

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 9th April, 2014**

**10.00 am**

**Council Chamber, Sessions House, County Hall,  
Maidstone**





## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 9th April, 2014, at 10.00 am**  
**Council Chamber, Sessions House, County**  
**Hall, Maidstone**

Ask for: **Andrew Tait**  
Telephone: **01622 694342**

*Tea/Coffee will be available from 9:30 **outside the meeting room***

#### **Membership (19)**

- Conservative (10): Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman),  
Mr M J Angell, Mr M A C Balfour, Mr T Gates, Mr P J Homewood,  
Mr S C Manion, Mr R J Parry, Mr C Simkins and Mr J N Wedgbury
- UKIP (4) Mr M Baldock, Mr M Heale, Mr T L Shonk and Mr A Terry
- Labour (3) Mrs P Brivio, Mr T A Maddison and Mrs E D Rowbotham
- Liberal Democrat (1): Mr I S Chittenden
- Independents (1) Mr P M Harman

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes (Pages 7 - 16)  
12 March 2014  
25 March 2014
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Application MA/13/2191 (KCC/MA/0363/2013) - Improvement of existing waste management facility to include use of adjacent industrial unit land, construction of two steel framed buildings to facilitate recovery and recycling of waste material, weighbridge, office, parking and revised boundary treatment at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate, Detling; Pinden Ltd (Pages 17 - 44)

## **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal TW/14/288 (KCC/TW/0002/2014) - Revised application for the proposed erection of a new teaching building and revised parking layout including an additional 9 car parking spaces and other external alterations at Southborough CEP School, Broomhill Bank Road, Tunbridge Wells; KCC Property and Infrastructure (Pages 45 - 64)
2. Proposal TW/13/03873 (KCC/TW/0374/2013) - Extension to accommodate a 1 f.e school, including a 2 classroom extension at first floor level, storage and additional toilet plus outreach room and toilet facilities on the ground floor level, and 2 additional parking spaces at St Mary's CEP School, Pearse Place, Lamberhurst; KCC property and Infrastructure Support (Pages 65 - 88)
3. Application AS/13/1452 (KCC/AS/0379/2013) - Demolition of one and two storey care home with pitched roof and construction of an extra care building of 1,2 and 3 storeys containing 41 flats and associated communal and community facilities at Land at Little Hill, Wayside, St Michael's, Tenterden; Galliford Try Investments Ltd and KCC Adult Services (Pages 89 - 130)
4. Proposal TW/13/03828 (KCC/TW/0381/2013) - Demolition of existing single storey with pitch roof nursing home and construction of extra care building of 2 and 3 storeys containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst; Galliford Try Investments Ltd and KCC Adult Services (Pages 131 - 172)

## **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 173 - 174)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None)

## **F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services  
(01622) 694002

*(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)*

Tuesday, 1 April 2014

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**KENT COUNTY COUNCIL****PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 12 March 2014.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr M Baldock, Mr M A C Balfour, Mrs P Brivio, Mr L Burgess (Substitute for Mr A Terry), Mr I S Chittenden, Mr T Gates, Mr M Heale, Mr P M Harman, Mr P J Homewood, Mr T A Maddison, Mr R J Parry, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury

ALSO PRESENT: Miss S J Carey

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Principal Planning Officer - Waste Developments), Mr J Crossley (Principal Planning Officer - County Council Development), Mr J Hammond (Strategic Transport and Development Planner), Ms R Childs (Landscape Officer) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS****13. Minutes - 12 February 2014**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 12 February 2014 are correctly recorded and that they be signed by the Chairman.

**14. Site Meetings and Other Meetings**

*(Item A4)*

The Committee agreed that the site visit to Tunstall School on 25 March 2014 would now be supplemented by a Local Meeting on 9 April 2014.

**15. Application SH/08/124/R7 and 34 - Details pursuant to Conditions 7 (weighbridge and office facilities) and 34 (landscaping) of Permission SH/08/124 at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd**

*(Item C1)*

(1) Mr G Horner (CPRE) and Mr R Edden (Sellindge and District Residents Association) addressed the Committee in opposition to the application. Mr S Butler-Gaille (Countrystyle Recycling) spoke in reply on behalf of the applicants.

(2) Miss S J Carey was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(3) The Head of Planning Applications Group reported correspondence from a local resident objecting to the application.

(4) Mr J N Wedgbury moved, seconded by Mr M Baldock that the recommendation of the Head of Planning Applications Group be agreed in respect of Condition 7 (weighbridge and weighbridge office details) but that consideration of Condition 34 (landscaping) be deferred to enable it to be considered in conjunction with the drainage details in Condition 12 and the site remedial details in Conditions 14 to 17, and that recommendation (b) be deleted.

*Carried by 15 votes to 1*

(5) Pursuant to Committee Procedure 2.26 (5), the votes cast in respect of the motion set out in (4) above were recorded as follows:-

FOR: Mr J A Davies, M A C Balfour, Mr M Baldock, Mr L Burgess, Mrs P Brivio, Mr I S Chittenden, Mr T Gates, Mr P M Harman, Mr M Heale, Mr P J Homewood, Mr T A Maddison, Mr R J Parry, Mr T L Shonk, Mr C Simkins and Mr J N Wedgbury (15).

AGAINST: Mr C P Smith (1).

(6) RESOLVED that:-

- (a) approval be given to the weighbridge and weighbridge office details submitted pursuant to Condition 7; and
- (b) consideration of Condition 34 (landscaping) be deferred to enable it to be considered in conjunction with the drainage details in Conditions 12 and the site remedial details in Conditions 14 to 17.

**16. Proposal SE/13/2981 (KCC/SE0296/2013) - Provision of floodlights to all weather pitch, approved under Permission SE/12/1163 and amended under reference SE/12/1163/R at Knole Academy, Bradbourne Vale Road, Sevenoaks; Governors of Knole Academy and KCC Property and Infrastructure Services**  
*(Item 10)*

(1) The Head of Planning Applications Group reported correspondence from Mr N J D Chard, the Local Member informing the Committee that he had not been notified of any objections to the proposal from any of his constituents.

(2) Mr T A Maddison moved, seconded by Mr C P Smith that the recommendations of the Head of Planning Applications Group be agreed.

(3) Following discussion of the motion, Mr C P Smith moved an amendment, seconded by Mr T A Maddison that the hours of use be restricted to 0730 to 2200 on Mondays to Fridays, 0730 to 2100 on Saturdays, and 0730 to 2000 on Sundays and Bank Holidays.

*Carried by 10 votes to 2 with 2 abstentions.*

(4) On being out to the vote, amended motion was carried by 10 votes to 3 with 1 abstention.

(5) Mr M Baldock requested pursuant to Committee Procedure Rule 2.26 (3) that his vote against the motion be recorded.

- (6) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering a 3 year time limit for implementation; the development being carried out in accordance with the permitted details; hours of use being restricted to 0730 to 2200 Mondays to Fridays, 0730 to 2100 on Saturdays, and 0730 to 2000 on Sundays and Bank Holidays; lighting being extinguished when the pitch is not in use; lighting being installed in accordance with the approved details, and checked on site; lighting levels not exceeding those specified within the application; no further lighting being installed without planning permission; hours of working during the lighting installation being restricted to between 0800 and 1800 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.

**17. Proposal MA/13/2085 (KCC/MA/0342/2013) - Erection of a wall mounted canopy adjacent to the school building at Platts Heath Primary School, Headcorn Road, Platts Heath; Governors of Platts Heath Primary School**  
*(Item D2)*

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time condition for implementation; and the development being carried out in accordance with the submitted plans.

**18. County matters dealt with under delegated powers**  
*(Item E1)*

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

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## PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 25 March 2014.

PRESENT: Mr J A Davies (Chairman), Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mrs P Brivio, Mr T Gates, Mr M Heale, Mr P M Harman, Mr P J Homewood, Mr T A Maddison, Mr S C Manion, Mr R J Parry, Mrs E D Rowbotham, Mr T L Shonk, Mr C Simkins, Mrs P A V Stockell (Substitute for Mr C P Smith), Mr A Terry and Mr J N Wedgbury

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Principal Planning Officer - County Council Development), Ms S Bengé (Strategic Transport and Development Planning) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **19. Site Meetings and Other Meetings**

*(Item A3)*

(1) The Committee was reminded that a site visit in respect of the proposed replacement Tunstall CE Primary School would take place following the meeting.

(2) The Committee noted that it would hold a local meeting at Tunstall Village Hall on Wednesday, 9 April 2014 and that there would be a site visit to Glebe Farm in Shadoxhurst on Wednesday, 14 May 2014.

#### **20. Proposal TH/14/0001 (KCC/TH/0384/2013) - Demolition of redundant library building for development of accommodation for individuals with mental health issues at former Newington Library, Ramsgate; KCC Adult Services**

*(Item D1)*

(1) Mr M Heale and Mr T L Shonk informed the Committee that they had been lobbied as Local Members in respect of the application. They had not, however, in any way predetermined the application, nor given anyone else cause to believe that they had. They were therefore both able to approach this matter with a fresh mind.

(2) Mr T A Maddison moved, seconded by Mrs P A V Stockell that the recommendations of the Head of Planning Applications Group be agreed.

(3) Mr J N Wedgbury moved, seconded by Mr M Baldock as an Amendment that consideration of this application be deferred to enable the applicants to improve the design of the proposed building.

*Amendment Lost by 3 votes to 14.*

(4) On being put to the vote, the substantive motion was carried by 14 votes to 2 with 1 abstention.

(5) RESOLVED that:-

- (a) permission be granted to the Proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; a programme of archaeological work; no tree removal taking place during the bird breeding season; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; details of construction vehicle loading/unloading and turning facilities being agreed prior to commencement of the development; details of parking areas for construction vehicles being agreed prior to commencement of the development; details of the measures to be taken to prevent the deposit of mud and debris on the public highway being approved prior to commencement of the development; the provision and permanent retention of the vehicle parking spaces shown within the application prior to occupation of the building; the provision and permanent retention of the cycle parking facilities shown within the application prior to occupation of the building; details of measures to prevent the discharge of surface water onto the highway; completion of the access shown on the submitted plans, including the necessary vehicle crossing in the footway, prior to occupation of the building; and details of the materials to be used in the construction of the development; and
- (b) the applicant be advised by informative of:
  - (i) the recommendation that the weatherboarding present at the back of the former library building should be dismantled by hand prior to the full demolition of the building due to the (limited) potential for roosting bats;
  - (ii) the advice offered by the Environment Agency concerning drainage, pollution prevention measures, water conservation and construction and demolition waste disposal; and
  - (iii) the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that *“the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority.”*

**21. Proposal DO/13/1114 (KCC/DO/0385/2013) - Extra care housing containing 40 flats at Cornfields Residential Care Centre, Whitfield, Dover; KCC Adult Services**  
(Item D2)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit for commencing the proposed

development; the development being carried out in accordance with the permitted details; the submission of details of all construction materials to be used externally; the submission of a scheme of landscaping, including details of species, source, location of saplings to be planted, mitigation and visual impact information, and hard surfacing, its implementation and maintenance; the submission of a Tree Protection Plan and an Arboricultural Method Statement; the planting replacement trees for the ones lost as a result of the development; a programme of additional vegetation planting along Cranleigh Drive where there is a gap in the screening and to the rear of properties in Alison Crescent; the submission of measures to protect those trees that are to be retained; the submission of a survey of roosting bats together with mitigation measures for potentially roosting, foraging and commuting bats; external lighting being designed to have minimal impact on any bats; the implementation of mitigation measures for breeding birds as detailed in the Mitigation, Enhancement and Ecology Management Strategy; no tree removal taking place during the bird breeding season; the implementation of a programme of archaeological works; parking and turning provision being provided as shown in the submitted drawings; hours of working during construction being restricted to between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; measures being taken to prevent mud and debris being taken onto the public highway; the submission of a Construction Management Plan, including access, parking and circulation within the site for contractors and other vehicles related to construction operations; the bell mouth outside property no. 127 Cranleigh Drive being removed and replaced with a vehicle crossover; and the end parking spaces being widened to 2.7 metres in width.

**22. Proposal TW/14/0154 (KCC/TW/0018/2014) - Extension and internal reconfiguration of existing school buildings providing two classrooms, provision of a stand-alone teaching accommodation block providing four classrooms & associated toilets, removal of existing modular classroom, and car park and access improvements including car parking provision within the village hall car park at Langton Green Primary School, Lampington Row, Langton Green, Tunbridge Wells; KCC Property and Infrastructure**  
*(Item D3)*

(1) Mr J A Davies informed the Committee that he was the Local Member and had been a governor at the school until 2013. He had, in this capacity discussed the proposed expansion on educational rather than land use planning grounds. He did not have a Significant Other Interest, nor had he pre-determined the planning merits of the proposal. He was therefore able to approach the determination of the application with a fresh mind. He had, nevertheless, decided that it would be most appropriate if he did not chair the meeting for this particular item.

(2) Mr J A Davies moved, seconded by Mr T A Maddison that Mr M A C Balfour chair the meeting for this item.

*Carried unanimously*

(3) Mr Balfour thereupon took the Chair for the remainder of this item.

(4) The Head of Planning Applications Group revised her recommendation in order to clarify that the Village Hall car park should be resurfaced prior to the

occupation of the new stand-alone accommodation on the school site. This was agreed.

(5) In agreeing the recommendations of the Head of Planning Applications Group, the Committee strengthened the fourth condition by requiring details of the drainage of the Village Hall Car Park to be submitted, together with the surface and colour details.

(6) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials matching those specified within the application documentation; details of the surfacing, drainage and colour finish to the Village Hall car park; the Village Hall car park being resurfaced prior to the occupation of the new stand-alone accommodation on the school site; tree protection measures and the development being undertaken in accordance with the recommendations of the Tree Surveys; the development being undertaken in accordance with the recommendations of the Ecological Scoping Survey; the submission of a detailed mitigation strategy for Great Crested Newts prior to the commencement of the development; the submission of details of ecological enhancements; the submission of a revised School Travel Plan within 6 months of the date of this permission, its implementation and ongoing review. This document being prepared in liaison with Speldhurst Parish Council, including mechanisms for ongoing liaison in the future; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the submission of a Construction Management Strategy, including the location of site compounds and operative/visitor parking, details of site security and safety measures, lorry waiting and wheel washing facilities, together with details of any construction accesses and management of the site access to avoid peak school times; and measures to prevent mud and debris being taken onto the public highway.

### **23. County matter dealt with under delegated powers**

*(Item E1)*

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications (None);
- (b) County Council developments;
- (c) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (d) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).



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SECTION C  
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

### **Item C1**

## **Improvement of existing waste management facility to include use of adjacent industrial unit land, construction of two steel framed buildings to facilitate recovery and recycling of waste material, weighbridge, office, parking and revised boundary treatment at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate, Detling, Maidstone – MA/13/2191 (KCC/MA/0363/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 April 2014.

Application by Pinden Limited for improvement of existing waste management facility to include use of adjacent industrial unit land, construction of two steel framed buildings to facilitate recovery and recycling of waste material, weighbridge, office, parking and revised boundary treatment at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate, Detling, Maidstone, ME14 3HU – MA/13/2191 (KCC/MA/0363/2013)

Recommendation: Permission be granted, subject to conditions

Local Member: Mrs J. Whittle

Classification: Unrestricted

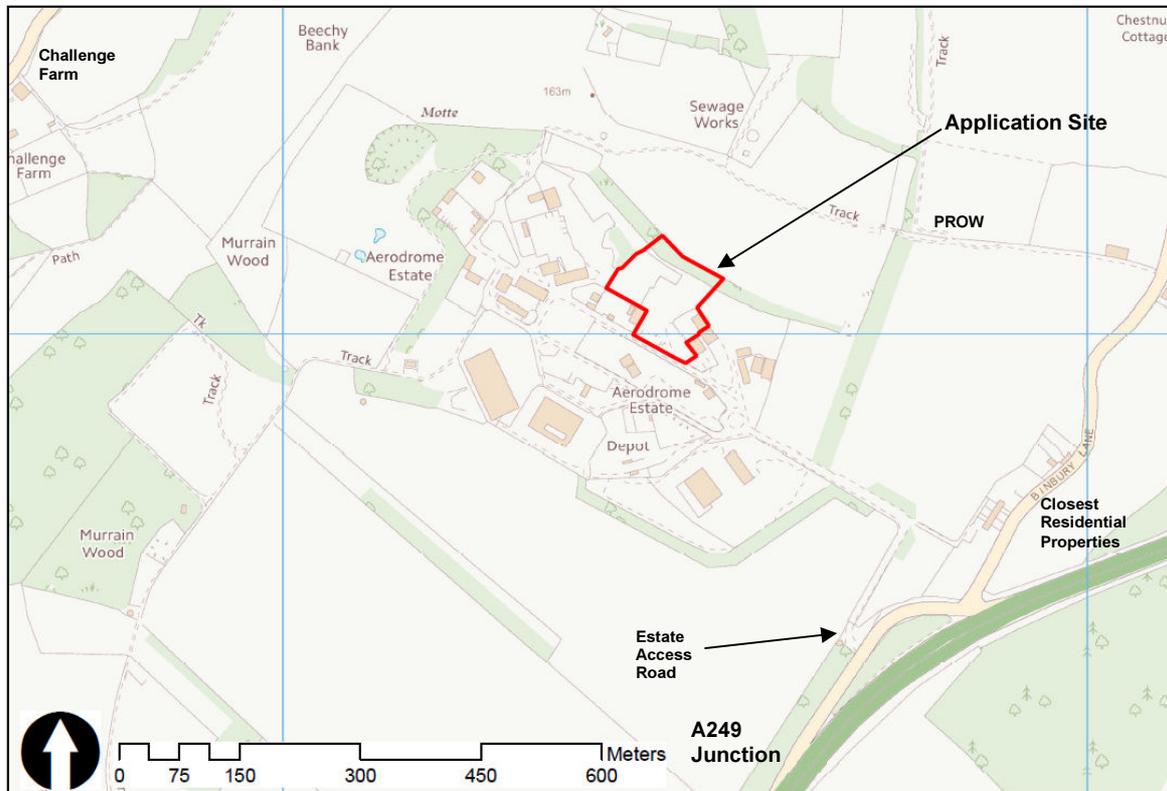
### **Site**

1. The application site forms an area of previously developed land within the existing Detling Airfield Industrial Estate, Detling. The industrial estate lies on the North Downs, to the north-east of the Kent County Show Grounds off the A249. The site is approximately 2.5 km north-east of Detling, 3km south-west of Stockbury and 6.5km north-east of Maidstone town centre. The industrial estate was created on a former RAF airfield and as such appears as an area of isolated commercial development within the wider rural landscape.
2. The entire estate and surrounding landscape is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). The industrial estate is designated in the Maidstone Local Plan Proposal Map as an area of existing economic development with consented B1 (Business) and B2 (General Industry) uses (under Saved Local Plan Policy ED2). The Proposals Map also identifies the site within land designated as countryside (under Policy ENV28) and a strategic gap between Maidstone and Medway (under Policy ENV31).
3. The industrial estate covers an area of approximately 12 hectares and consists of a mix of industrial buildings and open storage, including B2 (General Industrial) and B8 (Warehouse & Distribution) uses. The commercial premises are served by a network of private estate roads linked to a dedicated access that connects directly to a slip road on the A249 dual carriageway, approximately 200m to the south-east of the industrial estate. A band of established landscape planting provides screening for built development within the estate.

# Item C1

## Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191

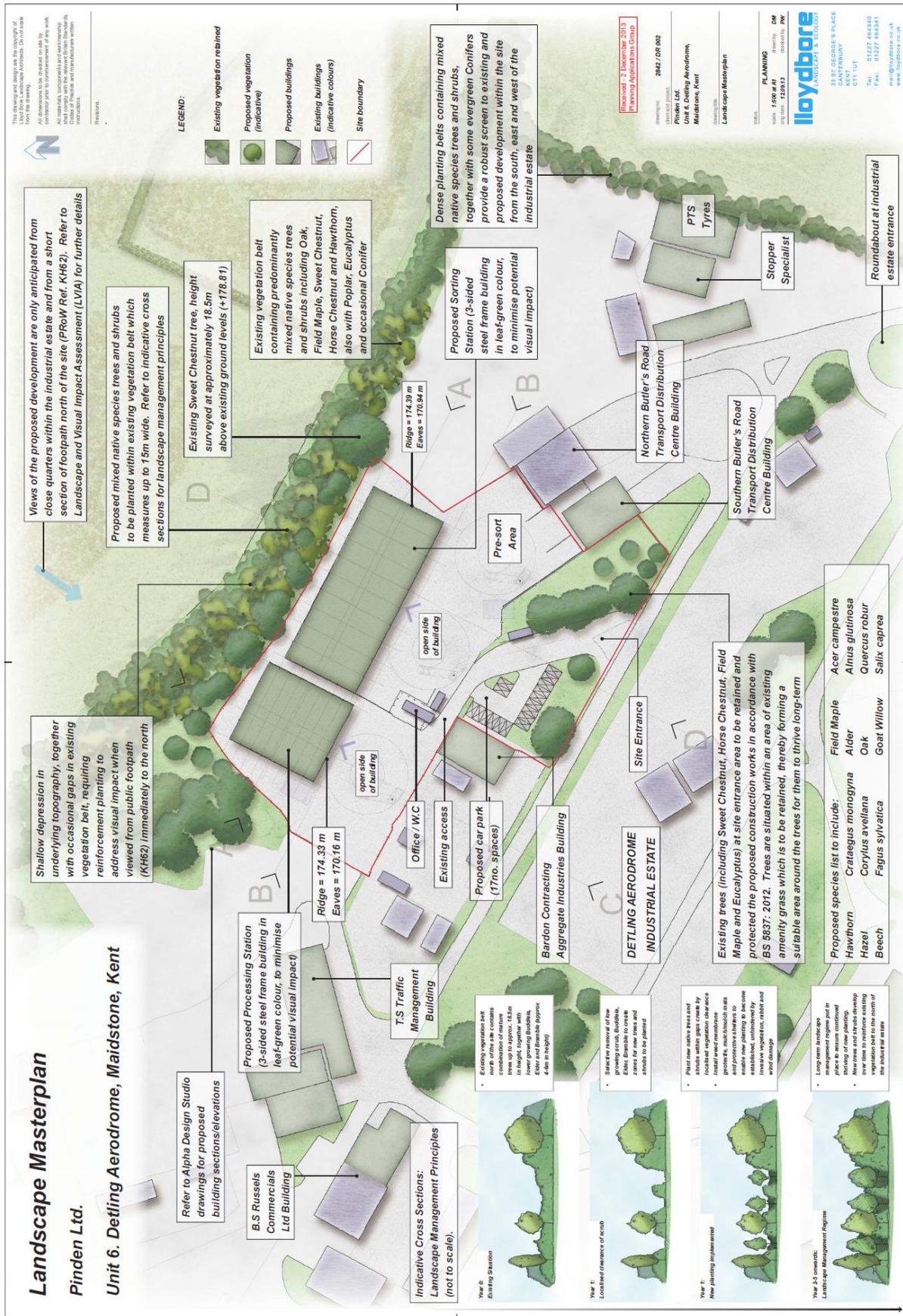
### Site Location Plan



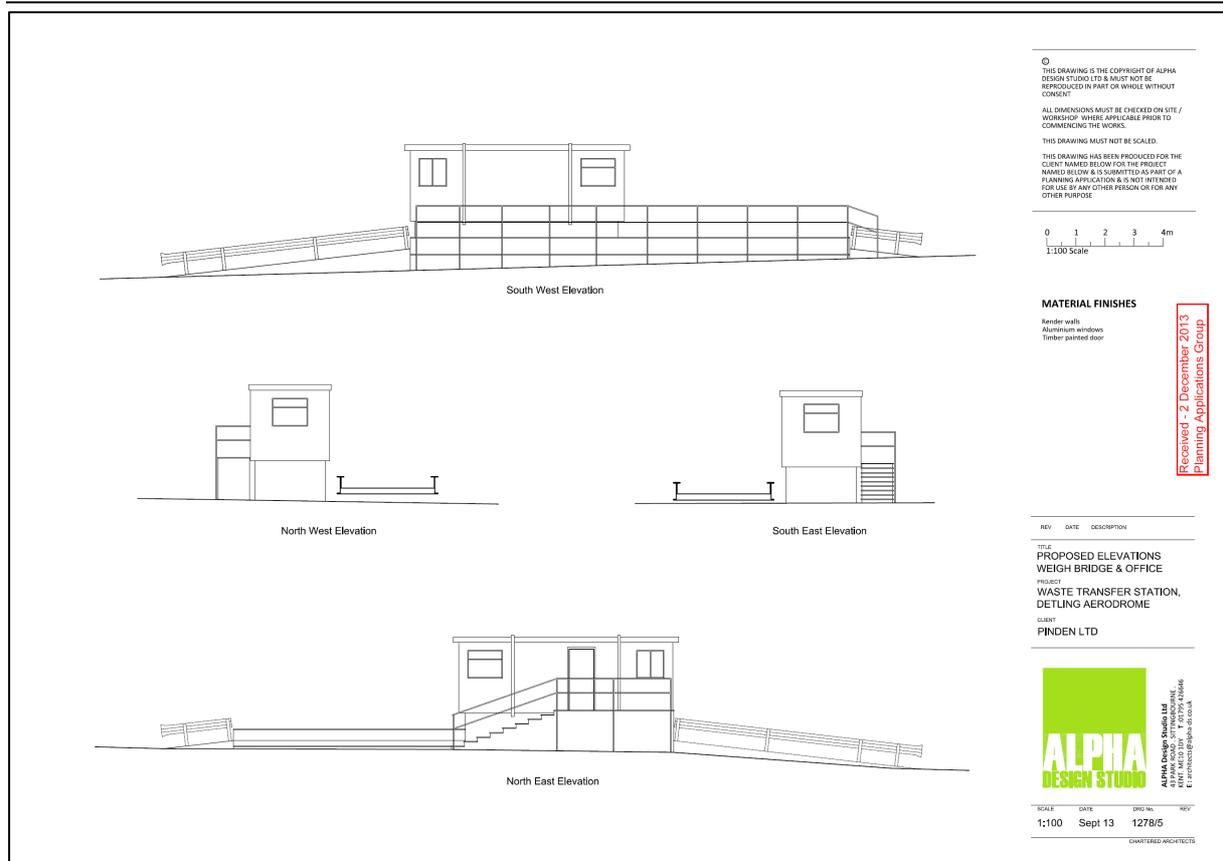




# Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191



# Item C1 Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191



- The application site is positioned on the northern edge of the industrial estate, between existing commercial developments located on neighbouring units to the south, east and west. The proposed site covers approximately 1.18 hectares of land, consisting of existing permitted waste uses and open storage areas within the estate. Land to the south forms part of the internal road layout serving the industrial estate, beyond which are further commercial uses. Land to the north of the site consists of a 15m wide buffer of land that forms part of a landscaped boundary planted around the industrial estate. The planting within the area directly adjacent to the site is intermittent with semi mature trees and shrubs with occasional gaps in the cover. Land further to the north consists of farmland and open countryside with intermittent woodland plantations. A Public Right of Way (PROW) passes approximately 110m to the north of the site.
- Beyond the industrial estate, the nearest residential properties are located along Binbury Lane to the east, the closest of which is located approximately 400m from the application site. A further property (Challenger Farm) is located 700m to the west.
- The site overlies a principle aquifer and is identified by the Environment Agency as being within a Groundwater Source Protection Zone (SPZ) 3.
- There are no other site specific designations, although more general development plan policies are set out in paragraph (22) below.

