties fronting onto Carpenters Lane will help to alleviate the harm to Hope Farm and the landscaping between the site and Hoath Cottage needs to be carefully considered, retaining as much of the existing mature trees as possible and planting new mature trees as necessary.
- At present, the primary and secondary schools and the doctor's and dentist's surgeries in Hadlow are full. Hadlow Parish Council accepts that this site cannot provide a solution to these issues, but any developer contributions and/or S.106 monies should be directed at supporting and extending these local facilities rather than elsewhere in the Borough.
- Most residents of the proposed development would naturally use the sports and leisure facilities at the Williams Field Recreation Ground. Any developer contributions and/or S.106 monies should again be used to support and extend these local facilities in the future.
- If a scheme is permitted, careful consideration should be given to minimising the impact of construction and worker traffic during any development, particularly on Carpenters Lane and nearby roads.

5.2 KCC (Heritage): The site is within an area of post medieval agrarian activity and settlement. Hoath Cottage may be of 17th century or earlier date. Remains associated with post medieval activity may survive on the site and I recommend a condition is placed on any forthcoming consent.

5.3 KCC (H+T): In the context of national policy, it is not considered that a highway reason for refusal could be sustained. I write to confirm therefore that, subject to conditions, I have no objection to this proposal.

5.4 KCC (LLFA): Representations awaited.

5.5 KCC (Economic Development): Contribution sought for secondary education (£69,957.00), community learning (£410.50) youth services (£1637.50), Library Stock (£1386.25), Social Care (£3672.00) and Waste (£5548.00) totalling £82611.25.

5.6 Environmental Protection: No comment relating to contaminated land. Suggested informatives relating to hours of works and disposal of waste by incineration.

5.7 Leisure services: Contribution sought for parks and gardens, outdoor sports facilities and children's and young people's play areas totalling £82,236.

5.8 Kent and Medway CCG (NHS): Contribution sought for healthcare totalling £22,896 towards refurbishment, reconfiguration and/or extension of Hadlow Medical Centre or Hildenborough Medical Group.

5.9 Private Reps: 17 + site + press notice/2X/46R/0S. Objections summarised as follows:

- Highway Safety- traffic on Carpenters Lane and A26/ pollution/sightlines/ parking/insufficient parking provided/danger to pedestrians
- Extra pressure on services - dentist/school
- Overdevelopment of site
- Impact on Heritage
- Impact on neighbours (amenity/overlooking)
- Harm to countryside/Green Belt- urban sprawl
- Harm to character of area – scenic area/quiet
- Development not sustainable
- No strategy for ongoing maintenance of landscaping/planting
- Impact on biodiversity/wildlife

## 6. Determining Issues:

### Principle of development:

6.1 At this time TMBC cannot demonstrate a five year housing supply. In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.
- 6.3 The site is designated as safeguarded land by adopted Policy CP4 of the TMBCS, which lists a series of sites that are defined as such and thus reserved for future development. The policy sets out that the listed sites will not be released for development before 2021 other than through a review of the LDF and only then if there is a demonstrable shortfall of housing land relative to the prevailing requirements of the South East Plan.
- 6.4 Policy CP14 of the TMBCS seeks to restrict development in the designated countryside unless for specific purposes, none of which apply in this instance.
- 6.5 Policy CP12(2) of the TMBCS states that development adjoining these settlements will only be proposed in the LDF, or otherwise permitted, where there are no suitable sites within their built confines and where there is a local justification related to the housing, employment, community or social needs of the settlement and its environs.
- 6.6 These are the policies that are the most important to the determination of this application as they address matters of principle for development of this nature. However, in the absence of a five year housing land supply they are considered to be out of date and the weight to be afforded to them is substantially diminished.
- 6.7 With the above established, it is now necessary to determine whether there are any restrictive policies (as set out in Footnote 6 of the Framework) that provide a clear reason for refusal (the test at paragraph 11(d) (ii)). In this case, this requires an assessment related to the Green Belt and setting of designated heritage assets. I will address each of these in turn, before going on to consider whether the presumption in favour remains to be applied.