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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**Background**

8. Unit 6, which forms the south-eastern part of the site, benefits from planning permission as a waste transfer station allowing the processing and storage of waste under permission reference MA/95/989. This consent included a covered building, ancillary waste storage containers and a sealed concrete base. Following implementation of the waste use, the original operator breached the terms of the permission and expanded the waste operation into the adjoining unit. As a result of this action, the County Council served an Enforcement Notice (EN) in 2004, which was upheld at appeal in December 2005.
9. A subsequent operator (not the current applicant) reversed the breaches and drew the activity back within Unit 6. The use of the site has remained active, albeit without the provision of a covered building within which waste is required to be processed. The original transfer building, which contained 150m<sup>2</sup> of floorspace within a mono pitched roof line rising to 6m in height, was demolished in 2009.
10. The adjacent Units 13 and 14 were previously separate entities with their own access that benefited from separate permissions and uses. These previous uses included open storage and a regional depot for a telecommunications contractor. In 2006/07 all three units were joined together and enclosed by a security fence with a common access point. Units 13 and 14 were used, without the benefit of planning permission, as a skip hire business and ancillary purposes incidental to the waste transfer station.
11. The above breaches in planning control were addressed in 2010 with the submission of two applications to regularise the use of all 3 units. The Planning Applications Committee considered both applications at its meeting in March 2011 and resolved to grant planning permission subject to conditions. Permission reference MA/10/1932 granted consent for the continuation and enhancement of the permitted waste transfer station within Unit 6, comprising a new waste management building, increased throughput and revised operational arrangements. The permitted building comprised approximately 825m<sup>2</sup> of floorspace (33m wide by 25m deep, rising to 8.75m in height) covering three quarters of the unit. To date the building has yet to be constructed. The second permission (MA/10/1931) granted consent for a change of use of land at Units 13 and 14 to provide for a skip hire depot including the retention of existing portacabins for use as office, canteen and toilet, also used in connection with the adjacent waste use.
12. A further application to amend the site layout, relocate the waste treatment building and change the permitted use of units 13 and 14 to allow a waste use across the entire site area was made in September 2013, before being withdrawn in April 2013.
13. The current applicant, Pinden Limited, took over the lease of the site in April 2013. Since this date the site has been cleared and tidied, with operations scaled back under the provisions of the existing waste permissions and the terms of the Environmental Permit.

**Recent Planning History**

14. The recent planning history for the above site includes the following:
  - MA/95/989 – Change of use of land and erection of building to accommodate a waste transfer facility – Granted Permission (subject to conditions).

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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- DC/MA/COMP/0005 – Confirmed Enforcement Notice dated 22 November 2004 – Breach of planning control involving a material change in the use of land from industrial and permitted waste transfer facility to an intensified level of waste activity, including departure from terms of permission MA/95/989.
- APP/W2275/C/04/2000450 – Appeal against Enforcement Notice (DC/MA/COMP/0005) dated 8 December 2005 – Inspectors Decision was to dismiss the appeal and uphold the enforcement notice.
- MA/10/1932 - Erection of a replacement building for waste processing, provision of revised access and parking – Granted Permission (subject to conditions).
- MA/10/1931 - Change of use of land to provide for skip hire depot including retention of existing portacabins for use as office, canteen and toilets (dual use with adjoining waste transfer facility) – Granted Permission (subject to conditions).
- MA/12/2130 - Relocation of waste treatment building, revised site layout and storage of inert and semi inert waste. Change of use of units 13 and 14 to allow the acceptance, treatment and storage of waste – Application withdrawn by the applicant prior to determination given the lack of information there in and issues relating to the previous owner / applicant's desire to sell the site.

**Proposal**

15. Pinden Limited is applying for permission to improve an existing waste management facility to include use of adjacent industrial unit land, construction of two steel framed buildings to facilitate recovery and recycling of waste material, weighbridge, office, parking and revised boundary treatment.
16. The application proposes the development of an integrated waste management facility to allow the importation, sorting, recycling and storage of waste materials across the site area, with recyclates and residual waste arisings bulked up for onward transportation. The existing waste facilities at the site would be adapted and significantly improved to accept and process mixed industrial and commercial skip wastes. The main elements of the proposed development are identified as follows:-
  - The use of Units 6, 13 and 14 and an additional open storage / industrial unit to the west for waste recycling and transfer operations;
  - The extension of sealed concrete surfacing across the entire area;
  - Improved site drainage;
  - Provision of an external pre-sort area with 3m high concrete retaining panels and storage bay areas (separated by moveable 'push walls');
  - The erection of two open fronted steel framed buildings adjacent to the northern boundary, finished in a leaf-green colour. The buildings would comprise of a sorting station and a separate processing station with associated waste processing machinery. The proposed sorting station building would measure (approximately) 60m by 24.5m, with an eaves height of 9.5m and a maximum ridge height of 13m and the processing building – 29.5m by 27.5m by 10.5m (to eaves) and 14.5m (to ridgeline).
  - The relocation of a weighbridge and installation of a weighbridge office on / adjacent to the site access;

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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- The provision of formal car parking for 17 cars (including minibus) on land to the west of the site access;
  - New palisade fencing to secure the entire site area;
  - The retention of the existing site office and the relocation of toilet facilities; and
  - Enhanced tree planting between the proposed buildings and the northern boundary of the industrial estate.
17. The facility would accept and treat locally derived wastes and recycle and recover them as resources. Waste materials for recovery and recycling would be transferred to the site in skip HGVs (predominantly), tipper lorries and roll-on-roll-off waste containers. Pre-sorting of materials would be carried out by a 360° machine and a loading shovel which would also feed a hopper and covered conveyor which would enter the Sorting Station building. This building would house waste processing machinery and equipment, including a trommel, air separator/screen and a manual picking station. A covered conveyor would then link to the Processing Station building where a shredder and bailing equipment would be located. Recovered materials would either be exported directly off site or transferred to external bays for temporary storage prior to export off site. Recycled and recovered waste materials would be bulked-up and leave the site in 20 tonne or 25 tonne capacity HGVs. External areas would be fully concreted with a dedicated drainage system. The external yard areas would be used for skip storage and overnight lorry parking for approximately 10 vehicles.
18. The longer term proposals for the site would involve the recovery and handling of up to 75,000 tonnes of waste per annum. The maximum throughput is expected to generate up to 265 HGV movements per day (where one movement represents one HGV in or out). This would be an increase of 145 HGV movements per day over the 120 HGV movements permitted under existing uses on site.
19. No change is proposed to the permitted operating hours for the site, which are:-
- 0600 – 1800 hours Monday to Friday  
0700 – 1700 hours Saturdays  
Site Closed – Sundays and Public Holidays
- The facility would employ up to 40 staff, including agency staff and dedicated HGV drivers base out of the site that would support waste operations.
20. The application is accompanied by the following supporting documents:
- A Landscape and Visual Impact Assessment;
  - A Landscape Masterplan for the site;
  - A Transport Statement;
  - A Noise Assessment;
  - A Dust and Odour Assessment; and
  - An Ecological Appraisal.
21. Following comments received from the Kent Highways and Transportation, Stockbury and Detling Parish Councils, the applicant has provided additional supporting information amplifying the application. The supporting information received included a technical note in support of the Transport Assessment, which considers the layout and safety of the junction with the A249 in detail. The technical note acknowledges that elements of the junction, including the length of the acceleration lane / on-slip to the north bound

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carriageway and the length of the deceleration lane for the right turn on the south bound carriageway, fall below most recent design standards, but that the safety record at the junction indicates that the layout remains acceptable. This additional information has been subject to further consultations with the statutory consultees, including Kent Highways and Transportation.

**Planning Policy**

22. The most relevant Government Guidance and Development Plan Policies summarised below are relevant to the consideration of this application:

- (i) **National Planning Policy and Guidance** – the most relevant National planning policies and policy guidance are set out within the following documents:

**National Planning Policy Framework (NPPF) (March 2012)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. It does not change the status of the development plan which remains the starting point for decision making. Planning Policy Statements (PPS) 10 specifically details Government policy on Planning for Sustainable Waste Management.

The NPPF contains a presumption in favour of sustainable development. It also refers to the UK Sustainable Development Strategy Securing the Future which sets out 5 guiding principles for sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. In terms of the planning system, the NPPF identifies that there are 3 dimensions to sustainable development which create 3 overarching roles in the planning system - economic, social and environmental. These roles are mutually dependent. Within the over-arching roles there are 12 core principles that planning should achieve. These can be summarised as:

- be genuinely plan-led;
- a creative exercise in finding ways to enhance and improve the places people live their lives;
- proactively drive and support sustainable economic development;
- secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including protecting Green Belts, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities;
- support the transition to a low carbon future, taking account of flood risk and coastal change and encourage the reuse of existing resources and the development of renewable energy;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing brownfield land, providing that it is not of high environmental value;
- promote mixed use developments;
- conserve heritage assets;
- manage patterns of growth to make fullest use of public transport, walking and cycling; and focus significant development in locations which can be made sustainable; and

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- take account of strategies to improve health, social and cultural well being, and deliver sufficient community and cultural facilities and services to meet local needs.

In terms of delivering sustainable development in relation to this development proposal, the following NPPF guidance is particularly relevant:

- Chapter 1 (Building a strong, competitive economy);
- Chapter 3 (Supporting a prosperous rural economy);
- Chapter 4 (Promoting sustainable transport);
- Chapter 7 (Requiring good design);
- Chapter 8 (Promoting healthy communities);
- Chapter 10 (Meeting the challenge of climate change, flooding and coastal change);
- Chapter 11 (Conserving and enhancing the natural environment); and
- Accompanying Technical Guidance.

The NPPF also requires that local planning authorities should look for solutions rather than problems. It states that those determining applications should seek to approve applications for sustainable development where possible.

**Planning Policy Statement (PPS) 10 (Planning for Sustainable Waste Management)** sets out Government policy on waste. The key planning objectives set out in PPS10 can be summarised as: providing a framework for delivering sustainable waste management through the movement of waste management up the waste hierarchy; helping implement the national waste strategy and supporting targets that are consistent with obligations required under European legislation; helping to secure the recovery or disposal of waste without endangering human health and without harming the environment; ensuring that communities take more responsibility for their own waste (self sufficiency) and enabling sufficient and timely provision of waste management facilities to meet the local needs; enabling waste to be managed in one of the nearest appropriate installations (proximity); and recognising the particular locational needs of some types of waste management, together with wider environmental and economic benefits of sustainable waste management, as material considerations that should be given significant weight in determining whether proposals should be given planning permission.

(ii) **Development Plan Policies:**

**Kent Waste Local Plan (KWLP) (1998) (Saved Policies)** – the most relevant saved policies include: W3 (Locational Criteria), W6 (Need), W7 (Re-use), W9 (Waste Separation and Transfer), W18 (Noise, Dust and Odour), W19 (Surface and Groundwater), W20 (Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings) W27 (Public Rights of Way) and W31 (Landscaping).

**Maidstone Borough Wide Local Plan (2000)** – the most relevant saved policies include: ENV6 (Landscaping), ENV28 (Countryside), ENV31 (Strategic Gap), ENV33 (Kent Downs AONB), ENV49 (External Lighting), ED2 (Retention of Employment Sites), ED12 (Detling Airfield Industrial Estate), T13 (Parking Standards), T21 (Access) and T23 (Development Control Considerations)

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(iii) **Emerging Policy**

**Kent Minerals and Waste Local Plan 2013-2030 Pre-Submission Consultation Draft (January 2014)** – Draft Policies CSW1 (Sustainable development), CSW2 (Waste hierarchy), CSW4 (Strategy for waste management capacity), CSW6 (Location of non strategic waste sites), CSW8 (Approach to waste management for non hazardous waste), CSW17 (Safeguarding permitted waste sites), DM1 (Sustainable design), DM2 (Sites of International, National and Local Importance), DM9 (The water environment), DM10 (Health and amenity), DM11 (Cumulative impact), DM12 (Transportation of minerals and waste) and DM13 (Public Rights of Way).

*Members will be aware that the pre-submission consultation draft of the Kent Minerals and Waste Local Plan 2013-2030 was endorsed by the full Council on 12 December 2013 for submission to the Secretary of State following a period of consultation. This document has not yet reached submission stage, as such the draft Plan and its policies carry limited weight as material planning considerations.*

**Maidstone Borough Local Plan Regulation 18 Consultation (2014)** – Draft Policies: SS1 (Spatial Strategy), SP5 (Countryside), DM1 (Development on Brownfield Land), DM4 (Principles of good design), DM6 (External Lighting), DM9 (Non Conforming Uses), DM10 (Historic and Natural Environment), DM13 (Sustainable Transport), DM17 (Economic Development), DM18 (Retention of Employment Sites) and DM30 (Design Principles in the Countryside).

*This document has not yet reached submission stage, as such the draft Plan and its policies carry limited weight as material planning considerations.*

(iv) **Other Policies**

**Kent Downs Area of Outstanding Natural Beauty Management Plan 2009 – 2014 (First Revision April 2009)** – Policies LLC1 and LLC8 (Landform and Landscape Character), GNR4 and GNR6 (Geology and Natural Resources) and SDT2, SDT3, SDT5 and SDT12 (Sustainable Development and Travel).

**Consultations**

23. **Maidstone Borough Council:** raise no objection to the development.

24. **Thurnham Parish Council:** no comments received.

25. **Stockbury Parish Council:** raise the following comments / concerns:

Stockbury Parish Council is concerned that any increase in traffic movement along the A249 would be a potential safety hazard, especially as traffic flows have probably reduced over the last couple of years due to the financial restraints on the county and also the apparent reduction of current movement on/off the Detling Aerodrome Industrial Estate.

The Parish Council note that the whole length of the A249 between the M2, Junction 5

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and M20, Junction 7 has been confirmed by Kent Highways as being sub standard in design. Vehicles accessing the site from M2 / Sittingbourne direction using the right turn facility are crossing the 70mph carriageway of the northbound A249 causing major safety hazards. In spite of the accident figures included in the application for the junction with the A249, the Parish Council consider that the number of times the A249 is closed from the M2 to the M20 due to accident investigation should be taken into account.

The Parish Council also raise concern that the ridge heights to the proposed buildings would be higher than the adjacent buildings and would be visible in the skyline when viewed from the north. The Parish Council request that the existing tree and shrub growth along the northern boundary should be maintained and any trees damaged or dying be replaced to maintain and improve the existing screening of the site and that the proposed external lighting columns should be no taller than the maximum eaves height on the application site to reduce / contain light pollution.

26. **Detling Parish Council:** raise concerns regarding the proposed increase in traffic movements along the A249 and the potential safety hazards associated with the traffic flow. The Parish Council also raise concerns about the ridge height of the proposed new buildings, as these appear to be higher than the adjacent buildings and would be above the skyline when viewing the site from the north.
27. **Environment Agency:** raise no objection subject to planning conditions covering: measures to be taken if contamination not previously identified is found to be present; no infiltration of surface water drainage into the ground without the written consent of the County Planning Authority; and the submission of full details of a foul and surface water drainage scheme (including details of the proposed sealed drainage tanks).

The Agency note that the site is underlain by the upper chalk principle aquifer and is located within a Source Protection Zone III for a potable water abstraction. The site lies within a sensitive groundwater area and therefore all precautions must be taken to protect the aquifer from potential contamination. For that reason the Agency recommend the above conditions.

The Agency advise that the proposed changes to the waste transfer and treatment operations at this site would require a variation to the existing Environmental Permit to be in compliance with the Environmental Permitting (England and Wales) Regulations 2010. The operator would need to demonstrate that all pollution risks are being managed appropriately at the site, giving particular attention to adequate site infrastructure, drainage and trade effluent consent with the sewerage undertaker (where appropriate), as well as the protection of watercourses through the implementation of an approved site specific Environmental Management System.

28. **Natural England:** raise no comments in relation to the Kent Downs Area of Outstanding Natural Beauty. In respect of protected species the comments draws attention to Natural England's published Standing Advice, which should be applied as a material consideration in the determination of applications.

Natural England's Standing Advice – recommends that no protected species surveys are required and works should proceed with caution. An informative should be appended to any consent stating that if protected species are encountered during the course of the development, then works should cease and advice be sought from an ecological consultant.

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29. **Kent Downs AONB Group:** no comments received.
30. **South East Water:** no comments received.
31. **Southern Water:** comment that there are no public foul and surface water sewers in the vicinity of the site and the applicant may need to investigate an alternative means of foul and surface water disposal.
32. **National Air Traffic Services (NATS):** raise no safeguarding objections to the proposal.
33. **Kent County Council Highways and Transportation:** raise no objection to the application, subject to the provision of additional signage on the A249 northbound approach to the Hucking junction to discourage the use of this junction by HGVs wishing to make a U-turn. *HGVs are required to travel to the roundabout at junction 5 of the M2 to make the turn.* Has advised that this additional signing could be secured by a Section 278 Highways Agreement.

Highways and Transportation comment that the Transport Statement and additional technical note provided by the applicant (*in response to Highways and the Parish Council comments*) indicates that there is not a significant safety problem at the access / egress to the application site or the junction linking it with the A249. The Highway Authority advises that having considered the safety record and the comparison of the junctions linking the site with the A249 against current standards, it is satisfied that there is no requirement for modifications to be made. The additional information received adequately addresses the parking and turning requirements within the site.

34. **The County Council's Noise Consultant:** raises no objection to the application, subject to recommended noise limits being imposed on any permission to the levels set out within the noise assessment. The comments received confirm that the assessment and additional clarification received is robust and that the potential noise generated by the proposed development would not be a significant issue.
35. **The County Council's Dust & Odour Consultant:** raises no objection to the application, subject to a condition securing the mitigation measures recommended within the Dust and Odour Impact Assessment received with the application. The consultant's advice confirms that the report of the assessment details the risk identified during construction and operational phases and goes on to state a number of mitigation measures. These measures include dampening down of surfaces in dry conditions, provision of vehicle washing facilities, sheeting of vehicles carrying materials, regular sweeping / site maintenance and a site speed limit of 10mph. The consultant's recommendation also notes that the facility would process waste that does not give rise to odour and that, given the distance to the nearest receptor, the potential odour impacts would be negligible.
36. **The County Council's Landscape Advice Service:** raises no objection to the application.

The Landscape Advice Service notes that a detailed Landscape and Visual Assessment (LVIA) has been submitted with the application that clearly presents a balanced assessment of the likely landscape and visual impacts of the proposal. It agrees with the results / outcome of the assessment that the development would have 'moderate

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negative' effects on the landscape character and visual amenity, which would be confined to a small area immediately to the north of the site.

37. **The County Council's Ecological Advice Service:** raises no objection to the application, subject to conditions to secure precautionary mitigation measures as set out within the Ecological Appraisal report received with the application and the submission of details of all external lighting to minimise impacts on light-sensitive biodiversity. The Ecological Advice Service advise that the potential for ecological impacts arising as a result of the proposed development have been adequately assessed and the site is not considered to have significant ecological value. In addition to the above conditions the advise recommends an informative in respect of the protection afforded breeding birds should works be required to trees or shrubs on site between 1<sup>st</sup> March and 31<sup>st</sup> August.
38. **The County Council's Minerals and Waste Policy Team:** advise that the proposed development accords with the direction of the emerging policy, including draft Policy CSW6: Location of Non Strategic Waste Sites. Policy CSW6 supports applications for non strategic waste facilities on land within or adjacent to existing mineral development or waste management use or within industrial estates provided operations are to be enclosed within a building unless it can be demonstrated that there would be no significant adverse effects from noise, dust or odour. The comments received also point out that the site already has permanent planning permission for waste management uses and forms part the County's waste management capacity on which forecasts for the draft Plan are based. Draft Policy CSW17 seeks to safeguard existing waste management uses to ensure that this capacity is not reduced.

**Local Member**

39. The local County Member for Maidstone Rural East, Mrs Jenny Whittle was notified of the application on 17 December 2013.

**Publicity**

40. The application was publicised by the posting of a site notice, an advertisement in a local newspaper, and the individual notification of 31 nearby commercial and residential properties.

**Representations**

41. No letters of representation have been received in response to the above publicity.

**Discussion**

42. The application seeks planning permission for the redevelopment of a existing waste management site and adjacent industrial estate land, to include the construction of two steel framed buildings and associated facilities to enable recovery and recycling of waste material. The application is being reported to the Planning Applications Committee as a result of concerns raised by Stockbury and Detling Parish Councils. See paragraph (23) to (38) for details of all consultee views received.
43. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in

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the context of the Development Plan Policies, the National Planning Policy Framework, other Government Policy and any other material planning considerations. In considering this proposal the planning policies outlined in paragraph (22) above are particularly relevant.

44. The key determining considerations in this particular case can be summarised by the following points:

- principle of the development and case of need;
- landscape and visual impact considerations;
- highway considerations;
- local amenity impacts (including noise, dust, odour and air quality);
- water environment (flood risk / groundwater impacts); and
- biodiversity considerations.

**Principle of the development and case of need**

45. The majority of the application site already benefits from planning permission for waste management uses (most recent being MA/10/1932 for the erection of a replacement waste processing building and MA/10/1931 for a change of use to allow a skip hire depot in connection with adjoining waste transfer station). The remainder of the land falls within the established industrial estate and comprises open storage, ancillary to an existing industrial use. The Detling Aerodrome Industrial Estate (including the entire application site area) is allocated and safeguarded within the Maidstone Saved Local Plan Policy ED2 for economic development for B1 (Business) or B2 (General Industrial) uses.

46. Paragraph 20 of PPS10, Policies W3, W7 and W9 of the Kent WLP and draft Policy CSW6 of the draft Kent MWLP (2014) all support the principle of the location of waste management facilities within or adjacent to existing waste management operations and / or industrial uses, subject to the development being located to minimise impact on local and natural environments and having ready access to the main road network.

47. On this basis proposals for waste management facilities at the Detling Industrial Estate would in principle be viewed favourably provided they are consistent with other policies and relevant criteria. It should be noted that as the existing waste facility at the site has the benefit of a permanent planning permission, it forms part the County's waste management capacity on which forecasts for the draft Kent MWLP are based. The current stock of waste management facilities are important to achieving net self-sufficiency for the County and the loss of capacity could adversely impact on delivering the waste management strategy. To this end draft Policy CSW17 of the Kent MWLP would seek to safeguard the existing facility from any other form of development, unless the existing capacity was replaced.

48. Policy W6 of the Kent WLP (1998) states that where sites are located outside a location identified in the Plan and it is judged that proposals would cause demonstrable harm, need becomes a material consideration in the decision making process. The Kent WLP (1998) identifies that locations are needed for sorting and separation of materials capable of being re-used, recycled and recovered and for the bulking-up of mixed waste for onward transportation. Emerging Policy CSW8 of the draft Kent MWLP reflects the call to provide improved waste management capacity to enable Kent to be as self sufficient as possible in managing waste arisings. Paragraph 14 of the NPPF states that

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there is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means that, unless material considerations indicate otherwise, proposals that accord with the development plan should be approved. It also states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Paragraph 19 of the NPPF states that the planning system should support sustainable economic growth. Maidstone Saved Local Plan Policy ED2 and Maidstone draft Local Plan Policies SS1, SP5, DM17 seek to support and improve the economy of the borough.

49. The application identifies that the permitted waste transfer station has served a definable catchment area, including urban areas of Sittingbourne, Maidstone and the Medway Towns, since 1995. Thereby contributing to regional self sufficiency by processing and recovering value from locally derived waste. During this time there has been a continuing growth in demand for waste handling capacity and for more sustainable waste management options. This includes a requirement to move the management of waste up the waste hierarchy. PPS10, alongside the emerging draft Kent MWLP, seek to give priority to planning for waste management developments that prepare waste for re-use or recycling above other options for recovery or disposal.
50. The current applicant draws attention to the fact that previous occupants of the site have had clear difficulties in operating the facilities within the constraints of the existing permissions, which has been reflected in the history of non-compliance and enforcement. This includes a requirement to provide a building on site within which waste management can take place. The original building permitted was potentially undersized, being damaged by operational plant and subsequently demolished a number of years ago. Since that time operations have continued in the open in breach of the planning controls in place. The applicant draws attention to the piecemeal planning applications previously submitted and approved for individual units and the 2012 withdrawn application, which have so far failed to deliver a solution for the sustainable future of the waste recycling operations to modern standards using modern plant housed within fit for purpose buildings.
51. The application also states that the operation of the proposed facility alongside Pinden's existing waste management operations near Dartford would enable the applicant to offer significant efficiencies in their operations by better targeting and rationalising catchment areas and waste streams for recycling, thereby cutting down haul distances between waste sources, the two operating sites and recovered product destinations.
52. In my opinion, the current proposal would represent a significant investment in improving the site and operations to meet modern standards, including in terms of development control and environmental permitting. This would increase the efficiency of the operation, through the provision of appropriate plant and equipment to increase rates of recycling and recovery, driving waste up the hierarchy. The investment would also contribute to the economic development of the locality, by providing employment opportunities for up to 40 staff and supporting local businesses to manage the waste arising.
53. Having established that the proposed development is acceptable in principle on land within or adjacent to an existing waste facility or within the surrounding industrial estate and that there is a case of need for the proposals, it is necessary to consider whether the

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proposal is acceptable in all other respects. These issues will be addressed in the following sections.

**Landscape and visual impact considerations**

54. The Maidstone Borough Local Plan identifies the site as being within an established industrial estate that is located within the open countryside, the Kent Downs Area of Outstanding Natural Beauty (AONB) and a defined strategic gap between Maidstone and Medway. On this basis any new development proposed in this location is subject to a number of Development Plan and Government policies that seek to protect and enhance the character and openness of the countryside.
55. The Development Plan Policies in place include Maidstone Local Plan Policies ENV28 and ENV33, draft Maidstone Local Plan Policies SS1, SP5, DM4 and DM30 and Kent draft MWLP Policy DM2. These seek to protect the countryside from unnecessary development and the special character of its landscape, particularly in relation to the AONB. Government policy is set out within the NPPF, including Chapter 11 (Conserving and enhancing the natural environment). Other material considerations include policies set out within the Kent Downs AONB Management Plan which seek to protect, conserve and enhance the natural beauty, landscape and historic character of the AONB. Maidstone Local Plan Policy ED12 specifically relates to development proposed within the Detling Aerodrome Industrial Estate and seeks new development to maintain and enhance the landscape planting and the retention of central open spaces.

**Area of Outstanding Natural Beauty**

56. The application site falls within the Kent Downs AONB where Development Plan policies and paragraph 115 of the NPPF require planning authorities to give great weight to conserving landscape and scenic beauty. Government policy states that planning permission for major development in the AONB should be refused unless there are exceptional circumstances where it can be demonstrated that the development is in the public interest. The policy indicates that consideration should be given to the need for the development, the scope for developing outside the designated area, any detrimental effect on the environment and landscape and the extent to which any such effect could be moderated.
57. The existing facilities form an important part of the infrastructure available to handle waste streams arising from the surrounding area. However, the existing development provided on site is not fully in accordance with the existing planning approval. The current application would enable the site to be brought back under planning control and enable the development of a modern enclosed facility that is fit to deliver sustainable waste management and increase the movement of waste up the waste hierarchy. Given that the application proposes to upgrade an existing waste management facility, within an established industrial estate, there is not the scope for the development to be relocated outside the designated area. If planning permission were to be refused in this instance the majority of the site would continue to benefit from permanent permission for a waste use. Given the need for such facilities within the County, I consider that the retention and improvement of the current operation to meet modern standards is in the public interest and represents a more sustainable solution than seeking a fresh site.
58. Given that there is an established need that is in the public interest and that it is not practical to consider alternative sites in this instance, it remains necessary to consider

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whether the proposed development would have a detrimental effect on the environment and landscape and, if so, the extent to which this could be moderated.

59. The application proposes the construction of two main waste sorting and processing buildings required to enable the development of a modern sustainable waste management facility. The buildings would be of similar construction and appearance to existing industrial buildings within the estate. The buildings would be finished in a non-reflective leaf green colour and would be open fronted on their inward facing sides. The applicant confirms that the proposed height and size of the buildings is dictated by the minimum operational requirements to handle and treat the waste within the buildings / under cover. The proposed buildings are not dissimilar in size to others permitted within the industrial estate. The existing site levels are between 159m AOD and 162m AOD, the maximum height of the proposed buildings would be 170.94m AOD at the eaves and 174.39m AOD at the ridgeline. The ridge heights of the existing buildings on the estate typically range from 166m to 176m AOD, with the canopy height of established trees on northern boundary recorded at between 169m and 179m AOD.
60. Members will note that the visual impact of any external lighting has been raised by Stockbury Parish Council, it requests that any lighting columns proposed be no taller than the maximum eaves height of the proposed buildings (approximately 10.5m). In response the applicant's agent has confirmed that this would be acceptable. Given the surrounding landscape, external lighting is an important consideration. If additional lighting is required I am satisfied that its visual impact (and the requirements to minimise any impact on local biodiversity) could be reasonably mitigated by conditions including the submission of all external lighting for approval and all external lighting being extinguished outside of the permitted hours of operation, with the exception of low level security lighting or during any essential maintenance or repair.
61. The application includes a Landscape and Visual Impact Assessment (LVIA) and a landscape masterplan (see page C1.5) that outlines proposed enhancements to the existing industrial estate boundary planting. The LVIA states that *'the proposed use of the site would equate to an increase in the intensity of its use, together with the introduction of new buildings into the landscape that would be consistent with those already operating within the aerodrome industrial estate. Therefore there would be no significant change to landscape and visual baseline conditions within the industrial estate itself, which forms its own landscape character area with far lower sensitivities than the wider AONB landscape.'*

*There are no distant views towards the site and the substantial tree belts and woodland locally mean that the proposed development would be almost visually inaccessible except from a single view, which is representative of views from a short section of PROW KH62, to the north of the assessment site.*

*The proposed development would have 'moderate-negative' effects on local landscape character and views, although these are confined to a small area immediately to the north of the site.*

*Mitigation planting would assist in minimising the effect of visual impact on the local views from the north and assist in soften views which impact upon the underlying character of the landscape. The new planting proposals would also represent a landscape enhancement, by reinforcing the existing vegetation belt along the northern*

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*boundary of the industrial estate, which would result in positive impacts on landscape, biodiversity and habitat connectivity’.*

62. The County Council’s Landscape Advice Service, raises no objections to the application and agrees with the conclusions of the LVIA. The advice recommends that the proposed Landscape Masterplan represents an opportunity to enhance the landscape character together with helping to screen the building from views to the north.
63. As set out in the above section, it is accepted that there is an established need for the development and that the proposals could not reasonably be located on land outside the AONB. Having regard to the comments from the County Council’s Landscape Advice Service, and given the existing nature of the application site and surrounding industrial estate, I am satisfied that the proposed development would not have a significant detrimental impact on the landscape and that the limited visual harm that would result could be suitably mitigated through the provision of a detailed landscape strategy based on that proposed in landscape master plan received (see page C1.5). Subject to appropriately worded conditions being placed on any planning permission, including requiring the submission of a detailed landscaping strategy, tree protection measures to ensure the existing trees on and adjoining the site are retained and the buildings being finished in green, I am satisfied that the proposed development accords with the relevant development plan and NPPF policies relating to the countryside, landscape and the AONB and is consistent with the objectives of the AONB Management Plan.

**Highway considerations**

64. Government policy on transport matters set out within Chapter 4 of the NPPF recognises that land use planning has a key role in delivering sustainable transport choices and reducing the need to travel, including the movement of goods and supplies. Traffic related impacts associated with waste developments are also covered within PPS10. This outlines traffic and access issues as key locational criteria in the identification of suitable sites, including consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste. Kent Waste Local Plan Policies W3, W9, W22 and Maidstone Borough Local Plan Policies T13, T21 and T23 require new waste management facilities / development to be safely and securely related to the primary and secondary road network and for proposals to ensure that there would be no material adverse effect on highway safety and the local environment from traffic movements. The development plan policies require proposals that could generate significant traffic movements to be supported by the provision of a transport impact study, meet appropriate vehicle parking standards and provide for essential highway improvements where considered justifiable to enable the proposals.
65. The application site is well related to the primary transport network and benefits from a dedicated access via private industrial estate roads directly to a junction with the A249. This allows access to the catchments in Maidstone, Sittingbourne and Medway. The existing permissions for the current waste management facilities and adjacent industrial use include a cap on HGV movements of 120 per day (60 in / 60 out), with a waste throughput of 38,400 tonnes per annum (tpa).
66. The application seeks permission to increase the maximum capacity of the site to up to 75,000 tpa and increase the permitted number of HGV movements by 145 per day to a maximum of 265 per day (where one movement represents one HGV in or out). The applicant states that the majority of the HGVs would be of the smallest class (two axle single unit vehicles) delivering skips and containers to site.

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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67. A Transport Statement is included in support of the application. This statement includes traffic flow counts on the junction with the A249 that serves the Aerodrome Estate to establish the existing patterns of movement and an appraisal of the potential impacts of the projected increase in vehicle trips associated with the proposed development. The assessment establishes that the proposed increase in HGV movements would result in an hourly flow increase at the junction with the A249 of 6 HGVs per hour at the northbound on-slip, 4 HGVs per hour at the northbound off-slip and 2 HGVs per hour at the southbound right turn facility. The report notes that approximately 50 per cent of the HGVs that would serve the site would be within the smallest classification and approximately 77 per cent within the two smallest HGV categories. The size of these vehicles is smaller than the HGVs that could be used and subsequently benefit from greater acceleration and manoeuvrability thereby reducing safety concerns whilst using the junction with the A249. The assessment concludes that whilst the development would impact on the use of the junction, the proposals should not result in any significant detrimental impact in transport terms.
68. In response to initial comments from Kent Highways and Transportation and the concerns raised by the Stockbury and Detling Parish Councils the applicant has provided a further technical note in support of the Transport Assessment that considers the layout and safety of the junction with the A249 in more detail. An examination of the geometrics of the junction against the recent standards set out in the Design Manual for Roads and Bridges (DMRB) establishes that half of the junction elements (acceleration, deceleration lanes, etc) comply, whilst the other half fall short of the modern standards given the speed limit on the A249. However, the assessment concludes that there are no significant differences between the measurements on site and those required by the standards.
69. The technical note also reviews the Personal Injury Accident (PIA) data for the area surrounding the application site over the most recent 5 year period. The PIA data for this period indicates that 8 incidents were recorded, of which 1 was considered serious but could not be attributed to the existing junction form. Three of the incidents involved Goods Vehicles of which 2 could be attributed to use of differing parts of the junction however these were shown not to be affected by the aspects of the junction that do not comply with the most recent standards. The assessment concludes that the existing junction does not present any pattern of issues relating to highway capacity, safety or amenity which would be exacerbated by the proposals or the current layout of the junction.
70. In response to a request from Kent Highways and Transportation the applicants transport consultant has also reviewed the signage on the A249 within the vicinity of the site. The review suggests that the signage along the northbound carriageway leading away for the industrial estate towards the A249 / Rumstead Lane junction (Hucking U-turn facility) could be enhanced to further inform HGV drivers leaving the industrial estate that wish to travel south towards Maidstone of the requirement to use the M2 / A249 junction / roundabout to make this U-turn and not at the minor junctions along this route. In addition to this improvement, the applicant has confirmed that a management plan would be produced to ensure all vehicles under Pinden's control would received full information of the most appropriate routing to take.
71. Kent Highways and Transportation has commented on the application and Transport Statement (as amplified by the technical note) confirming that it is satisfied that there are

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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not considered to be any significant safety problems at the access / egress to the application site or junction linking it with the A249. It advise that, having considered the safety record, there is no requirement for any modifications to the existing junction arrangements. Subject to the provision of the additional signing discussed (which could be secured under a Section 278 Agreement), Kent Highways and Transportation raise no objections to the application.

72. Taking into consideration the established use of the industrial estate and the existing waste management facilities (which could continue to generate HGV movements irrespective of the outcome of this application), the findings of the Transport Statement and accompanying technical note and the comments received from Kent Highways and Transportation, I would not raise a highway objection to the application. Given the comments received, I consider that the highway implications of the development could be reasonably mitigated through the imposition of conditions restricting the maximum number of HGV movements to 265 per day, a requirement to keep records of all HGV movements for the most recent 3 year period, the recommended improvements to the signage on the A249 being implemented before the buildings proposed become operational, all open vehicles to be sheeted or netted and precautions to prevent mud being tracked onto the highway. Subject to these conditions, I am satisfied that the proposals are consistent with the development plan and Government policies relating to highway matters as set out above.

**Local amenity impacts (including noise, dust, odour and air quality)**

73. Policies W18 and W25 of the Kent WLP require the planning authority to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity. Policy DM10 of the draft Kent MWLP states that waste development will be permitted if it can be demonstrated that it is unlikely to generate significant adverse impacts on the quality of life of communities or on the environment.
74. PPS10 states that when considering planning applications for waste management facilities, waste planning authorities should consider likely impacts on the local environment and on amenity, including proximity to sensitive receptors and the extent to which impacts/ emissions can be controlled. PPS10 also states that 'controls under the planning and pollution control regimes should complement rather than duplicate each other' and that 'in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities'. Although the NPPF does not include waste policy, paragraph 122 states that in making planning decisions, local authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also states that local planning authorities should assume that these regimes will operate effectively.

**Noise**

75. The application is supported by a noise assessment conducted in accordance with British Standard (BS) 4142, which includes background noise monitoring and an assessment of the likely noise emissions. The report concludes that the generated noise levels at the closest residential properties in Binbury Lane (43dB  $L_{Aeq,1hr}$ ) would be below

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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the existing background levels at this location (54dB  $L_{A90}$ ), indicating a positive indication that 'complaints are unlikely'. A further residential property is located at Challenge Farm 700m to the west. In this instance the background noise levels at this location are lower (37dB  $L_{A90}$ ) (likely due to the increased distance from the A249), however the calculated noise levels are 37dB  $L_{Aeq,1hr}$ , which given the background levels would normally be considered acceptable in planning terms. The noise assessment recommends that the proposed buildings are constructed using insulated cladding to reduce reverberant noise internally and that the proposed 3m push walls to the external sorting area are provided on site to better screen the development.

76. It is worth noting that the application proposes no change to the permitted operating hours, which are 0600 – 1800 hours Monday to Friday, 0700 – 1700 hours Saturdays with the site closed on Sundays and Public Holidays.
77. The County Council's Noise Consultant has considered the noise assessment confirming that the work completed is robust and that the potential noise that would be generated by the proposals would not be significant. The advice received recommends the inclusion of a noise condition restricting noise from the development at the identified noise sensitive properties to the predicted levels set out within the assessment. It is also worth noting that the application does not include provision for crushing of any aggregates received, which can generate increased noise levels. In addition to the condition recommend by the County Council's noise consultants I recommend that a condition preventing any crushing activity from taking place on site be imposed.

**Dust, Odour and Air Quality**

78. Due to the nature of the existing and proposed waste operations and the nature of the materials that would be accepted on site (consisting of skip waste, mixed dry recyclables, metals, minerals (sand and stone), demolition and construction wastes, wood and paper) the proposed development has the potential to generate dust. The application documents include a Dust and Odour Assessment that concludes that the impact of the development in terms on odour would be negligible as the wastes that would be accepted and handled by the proposed facility would be predominantly inorganic and not give rise to odours. The organic waste that would be accepted, mostly paper / cardboard and wood, degrade slowly and have limited capacity to generate significant odour issues.
79. The Dust and Odour Assessment also considers the potential impact on dust levels generated from both the construction and operation phases, concluding that the proposals would have a low or negligible impact on surrounding receptors. The report recommends a number of mitigation measures and controls during both phases, including water sprays / bowser in dry condition, the provision of on site vehicle and wheel washing facilities, the sheeting of vehicles and skips carrying materials, regular sweeping of surfaced areas, sensitive storage and handling of materials capable of generating dust and a 10mph speed limit on site. The report highlights that the operational phase of the proposed development would be subject to separate operating conditions within an Environmental Permit, which would ensure that the development would not adversely impact the environment or sensitive receptors.
80. Neither Maidstone Borough Council nor the Environment Agency has raised an objection to the application. The Agency has confirmed that the site would require an Environmental Permit which would provide for control over potential emissions such as

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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dust, odour and litter. The County Council's Dust & Odour Consultant raises no objection to the application, subject to a condition securing the mitigation measures indicated within the assessment received with the application.

81. In my opinion the proposed modernisation of the existing permitted waste operations would provide the potential for a number of environmental improvements over the existing facilities, including in terms of amenity considerations. Not least of which being that the proposed development would allow all of the main sorting and processing activities associated with the waste management facility to be contained within the proposed buildings, with the associated acoustic and dust attenuation this would provide.
82. On this basis, I am satisfied that local amenity impacts would not present a significant barrier to the development and can be adequately controlled and regulated by the imposition of conditions discussed above and the Environmental Permit (including ongoing compliance checks and management required under the pollution control regime). I am therefore satisfied that the proposed development would be acceptable in amenity terms and would accord with the relevant development plan and Government policies detailed above.

**Water environment (flood risk / groundwater impacts)**

83. The Environment Agency has indicated that the application site is underlain by the upper chalk aquifer and is located within a Groundwater Source Protection Zone (SPZ) 3 for a potable water supply abstraction. The application site is therefore within a sensitive area for groundwater. The site and surrounding area is within a Flood Zone 1 (also designated by the Environment Agency) where there is a low probability of flooding.
84. Chapter 10 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) seeks opportunities to reduce the overall flood risk through the layout and form of the development and the appropriate application of sustainable drainage systems. Chapter 11 (Conserving and enhancing the natural environment) also requires the planning system to contribute to and enhance the local environment, including by preventing development from contributing to unacceptable risk to soil, air, water and noise pollution. Policies W19 and W20 of the Kent WLP and policy DM9 of the draft Kent MWLP require the protection of surface and groundwater resources and sustainable flood risk management.
85. The application proposes to improve the surface of the entire operational site area and access roads with sealed concrete hardstanding that would drain to drainage sumps / tanks positioned under the site area. The storage tanks would have no outlet to the environment with collected water being removed from site by tanker (as necessary) to an appropriately licensed facility.
86. In responding to the application, the Environment Agency has raised no objection to the proposals, subject to a condition covering measures to be taken if contamination not previously identified is found to be present; no infiltration of surface water drainage into the ground without the written consent of the County Planning Authority and the submission of full details a foul and surface water drainage scheme (including details of the proposed sealed drainage tanks). The Agency advise that the proposed changes to the waste transfer and treatment operations at this site would require a variation to the existing Environmental Permit and that this would include details of site infrastructure, drainage and trade effluent consent with the sewerage undertaker. Southern Water has

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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confirmed that there are no public foul and surface water sewers in the vicinity of the site and the applicant would need to investigate an alternative means of water disposal. The proposed condition requiring details of foul and surface water drainage would enable this issue to be satisfactorily addressed.

87. Subject to the inclusion of conditions recommended by the Environment Agency, I am satisfied that the proposed development would meet the requirements of the NPPF and relevant development plan policies relating to the water environment, including flooding and ground and surface water protection.

**Biodiversity considerations**

88. Chapter 11 of the NPPF (Conserving and enhancing the natural environment) recognises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. Policies W21 of the Kent WLP and ENV28 of the Maidstone Local Plan seek to protect existing habitats and biodiversity and, where possible, seek opportunities to incorporate biodiversity enhancements in and around development.

89. The application documents received include an Ecological Appraisal of the site. The report concludes that the site has low ecological value on the basis that it predominately comprises of hard standing with temporary structures and small areas of vegetation and trees scattered boundary around the boundaries. The recommendations include precautionary measures during any construction period to take account of the possible presence of nesting birds and foraging animals. It also advises that careful consideration be given to any external lighting to ensure it does not adversely impact on local wildlife. The report recommends habitat / biodiversity enhancements that include retention of existing hedges and trees and the provision of native planting around the site to help retain habitat connectivity.

90. On the basis of the existing uses, Natural England's Standing Advice recommends work should proceed with caution, subject to an informative stating that if a protected species are encountered during the course of the development, then works should cease and advice sought from an ecological consultant. The County Council's Ecological Advice Service have raised no objections to the proposal, subject to the precautionary and ecological enhancement measures recommended with the Ecological Appraisal. These measures could be adequately secured through the inclusion of an appropriately worded condition on any planning permission.

91. Given Natural England's Standing Advice and the views of the County Council's Ecological Advice Service, I am satisfied that the proposed development would accord with the relevant Government and development plan policies referred to above, subject to condition securing the biodiversity protection and enhancement measures recommended.

**Conclusion**

92. The application has been considered in the context of the Development Plan and material planning considerations including the NPPF and PPS10. Although the application has given rise to some concerns from the local Parish Councils (relating to highway considerations and landscape / visual impact), taking the existing planning permissions and the surrounding land uses into consideration and comments of the

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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statutory and other consultees (particularly Kent Highways and Transportation and the County Council's Landscape Advice Service), I am satisfied that the development proposed would be acceptable in terms of landscape and visual impact, highway considerations, local amenity impacts, the water environment and biodiversity considerations. I consider that the benefits associated with the proposal (i.e. the improvement of an existing facility to increase recycling and movement of waste management up the waste hierarchy) outweighs any real or perceived harm to the landscape, the local highway network or any other matter. I also consider that any potential adverse impacts arising from the proposals could reasonably be mitigated and controlled by way of the conditions set out below and those required by the Environmental Permitting regime.

93. I am satisfied that the proposals are sustainable and consistent with the relevant development plan and government policies against which the application should be considered and that there are no material planning considerations that indicate the application should be refused. I therefore recommend accordingly.

**Recommendation**

94. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions and informatives covering (amongst other matters) the following:

- development to be commenced within 3 years;
- the development being carried out in accordance with the submitted plans and details and any approved pursuant to the conditions set out below;

Pre-commencement conditions

- the submission for approval of a final landscape and planting specification, in accordance with the principles detailed in the landscape masterplan received with the application;
- the submission for approval of a foul and surface water drainage scheme;
- the submission for approval of details of all external lighting;
- the submission for approval of details of any external storage outside the proposed pre-sort area;

Controls on the construction phase

- tree protection measures during construction;
- the implementation of the mitigation and enhancement measures proposed with in the Ecological Appraisal;
- measures to be taken during construction if contamination not previously identified is found on site;
- precautions to guard against the deposit of mud on the highway during the construction period;
- the buildings being finished in green;
- the sorting and processing buildings being constructed using the insulated cladding set out within the application;
- the proposed 3m high concrete retaining walls being erected and retained on site;

**Improvement of waste management facility at Units 6, 13, 14 and Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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Controls on the operation of the development

- the recommended improvements to the signage on the A249;
- controls on the hours of operation of the waste management facility to those applied for (0600 – 1800 hours Monday to Friday, 0700 – 1700 hours Saturdays, no operations on Sundays and Public Holidays);
- the noise from the development at the closest noise sensitive properties not exceeding the predicted levels set out within the noise assessment;
- the entrance to the site being secured outside operational hours;
- with the exception of low level security lighting or during any repair or maintenance, all external lighting being extinguished outside of the permitted hours of operation;
- controls on the total combined waste throughput (to a maximum of 75,000tpa);
- only those wastes specified within the planning application, namely commercial and industrial waste (mainly skip waste) being received, deposited, stored or managed on site;
- no crushing of materials to take place on site;
- all biodegradable/ putrescible waste being removed within 48 hours of arrival on site;
- controls on the overall number of HGV movements (to those applied for, being 265 HGV movements per day);
- records of all HGV movements and details of quantities of all waste handled at the site shall be maintained for a period of 3 years and being made available on request;
- all loaded, open backed HGVs entering or leaving the site being sheeted or netted;
- only vehicles, storage containers and skips that are ancillary to the development being stored within the site;
- all vehicles, plant and machinery operated on site being maintained in accordance with the manufacturer's specification at all times and being fitted with and use effective silencers;
- the mitigation measures set out with the dust and odour assessment received with the application being implemented and maintained on site;
- the hard surfacing on site shall be maintained in a good state of repair, kept clean and free of mud and other debris and measures to prevent the deposit of mud or other debris on the highway;
- unauthorised material deposited on site shall be removed to an authorised waste disposal facility within 48 hours;
- restrictions on stockpile heights for pre and post processed materials and skips (of not more than 4m);
- with the exception of operations in the pre-sort area, all sorting and processing to take place inside the buildings;
- removal of permitted development rights; and
- the terms of the planning permission being made known to any person(s) given responsibility for the management of the site.

**Item C1**

**Improvement of waste management facility at Units 6, 13, 14 and  
Adjacent Unit, Detling Aerodrome Industrial Estate – MA/13/2191**

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Informatives

- covering precautionary measures if protected species are encountered during the course of the development;
- raising awareness of protection afforded breeding birds should works be required to trees or shrubs on site between 1<sup>st</sup> March and 31<sup>st</sup> August.

Case Officer: James Bickle
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Tel. no: 01622 221068
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Background Documents: see section heading
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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

**Item D1**

**Proposed expansion of Southborough Primary School,  
Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 April 2014.

Application by Kent County Council Property & Infrastructure Support for a revised application for the proposed erection of a new teaching building and revised parking layout including an additional 9 car parking spaces and other external alterations at Southborough Primary School, Broomhill Park Road, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014).

Recommendation: The application be referred to the Secretary of State for Communities and Local Government and subject to his decision planning permission to be granted, subject to conditions.