*Development within the Green Belt:*

- 6.8 A small section of the south-west of the site is located within the Green Belt. The Green Belt designation follows the line of Carpenters Lane, covering a 3m – 9m wide strip of the site opposite Hope Farm and around 3m further north. The layout proposed incorporates a set back of the buildings from the edge of the carriageway of Carpenters Lane, ranging from 8.5m at Plots 15 and 16 to 4m at Plot 20, which lies closest to the carriageway. As such, whilst the majority of the development would fall outside of the Green Belt boundary, the way in which it has been defined means that a small proportion of Plots 16 – 20 are partially located

within the Green Belt and those aspects of the development must be assessed accordingly.

- 6.9 Policy CP3 of the TMBCS sets out that national Green Belt policy will be applied. At paragraph 143, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.10 Paragraph 145 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this (for the purposes of this assessment) include paragraph 145(e) which provides for limited infilling in villages.
- 6.11 Paragraph 146 sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Relevant to this application, paragraph 146(b) provides for engineering operations in such circumstances.
- 6.12 It should be noted that on the ground there is no clear physical distinction or demarcation of the Green Belt boundary although in terms of the applicable of policy that does not alter the assessment that must take place. What this does mean however is that in physical terms the site is already bordered by existing built development to the north, east and south, with Carpenters Lane itself running to the west. The physical characteristics of the site when viewed in this context and in this location means that the site can reasonably be said to fall within the village of Hadlow and the small amount of built development falling within the Green Belt is limited infilling within the village.
- 6.13 Similarly, the remaining development proposed within the slither of Green Belt, being the landscaping, footpaths and access road, amount to engineering operations that would not, in my view, result in a greater impact on openness or conflict with the purposes of including land within the Green Belt.
- 6.14 As such the exceptions to inappropriate development provided for at paragraphs 145(e) and 146 (b) respectively apply and there is no requirement for very special circumstances to be demonstrated, nor are there any policies pertaining to the Green Belt providing a clear reason to refuse the development.

*Impact on designated heritage assets:*

- 6.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in 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.

- 6.16 Similarly, Section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of these areas, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.17 Paragraph 189 of the NPPF requires LPAs, in determining applications to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 6.18 Paragraph 190 of the NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.19 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.20 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.21 Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development

within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.22 Paragraph 196 requires that when 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.

6.23 It is important to note that even when harm to the significance of a heritage asset has been identified as less than substantial harm it must be considered by the decision maker where within category the identified harm would lie. This is done on a sliding scale allowing for differentiation between less than substantial harm on the lower end for very minor harm to less than substantial harm on the higher end of the scale for more modest harm. Further guidance on such matters can be found in the NPPF and Historic England's The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017. This is a material planning consideration and has been taken into account in the assessment that follows.

6.24 To accord with Paragraph 189 of the NPPF the applicant has provided a Heritage Statement produced by Orion dated July 2019. This statement seeks to identify and assess the significance of the heritage assets which could be impacted by the proposal. It identifies Hoath Cottage, Hope Farmhouse and the Hadlow and The Freehold Conservation Areas as being the designated heritage assets which have the potential to be impacted by the proposed development. None of these heritage assets lie within the site so therefore any impact on significance would be to the setting of these heritage assets. I agree that these are the key heritage assets to consider in this case and will make an assessment as to the impact of the proposal on the setting of each of these heritage assets.

6.25 Firstly, I consider that the intervening residential development that already exists between the site and the Hadlow Conservation Area means that there is no scope for this development to impact upon its setting.

6.26 I note that "The Freehold" Conservation Area lies in closer proximity to the site, at around 45m to the south. This area is characterised by more traditional brick built buildings around a central open space and the Rose and Crown PH occupies a prominent position on the corner of the Freehold and Carpenters Lane. Whilst the application site has historically formed part of the open fields setting which has

surrounded the more historic built form along Carpenters Lane this has already been significantly eroded over the years with the modern residential development now surrounding the Conservation Area. As a result, the application site and this Conservation Area only have very limited inter-visibility. There are no key views or important views from the site into the Conservation Area. Any view to or from the site in relation to the Conservation Area is seen in context with the remainder of the residential development which surrounds the Conservation Area. I am therefore of the view that the proposed development would not cause any harm the setting of the Freehold Conservation Area either.