**Local Member:** Mr Peter Oakford

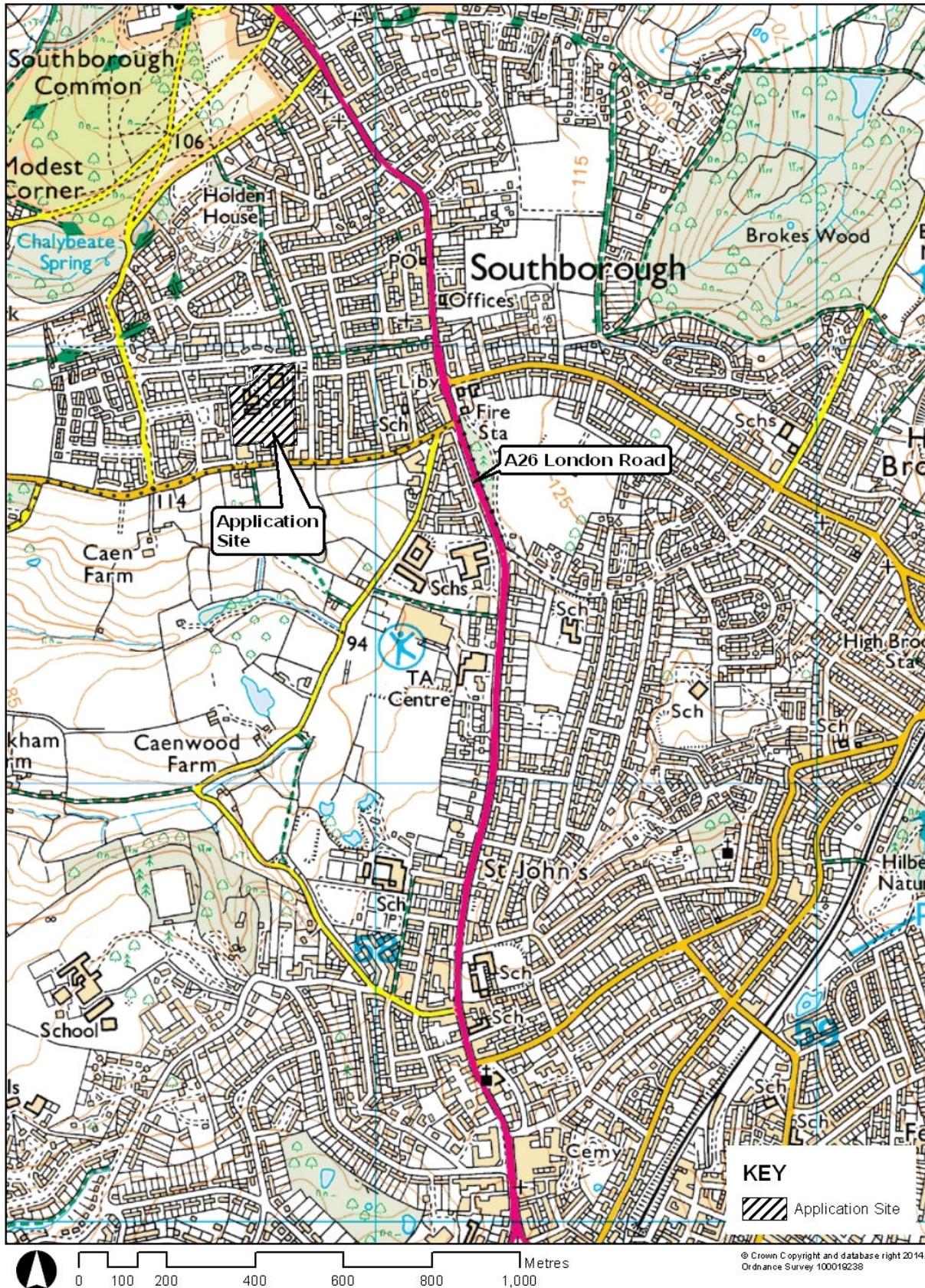
**Classification:** Unrestricted

**Site**

1. Southborough Primary School is located in the town of Southborough, which is a civil parish of Tunbridge Wells located to the north of the town centre, bisected by the A26. Southborough Primary School is located to the south west of Southborough, to the west of the A26 London Road, and to the north of Speldhurst Road. The school site is bounded by residential properties in Speldhurst Road to the south, Prospect Road to the East, Lady's Gift Road to the West, and facing properties in Broomhill Park Road to the north. The school is accessed via pedestrian and vehicular accesses on Broomhill Park Road, and a pedestrian only gate on the western site boundary, linking with Lady's Gift Road. An independent children's centre is located to the west of the school, on Broomhill Park Road. The children's centre has its own pedestrian access, and two parking spaces (including an accessible space) allocated within the Primary School site.
2. The existing Primary School accommodation on site is split between two buildings; an infant block and a junior block. The two buildings are distinctly separate, with the infant block located to the north east of the site and the larger junior block more centrally located but to the west, with an access road, some car parking and a playground separating the two. The junior block contains the Primary School main entrance and reception, the majority of the administrative spaces and the main hall, although the infant block also has a hall and library facilities. Both buildings are single storey. The Primary School has two vehicular accesses on Broomhill Park Road, with an area of car parking running along the sites northern boundary between the two access points. That area of car parking is separated from Broomhill Park Road by an existing tree belt, and the whole of the school site is surrounded by mature trees and planting on all boundaries. Hard play areas are located to the west of the infant block and to the west of the junior block, with further hard surfaced courts located to the east of the junior block. 'L' shaped playing fields lie to the east of the hard courts, to the south of the infant block, extending down the eastern side of the site, and across the southern half of the site. The site is not subject to any local, historical or landscape designations.

*A site location plan is attached.*

**Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)**



**Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)**



# Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)

## Existing Site Plan

notes

- Site Boundary
- Existing Buildings
- Existing canopies
- Hard Play Areas
- Grass / Playing Field
- Paths
- Roads
- Existing Fence Line
- Trees to be removed
- Pedestrian Entrance
- Vehicular Entrance




PLANNING Existing Site Plan 13-057 G01 002

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**Kent County Council**  
 Southborough Primary School  
 Broomhill Park Road  
 Royal Tunbridge Wells  
 Existing Site Plan

date	drawn	checked
13/03/14	05/12/13	JB
drawn	revised	
13-057 G01 002	PL0	

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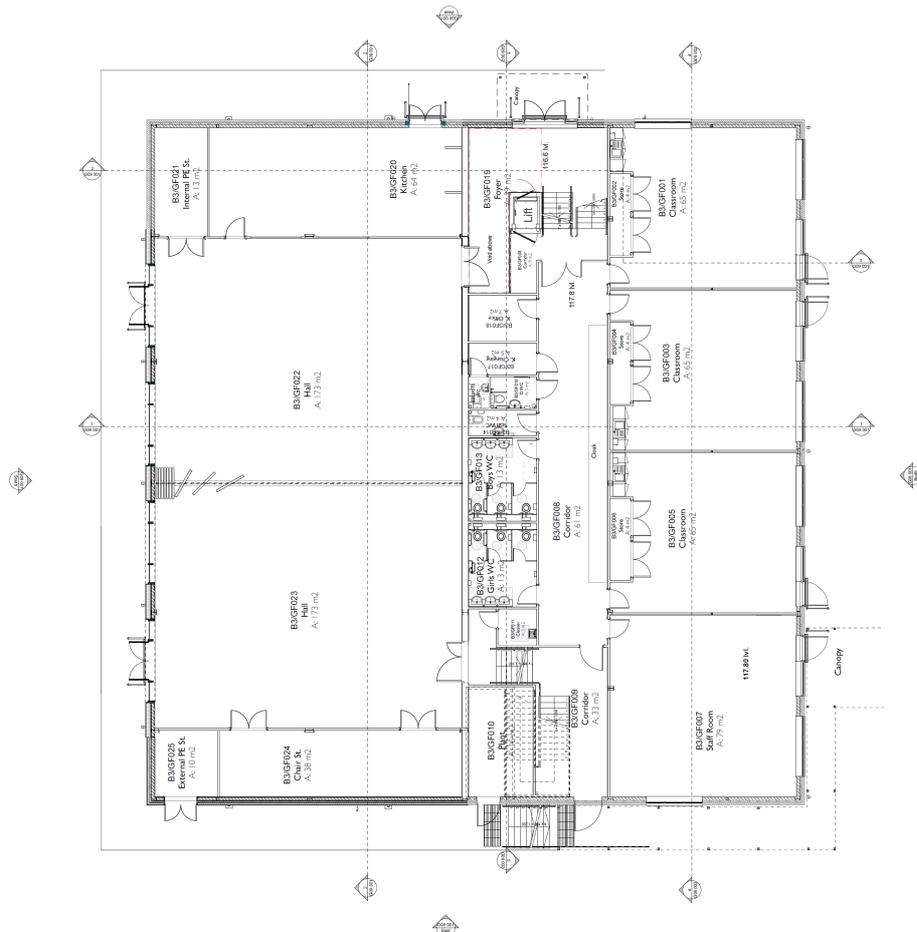


# Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)

## Proposed Ground Floor Plan



Received - 16 Dec 2013  
Planning Applications Group



PLANNING  
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 T - tender P - preliminary R - record  
 C - consultation R - record

Kent County Council

**Southborough Primary School**  
 Broomhill Park Road  
 Tunbridge Wells

**Proposed Ground Floor GA Plan**  
**New Teaching Block**

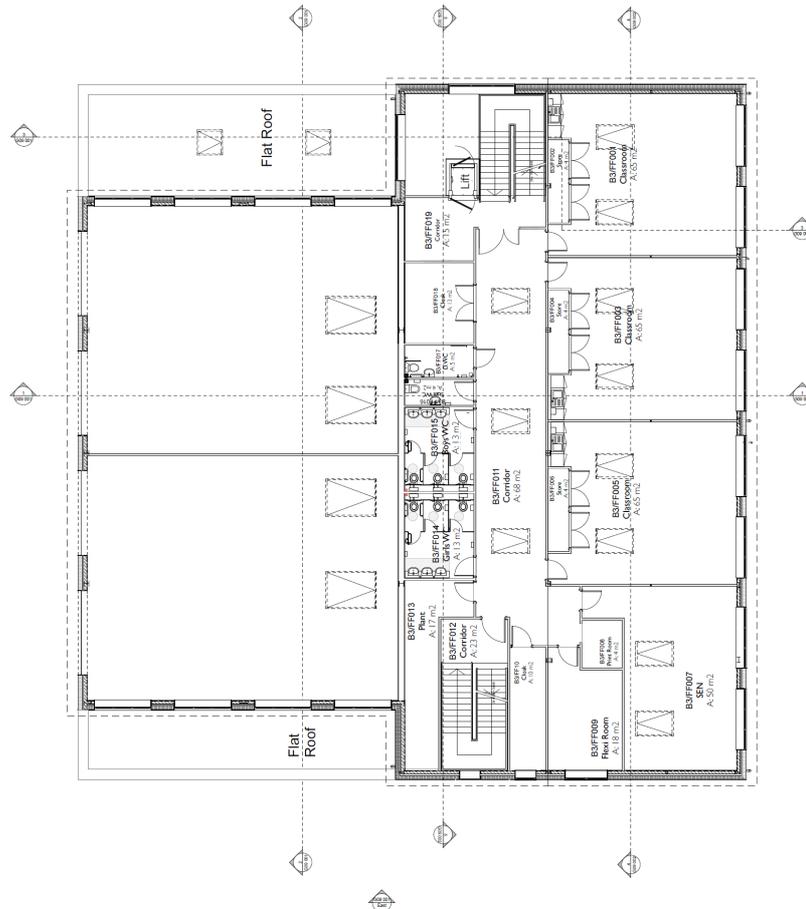
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# Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)

## Proposed First Floor Plan

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Received - 16 Dec 2013  
Planning Applications Group



PLANNING Proposed First Floor GA Plan 13-057 G07 002

revisions: VN 00 12.12

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 1100 @ A1 05/12/2013 VN 05

**Kent County Council**  
 Southborough Primary School  
 Broomhill Park Road  
 Tunbridge Wells

Proposed First Floor GA Plan  
 New Teaching Block

scale: 1:100 @ A1 date: 05/12/2013 VN 05  
 drawn: checked: revision: 01

JOB NO: 13-057 G07 002 PLO  
 UNDESIGNATED CHG NO: 01

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# Item D1

## Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)

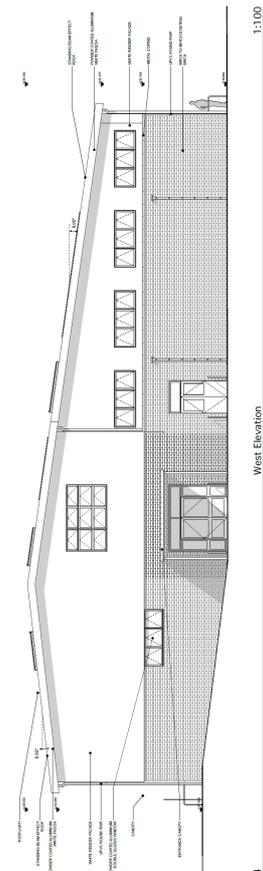
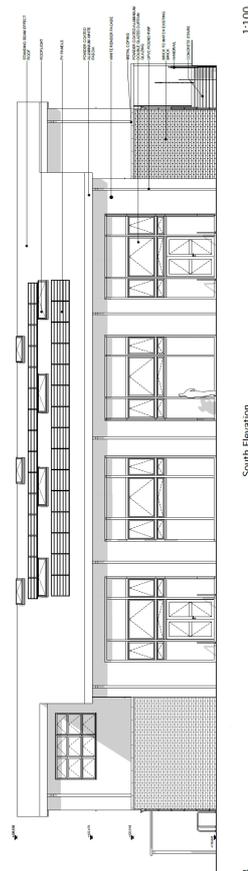
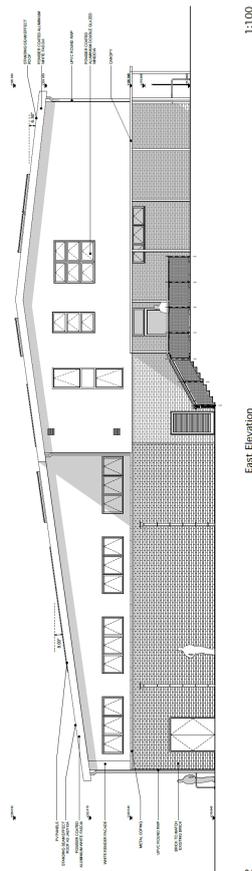
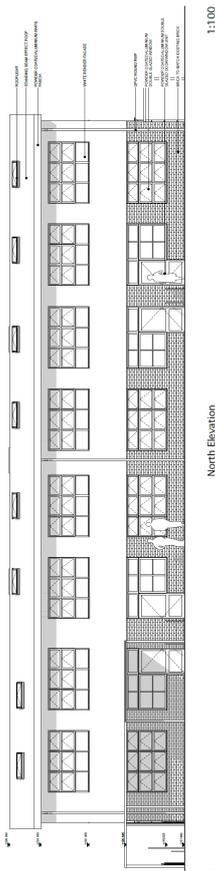
### Proposed Elevations

PLD Planning Issues VN 06.12.13

Received - 16 Dec 2013  
Planning Applications Group

<b>PLANNING</b>		Proposed Elevations		13-057 G08 001
 <b>Bond Bryan Architects</b> versatile houses 55 High Street, Westwicken, Kent TN11 8BE T +44 (0)1898 597 300 E info@bondbryan.co.uk W www.bondbryan.com		PLD Planning Issues VN 06.12.13 revisions		
Kent County Council <b>Southborough Primary School</b> Broomhill Park Road Tunbridge Wells		<b>Proposed Elevations</b> New Block		
T - title P - preliminary C - construction R - record P1 - pre tender		scale 1:100 @ A1 date 06.12.2013 drawn VN checked JS revision		job no 13-057 G08 001 PLD

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**Proposed expansion of Southborough Primary School, Tunbridge Wells – TW/14/288 (KCC/TW/0002/2014)**

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**Relevant Planning History/Background**

3. This application has been submitted by Kent County Council Property and Infrastructure Support and is part of the county wide Basic Needs Programme, and is seeking to expand Southborough Primary School from 2 forms of entry (FE), to 3 FE. Application reference KCC/TW/0279/2013 was submitted in September 2013 and proposed a single storey teaching block containing 3 classrooms and a hall, and internal refurbishment to the existing accommodation to provide a further additional 3 classrooms. That application was withdrawn by the applicant in November 2013. It should be noted that that application proposed the same access, car parking and external landscaping as the application to be considered in this report, and that the single storey teaching block was proposed on the same footprint as the teaching block now proposed. That previous application was withdrawn due to school operational issues, phasing matters and costs associated with the internal conversions required to provide the further three classrooms. In light of this, the applicant has redesigned the scheme to provide the required accommodation for a 3FE Primary School within a two storey teaching block, accommodating six classrooms and a hall, negating the need for internal alterations. This proposal will be outlined below.

**Proposal**

4. This proposal would provide the accommodation required to expand Southborough Primary School from 2 forms of entry to 3 forms of entry (FE). This would take the proposed total capacity of the school from 420 to 630 pupil places, and would result in an increase in full time equivalent staff from 49 to 60. The applicant advises that there is an identified need for additional primary school places within the Borough of Tunbridge Wells, in part due to housing development within the town and neighbouring villages, and in part due to inward migration, which has been a contributory factor to the indigenous growth. This growth and in-migration is bringing new families to the area, requiring enhancements to the infrastructure to meet the future needs of the town and its residents.
5. The proposed new teaching block would be located towards the centre of the site, and would be a stand-alone building connected to the existing school buildings by covered canopy walkways only. The teaching block would be sited upon an area of hard surfacing used for circulation/access/car parking, and an area of amenity grass used for informal play and allotments. The applicant advises that the teaching block has been carefully positioned on the site to respond to its topography, to take advantage of its slope to the south. The double height hall is proposed to the south of the building, with double height glazing affording views across the sports pitches. 6 classrooms would be located within the northern side of the building, spread over two floors, separated from the hall by a corridor, toilets, offices and stores.
6. Externally, the main hall and classrooms would have a low pitched roof, finished with a grey standing seam effect material, whereas ancillary areas such as kitchen, plant room, stores and toilets would have a flat roof with parapet. The design of the exterior facades aims to be 'cutting edge yet timeless' through the juxtaposition of traditional and contemporary materials. Brickwork is proposed at ground level in the most part, with white render at the upper level and render to the hall, with white powder coated aluminium glazing and doors. The building has been designed to facilitate community use.

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7. The school currently has 31 car parking spaces, spread out in different locations around the school site. 6 spaces would be removed as a result of this development, but a further 15 would be provided, an increase in 9 spaces over the existing (40 in total). A new one way pupil drop-off system is also proposed within the site, using the existing vehicle access to the school (to the north west of the site) as the point of entry, and the disused access towards the north east of the site as an exit. Pedestrian access would remain as existing.
8. In order to accommodate the proposed new teaching block and associated additional car parking spaces, a small number of centrally located trees would require removal. However, boundary trees and planting would remain unaffected by the proposals. In addition, in order to compensate for the loss of grass playing space (179m<sup>2</sup>) due to the proposed siting of the teaching block, the applicant is proposing to relocate the 'sensory garden' currently located in the south east corner of the site to the north west of the junior block. This would enable the area currently used as a 'sensory garden' to be returned to playing field, increasing the playing field area within the site by 167m<sup>2</sup> over the existing.

*The application is accompanied by a Design and Access Statement, Planning Statement, Sport England Note, Statement of Community Involvement, Transport Statement, Updated School Travel Plan, Ecological Appraisal, Flood Risk Assessment, Ground Investigation Report, Stage 1 Desktop Study and Topographical Survey.*

**Planning Policy**

9. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) **National Planning Policy Framework (NPPF)** March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- the great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new

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communities, and that great weight should be given to the need to create, expand or alter schools; and

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

(iii) **Tunbridge Wells Borough Local Plan (2006)**

**Policy EN1** - Seeks all proposals to be compatible in nature and intensity with neighboring uses and not cause significant harm to character and amenities of the area in terms of daylight, sunlight, privacy, noise or excessive traffic generation. Seeks the design of the proposal to respect the context of the site and not cause significant harm to residential amenities.

**Policy TP1** – Requires a transport assessment and travel plan to accompany proposals for new or significantly expanded schools. These documents may also be required in support of development which would otherwise be unacceptable due to the level of traffic that would be generated.

**Policy TP5** - Vehicle parking in connection with development proposals will be restricted to the maximum necessary having regard to local highway conditions. Kent County Council's Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.

(iv) **Tunbridge Wells Core Strategy (July 2010):**

**Core Policy 3** – Promotes sustainable modes of transport, and requires development proposals which would have significant transport implications to be accompanied by a transport assessment and travel plan showing how car based travel can be minimised.

**Core Policy 4** – The Borough's built and natural environments will be conserved and enhanced.

**Core Policy 5** – The Borough Council will apply and encourage sustainable design and construction principles and best practice. Developments should also be of high quality design, creating safe, accessible, and adaptable environments, whilst conserving and enhancing the public realm.

**Core Policy 8** – Supports the provision of leisure and community facilities.

**Core Policy 9** – Development must conserve and enhance the landscape, heritage and biodiversity assets of Royal Tunbridge Wells, to secure its special character in the long term.

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**Consultations**

10. **Tunbridge Wells Borough Council** raises no objection, subject to standard conditions in respect of tree protection and the production of renewable energy.

**Southborough Town Council** recommends that permission be granted.

**Kent County Council Highways and Transportation** raises no objection but comment as follows:

“I would reiterate concerns regarding future parking levels at the site for although the level of additional staff parking has been justified in terms of existing trip patterns to the school, the level of provision does fall short of maximum provision recommended in Kent Vehicle Parking Standards. Therefore with a change in staff the site may experience additional parking demand and it may be prudent for the development to retain some flexibility to address changing demand in the future.”

**Sport England** objects to the application and comments as follows:

Additional 9 parking spaces

While Sport England has not visited the site, these proposed aspects of the proposed development would appear to be sited on areas incapable of accommodating a playing pitch or part thereof. Sport England is therefore satisfied that these aspects of the proposed development would meet exception E3 of Sport England’s playing fields policy, in that these aspects of the development only affect land incapable of forming a playing pitch or part thereof and do not adversely affect existing pitch provision on the site.

New teaching building

The proposed new teaching building would appear to be sited predominantly on an existing area of playing field, currently marked out for part of a playing pitch. Although the existing pitch is proposed to be relocated, locating the proposed development towards the north eastern side of the existing playing field would prejudice the use of this part of the playing field. The impact on the playing field of the proposed development is therefore the area of the playing field to be lost where the building is to be sited and also the area of the playing field to be prejudiced by the proposed development.

The proposed replacement playing field was taken into account as part of the original assessment of this scheme, however, unfortunately the proposal does not meet exception E4 of Sport England’s playing fields policy.

Furthermore, the information provided does not constitute a robust assessment of need and therefore does not meet E1 of Sport England’s playing fields policy (in line with the NPPF).

In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England’s playing fields policy.

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Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.”

**The County Council’s Biodiversity Officer** is satisfied with the ecological information provided, but recommends conditions of consent regarding the submission of a precautionary working method statement to minimise the potential of badgers (or their sett) being impacted, clearance of the site using a precautionary mitigation approach to minimise the potential of reptiles being impacted, protection of nesting birds and inclusion of ecological enhancements.

**Environment Agency** raises no objection to the application subject to the imposition of conditions regarding contaminated land and sustainable urban drainage.

**The County Council’s School Travel Plan Advisor** has requested that the School adds an additional sentence into the Monitoring and Review section of the Travel Plan, but confirms that the Travel Plan meets Kent County Council’s criteria.

**Local Member**

11. The local County Member, Mr Peter Oakford, was notified of the application on the 4 February 2014.

**Publicity**

12. The application was publicised by the posting of 3 site notices, advertisement in a local newspaper, and the individual notification of 96 neighbouring properties.

**Representations**

13. To date, I have received 2 individual letters of representation from local residents. A summary of the main issues raised/points of objection is set out below:
  - Fully supports any improvements to the school, but hopes that better planning will go into the removal of surface water at the school;
  - Gardens in Speldhurst Road has been flooded 3 times in 18 months, damaging gardens and property;
  - Seeks reassurance that there would be as little noise as possible when the development is built – moved to the area for peace and quiet.

**Discussion**

14. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 9 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the new National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon playing field provision, general amenity matters, and whether the development is sustainable in light of the NPPF.

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15. In this case the key determining factors, in my view, are the impact upon playing field provision, general amenity and design matters, highway and access considerations, and the policy support for the development of schools to ensure that there is sufficient provision to meet growing demand, increased choice and raised educational standards, subject to being satisfied on amenity and other material considerations. In the Government's view the creation and development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to establish and develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in Circular 11/95.

Siting and Design, including Playing Field matters

16. Development Plan policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan policies. The proposed teaching block would be located centrally in the site, separated from the site boundaries by existing school buildings and existing playing fields and amenity space. In addition, it is important to note that the boundary trees offer significant screening between the school and local properties. Although two storey, the building height would be the equivalent of a double height hall, and due to levels on site, and the context in which the building would be viewed, two storey development here would not, in my opinion be out of character with the local area. I consider that the proposed location of the teaching block would not be particularly prominent from surrounding residential properties and the scale and massing as proposed is, in my opinion, appropriate and acceptable, complementing the existing school buildings. The location of the teaching block also links well with the existing buildings on site.
17. The teaching block has been designed to respect the features of the existing school buildings whilst providing a modern design solution. The main hall and classrooms would have a low pitched roof, finished with a grey standing seam effect material, whereas ancillary areas such as kitchen, plant room, stores and toilets would have a flat roof with parapet. Brickwork is proposed at ground level in the most part, with white render at the upper level and render to the hall, with white powder coated aluminium glazing and doors. In my view, the teaching block would complement the existing school, enhancing existing facilities on site and lifting the design of the school in general. Subject to the imposition of a condition requiring the submission and approval of all materials to be used externally, I consider the design of the building to be acceptable and in accordance with Development Plan policies.
18. Having accepted the siting and design of the teaching block in general terms, the siting must also be considered in terms of loss of playing field, and the subsequent Sport England objection. First, it is important to note that Sport England is only raising objection to the teaching block element of this proposal, all other matters are not considered to affect playing field provision on site.

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19. Sport England states that the proposed new teaching building would appear to be sited predominantly on an existing area of playing field, currently marked out for part of a playing pitch. Sport England further states that although the existing pitch is proposed to be relocated, locating the proposed teaching building towards the north eastern side of the existing playing field would prejudice the use of this part of the playing field in the future. First, I consider it important to note that the proposed teaching building would be sited upon an area which is currently being used for several purposes, including hardstanding/car parking, an area of amenity grass space/allotment, and a small area of playing field. The allotment/amenity grass space is, I consider, on land incapable of forming playing field due to level changes on site. However, an area of 179m<sup>2</sup> of the existing playing field would be lost as a result of this application, hence the objection from Sport England.
20. To compensate for this loss of playing field provision on site, the applicant is proposing to relocate the existing sensory garden, located in the south east corner of the site, to an area to the north west of the existing junior building. That would enable the existing sensory garden area to be converted into playing field. The applicant advises that 346m<sup>2</sup> of playing field would be created by relocating the sensory garden, an increase of 167m<sup>2</sup> over the existing when considering the loss of 179m<sup>2</sup> due to the siting of the teaching block. In addition, the applicant advises that the 'newly created playing field' would be constructed and maintained to an equivalent standard as the existing playing field. The newly created area would also be in a location which is adjacent to existing playing field, and in my view represents a suitable location for replacement provision.
21. Sport England has confirmed that the proposed replacement playing field was taken into account as part of the assessment of this scheme but considers that the proposal does not meet exception E4 of Sport England's playing fields policy. Furthermore, Sport England considers that the information provided does not constitute a robust assessment of need and therefore does not meet E1 of Sport England's playing fields policy. Sport England Policies E1 and E4 are as follows:
- E1* A carefully quantified and documented assessment of current and future needs has been demonstrated that there is an excess of playing field provision in the catchment, and the site has no special significance to sport;
- E4* The playing field which would be lost would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements prior to commencement of development.
22. First, with regard to Policy E1, the applicant has submitted a case of need for the development, as outlined in paragraphs 4 & 15 of this report. I accept the need for expansion of the school as part of the County Wide Basic Need Programme, and I am of the opinion that this is a relatively minor encroachment onto the usable part of the playing field and should be balanced against the need for the development and wider benefits to the community of this education facility. The applicant has considered alternative options for providing the accommodation required for the expansion, and indeed an application has previously been submitted and withdrawn due to inability to deliver that scheme. It is not possible to accommodate the teaching block elsewhere within the school site without prejudicing other planning requirements and objectives such as retaining trees, maintaining adequate access and car parking, and general amenity impacts on surrounding amenity and privacy. Accordingly, I consider the development as proposed represents the most suitable and practicable option for the site. The school playing fields are also not considered to be of 'significance to sport';

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they are not used by the local community/sporting groups. I am of the opinion therefore, that the small loss of playing field as a result of the siting of the teaching block, is not sufficient to outweigh the need for the development.

23. Notwithstanding this, as detailed in paragraph 20 above, the applicant is providing replacement playing field which is of an area over and above that being lost. Sport England does not consider that the replacement playing field meets the requirements of Policy E4, but I cannot agree with that. In my view, the replacement playing field provided would be of an area over and above that being lost, would be of an equivalent or better quality and of equivalent, in a suitable location and would be subject to equivalent management arrangements by the School. Policy E4 does state that the replacement playing field should be provided prior to commencement of development, but I consider is appropriate, due to phasing and time constraints, that the replacement playing field should be provided prior to the occupation of the teaching block. Should permission be granted, a condition of consent would stipulate that.
24. In considering the above, I am of the opinion that this is a relatively minor encroachment onto the usable part of the playing field that has to be balanced against the need for the development, the wider benefits to the community of this education facility, and the replacement facilities proposed. In my view, the use of the playing field would not be adversely affected either for formal sports or indeed more informal recreation, and upon completion of the development the school would actually have 167m<sup>2</sup> more playing field than existing. I do not therefore consider there is any basis for a planning objection on the grounds that the development would lead to unacceptable loss of playing field land or would affect the ability of the School to use the playing field. Whilst I understand Sport England's objection in principle to the loss of any playing field land, it is important to view that in the wider context of needs other than just sport. I am satisfied that adequate mitigation has been proposed by the applicant, and in any case, the loss of such a small area of playing field is greatly outweighed by the more pressing need to provide internal accommodation for curricular activities. However, should permission be granted, a condition of consent should be imposed requiring the replacement playing field to be provided prior to the occupation of the teaching block.
25. Should Members be minded to agree with the recommendation of this report and grant planning permission subject to conditions, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the Secretary of State for Communities and Local Government for his consideration

Noise

26. A local resident has requested assurance that there would be as little noise as possible when the development is built as they moved to the area for peace and quiet. With regard to noise during construction, I recognise that this can be a nuisance to local residents, but conditions of consent would limit hours of construction and other activities at the site. Construction matters will be discussed at the end of this report. With regard to noise generated by use of the development itself, and the school expansion, the proposal would not have any unacceptable impact in this regard as the new building would be positioned centrally within the site away from neighbouring properties. To the north, west and south there are sufficient separation distances and screening afforded by school buildings, soft landscaping and playing fields to ensure that there would be no adverse impact from noise. To the east, again there is a sufficient separation distance coupled with soft landscaping to avoid any negative impact on local residential amenity.

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In addition, it is important to note that the new teaching block would be constructed to appropriate noise insulation standards to avoid any substantial noise leakage.

27. Use of the building would therefore not, in my view, result in a loss of amenity with regard to noise. With regard to outdoor play, it should be noted that outside play is only for short periods throughout the day, on weekdays only, and for limited months of the year, and is not therefore a constant source of noise. In addition, the number of pupils at the school would increase incrementally year on year not in one go. The annual increase in pupils, and the noise associated with that would, in my view, not be detectable over and above the existing. In light of this, I do not consider that the proposals would generate additional noise sufficient enough to have a detrimental impact of the amenity of local residents. I therefore see no reason to refuse this application on the grounds of noise.

Drainage and Land Contamination

28. A local resident expresses full support for improvements to the school, but hopes that better planning would go into removal of surface water at the site as gardens of properties in Speldhurst Road have been flooded 3 times in the last 18 months. A Flood Risk Assessment was submitted with this application, and the Environment Agency has raised no objection to the proposals, subject to conditions which include a condition to control the infiltration of surface water drainage. However, the applicant has further assessed drainage on-site specifically in relation to flooding of gardens in Speldhurst Road, which lie to the south of the site adjacent to the main area of playing field. The applicant's drainage consultants have advised that the proposed development would not increase the risk of flooding within or adjacent to the site as the proposed classroom block would include its own drainage scheme to serve the amount of additional hardstanding it would generate. It is also recognised by the applicant that the playing field's permeability credentials are not as good as elsewhere due to the underlying geology. Notwithstanding that, the applicant advises that the project team made best endeavours to explore ways of improving the overall drainage across the site. Two 'Gravel Fill' drain options were developed as potentially feasible mitigation measures.
29. The first option gravel fill drain practically ran across the entire southern length of the playing field. The second option was smaller in length but still protruded out into the playing field. Both options were dismissed given the extent of playing field that would be lost by implementing either of these measures (i.e. at least circa 1,000m<sup>2</sup>). Both the School and Sport England would resist the loss of such a substantial amount of playing field. This led the applicant to assess whether the drainage scheme could be accommodated in the southernmost part of the site, confined adjacent to rear curtilages of neighbouring dwellings. Given the gradient/slope in this part of the site, any mitigation scheme would firstly require building a retaining wall, introducing earth fill to match levels and then providing a connection to manhole, all of which represents significant work and resourcing. As such, this last attempt option was also discounted by the applicant.
30. On the above basis, the applicant has concluded that it has not been possible to identify a feasible mitigation scheme to improve the overall drainage credentials of the site. Accordingly, it is important to reiterate and emphasise some of the conclusions made within the original planning submission and its FRA, which are: the proposal would not increase the risk of flooding at this site and the proposal would actually improve surface water run-off, as an area of about 1100m<sup>2</sup> would now be served by its own drainage facility. In light of this, and the lack of objection from the Environment Agency, I consider that subject to the imposition of the Agency's required condition regarding the control of

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infiltration of surface water, the development would not give rise to undue surface water flooding, and that the provision of a drainage facility for the new building could improve the existing situation. I therefore see no reason to refuse this application on this ground.

31. The Environment Agency also requires the submission of various components of a scheme to deal with the risks associated with contamination of the site and the submission of a verification report demonstrating completion of the remediation strategy regarding contamination of the site. Therefore, should permission be granted, conditions would be imposed covering the matters raised above. That would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy.

**Access, parking and highway issues**

32. Although no objections have been raised by the local community with regard to access and highway matters, it is important to discuss the access arrangements proposed. The school currently has 31 car parking spaces, spread out in different locations around the school site. 6 spaces would be removed as a result of this development, but a further 15 would be provided, an increase in 9 spaces over the existing (40 in total). A new one way pupil drop-off system is also proposed within the site, using the existing vehicle access to the school (to the north west of the site) as the point of entry, and the disused access towards the north east of the site as an exit. Pedestrian access would remain as existing.
33. Kent County Council Highways and Transportation raise no objection to the application, but express concern that the future provision of car parking, should that be deemed necessary, would be difficult as buildings would block access to the southern area of the site (with the north being fully developed). However, the southern area of the site is playing field, as discussed above, and provision of car parking here would meet with objection from Sport England. In addition, the applicant has provided justification for the level of parking proposed, which is deemed by Highways and Transportation to be sufficient to accommodate the requirements of a 3 FE Primary School, in this instance. However, I consider that should permission be granted, a condition of consent should ensure that the car parking and drop-off area be completed and fully operational prior to occupation of the new teaching block. In addition, the School Travel Plan should be subject to ongoing monitoring and review, as required by the Travel Plan approval process, undertaken by the County Council's School Travel Plan Advisor.

**Construction matters**

34. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day. I consider it appropriate that details of how the site access would be managed to avoid peak school times should also be included within the Construction Management Strategy.
35. I consider it appropriate that details of a full Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods and hours of working, location of site compounds and

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operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times and details of any construction accesses. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

36. In addition to the above, should permission be granted, conditions of consent would ensure that dust, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

**Conclusion**

37. In summary, I consider that, subject to the imposition of appropriate planning conditions, this proposed development constitutes sustainable development, with an appropriate standard of design and layout, which would not have significantly detrimental effects on the sporting facilities at the school, landscaping, residential amenity or upon the local highway. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, as well as the National Planning Policy Framework. I am aware of no material planning considerations that indicate that the conclusion should be made otherwise.
38. However I recommend that various conditions be placed on any planning permission, including those outlined below. However, given the Sport England objection, should Members support my views expressed in paragraphs 19 to 25 above and decide against refusal of this application, the County Planning Authority is required to consult the Secretary of State for Communities and Local Government at the National Planning Casework Unit and not grant planning permission until the Secretary of State has first had opportunity to consider the application. The Town and Country Planning (Consultation) (England) Direction 2009, requires that the Authority may only proceed to determine an application once the Secretary Of State has had an opportunity to consider whether or not to call in the application for his own determination.

**Recommendation**

39. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government and SUBJECT TO his decision, PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- the standard time limit;
  - the development to be carried out in accordance with the permitted details;
  - the submission of details of all materials to be used externally;
  - the provision and permanent retention of the car parking, drop-off and turning/loading/unloading areas as shown on the submitted plans;
  - tree protection measures and the development to be undertaken in accordance with the recommendations of the Tree Survey;
  - the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey;
  - submission of a precautionary working method statement with regard to badgers prior to the commencement of the development;
  - control of surface water drainage and infiltration to ground;

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- submission of further details with regard to land contamination;
- provision of the replacement playing field prior to occupation of the teaching block;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- the submission of a Construction Management Strategy, including the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, and details of any construction accesses & management of the site access to avoid peak school times;
- measures to prevent mud and debris being taken onto the public highway.

40. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:

- the potential for biodiversity enhancement opportunities should be further explored.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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**Item D2****Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst - KCC/TW/0374/2013 (TW/14/00132)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9<sup>th</sup> April 2014.

Application by Kent County Council Property and Infrastructure for proposed extension to school to accommodate a 1FE school including a 2 classroom extension at first floor level, storage and additional toilet plus outreach room and toilet facilities on the ground floor level and 2 additional parking spaces, Pearse Place, Lamberhurst, Tunbridge Wells TN3 8EJ - KCC/TW/0374/2013 (TW/0014/00132).

Recommendation: Permission be granted subject to conditions

**Local Member:** Mr. A King.

**Classification:** Unrestricted

**Site**

1. Lamberhurst is located south east of Tunbridge Wells and west of Cranbrook. The village is within the High Weald Area of Outstanding Natural Beauty.
2. St Mary's CEP School is located in a residential area to the south of Lamberhurst village between Town Hill and Spray Hill. The main entrance and vehicular access lies to the south off Pearse Place, a residential cul de sac. To the south east of the school, there is a public footpath (WT387) which runs between the village centre and Pearse Place and between Sand Road and Spray Hill.
3. The school is adjacent to and outside of the Lamberhurst Conservation Area which is to the west of the site. The nearest listed building is approximately 50m to the north west of the site at The Vicarage. The site is in an elevated position and the land rises up towards the south west boundary beyond which the land continues to rise steeply. The existing school is a purpose built single storey detached building set on two levels. This proposal concerns an extension at the first floor level and an outreach room at ground floor level which would add to the overall footprint of the building at the site. An additional terrace area and car parking facilities is also proposed to the north west of the existing building.
4. The site is bounded on the north, east and west by dwellings and to the south by the school playing fields.

**Planning History**

5. The existing school building was built to replace the outdated Victorian School located off the A21 in School Hill and was permitted in October 2004 (TW/04/35). Outline planning permission for a new primary school had existed on the site since 1974, although at the time of the 2004 planning application, part of the site had been developed for housing including the land occupied by numbers 43-61 Pearse Place.

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6. In the earlier Committee report for the planning application for the relocation to the Pearse Place, site, it highlighted that it was a requirement of the Education Authority to show how two additional classrooms could be accommodated at the site if ever there was future demand. The plans at the time showed the location proposed on the playground area although the two additional classrooms were not part of the permission being sought at that time. Whilst this current proposal does not involve use of the playground area, it does involve classroom accommodation meeting identified demand.
7. It is also noted that there was to be a review of parking following completion of the relocation of the school to Pearse Place with £2000 to be set aside covering a Traffic Regulation Order in the event that permanent parking restrictions needed to be introduced.

**Background**

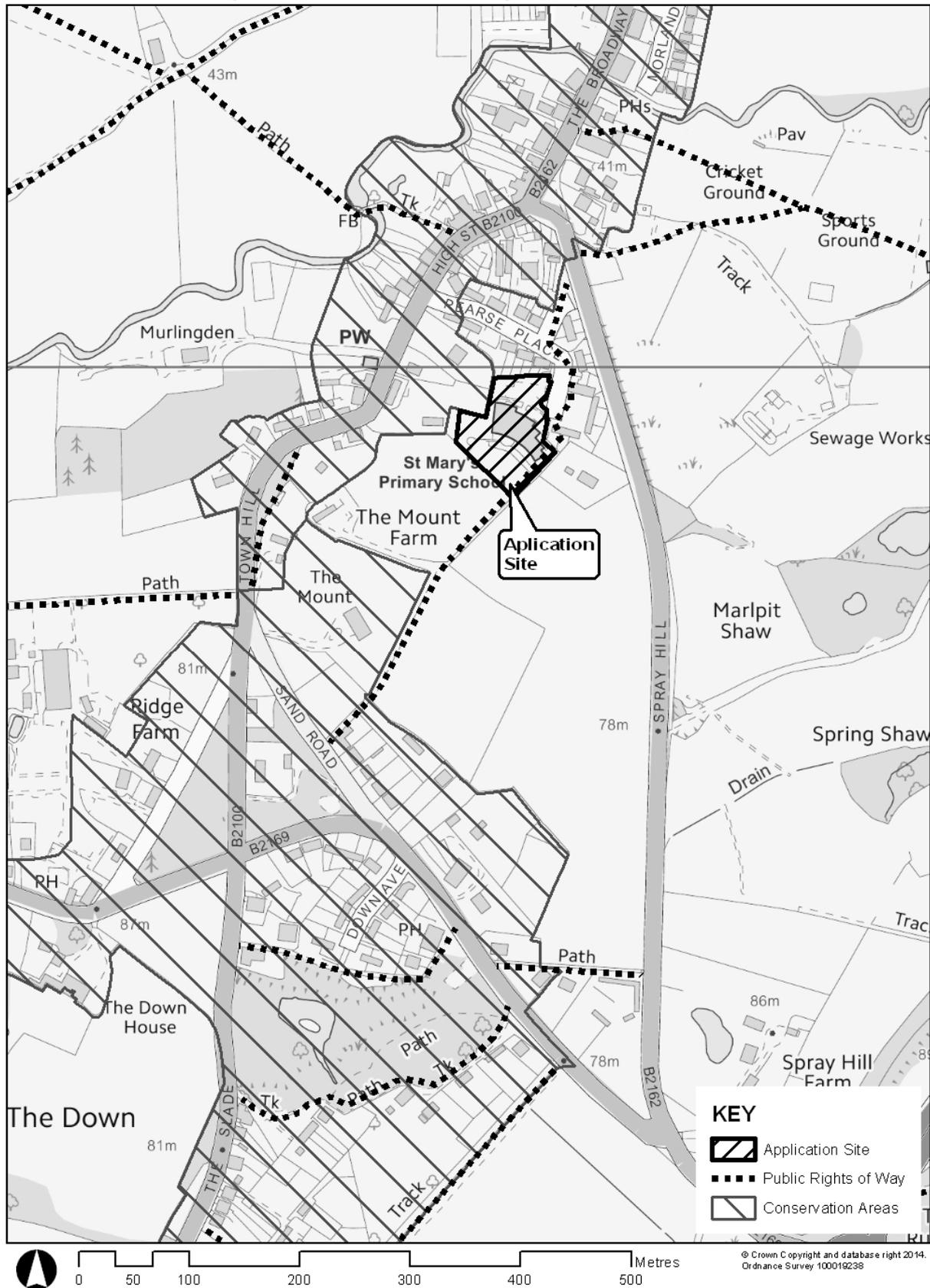
8. The current school is designed as a 2/3<sup>rd</sup> Form Entry school accepting 20 reception children a year. It currently accepts more than this and in 2013 is understood to have accepted 29 reception children. The expansion of the school is considered by the applicant to be required in order to provide sufficient reception places for the Tunbridge Wells Rural area. According to the applicant, the school is currently heavily subscribed with all places being filled in the reception year. The application is accompanied by an education justification which details the Kent Commissioning Plan 2012-17 forecast for increased demand for primary school capacity throughout the Plan period. To manage the increased demand for additional primary school places in Tunbridge Wells Rural the County Council proposed the permanent enlargement of this school by an increase to the reception intake from 20 to 30 children taking the proposed total capacity of the school from 140 places to 210 places. It proposed that the school would admit 30 reception pupils per year from September 2014. The statutory consultation process has taken place and the County Council has confirmed the decision to expand the primary school. This application seeks to provide classroom and extended hall facilities for the expansion of the school roll and additional car parking space for the additional teaching staff that would be required.
9. The project proposal is aligned to the KCC ambition to ensure that every child will go to a good school where they will make good progress and can have fair access to school places as set out in "Bold Steps for Kent".

**Proposal**

10. The proposed 2 classroom extension is located to the north of the existing school at the front of the school building, sited at first floor level directly above the staff area. This part of the building is lower than the main school building. The materials proposed are vertical hardwood boarding to the external walls and a cedar shingle pitched roof and aluminium windows to match the existing building. It is proposed that there would be painted steel column supports at ground floor. The proposed extension measures 16.72m wide by 11.82m deep and the height of the proposed extension would sit below that of the existing hall at the site. The applicant has provided 3-D images of the approach to the school from Pearse Place.

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**Location of St Mary's CEP School Primary School**



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**Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst  
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### Location of St Mary's CEP School Primary School



0 10 20 40 60 80 100 Metres

**KEY**  
Application Site

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Ordnance Survey 100019238

## Item D2

### Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst KCC/TW/0374/2013 (TW/14/00132)

11. The current school hall would also need to be enlarged to meet the space requirement for a 1FE and the proposal includes an outreach room adjacent to the hall at the ground floor level. The proposed outreach room extension measures 2.4m by 8.21m with additional adjoining space for an entrance lobby and toilet. The proposed outreach room is also at the front of the building facing the school car park and the proposal includes an extended terrace area. It would have a separate entrance to the main entrance. It is proposed that the outreach room could then be accessed directly without accessing the school giving increased flexibility. It is proposed that this room would have a vertical hardwood boarded finish to the external walls, with fair faced block work wall each side, a standing seam single ply roof with parapet walls and double glazed aluminium windows to match the existing school.
12. The proposal includes two additional car parking spaces to the west of the existing staff car park and additional cycle parking spaces. The proposal included submission of a School Travel Plan and Transport Statement.

#### Location of proposals within the school site



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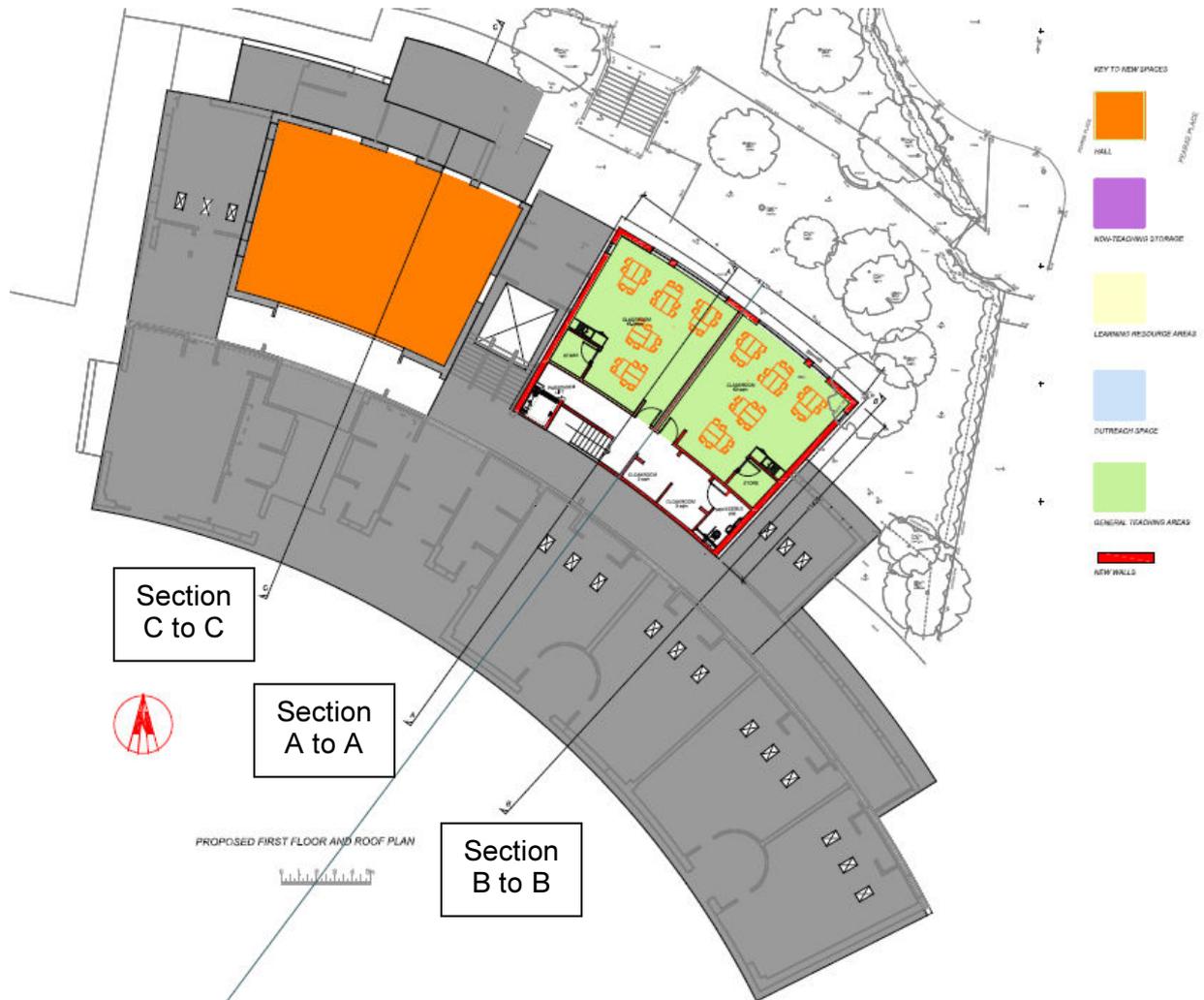
#### Proposed ground floor plan



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#### Proposed first floor plan



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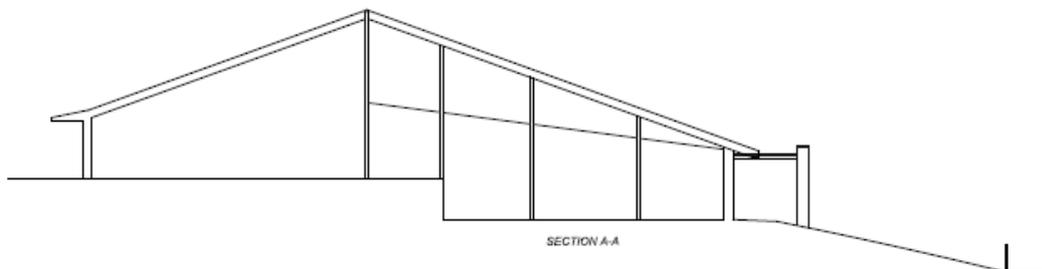
#### Existing front elevation



#### Proposed front elevation



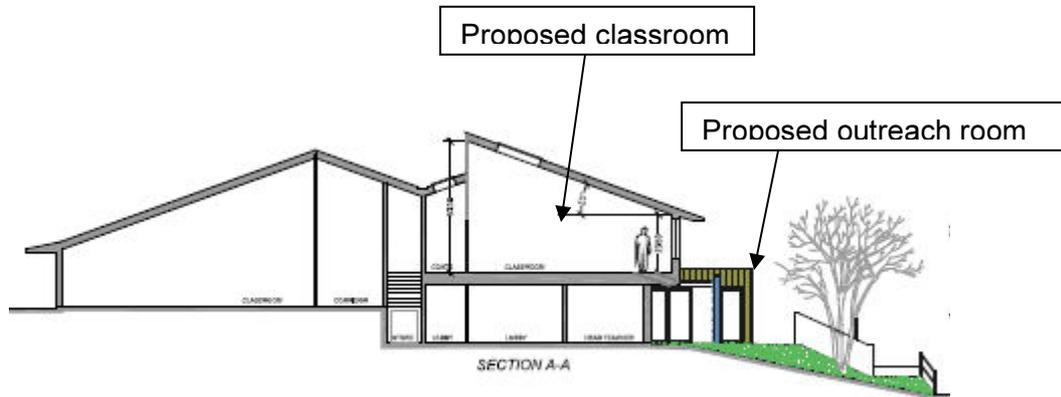
#### Existing section A-A



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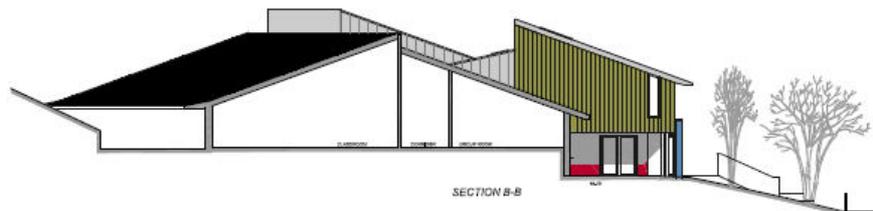
#### Proposed section A to A through 1<sup>st</sup> floor extension



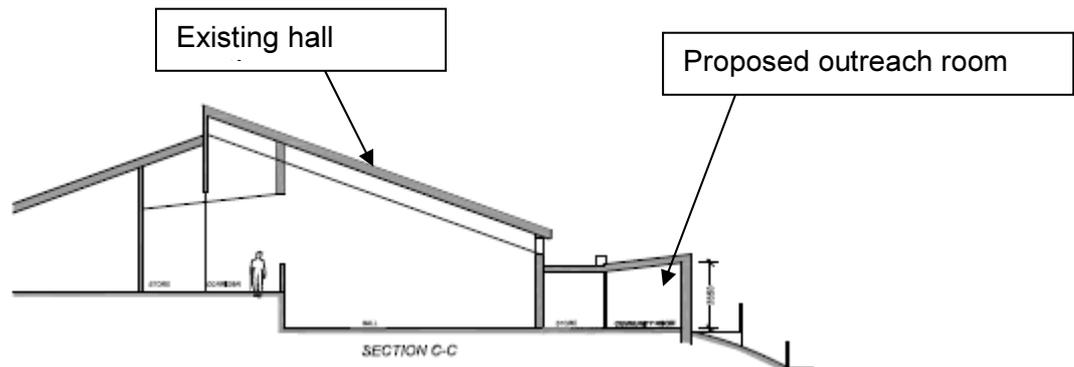
#### Proposed section B to B showing 1<sup>st</sup> floor extension

PROPOSED MATERIALS  
WALLS - CLARK BRICKWORKING  
FLOORING - CLARK BRICKWORKING  
ROOF - CLARK BRICKWORKING  
GLASS - CLARK BRICKWORKING  
GLASS - CLARK BRICKWORKING

EXISTING ROOF  
CLARK BRICKWORKING - CLARK BRICKWORKING  
CLARK BRICKWORKING - CLARK BRICKWORKING  
CLARK BRICKWORKING - CLARK BRICKWORKING  
CLARK BRICKWORKING - CLARK BRICKWORKING



#### Proposed section C to C through hall



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**View of existing approach to school from Pearse Place**



**Design Impression showing Pearse Place approach**



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#### Design impression showing school entrance approach



#### Planning Policy

13. The most relevant Government Guidance and Development Plan Policies are summarised below and are pertinent to the consideration of this application:

**National Planning Policy Framework (NPPF) March 2012**, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- *Supporting a prosperous rural economy by promoting the retention and development of local services and community facilities in villages*
- *Promoting sustainable transport*
- *Achieving the requirement for high quality design and a good standard of amenity*
- *That great weight should be given to the need to create, expand or alter schools;*
- *The promotion of healthy communities;*

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- *Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes and giving great weight to conserving landscape and scenic beauty in AONB.*

**Planning Statement on Planning for Schools Development** - where there is commitment for planning to work in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools and that there should be a presumption in favour of the sustainable development of state-funded schools as expressed in the NPPF.