- 6.27 Moving on to the settings of each of the listed buildings identified, Hoath Cottage lies to the north of the application site. It is an interesting example of a circa 1700 building. Although modified over the years it contains a number of exterior architectural and interior features which contribute to its significance as outlined in the list description. Its later use before being converted to a residential dwelling was as a doctor's surgery which also adds some significance relating to the historic functioning of the building. As outlined within the applicant's Heritage Statement, it is likely that the historic curtilage of Hoath Cottage was significantly larger than it is now, likely to include some of the wider open space including that which is now occupied by residential development to the north and east of the listed building. I understand that the site, in part, may have also formed part of the historic curtilage or added to its setting historically. However, any such link has long since been severed.
- 6.28 The boundary treatment to the north of the application site itself is well established and provides a physical barrier between the two parcels of land. This is proposed to be retained and the layout of the development would also ensure that the built form would be set back from this boundary. Whilst these layout and design characteristics have assisted in minimising the impact to the setting of this listed building, it is acknowledged that the scheme would still enclose a previously open area which contributes to the wider setting of the listed building. There would therefore be some, albeit very limited, harm to the significance of the heritage asset in this respect. In applying the specific NPPF requirements, this is considered to be less than substantial and towards the lower end of the scale given the other existing buildings within close proximity to the heritage asset.
- 6.29 Turning to the final heritage asset; Hope Farmhouse lies to the west of the site. As with Hoath Cottage, the significance of Hope Farmhouse as a heritage asset can be derived from the architectural detailing, internal fabric and plan form as an example of a farmhouse of its time. Although it has been altered over the years, this significance still remains. Hope Farmhouse lies within a cluster of development which includes the former Oasts and stable buildings now understood to be occupied as independent residential properties. The current curtilage of Hope Farmhouse and wider setting of this farm complex is considered to most significantly contribute to the understanding of the former farm complex and contribute to its significance as a heritage asset. The application site lies to

the east of Carpenters Lane which already provides a physical separation between this curtilage and the application site. Whilst the application site would have been open agricultural land contributing to the wider setting of Hope Farmhouse these historic links are severed by Carpenters Lane as a thoroughfare as well as the mature boundary treatment on the eastern boundary of Hope Farmhouse itself. In further altering the historic setting by virtue of the proposed development enclosing the open site there would be some, again albeit limited, harm to the heritage asset however this would again be less than substantial in nature and again towards the lower end of the scale of harm.

- 6.30 Paragraph 196 requires that in circumstances where less than substantial harm is identified to designated heritage assets, this harm should be weighed against the public benefits of the proposal. The harm in this case would be less than substantial harm to the relative settings of Hoath Cottage and Hope Farmhouse both at the lower end of the scale of harm (when taking into account Historic England guidance on the matter). The public benefits of the proposal predominately relate to the provision of new housing at a time when the Council cannot demonstrate a five year supply of housing, in a sustainable village location alongside the provision of 40% affordable housing. Equally, there will arise other localised economic benefits during the construction phase and also as a result of the additional population within the village. I therefore consider that these benefits in this case outweigh the minimal harms identified. The proposal is therefore considered to comply with the requirements of paragraph 196 of the NPPF.
- 6.31 As such, there are no policies within the Framework pertaining to designated heritage assets indicating a clear reason to refuse planning permission in this case. This means that the presumption in favour of sustainable development re-emerges to be applied in this instance and it is therefore necessary to establish whether there are any significant and demonstrable adverse impacts that would arise from granting planning permission that would outweigh the wider benefits of granting permission when assessed against the relevant policies within the Framework as a whole. It is on this basis that the remainder of my assessment takes place.

*Impact on character and appearance:*

- 6.32 Policies CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

*1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.*

*2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever*

*possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.*

*3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.*

6.33 Policy SQ1 of the MDE DPD is also relevant to design and requires that;

*1. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.*

*2. All new development should protect, conserve and, where possible, enhance:*

*(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;*

*(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and*

*(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.*

6.34 Paragraph 127 sets out that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

6.35 Paragraph 130 of the NPPF sets out that 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.

6.36 The layout is designed around a central access road which provides for the single vehicular access point to the site. The development seeks to concentrate the higher density of built form within the central and eastern areas of the site with lower density to the west and south allowing for larger spacing between dwellings. Each of the dwellings are to be two storey with single storey car ports proposed.