**Borough/ District Local Plan / Local Development Framework** policies are contained in the Tunbridge Wells Core Strategy Development Plan Document adopted June 2010 and the Local Plan 2006 Saved Policies

#### **Tunbridge Wells Local Plan 2006 Saved Policies:**

**Policy LBD1** – seeks to control development outside the limits to built development.

**Policy EN1** – provides general development control criteria for all proposals for development requiring compatibility with neighbouring uses and proposals that do not cause significant harm to the amenities or character of the area or excessive traffic generation; and to not cause significant harm to the residential amenities of adjoining occupiers. It supports proposals that respect the context of the site.

**Policy EN5** - concerns development within or affecting the character of a Conservation Area and seeks to ensure that proposals would be in sympathy with the character and appearance of the Conservation Area and not result in the loss of trees, shrubs, hedges or other features important to the character of the area within which the proposal would be situated.

**Policy EN13** - concerns the protection of trees and woodland unless the removal of one or more trees would be in the interests of good arboriculture practice, or the desirability of the proposed development outweighs the amenity value of the protected tree.

**Policy EN16** - seeks to protect groundwater and other water resources including systems for the disposal of surface waters and to ensure that new development has adequate provision for foul and surface water drainage.

**Policy EN25** – seeks to ensure that proposals for development outside the limits to built development to have minimal impact on the landscape character of the locality, have no detrimental impact on the landscape setting of settlements, and for extensions or alterations to existing buildings to respect the local building style and materials and have no significant adverse impact on the form, appearance or setting of the building and respect the architectural and historic integrity of any adjoining buildings.

**Policy CS2** – allocation of land for primary school provision.

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**Policy TP1** – concerns the provision of Transport Assessments and Travel Plans for schools development.

**Policy TP4** – concerns the highway capacity for new development and requires consideration of the safe and free flow of traffic and safe use of the road for others.

**Policy TP5** – seeks to ensure that there is adequate vehicle parking in connection with development proposals having regards to the Kent County Council's Vehicle Parking Standards.

**Policy TP9** – provides cycle parking standards.

**Tunbridge Wells Core Strategy Development Plan Document (2010) Policies:**

**Core Policy 1** - gives priority to developments on allocated land and release of previously developed land within the limits to built development.

**Core Policy 3** – Requires proposals with significant transport implications to include transport assessment and travel plan to show how car based travel can be minimised. Encourages sustainable modes of travel.

**Core Policy 4** - encourages the conservation and enhancement of the High Weald AONB and the conservation and enhancement of heritage assets and special regard to their settings.

**Core Policy 5** encourages the sustainable design and construction of new developments taking account of water resource efficiency, water protection and flood risk, and the minimisation of waste creation and disposal throughout lifetime of development. Seeks high quality design and safe, accessible, legible and adaptable environments, conserve and enhance the public realm.

**Core Policy 8** - seeks to maintain and improve capacity and quality of community facilities.

**Core Policy 14** restricts the location of new development in accordance with CP1 and encourages community facilities to meet local needs. Encourages development that maintains local distinctiveness and non motorised modes of transport will be encouraged.

In addition, there is supplementary planning guidance concerning renewable energy, the Lamberhurst Conservation Area, the High Weald AONB and on design which also form material planning considerations.

**Consultations**

**14. Tunbridge Wells Borough Council:** Raises no objections to the original proposals subject conditions concerning mitigation measures as set out in the Travel Plan and adequate parking provision.

**Lamberhurst Parish Council:** Supports the proposal but has concerns regarding traffic management and parking along Pearse Place with associated disruption to residents.

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The Parish Council would like to see conditions imposed concerning working hours and deliveries and to minimise disruption to residents whilst works are in progress.

**Environment Agency:** Regards the proposal as having low environmental risk and raises no comments on the proposal.

**Kent County Council Biodiversity:** Have provided advice in relation breeding birds and vegetation removal.

**Kent Highways and Transportation:** Raises no objection to the proposal subject to conditions to secure a revised School Travel Plan and to ensure that the additional car parking spaces proposed are provided. Requests an Informative concerning highway approvals, consents and establishing the limit of the highway boundary.

**Kent Highways and Transportation School Travel Planner:** Has provided advice in relation to travel plan action targets and monitoring and review and keeping the community up to date with initiatives.

**Kent County Council Heritage Conservation:** Raises no adverse comments.

**Public Rights of Way:** No comments received.

**Southern Water:** Requests and Informative providing advice to the applicant on the requirement for a formal application for a new connection to public sewerage, sewerage capacity check and appropriate connection points and requests a condition concerning provision of details of foul and surface water sewerage disposal.

#### **Local Member**

15. The local County Member is Mr Alex King who was notified of the application on 16<sup>th</sup> January 2014. No comments have been received to date.

#### **Publicity**

16. The application was publicised by the posting of a site notice and the individual notification of 50 neighbouring properties. It has also been advertised on our website and in the Kent on Sunday.

#### **Representations to the proposal**

17. In response to the neighbour publicity, 3 letters of representation were received, from a resident in Pearse Place, Town Hill and Old Town Hill. All concerned the traffic implications of the proposal and parking and congestion issues, particularly within Pearse Place at the start and end of the school day with concerns also about inconsiderate parking across resident's drives and emergency access within Pearse Place. There are also concerns about additional traffic within Lamberhurst and Town Hill. One representation was concerned about an increase in numbers of children from distant areas. One comment received also suggested that there had been problems associated with flooding to the school and houses in the immediate proximity.
18. Neighbour representations also make a number of suggestions. One concerns provision of a new road between the A21 and the school with a suggestion that one had originally

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been proposed when the school had first been planned. Another suggests that something realistic has to be offered in the form of controls to minimise the increase of vehicles delivering children to the school and keeping these to an area that causes the least disruption. There is suggestion that Pearse Place should be a “no go” area for parents delivering their children to school by car leaving Spray Hill as an easily accessible and suitable access and there is a suggestion that an entrance to the school could be created off Spray Hill. There is also a comment that local authority policy should be to restrict vehicle movements whereas here there can only be a further increase in vehicular traffic to the detriment of essential road users and a suggestion for the Planning Committee to attend the site to note the existing situation at the opening and closing of school before any additional numbers are added.

#### **Discussion**

19. This application is being reported to the Planning Application Committee as a result of the 3 neighbour representations received to the revised proposal. In considering this proposal, regard must be had to the Development Plan Policies outlined in **paragraph 13** above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
20. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key planning considerations in this particular case relate to the need for the extension building and whether it is in the right place, of the right design type and whether the likely impacts as a result of the proposal have been satisfactorily addressed, in particular, the highways impacts and landscape and heritage impacts given the location within the AONB and the proximity to the Conservation Area. These issues are considered below within the headings of need, location and potential for impacts.

#### Need

21. The purpose of this application is to provide classroom accommodation for additional pupils at the school. The school currently has a planned admission number of 140 children, although there are currently 161 pupils at the school. The proposal would provide facility for a one form entry school increasing the entry numbers in Reception from 20 to 30 children per year and taking the total school roll to 210 pupils. If permission is granted the applicant proposes that one form entry intake would start from September 2014.
22. The NPPF considers that a key facet of delivering sustainable development is promoting healthy communities and as part of this attaches great importance to ensuring sufficient choice of school places to meet demand. It advises that local planning authorities should give great weight to the need to create, expand or alter schools and to work with schools promoters to identify and resolve key planning issues before applications are submitted. The Government’s planning statement “Planning for Schools Development” (August 2011) also concerns the sufficient provision to meet growing demand for school places, increased choice and opportunity and raising educational standards. There is strong planning policy support for the improvement of school facilities and for local planning authorities to take a positive approach when dealing with such proposals. That includes the adaptation and improvement of existing school facilities.

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23. I am persuaded that the School has a general need for this proposal given the information provided within the application. However, that needs to be balanced against the likely impacts, including that relating to additional traffic as a result of the proposal. This is considered further below.

Location

24. The school, which is on a relatively new site having only been permitted in 2004, is located within the High Weald AONB. It is also located Outside the Limits to Built Development, although the site had been safeguarded in the Adopted Tunbridge Wells Local Plan allocated for educational use. TWBC Policy EN25 requires consideration of the impact of developments outside the limits to Built Development on the landscape character of the locality and to the landscape setting of settlements. It also requires extensions or alterations to existing buildings to respect the local building style and material and have no significant adverse impact on the form, appearance or setting of the building and respect the architectural and historic integrity of any adjoining buildings.
25. This proposal to meet increased demands for school places is therefore at an existing site within the AONB where the principle of use of land for primary school education has already been established. Planning policy requires adequate consideration to the location within the AONB. In particular, core policy 5 which seeks the conservation and enhancement of the High Weald AONB. The site is also adjacent to the Conservation Area. The proposed design therefore needs to take account of the location within the AONB and the location adjacent to the Conservation Area and be sensitive to the site context and surroundings in order to minimise the impact of the development and not compromise the objective of protecting and enhancing the valued landscape of the AONB and to ensure that the proposal does not give rise to any significant adverse impact. The NPPF advises that great weight should be given to preserving landscape and scenic beauty within the AONB. Development policy CP4 also requires special regard to the setting of the AONB. The NPPF advises that impacts between any aspect of the proposal and the Conservation Area as a heritage asset should be avoided or minimised and that any harm to the significance of the heritage asset should be weighed against the public benefits of the proposal. In my view the design concept for the proposed development has taken the location next to the Conservation Area and the AONB into account and would not therefore result in significant harm. The design concept respects the building style and materials used within the original building and the wider site context. Taking into account comments received from TWBC, Heritage Conservation and that there have been no adverse comments regarding design and appearance of this proposal to the form, appearance or setting of the building nor significant adverse impact to views toward the proposal from the Lamberhurst Conservation Area, or within the AONB, I conclude that the design does not give rise to any significantly adverse design impacts in this location.
26. Given the national policy support for schools development and the location of this proposal within an established school site, I consider that the proposal in this residential area on the edge of Lamberhurst would not be inappropriate, subject to consideration of whether the impacts as a result of the proposal are acceptable in this location and that the potential for any undue adverse impact has been minimised. This is discussed further below.

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Potential for impacts - highways and traffic

27. In my opinion, one of the key determining issue in relation to this application is the visual impact given the location within the AONB and adjacent to the Conservation Area and the potential for highways impact.
28. Vehicle access to the school is via Pearse Place which is a residential street and cul de sac. The road is single carriageway with enough room for two vehicles to pass however this is restricted when vehicles are parked in the road. There are white line road markings only at the road entrance on the first 26 metres from the junction with Town Hill. There do not appear to be any road markings establishing parking restrictions in Pearse Place near to the school.
29. As required by development plan policies TR1 and CP3, the applicant has submitted a Transport Statement and School Travel Plan. These recognise some of the issues described by the neighbour representations received with regard to congestion and the impacts to amenity in Pearse Place as a consequence of children being picked up from school. Some of this congestion is attributed by the applicant to parked vehicles within the road reducing the number of passing places along with an influx of vehicles in both directions. It was noted by the applicant that parents park also in Town Hill and the High Street in Lamberhurst causing further parking congestion within the village. The Transport Statement also notes inappropriate parking and also that parents had parked in zones specifically designed for residents of Pearse Place, in particular a parking area signed "residents only" which was at full capacity with parents also using it as a turning point. Potential hazards to road users as a result of inappropriate parking and manoeuvring was also acknowledged by the applicant although records indicate that there have been no accidents for the area surrounding the school site for the past 3 years.
30. There are currently 20 parking spaces at the school (including one for drivers with impaired mobility) and 20 FTE teaching staff. The proposal would result in one additional teacher and two additional spaces are being proposed as part of this application thus providing sufficient parking for staff working at the site. The applicant also proposes an increase to the number of cycle spaces at the site and that 210 pupils would require 4 cycle parking spaces to be provided which the applicant proposes can be done through the School Travel Plan. I am therefore satisfied that saved Policy TR5 and TR9 concerning parking and cycle provision has been satisfied with the parking provision included within the proposal.
31. There are no proposals to change the exit and entrance to the school. The school does not provide any on site pupil drop off and collection facilities and the applicant states that there is no scope to do so because of land constraints. There is no public transport serving the school and approx 2/3<sup>rd</sup>s of pupils are currently driven to school, the remainder walk. The school is well served by footpaths linking the school to residential areas within the village. PROW (WT387) runs alongside the school providing access from the south of Lamberhurst to the B2162 within the centre of the village and a further PROW (WT379) provides access from the north of the school of the sports ground to the north east.
32. The applicant's Transport Statement has established that parents also use several locations to drop off and collect children including at Spray Hill, and good pedestrian links exist to the school. However, a pupils' hands-up survey established that currently 61.4% of children are dropped off at the main school access or on Pearse Place. The

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Transport Assessment concluded that the capacity in Pearse Place needs to be lower than this and proposes that the School Travel Plan implementation would alleviate the traffic situation.

33. Despite the difficulties described at school pick up time in Pearse Place, the applicant's Traffic Statement concludes that with worst case scenario (i.e. assuming 100% attendance rate, all staff and pupil trips taking place within the same peak hour) an increase to 210 pupils on the roll from 161 currently at the site, without the influence of the School Travel Plan, would not be expected to have a significant detriment on the local highway network.
34. The applicant concludes that given road safety data and no incidents in the last 3 years that there are no road safety implications as a result of the proposal and that given the additional trip data the proposal is unlikely to have severe impact on the highway network such as to warrant a refusal of the planning permission. They further consider that the potential for impact would be further reduced by implementation of the School Travel Plan with measures to manage and reduce the number of pupils that are driven to and from the school by parents and to use sustainable travel modes and to manage the impacts from the school pick up and drop off period.
35. The NPPF suggests that the Travel Plan is a key tool to facilitate sustainable development in relation to transport issues and development plan policies TP1 and CP3 support this. The School Travel Plan measures proposed in this case concentrate on three key areas where significant improvements can be concentrated. There are currently two alternative access points to Pearse Place for drivers to the school which are via Spray Hill and Sand Road, although the Sand Road access point is currently less well used. One of the actions is to make greater use of these alternative access points, and to promote these through Sand Road/Spray Hill awareness weeks (whereby frequent users of Pearse Place are individually contacted and asked to use alternative access routes for a week and report back on their experiences); occasional rewards (eg ice lollies) for users of these routes; extending the school hours and/or staggering the gate times for different years to help spread the traffic over a longer period. School hours are 8.45 to 3.20pm with a breakfast club from 8am and a variety of clubs until 4.30 or 5pm. Another Travel Plan action is to facilitate increased car sharing, recognising that there are empty seats that can be used on the school run. The third key initiative is improved awareness of traffic problems through parental questionnaires, monitoring and start of year travel awareness packs.
36. The School Travel Plan includes other general goals concentrating on road safety awareness and cycling proficiency. In the longer term, the School would like to improve the Spray Hill access point to make improvements to the desirability as a walking route. The School wishes to divert a significant amount of the Pearse Place traffic to Spray Hill and intends to work through the Parish Council with this.
37. One neighbour representation received related to the number of children coming to the school that travel from homes well outside the catchment area. The School Travel Plan indicates that the majority of pupils come from within a 2 mile radius of the school, although historically a cluster of families came from the centre of Tunbridge Wells because of pressure on places in Tunbridge Wells. The School expects this trend to diminish and includes data indicating that in September 2014 applications exceed the 20 places currently available with pressure on places from those within 1.6 miles from the school. It is understood that the school serves the immediate locality of Lamberhurst Quarter, The Slade, Hook Green, Bayham and Kildown. In the 2013 Reception intake,

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29 pupils were accepted, (14 of which were siblings), 24 live less than 2.2 miles from the school, 4 live up to 3.6 miles and 1 sibling from a family of 3 pupil's lives 6 miles from the school. In my view this indicates that the school is also serving a local catchment.

38. The three neighbour representations received concern congestion impacts of this proposal. The Parish Council whilst supporting the proposal also indicates serious concerns regarding traffic management and parking along Pearse Place and associated disruption to residents. The planning application provided information which recognises these impacts of the existing school. Notwithstanding the congestion impacts experienced in Pearse Place, the applicants conclude that the proposal is unlikely to result in a severe impact and with the introduction of Travel Plan actions the applicant expects the situation within Pearse Place to be alleviated. TWBC do not object to the proposal subject to parking provision being deemed appropriate by the KCC Highways Authority and mitigation measures as set out in the Travel Plan.
39. Kent Highways and Transport is the statutory consultee in relation to highway matters. The Highways Authority does not object to the proposal. Their view takes into account that the School already have increased numbers at the school (161) and that the proposed development would result in a further 49 children with one additional member of staff bringing the staff numbers to 21. They consider that using the recent figures of existing patterns of travel contained within the School Travel Plan submitted with the proposal, there would be likely to be an increase in the order of 20 additional parent cars at the school start and finish times as a result of the development. The Transport Statement submitted indicates that there would be a 10% modal shift from car use and the Travel Plan targets should support this shift. That would reduce the number of additional vehicles as a result of the proposal to the order of 12.
40. Given that the school is well served by footpath links and has alternative access points that can be made better use of, and that there is scope to facilitate and improve car sharing, I consider that this shift from car use is not unrealistic although would need to be supported by a more robust Travel Plan including more detailed actions and monitoring specifications. I consider that these aspects can be dealt with by condition requesting submission of an updated revised Travel Plan with subsequent annual review.
41. One of the neighbour representations received suggests that the Planning Committee visits the site at peak times. However, the issue of congestion and parking is one that is common to many schools and is often a concern considered by the Planning Committee in relation to school development proposals. In this case, I consider that the applicant has acknowledged and realistically described the impacts of congestion at the existing site, and these represent the issues also described by neighbours. The impacts have therefore been included within the Transport Statement and addressed via the School Travel Plan by the inclusion of realistic measures to minimise and manage the increase of vehicles delivering children to the school. However, these are not to the extent of making Pearse Place a "no go" area for parents delivering their children to school by car. I am however satisfied that an Informative can be used to require the limits of the highway boundary in Pearse Place to be clearly established as requested by the Highways Authority. The increased use of Spray Hill as suggested by one neighbour is also included within the Travel Plan actions to make greater use of alternative access points.
42. A number of suggestions in respect of highways issues in the neighbourhood have been made by local residents in their representations to the proposal. I consider that

**Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst  
KCC/TW/0374/2013 (TW/14/00132)**

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neighbour suggestions for provision of a new road between the A21 and the school and a new entrance to the school off Spray Hill, given the Kent Highways and Transport advice, would not currently be considered to be necessary in planning policy terms in order to make the development acceptable in order to mitigate against the likely highway impacts of this relatively small scale development. However, I am satisfied that the applicant can be encouraged by way of an Informative, to work with the local community in so far as is possible with regard to parking and highways matters and in the further revision of the School Travel Plan in order to encourage future proactive planning.

43. The proposal is likely to give rise to impacts as a result of construction work resulting from this proposal although these would be temporary whilst the work is being undertaken. The applicant would need to ensure that any potential for conflict between the school function is minimised along also with the potential for impact of construction traffic on the surrounding roads and residential amenity. The applicant states that there would be no HGV traffic waiting on the highway and that all construction traffic would be accommodated on site. They also state that the site would be registered with the Considerate Constructors Scheme and that they would seek to minimise the impact of their works upon their neighbours. I am satisfied the hours of construction work can be controlled by condition and that conditions can be used to control deliveries during the peak drop off and collection hours. I am also satisfied that conditions could be used to control the provision of construction vehicle loading/unloading parking and turning facilities during work on site and for the duration of construction and also the provision of parking facilities for site personnel and visitors on site and for the duration of construction.
44. The NPPF suggests that developments should only be refused on transport grounds where the residual cumulative impacts of development are severe. The information within the application indicates that the impacts whilst already apparent in Pearse Place would not be so severe as to justify refusal of this proposal given the strong policy support for development concerning schools. Development Plan Policies ENV1, TP4 and CP3 also requires consideration of the impacts of traffic and that proposals should not cause significant harm to the amenities or character of the area in terms of excessive traffic generation. Taking into account the level of additional traffic that the proposal would generate and given the statutory consultee comments not objecting to the proposal, I do not consider that the additional traffic at peak times would result in a level of harm sufficient to justify refusal of the proposal given the Travel Plan actions to make greater use of alternative access points and the strong policy support for schools development.
45. I do not therefore consider that the highways impacts from this particular proposal to provide accommodation for 1FE at the school justifies refusal of the revised proposal on highways grounds, when balanced against the strong planning policy support for healthy communities in respect of adequate provision of educational facilities. Given the site context and location, and taking into account the additional staff parking proposed and School Travel Plan actions, I do not therefore consider that the additional highways impacts of the proposal would be unduly detrimental in this location. In particular, the public highway is provided for use by the public, whether as residents, visitors or otherwise, and it is not the purpose of the planning system to restrain such freedoms, unless serious highway safety risk dictate otherwise. However, any future proposals for further development would also need to be considered on their own merits in respect of highway and other impacts.

**Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst KCC/TW/0374/2013 (TW/14/00132)**

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Potential for other impacts – Design, biodiversity, sustainability and residential amenity

46. The school site is constrained by the site topography and existing space available within the site. The proposal is in my opinion well sited making use of available space within the site and the design and appearance is in my view appropriate to the location. The design in my opinion respects the style of the existing building as required by development plan policy EN25. The school is generally well screened by existing vegetation although there are views toward the site from Pearse Place and from further afield on the approach to the school from School Hill. The design impacts of the proposed extension have not attracted any neighbour representation or other adverse comment. The proposal has also not attracted any adverse comment in this regard from the Parish Council, TWBC nor KCC Heritage Conservation. Taking this into account, I am satisfied that the proposal respects the site context and character and would not lead to adverse design or visual impacts in this location and accords with the policy requirements of EN1, EN25 and EN5.
47. The first floor extension and outreach room is also in my view well sited in relation to the existing site and also neighbouring residential property, and given the consideration given to prevention of undue overlooking with no new windows facing properties to the east in Pearse Place, and consideration of the impacts of shading from the proposed new roof line to the nearest residential property (approximately 13m from the proposal at 61 Pearse Place), I do not consider there to be any other significantly adverse residential amenity issues as a result of the proposal.
48. The additional car parking bays and cycle rack proposed is to the west of the existing car park at the site, within an area of existing vegetation comprising young trees and shrubs. The additional parking spaces in my opinion would be well located in relation to the existing car parking facility. At the western boundary there is a tall holly hedge line and mature oak growing outside the planning application boundary in a neighbouring property which is within the Conservation Area and provides important landscape value. The applicant has carried out an arboricultural inspection in relation to the trees in the vicinity of the proposed parking bays. Works that would be needed to create the additional parking bays include removal of a section the young trees and shrubs in the proposed parking bay area; hand excavation in an area of root protection zone and root pruning by the supervising Arboriculturalist where appropriate and crown lifting of the off site oak tree to give sufficient clearance over the parking area. In their response to the proposal TWBC does not object to the proposals subject to condition concerning the protection of trees in accordance with the submitted tree protection plan. KCC Biodiversity advise that the removal of vegetation within the planting bed is undertaken outside of the breeding bird season unless the site is appropriately examined by an ecologist for nesting birds prior to works starting. Taking into account our Biodiversity advice I am satisfied that the potential for biodiversity impacts are minimised and with appropriate conditions relating to tree protection measures, I conclude that the Impacts in terms of biodiversity are tree protection are not unacceptable in planning policy terms.
49. In respect of sustainable design and construction TWBC Core Policy 5 encourages the sustainable design of new developments with reference to a number of design principles including encouraging efficient use of water resources, protection of water quality, be located so as to take account of flood risk and flood patterns and to be managed so as to reduce waste creation. Developments are required to be of high quality design creating safe, accessible, legible and adaptable environments.
50. I am satisfied that adequate consideration has been given via the design to lighting and

**Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst  
KCC/TW/0374/2013 (TW/14/00132)**

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energy efficiency, making use of natural ventilation and power conservation, acoustics and materials choice in order to address sustainability considerations for this small scale extension.

51. In terms of taking account of flooding, this proposal lies outside the Environment Agency flood warning area in relation to properties near to the River Teise. It is not located in an area at risk of river flooding and the site has not been identified by the Environment Agency as one which is at high risk of flooding. According to the Environment Agency website, the risk of flooding from surface water in the area is “very low”. However, there have been historic issues concerning surface water flooding in Pearse Place resulting from overland flow which are documented by Kent County Council’s Flood Risk Management assessment as being historical and resulting from overland water flow along the route of a footway/path to the south. These matters were also of concern at the time that the planning application was considered for the school location in Pearse Place and there was a condition imposed on the permission concerning surface water drainage measures also requiring extension of a granular filled trench soakaway across the PROW on the southern boundary of the site. It is also noted that Kent County Council, in the Flood Risk Management Surface Water Management Plan (October 2013) has a long term action to monitor the situation with regard to overland water flow along the route of the footpath and surface flooding. The footpath is located outside of the school site to the south east.
52. The applicant proposes connecting the surface water drainage arising from the proposal to the existing drainage systems. They consider that the additional flows would be minor and that existing systems would easily absorb the levels of increased flow. In addition, Southern Water would require a formal application to be made to them for any new connection to the public sewer and surface water and request that an Informative be used on any permission concerning this. They also request that a condition be attached to any consent requiring details of proposed means of foul and surface water sewerage disposal to be submitted for formal approval. That would include consideration of catchment and capacity of the drainage network and given that there is no objection to the proposal from the drainage undertaker, Environment Agency, TWBC nor Parish Council, and the scale and nature of the proposal, I am satisfied that this matter can be adequately addressed via such a condition in order to ensure that the proposal has adequate drainage provision that does not adversely affect conditions outside the site by further adding to flow or increasing surface water flooding.