Parking is to be located within the central areas of the site. The proposed layout makes good use of the site in a sustainable location on the edge of Hadlow. It would reflect the density and overall scale of the adjacent residential development in a manner that would ensure it does not appear out of character with the prevailing pattern of development.

- 6.37 The dwellings are proposed to be a mix of detached, semi-detached and maisonette style dwellings over car ports. Materials and the architectural detailing has been chosen to reflect those already prevalent in the locality which is appropriate in visual terms.
- 6.38 I do appreciate that the development will represent a change to the appearance of the street scene along this part of Carpenters Lane, where it transitions from a suburban to more rural character travelling northwards. I consider that the layout, scale and detailed design of the development all contribute positively to ensuring that the resultant appearance will be acceptable in this location. The landscaped edges will also contribute to this and in this respect I would note that the detailed hard and soft landscaping scheme should suitably reflect the transitional status of the site. For example, the footpaths should be constructed from a material such as bonded gravel rather than tarmac and hedges should be of native species. This can suitably be controlled by planning condition to ensure the specific details are acceptable.
- 6.39 With these factors in mind, and subject to the imposition of conditions, I consider that the development is of a high quality in visual terms, reflective of the prevailing character and appearance of the locality and thus meets the requirements of adopted policy and relevant paragraphs of the NPPF.

*Residential amenity:*

- 6.40 The application site is bordered by residential properties to the east along Hope Avenue and South/South-East along Carpenters Lane. There are also other residential properties on the opposite side of Carpenters Lane to the west. Due to the position of the application site relative to the neighbours and the separation distance of a minimum of 14m to the closest neighbour, I do not consider the proposal would harm the residential amenity of the neighbours in terms of loss of light or being overbearing.
- 6.41 The proposed dwellings to the east of the site have their rear elevations facing those in Hope Avenue. Whilst the rear gardens in these plots are modest there is a 24m minimum separation distance to the closest neighbours dwelling. I therefore do not consider the proposal would adversely impact on the residential amenity of those neighbouring properties. The closest neighbour to the proposed dwellings is 88 Carpenters Lane. The closest plot (Plot 15) is proposed with one south facing flank wall window serving a hallway. The next closest (Plot 25) is proposed with two first floor windows facing south serving the kitchen and living area. Given the relationships here and the fact that there are a number of existing windows within

the flank wall at 88 Carpenters Lane, I consider it would be appropriate to require these windows to be obscure glazed and non-opening. This can be secured by way of condition. With the suggested condition in place the proposal would have no adverse impact on the privacy of 88 Carpenters Lane.

Highway safety and parking provision:

6.42 It is proposed to create a new vehicular access off Carpenters Lane located centrally within the site. A footpath is to be included along the western boundary of the development to allow the formation of a street frontage onto Carpenters Lane and to integrate pedestrian access to and from the site into the existing road network.

6.43 Policy SQ8 of the MDE DPD requires that:

*1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.*

*2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.*

*3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.*

*4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.*

*5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.*

6.44 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.45 Paragraph 110 of the NPPF sets out that within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment

area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.46 Paragraph 111 is also relevant and requires that all 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.

6.47 In support of the proposal on highways grounds the applicant has provided a Transport Statement produced by Waterman Infrastructure and Environment Limited dated July 2019. This Statement provides assessment into accessibility, public transport connections, local accident records, existing traffic flows and trip generation along with highway safety in relation to the new access. The Statement concludes that:

- There are a range of facilities and services within walking and cycling distance that would be able to support and sustain the proposed residential development, which include a local neighbourhood centre, situated approximately 800m walking distance to the south east from the Site. It is suggested that these facilities and services would reduce the need to travel outside of Hadlow by car.
- It outlines that access to the development is to be taken from Carpenters Lane via a priority junction arrangement which they consider demonstrates suitable visibility in accordance with accepted standards.
- that parking is to be provided within the development in line with KCC guidance, with a turning head on-site to allow for refuse and servicing vehicles to enter and exit in a forward gear.
- the development will not have a material impact on the surrounding highway network and can be accessed safely via sustainable modes of travel.

- 6.48 Dealing firstly with sustainable modes of transport, I note that the site lies within approximately 800m walk from a local centre (Hadlow High Street). Guidance provided by the Institution of Highways and Transportation (appended at Table 1 of the Transport Statement) sets out that this would be the maximum preferred distance. Whilst at the maximum of the *preferred* standard, the distance does fall within this threshold and I can therefore conclude that the site is adequately connected to the local services within Hadlow. Furthermore, the Transport Statement sets out that there are public transport routes available which provides further choice in terms of sustainable modes of transport.
- 6.49 In terms of highway safety expressly arising from the creation of the new access onto Carpenters Lane, the applicant has undertaken a road safety audit (Appendix F of the Transport Statement). Tracking plans have also been provided indicating access to the site for various vehicle types including refuse vehicles, pumping appliances and standard vehicles. The submitted plans also indicate that acceptable visibility splays can be provided either side of the proposed junction. The development therefore does not raise highway safety concerns, subject to compliance with the submitted details which can be secured by planning conditions.
- 6.50 Turning to traffic generation arising from the additional units, the Transport Statement provides an estimation of the likely trip rates for the development; indicating that the development would generate 16 two-way trips in the AM peak and a further 16 two-way trips during the PM peak. It is considered that this is low and not readily discernible from existing background traffic, with less than 1 two-way trip every 3 minutes during the peak hours.
- 6.51 In terms of vehicle parking provision to serve each of the units, the proposed layout would provide for a total of 42 allocated parking spaces predominately located in open car ports, with a further 5 spaces given over to visitors (total of 47 spaces). This level of provision is on the following basis:
- 1 space per 1 and 2-bed apartments;
  - 1.5 spaces per 2-bed houses; and
  - 2 spaces per 3 and 4-bed houses.
- 6.52 This level of provision complies with the adopted minimum parking standards set out within KHS IGN3: Residential Parking. On this basis, there are no justifiable grounds to resist the development on lack of parking provision.
- 6.53 KCC (H+T) have raised no objections through their formal representations based on a full consideration of the evidence and proposals set out above. Taking all of above considerations into account, the proposal would accord with the requirements of relevant adopted policy and the NPPF paragraphs cited above.

Surface Water Drainage:

- 6.54 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 6.55 The application is accompanied by a drainage layout plan along with details contained within the Design and Access Statement. Surface water drainage is to be accommodated by porous roadway which would direct surface water into below ground storage tanks. This is then discharged by a surface water drain to discharge outside the site to the rear of The Oast House.
- 6.56 At the time of writing this report, representations from KCC as the Lead Local Flood Authority are still awaited and will be reported as a supplementary matter along with any conditions they recommend as being necessary to make the development acceptable in planning terms.
- 6.57 I am aware that there are local concerns that the existing sewer network is at capacity and that further development would place further demand on this in terms of foul water drainage. It would be for the developer to ensure a suitable connection to the sewerage network could be provided in liaison with the provider and in order to meet the requirements of the Building Regulations in the event that planning permission is granted.

Archaeology:

- 6.58 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This includes non-designated heritage assets such as below ground archaeological remains.
- 6.59 KCC Heritage have made representations indicating that the site is within an area of post medieval agrarian activity and settlement. Hoath Cottage may be of 17th century or earlier date. Remains associated with post medieval activity may survive on the site and therefore they recommend a condition relating to a phased programme of archeologic work be imposed on any permission. I consider this condition would be reasonable given the potential for buried archaeology on the site and this is reflected in the recommendation that follows.

*The Draft Local Plan:*

- 6.60 Members may be aware that this site has been allocated for residential development (25 units) within the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019 (draft policy LP25(u)).
- 6.61 Paragraph 48 of the NPPF sets out that a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.62 Paragraph 49 then advises that this, when taken in the context of the NPPF 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.
- 6.63 As such, whilst the draft local plan has been submitted to the Secretary of State for examination, this has yet to be taken forward and therefore limited weight can be given to the allocation at this point in time.