**Conclusion**

53. This proposal seeks to address accommodation needs for proposed school expansion to meet local needs. Planning policy seeks to achieve sustainable development which requires consideration of location, design, need and impacts. The applicant is aware of their contribution to travel patterns and impacts within the locality as demonstrated by the Travel Plan and includes additional staff parking and cycle parking facilities within the proposal.
54. Taking account of the comments arising from statutory consultation, including no objections being received from any of the statutory consultees, I consider that the proposal responds to the site context in so far as is possible within the scope of this proposal and accords with the general aims and objectives of national and local planning policy requiring good design, respecting AONB landscapes and Conservation

**Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst  
KCC/TW/0374/2013 (TW/14/00132)**

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Area objectives and promoting healthy communities, sustainable transport and travel planning and encouraging a positive manner towards schools development.

55. I consider that this proposal accords with the Development Plan and that there are no material planning considerations that indicate that planning permission should be withheld. I would however recommend the inclusion of various planning conditions and informatives.

**Recommendation**

56. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The 5 year time limit;
- That the development be carried out in accordance with submitted details;
- Implementation of the School Travel Plan actions with submission of a revised travel plan within 6 months of the date of the permission and subsequent annual review;
- Provision and retention of 2 additional vehicle parking spaces before the premises are occupied;
- Provision of the additional cycle parking shelter;
- Requirement to submit prior to construction works details of the proposed means of foul and surface water sewerage disposal for approval by the Planning Authority in consultation with Southern Water;
- Tree protection measures in accordance with the Tree Protection Plan submitted;
- Biodiversity measures concerning the removal of vegetation and protection to breeding birds;
- Restriction of construction hours to between 0800 and 1800 Monday to Friday , 0900 and 1300 Saturday with no operations on Sundays and Bank Holidays;
- Restriction of construction vehicles delivering materials between the hours of 08:00 to 09:00 and 14:45 to 15:45 Monday to Friday.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the informatives covering the following:

- Manoeuvrability within the car park; necessary highway approval and consent and establishing the limits of the highway boundary and advising the applicant to contact KCC Highways and Transportation to progress these aspects of the works prior to commencement on site.
- Assistance in the production of a revised Travel Plan can be obtained from Kent Highway Service's Travel Planning Team. The revised Plan should include clear action and target dates with measureable travel mode shift targets detail those with responsibility for taking forward. It should include monitoring and annual review. Discussion with the local community with regard to considering the community suggestions for parking and school travel issues is encouraged along with making use of the websites [www.jambusterstpms.co.uk](http://www.jambusterstpms.co.uk) and [www.responsibleparking.co.uk](http://www.responsibleparking.co.uk)
- Discussion to be encouraged with the local community with regard to school travel issues.
- General advice regarding tree protection measures during construction and in order to ensure that the necessary approvals are sought from TWBC with regard to works to the tree located outside the site in the Conservation Area.

## Item D2

### **Extension to provide 2 classrooms, outreach room and 2 additional parking spaces – St Mary CEP School Lamberhurst KCC/TW/0374/2013 (TW/14/00132)**

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- General advice from the Environment Agency with regard to consents and Southern Water with regard to site drainage and foul and surface water connection.

Case Officer: H Mallett
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Tel. no: 01622 221075
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Background Documents: see section heading
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**Item D3****Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 April 2014.

Application by Galliford Try Investments Ltd and Kent County Council Adult Services for the demolition of an existing one and two storey care home with pitched roof and the construction of an extra care building of one, two and three storeys containing 41 flats and associated communal and community facilities, at Land at Little Hill, Wayside, St Michaels, Tenterden, Ashford – AS/13/1452 (KCC/AS/0203/2013)

Recommendation: Permission be granted, subject to conditions.

**Local Member: Mr Mike Hill OBE**

**Classification: Unrestricted**

**Site**

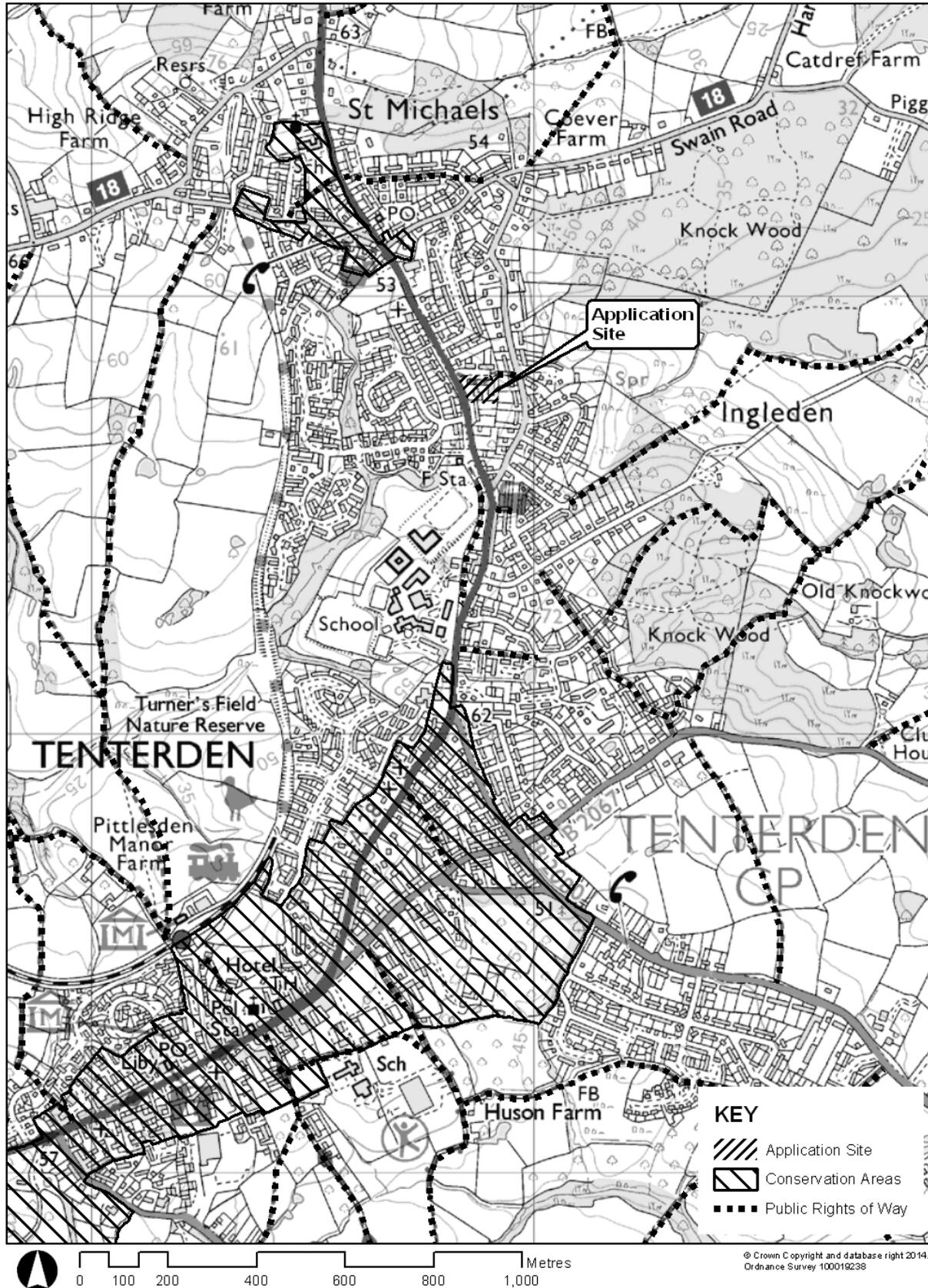
1. The application site is located within the built confines of St Michaels, a suburban satellite area to the north of the rural town of Tenterden. The application site lies to the east of Ashford Road, approximately a mile to the north of Tenterden High Street. The 0.5 hectare site, which is largely in the ownership of Ashford Borough Council, contains vacant buildings which, in the recent past, provided accommodation for a residential care development for the elderly, known as Little Hill. The site currently comprises one and two storey buildings which provided 26 bedsits, 4 flats, 4 bungalows and a three bedroom house.
2. The application site is surrounded by a mix of residential housing, including two storey houses and bungalows. To the south of the site, properties in Henley View continue to follow the Ashford Road frontage, with the side elevation of number 6 Henley View, a converted bungalow with dormer windows at first floor level looking into the application site, adjoining the Little Hill site boundary. The eastern boundary of the application site adjoins the rear gardens of properties in Ox Lane, which are predominately single storey bungalows with some roof conversions. Due to changing levels across the application site and beyond, properties in Ox Lane are in an elevated position, and sit at a higher level than the existing buildings within Little Hill. To the direct north of the application site lies Wayside, a residential cul-de-sac. Access to the existing Little Hill development is gained from Wayside, and parking associated with the former care facility lies to the southern side of this road. To the northern side of this road lie a small number of residential properties which face the application site. The properties in Wayside are 1930s chalet style bungalows, with first floor dormer windows in the roof spaces.
3. A Public Right of Way also runs along the northern site boundary, linking Wayside with Ox Lane. To the west of the application site, lies Ashford Road, with an existing hedgerow and footpaths along Ashford Road providing a degree of separation. Properties to the far side of Ashford Road are two storeys but sit at a lower level than the road, and are separated from the road by front gardens and landscaped verge. The site levels change across the site, in general rising from west to east. There are several trees on site, most noticeably willows to the Ashford Road side of the site, and a mature oak to the eastern boundary.

*A site location plan is attached.*

# Item D3

## Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

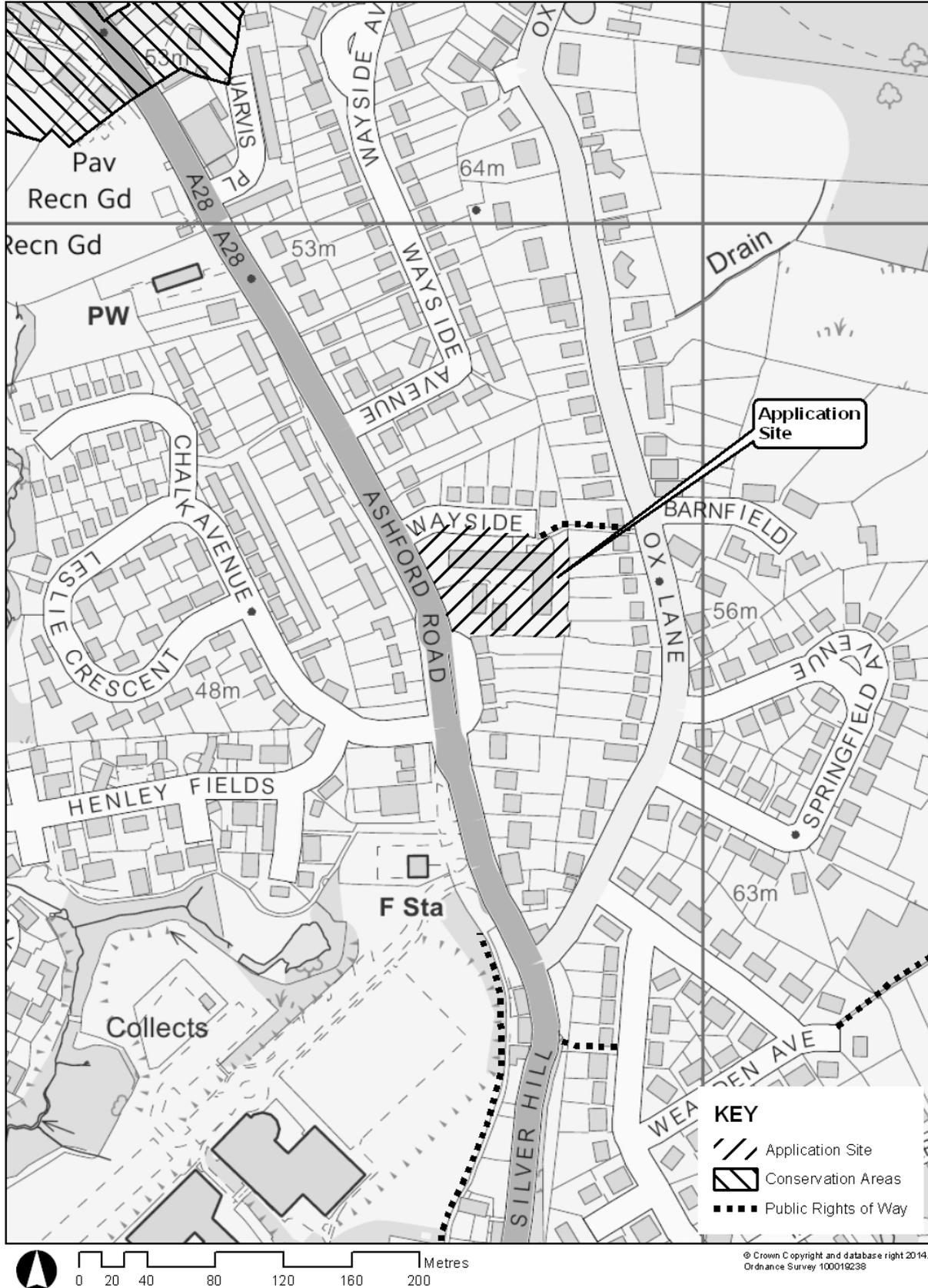
### Wider site location plan



# Item D3

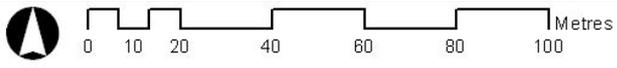
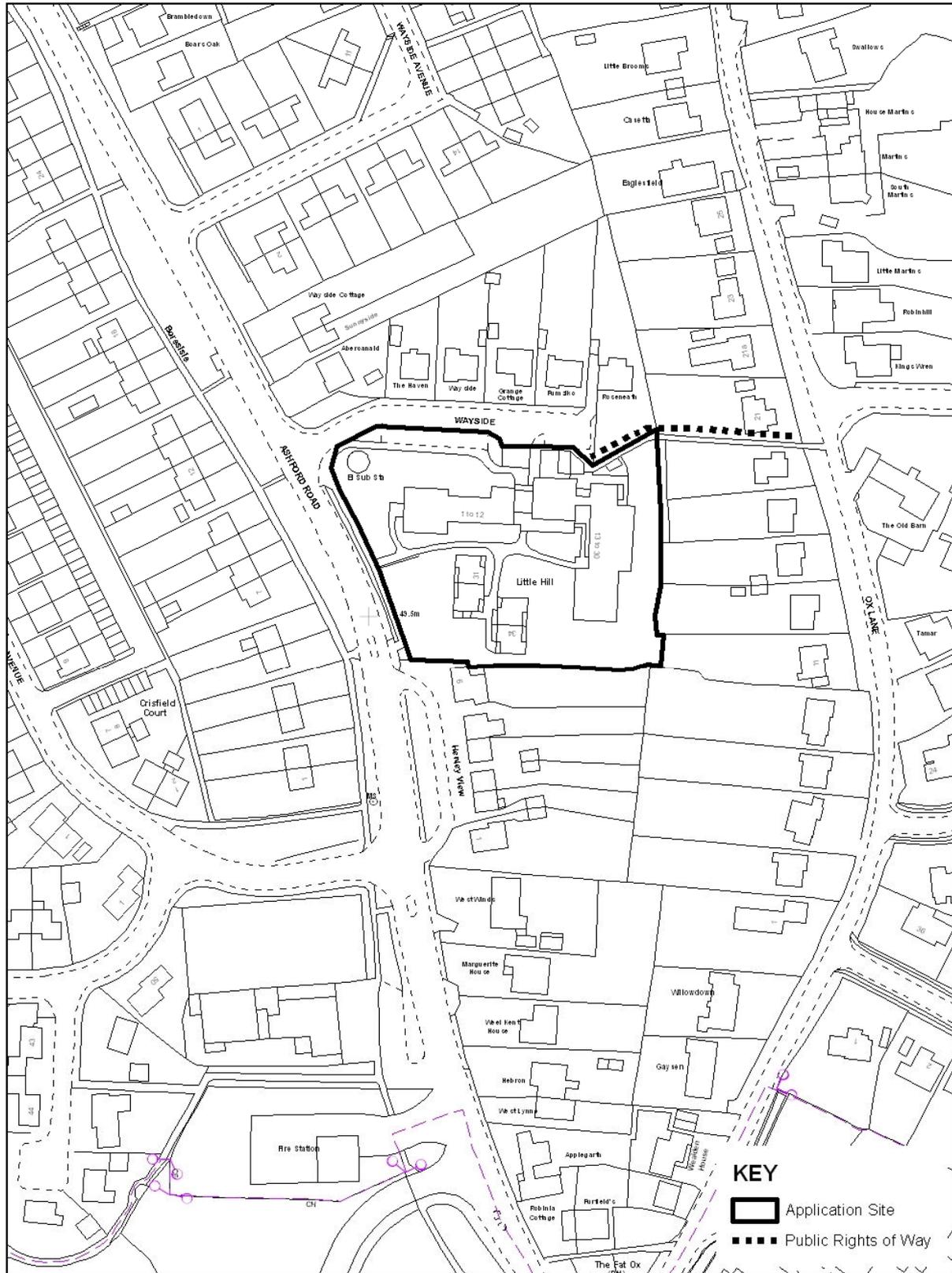
## Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

### Site location plan



**Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

Site plan showing layout of existing buildings



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### **Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

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#### **Background/Relevant Planning History**

4. The redevelopment of this site is proposed by Kent County Council, as part of the Excellent Homes for All Programme, where the County Council is working with partners to provide supported housing. Across the county, the County Council's partners are Ashford Borough Council, Dartford Borough Council, Dover District Council, Thanet District Council and Tunbridge Wells Borough Council. Little Hill (the application site) is one of seven sites throughout Kent which have been identified to provide adequate housing as a priority, both within Local Housing and Social Services strategies. Kent County Council Adult Services submitted seven planning applications for the redevelopment of the various sites to the County Planning Authority at the end of 2013.
5. A previous outline planning application for the redevelopment of the Little Hill site for this proposed use was submitted in 2009. That outline application was also part of a county wide Extra Care Housing scheme, and six of the applications referred to above are on sites which were subject to previous outline applications. The outline application at Little Hill (AS/09/259) was considered by Members of the Planning Applications Committee on the 6 October 2009, and outline planning permission was subsequently granted. That permission expired in October 2012.
6. The outline planning application reserved out full details of appearance, scale and landscaping for later consideration, but approved the principle of replacing the existing accommodation on site with a two and three storey building containing 41 apartments and communal spaces. Although an outline application, the proposed layout of the site was submitted for consideration and subsequently approved. The application before us today, however, is not a reserved matter related to the outline consent (expired), but is a full detailed planning application to be considered afresh, although the existence of the earlier outline consent remains a material consideration. Moreover, the applicant has proposed a building with a broadly similar footprint to that previously approved and the same number of apartments.
7. This application (AS/13/1452) was submitted in December 2013, and has subsequently met with significant objection on several grounds, but primarily massing and design. Following discussions between the applicant, the County Planning Authority and the Borough Council, the applicant has since made adjustments to the design of the building in an effort to break up the massing, and address the points of objection raised. It is the revised design that will be discussed throughout this report, although the scheme as first submitted will be referred back to where necessary to demonstrate how the scheme has evolved. The following section will set out the scheme as now proposed.

#### **Proposal**

8. This application has been submitted by Galliford Try Investments Ltd and Kent County Council Adult Services and seeks full planning permission for the demolition of the existing one and two storey care home with pitched roof, and the construction of an extra care building of one, two and three storeys, containing 41 flats and associated communal and community facilities. The applicant advises that the new accommodation is required in response to changing social needs. The aim for The Excellent Homes for All Programme is to provide elderly people with extra care, as their needs require, while allowing independent living in apartments providing a mix of living accommodation with full facilities. Apartments would be self-contained and designed to avoid an institutional appearance.

**Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

**Proposed site plan**



THIS DRAWING HAS BEEN PREPARED BY ELECTRICAL ENGINEERS. PLEASE CONSULT THE LOCAL AUTHORITY FOR THE LOCAL PLANNING OFFICE. THE LOCAL PLANNING OFFICE HAS REVIEWED THIS DRAWING FOR THE LOCAL PLANNING OFFICE. THE LOCAL PLANNING OFFICE HAS REVIEWED THIS DRAWING FOR THE LOCAL PLANNING OFFICE. THE LOCAL PLANNING OFFICE HAS REVIEWED THIS DRAWING FOR THE LOCAL PLANNING OFFICE.

**calfordesdon**  
 Gallifordtry  
 Little Hill, St Michaels Road, Tenterden,  
 Proposed Site Plan  
 13/00038A1  
 Date: 01.14  
 Drawn By: GRS  
 Checked By: N38971  
 Project No: 13/00038A1  
 9 Ashford Road, Little Hill, Tenterden, Kent, TN30 3AA  
 01323 822211 • 01323 822222 • 01323 822233 • 01323 822244  
 www.calfordesdon.co.uk

**PLANNING**  
 construction property consultants  
 Gallifordtry  
 277 February 2014  
 Planning Applications Group

**Key - Site Layout**

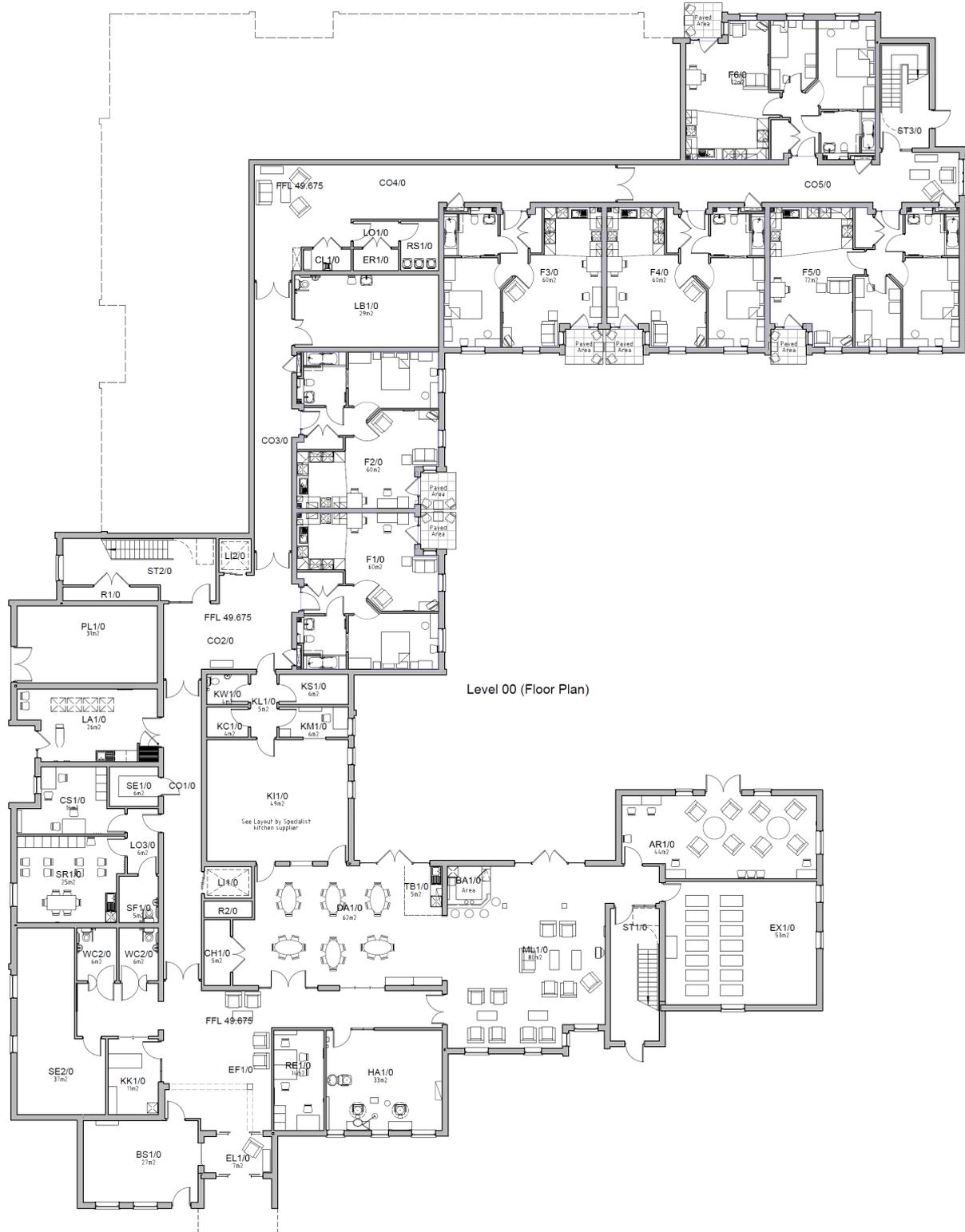
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	Concrete		Proposed Tree
	Road Pavement		Landscaping
	Boundary Wall		Existing Slab
	New Slab		Existing Slab
	Proposed Slab		Existing Slab
	Proposed Slab		Existing Slab