*Planning obligations:*

- 6.64 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) and paragraph 56 of the NPPF require that requests for development must comply with three specific legal tests, namely that they must be (1) necessary, (2) related to the development, and (3) reasonably related in scale and kind.
- 6.65 Paragraph 62 of the NPPF sets out that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.66 Policy CP17 requires that in the rural area, affordable housing provision will be sought on all sites of 5 dwellings or above, or 0.16ha or above, at a level of 40% of the number of dwellings in any scheme. The NPPF and associated PPG are material considerations that have changed that threshold to schemes above 10 units in rural areas such as this. However, the scheme proposes 25 units and therefore a requirement of 40% affordable housing provision is in place. The application proposes a policy compliant level of affordable housing (totalling 10 units), with a mix of 2no 1 bed houses, 4no 2 bed houses and 4no 3 bed houses. This will be secured by legal agreement.

- 6.67 Policy CP25 of the TMBCS states that development will not be permitted unless the servicing, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions. This policy is broadly consistent with the objectives of the Framework at Paragraphs 54 and 56 which explain that planning obligations can be used where justified to mitigate development impacts.
- 6.68 Planning obligations have been requested by Kent County Council's Economic Development team towards Secondary Education, Community Learning, Youth Services, Library Book stock and Social Care totalling £82,611.25. Kent and Medway CCG have also requested £22,896 toward refurbishment, reconfiguration and or extension of the Hadlow Medical Centre of Hildenborough Medical Group.
- 6.69 Policy OS3 of the MDE DPD requires that on all residential developments of 5 units or above (net), there will be a requirement for open space provision in accordance with the quantitative standards set out in Policy Annex OS3. There will therefore be a requirement for an open space provision. Each of the units is to be provided with an element of private amenity space but public open space will not be provided on site and therefore will be secured by way of a contribution towards Hayesden County Park and Williams Field Recreation Ground.
- 6.70 The financial contributions will also be secured by legal agreement.

*Conclusions and overall planning balance:*

- 6.71 In returning to the presumption in favour set out within paragraph 11(d) (ii) of the NPPF having undertaken an assessment of the application we are required to reach a view whether any adverse impacts of granting planning would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.72 The preceding assessment sets out the impacts and benefits arising from the proposed development and on this basis I can conclude that there would be no adverse impacts arising that would significantly or demonstrably outweigh the identified benefits arising from the development when assessed against the policies in the NPPF taken as a whole.
- 6.73 As such, subject to the planning obligations being secured by legal agreement and the imposition of conditions required to control the quality of the development coming forward, planning permission should be granted and I recommend accordingly.

**7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following submitted details: Site Layout 151-FA-02 1 received 13.03.2020, Floor Plan 151-FA-03 received 13.03.2020, Parking Layout 151-FA-04 received 13.03.2020, Drawing 151-FA-05 received 13.03.2020, Drawing 151-FA-06 received 13.03.2020, Tree Removal Plan 151-FA-07 received 13.03.2020, Drawing 151-FA-08 received 13.03.2020, Floor Plan 151-FA-10 PLOT 1 received 13.03.2020, Street Scenes 151-FA-100 received 13.03.2020, Elevations 151-FA-11 PLOT 1 received 13.03.2020, Floor Plan 151-FA-12 PLOT 2 received 13.03.2020, Elevations 151-FA-13 PLOT 2(1) received 13.03.2020, Floor Plan 151-FA-14 PLOT 3(2) received 13.03.2020, Elevations 151-FA-15 PLOT 3(2) received 13.03.2020, Floor Plan 151-FA-16 PLOT 4(2) received 13.03.2020, Elevations 151-FA-17 PLOT 4(1) received 13.03.2020, Floor Plan 151-FA-18 PLOT 5(1) received 13.03.2020, Elevations 151-FA-19 PLOT 5 received 13.03.2020, Floor Plan 151-FA-20 PLOTS 6 AND 7 received 13.03.2020, Elevations 151-FA-21 PLOTS 6 AND 7 received 13.03.2020, Floor Plan 151-FA-22 PLOT 8 received 13.03.2020, Elevations 151-FA-23 PLOT 8 received 13.03.2020, Floor Plan 151-FA-24 PLOTS 9 AND 10(1) received 13.03.2020, Elevations 151-FA-25 PLOTS 9 AND 10 received 13.03.2020, Floor Plan 151-FA-26 PLOTS 11 AND 12(2) received 13.03.2020, Elevations 151-FA-27 PLOTS 11 AND 12(1) received 13.03.2020, Elevations 151-FA-28 PLOTS 11 AND 12(1) received 13.03.2020, Floor Plan 151-FA-29 PLOTS 11 AND 12(1) received 13.03.2020, Elevations 151-FA-30 PLOTS 13 AND 14(2) received 13.03.2020, Floor Plan 151-FA-31 PLOTS 15 AND 16 received 13.03.2020, Elevations 151-FA-32 PLOTS 15 AND 16(1) received 13.03.2020, Floor Plan 151-FA-33 PLOTS 17 AND 18 received 13.03.2020, Elevations 151-FA-34 PLOTS 17 AND 18 received 13.03.2020, Floor Plan 151-FA-35 PLOT 19 received 13.03.2020, Elevations 151-FA-36 PLOT 19 received 13.03.2020, Floor Plan 151-FA-37 PLOT 20(4) received 13.03.2020, Elevations 151-FA-38 PLOT 20(2) received 13.03.2020, Floor Plan 151-FA-39 PLOT 21 received 13.03.2020, Elevations 151-FA-40 PLOT 21 received 13.03.2020, Floor Plan 151-FA-41 PLOTS 22 AND 23 received 13.03.2020, Elevations 151-FA-42 PLOTS 22 AND 23 received 13.03.2020, Floor Plan 151-FA-43 PLOTS 24 AND 25 received 13.03.2020, Elevations 151-FA-44 PLOTS 24 AND 25 received 13.03.2020, Parking Provision 151-FA-45 PLOTS 1 AND 2 received 13.03.2020, Parking Provision 151-FA-46 PLOT 4 received 13.03.2020, Parking Provision 151-FA-47 PLOTS 9 AND 10(1) received 13.03.2020, Parking Provision 151-FA-48 PLOTS 19 AND 21 received 13.03.2020, Site Survey CLH-702-1 OF 3B received 13.03.2020, Site Survey CLH-702-2 OF 3B received 13.03.2020, Site Survey CLH-702-3 OF 3B received 13.03.2020, Location Plan 151-FA-01 received 13.03.2020, Drainage Layout 6181.402A received 13.03.2020, Report DBA received 13.03.2020, Ecological Assessment received 13.03.2020, Statement Planning received 13.03.2020, Statement Heritage received 13.03.2020, Landscape Statement 1 OF 2 received 13.03.2020, Landscape Statement 2 OF 2 received 13.03.2020, Arboricultural Assessment Revised received 13.03.2020, Transport Statement received 13.03.2020,

Statement WASTE/LIGHTING & UTILITIES received 13.03.2020, Design and Access Statement received 11.06.2020, subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision and health care;
- The applicant entering into a planning obligation with the County Council to provide contributions towards secondary education, community learning, youth services, library book stock, social care and enhancement

The applicant has agreed in principle to the contributions outlined within this reports. A S106 agreement is currently being drafted with the triggers to be agreed. It is suggested that the S106 should be completed within 3 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 06 November 2020, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 3 The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 4 No above ground development shall take place until a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved by the Local Planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 5 The development hereby approved shall not be occupied until a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 6 Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with National Planning Policy Framework 2019.

- 7 The first floor windows on the south elevation of Plot 15 and Plot 25 as shown on drawings no 151-FA-32 & 151-FA-44 shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the buildings are occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining properties

- 8 No above ground works shall take place in respect of any of the dwellings hereby approved until details of the finished floor, eaves and ridge levels for that particular dwelling in relation to the existing and proposed ground levels adjacent to it have first been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A and E

of Part 1; of Schedule 2 of that Order to enclose the car barns hereby approved.

Reason: In order to enable the car barns to be kept available for car parking.

- 10 None of the dwellings shall be occupied until a scheme to incorporate electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site and the points maintained and retained at all times thereafter.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework 2019

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and public safety

**Informatives:**

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

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