Scale bar: 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200

# Item D3

## Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

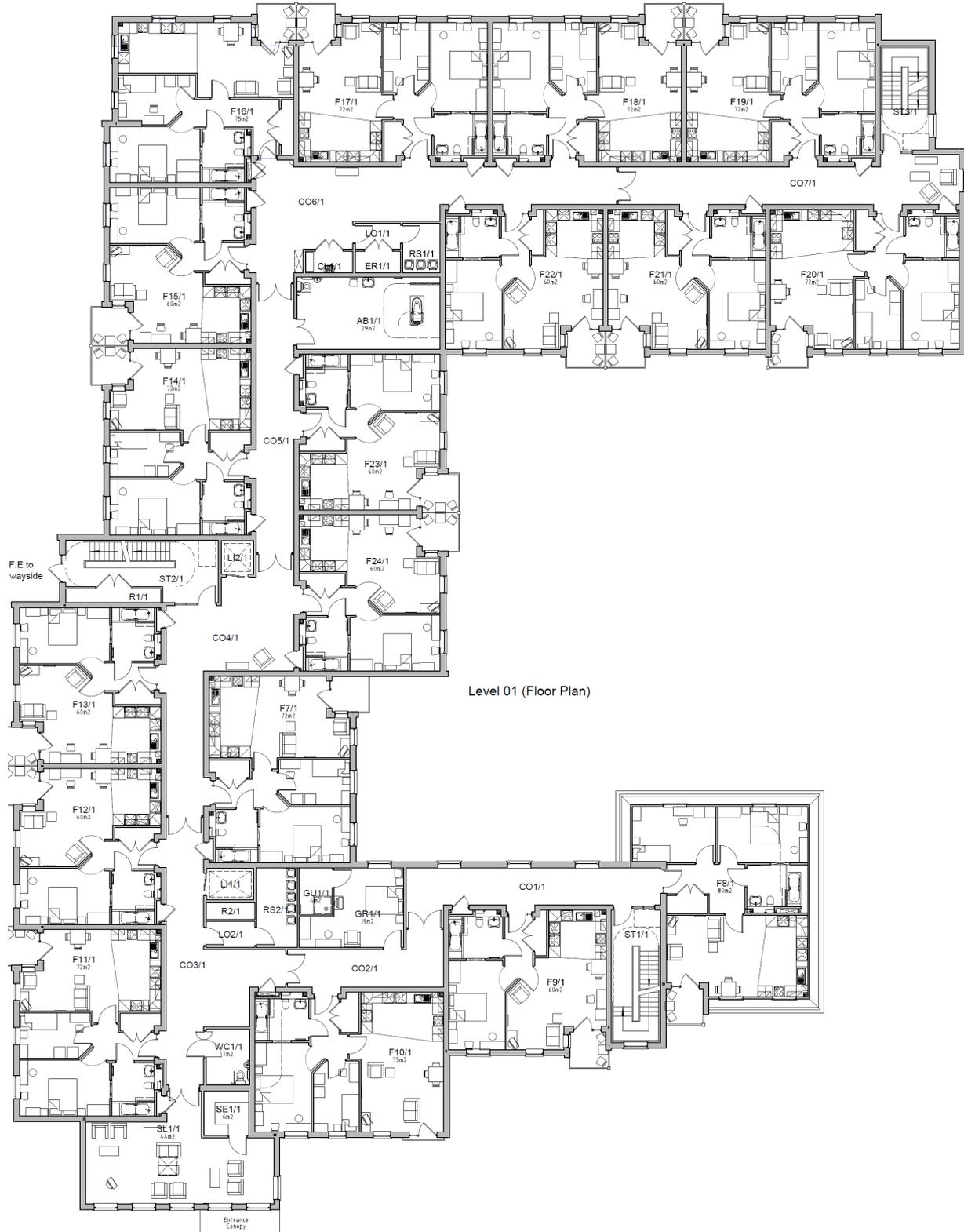
### Ground floor plan



# Item D3

## Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

### First floor plan

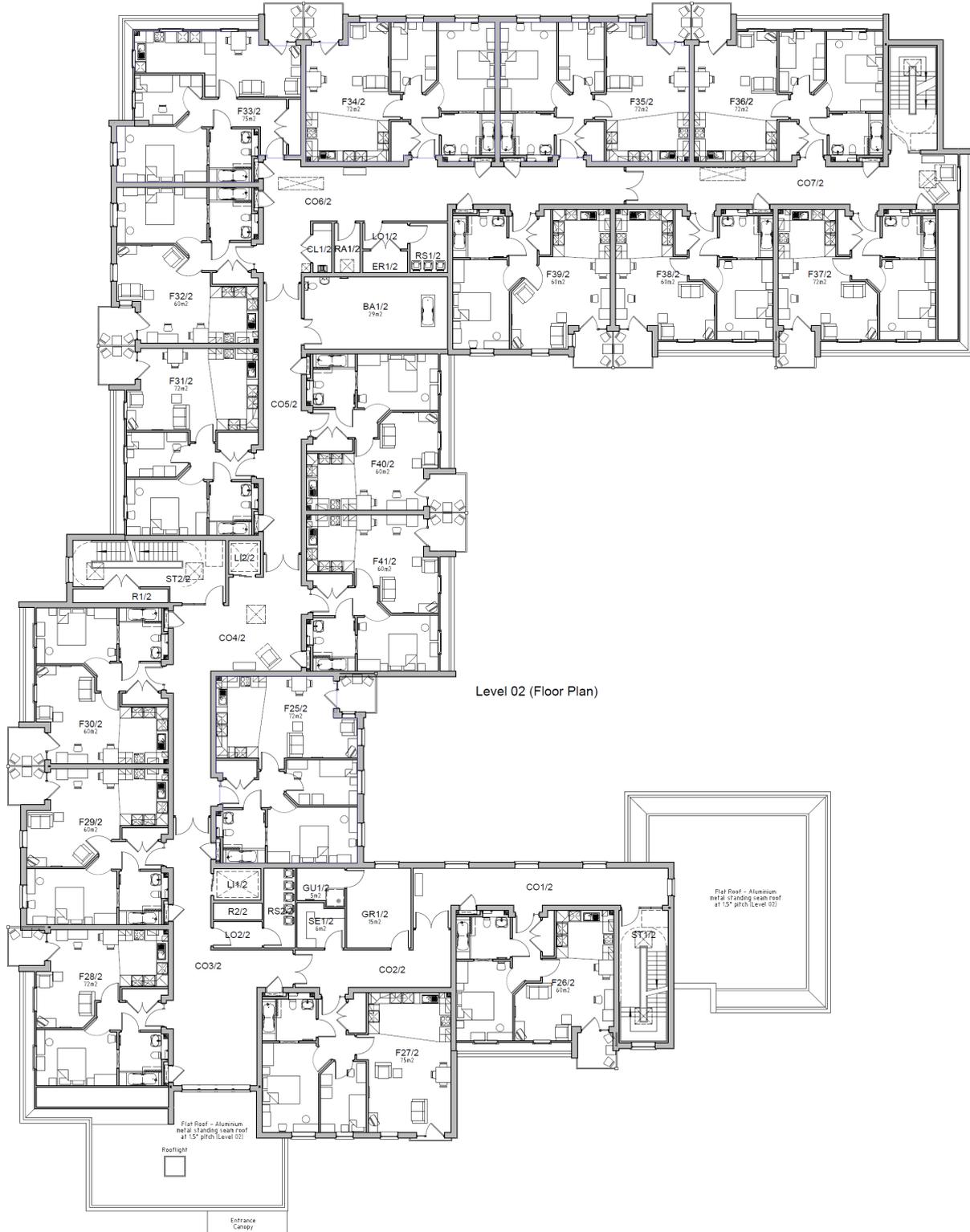


Level 01 (Floor Plan)

# Item D3

## Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

### Second Floor



### Item D3

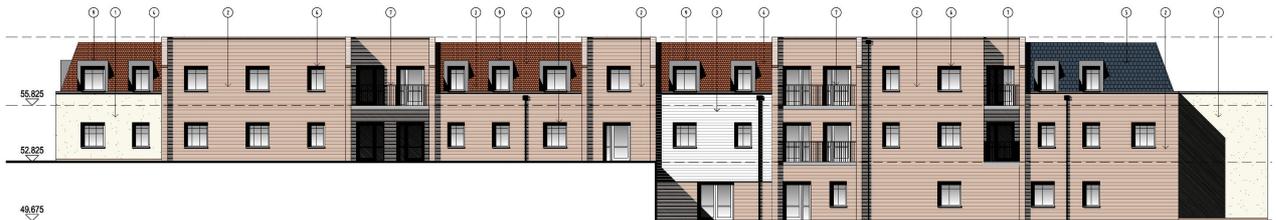
## Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

### Proposed elevations as amended



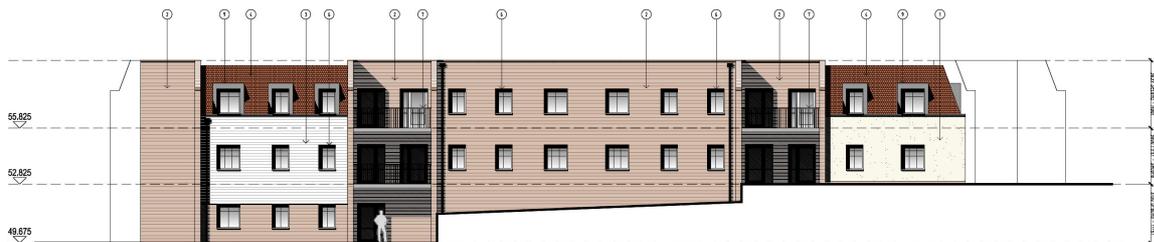
West Elevation A

Front elevation facing Ashford Road



North Elevation B

Elevation facing Wayside



East Elevation C

Elevation facing boundary with properties in Ox Lane



South Elevation D

Elevation facing boundary with 6 Henley View



Internal East Elevation F



Internal West Elevation E

Internal elevations facing east and west respectively – part of west would be seen from Ashford Road

## Item D3

### Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

Typical elevation details and materials as proposed



#### KEY TO PROPOSED MATERIALS

1. Through coloured render wall finish.
2. Fair faced brickwork to incorporate 3no. bat bricks as recommended (and to be located) by KB Ecology Version 2: Scoping Report.
3. Horizontal timber boarding.
4. Clay plain roof tiles.
5. Slate.
6. Aluminium composite casement window and door units in.
7. Galvanised balcony structure
8. Steel Frame Glazed four post entrance canopy.
9. GRP dormer windows to Mansard roof structure.

## Item D3

### Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

Typical elevation details and materials as proposed



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## Item D3

### Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

Typical elevation details and materials as proposed



#### KEY TO PROPOSED MATERIALS

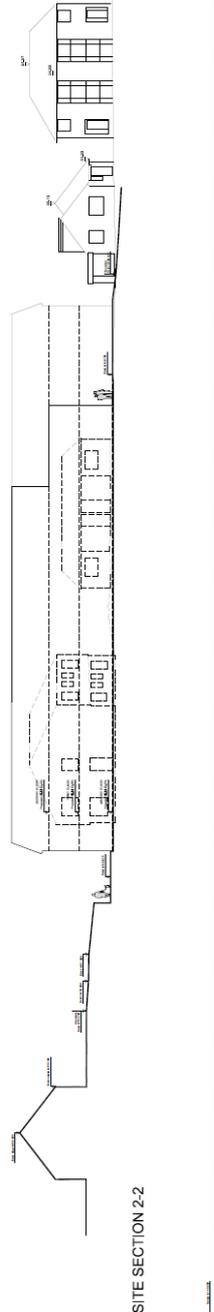
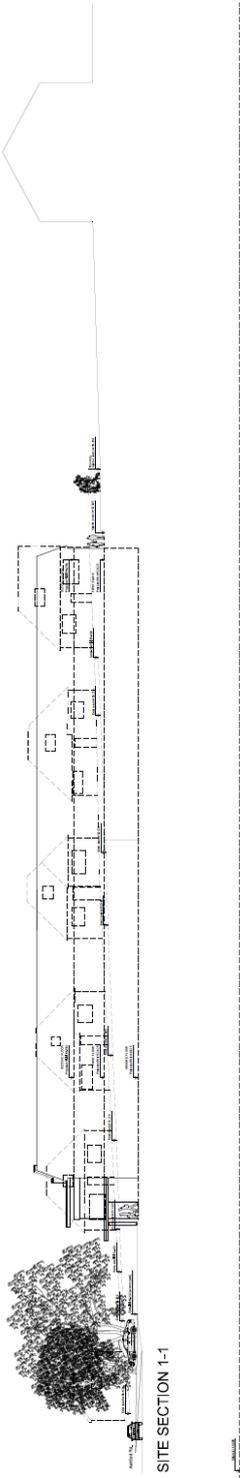
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**Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

Site sections – see next drawing for site section positions

THE DRAWING HAS BEEN PRODUCED BY ELECTRONIC MEANS. SHOULD THE SCALE DIMENSIONS BE TAKEN BY MEANS OTHER THAN ELECTRONIC MEANS, ANY VARIATION FROM THE FOLLOWING DIMENSIONS SHALL BE THE RESPONSIBILITY OF THE USER. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS TAKEN BY ANY OTHER MEANS. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS TAKEN BY ANY OTHER MEANS. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS TAKEN BY ANY OTHER MEANS.

**A1 SHEET**  
 GROUP NO. 00000000000000000000  
 PLANNING APPLICATION NO. 13/1452  
 PRELIMINARY



**PRELIMINARY**

**calfordeseden** construction & property consultants

Galfrid Fry  
 Little Hill, St. Michael's Road, Tenterden

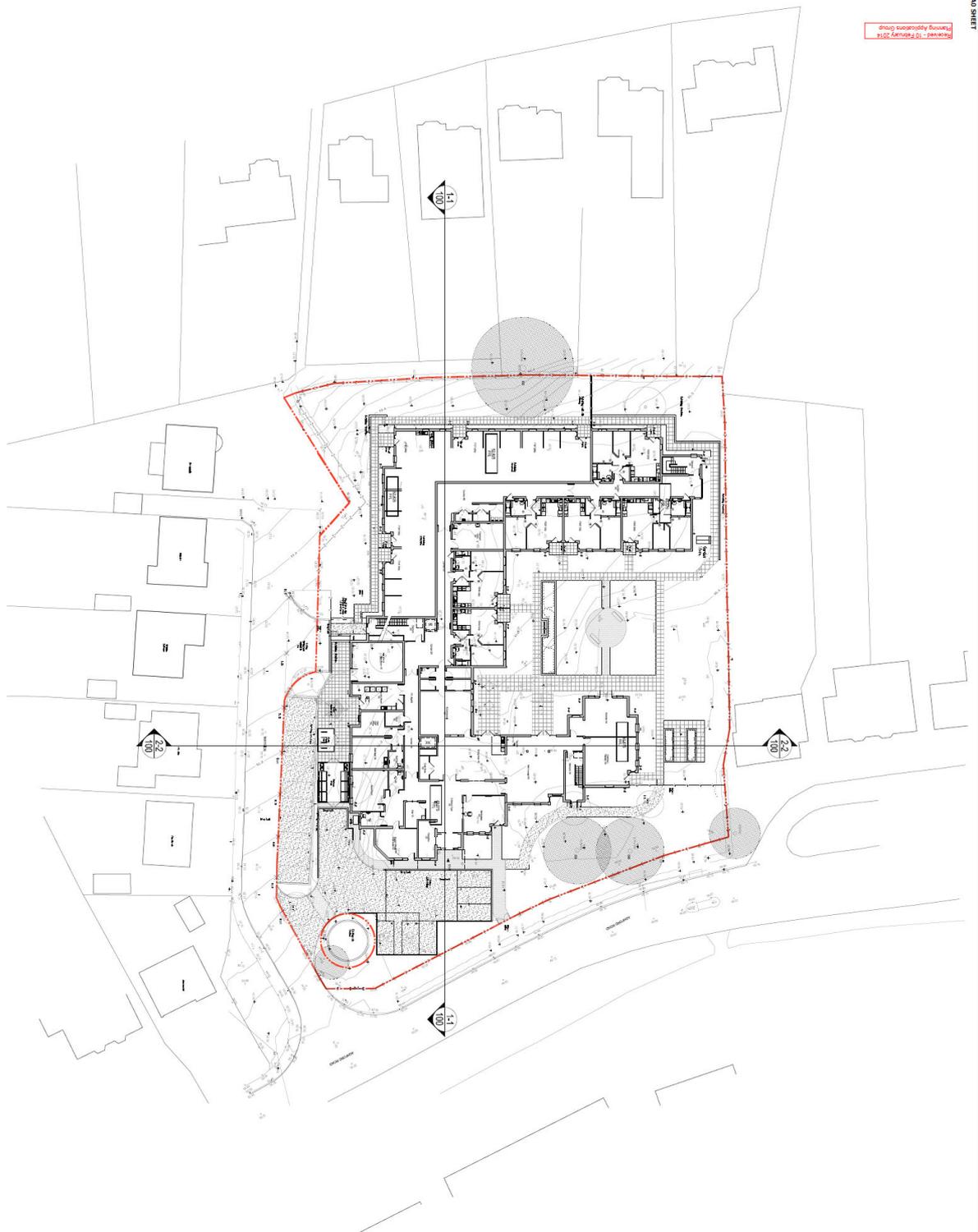
Site sections  
 Date: 13/08/13  
 Drawn by: J. J. J. J.  
 Checked by: J. J. J. J.  
 Project No: K13-0871  
 Drawing No: 001311

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## Item D3

### Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)

#### Site section positions



### **Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

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9. A total of 41 apartments are proposed, 20 one bedroom and 21 two bedroom, in addition to communal facilities such as a lounge, dining room, kitchen, laundry, gym and staff facilities. The proposed accommodation would be spread across one 'L' shaped building, part one and two, but mainly three storeys in height. The applicant advises that the layout of the built form on site is 'generally in accordance with the 2009 outline permission'. In addition, in order to contain the proposed building within the height restrictions of the outline permission on the northern side of the site (not to exceed the ridge height of properties in Wayside), the proposed development would be part two and part three storeys in height, with the ground floor being largely concealed by the lowered site level, whilst the second floor would be accommodated within the mansard roof design form. The proposal would therefore appear as predominately two storeys in height when viewed from the north (Wayside) and from the east (Ox Lane).
10. The main frontage of the building would face Ashford Road, with the building entrance located at the northern end of the western elevation. This wing of the building would be three storeys in height, reducing to two storeys at the southern end.
11. The applicant advises that the design of the proposed building seeks to use materials which are found in the local area in a modern way, providing a new building with its own identity. In particular, the design employs weather boarding, light coloured render and red brickwork, all common with materials to be found in the town centre. The façade features apartments with private balconies accessed through a door from the main living room. The front façade has been stepped and articulated in height in order to reduce the perceived scale of the development. The detail of the design and the materials proposed is shown clearly in the drawings on pages 10 – 13.
12. Externally, the grounds would accommodate amenity space and gardens specifically designed for the user group. The willow trees to the Ashford Road frontage would be retained, as would the veteran oak to the rear of the site. Additional tree planting is also proposed as part of the wider hard and soft landscaping proposals.
13. A new vehicular access to the site is proposed, accessed via the Ashford Road end of Wayside. 17 car parking spaces are proposed, including two disabled spaces and four spaces opposite the main building entrance and 11 spaces on the southern side of Wayside (as existing). A drop off point and turning area would be provided adjacent to the building entrance, and there is space within the site for an ambulance/minibus to stop, as well as for access and manoeuvring for a refuse vehicle. Access for deliveries for the kitchen and boiler fuels etc would be via Wayside, at first floor level via a fire escape.
14. The development has been designed to meet Code for Sustainable Homes Level 3. As such, the building has been assessed on 9 levels, including energy, water, materials, surface water, waste, pollution and ecology. Building orientation, building envelope design, insulation, air tightness and low energy lighting and appliances have all been considered and incorporated into the design.

*The application is accompanied by a Design & Access Statement, Pre-development Tree Survey, Ecological Study, Verification of 2010 Phase 1 Habitat Survey, Historic Environmental Desk Based Assessment, Archaeological Evaluation, Energy Strategy and a Phase 1 Environmental Risk Assessment.*

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**Planning Policy**

15. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policy Framework (NPPF)** March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- the delivery of a wide choice of high quality homes to meet current and future needs of different groups in the community, including older people with provision reflecting local demand in terms of size, type, tenure and range of housing.
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- development being located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and
- safe and suitable access to the site can be achieved for all people;

- (ii) The adopted **Ashford Borough Local Plan 2000:**

**Policy GP10** Seeks to conserve and enhance Tenterden's special character by restricting development to sites identified in the Plan, redevelopment or minor development such as infilling and assessing all proposals in terms of the impact that the development would have on the town's special character and its setting.

- (iii) The adopted **Ashford Borough Local Development Framework Core Strategy 2008:**

**Policy CS1** States that sustainable developments and high quality design are at the centre of the approach to deciding planning applications, and sets out the key planning objectives which will apply, including, amongst other things: protecting the high quality built and natural environment, respect for site context, design and construction

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standards that work towards achieving zero carbon developments, the best use of previously developed land, the timely provision of community services, and developments that are designed to mitigate and adapt to the effects of climate change.

**Policy CS8** Sets out requirements for contributions towards funding infrastructure and community facilities.

**Policy CS9** Development proposals must be of high quality design and address issues such as character, distinctiveness, sense of place, permeability, ease of movement, legibility, mixed use and diversity, continuity and enclosure, quality of public spaces, flexibility, adaptability and liveability, richness in detail and efficient use of natural resources.

**Policy CS10** All major development must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford.

**Policy CS13** Sets out the requirement of a range of dwelling types and sizes.

**Policy CS18** Sets out requirements for infrastructure and community facilities should be provided.

**Policy CS20** All developments should include appropriate sustainable drainage systems for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.

(iv) The adopted **Tenterden and Rural Sites Development Plan Document 2010**

**Policy TRS 19** Sets out requirements for infrastructure and community facilities.

(v) **Supplementary Planning Guidance** includes the following documents:

**Sustainable Design and Construction** Supplementary Planning Document (SPD) sets out guidance on the measures and opportunities available to developers and householders to integrate sustainability into their development. It includes, amongst other things, guidance for those developments required to comply with Policy CS10.

**Sustainable Drainage** SPD sets out how developers can meet the requirement of Policy CS20 of the adopted Core Strategy.

**Residential Parking and Design Guidance** SPD brings together proposed residential parking standards and 'good practice' on residential parking tailored to the development scenarios likely to be faced in the differing contexts across the borough.

**Residential Space and Layout** SPD sets out in detail the Borough Council's minimum standards for living space and layout for both privately and publicly funded residential developments in order to comply with Policy CS9 (Design Quality) of the Core Strategy.

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**Public Green Spaces and Water Environment** SPD provides further detail about how national and local planning policies will be applied in protecting, improving and adding to public green spaces and the water environment throughout the Borough.

#### **Consultations**

16. **Ashford Borough Council's** comment as follows on the application as originally submitted:

"A. Strongly supports the principle of providing supported housing for the elderly on this site, but,

B. Raises strong objection to the current proposals for the following reasons:

The development is contrary to policies GP10 of the Ashford Borough Local Plan 2000, CS1 and CS9 of the Core Strategy 2008 as

- i. the design, massing and external appearance are inappropriate for the site and will be highly detrimental to the character of the area and the entrance to Tenterden;
- ii. The level of car parking provided is woefully inadequate and likely to lead to parking on surrounding streets to the inconvenience of local residents and other road users; and
- iii. The development is likely to lead to a significant degree of overlooking of Henley View to the south of the site from first floor windows.

C. In determining the application the County Council's Planning Committee is requested to ensure that:

- i. The development adheres to the relevant standards set out in the adopted, Sustainable Design and Construction SPD, Sustainable Drainage (SuDs) SPD, Residential Space & Layout SPD and Public Green Spaces and Water Environment SPD.
- ii. The existing pavement across the western frontage of the site is retained and maintained available for use both during any construction period and subsequently.
- iii. The existing trees shown to be retained are adequately protected during any construction period.

D. Confirms that the sketch design provided informally to the Development Control Manager by Calford Seadon on 17 February 2014 [not the scheme before you for consideration] are a step in the right direction in terms of improving the design but the building will still appear out of scale with its surroundings and will not adequately reflect the context of the site.

E. The Committee authorises the Development Control Manager to respond to any further consultations received from the County Council in consultation with the Ward Member and adjoining Ward Member to the south, to ensure the Council's views are available to the County Council when a decision on the application is made."

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#### Views on the amended design are as follows:

“This Council strongly supports the principle of providing supported housing for the elderly on this site in a suitably sized and design building. It remains fundamentally opposed to the scheme because of the amount of development proposed on this site, the poor quality and unsympathetic architecture which pays little or no notice to the context of the site and the inadequate levels of parking.

The Council is also concerned and disappointed that one of the large willow trees at the front of the site, which is shown to be retained, has already been felled.

Ashford Borough Council raises strong objection to the proposals for the following reasons:

The development is contrary to policies GP10 of the Ashford Borough Local Plan 2000, CS1 and CS9 of the Core Strategy 2008 as

- a. the design, massing and external appearance are inappropriate for the site and will be highly detrimental to the character of the area and the entrance to Tenterden; and
- b. The level of car parking provided is woefully inadequate and likely to lead to parking on surrounding streets to the inconvenience of local residents and other road users;

In determining the application of the county council's planning committee is requested to ensure that:

- a. The development adheres to the relevant standards set out in the adopted, Sustainable Design and Construction SPD, Sustainable Drainage (SuDs) SPD, Residential Space & Layout SPD and Public Green Spaces and Water Environment SPD.
- b. The existing pavement across the western frontage of the site is retained and maintained available for use both during any construction period and subsequently.
- c. The existing trees shown to be retained are adequately protected during any construction period and a suitable large tree is planted on the frontage to replace the willow which has already been felled, even though it is shown as being retained on the site plans.

The previous objection to the scheme resulting from the overlooking from flat 37 is withdrawn and I am grateful that you are able to negotiate the offending windows out of the scheme.

Could you please ensure that this letter is attached in full to your report to the County Council Planning Committee so that your members are fully aware of the significant objections raised by this Council to this particular development.”

**Tenterden Town Council** objects to the application [as originally made] on the on the grounds that;

- (a) The scale of the building would represent overdevelopment of the site.
- (b) The scale of the building would be overbearing to adjacent properties.
- (c) The proposal does not sufficiently take into account the slope of the land.

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- (d) The planned parking provision is wholly inadequate.
- (e) Traffic flow in the surrounding area would be adversely affected.
- (f) There does not appear to be sufficient space for service vehicles to attend the site.

#### Views on the amended design are as follows:

The Town Council objects to the application on the on the grounds that the proposed building;

- (a) would be overbearing.
- (b) lacks architectural integrity.
- (c) does not appear to be financially viable.

**Kent County Council Highways and Transportation** raise no objection to the application subject to the following conditions being attached to any planning permission granted:

- 1) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 2) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- 3) Provision of measures to prevent the discharge of surface water from the private parking area onto the highway.
- 4) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 5) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the occupation of the building hereby permitted.
- 6) Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the occupation of the building hereby permitted.
- 7) Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the occupation of the building hereby permitted.
- 8) Completion and maintenance of the access shown on the submitted plans prior to the occupation of the building hereby permitted.

It is further noted that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation in order to obtain the necessary Application Pack.

Kent County Council Highways and Transportation also confirm that the provision of 17 car parking spaces for the 41 extra care apartments is adequate. The nature of extra care schemes is such that residents have to be assessed to be suitable to live in a scheme such as this and therefore have a care need. Car ownership levels of extra care sites is low, with the highest car ownership levels of any scheme in Kent being 20% in information that has been supplied by Orbit South for extra care schemes in Kent. This would give demand for 8 car parking spaces if the parking demand for Little Hill was 20%. The applicants state that there will be a maximum of 4 staff at the site which would give a total demand of 12 car parking spaces for both residents and staff. There is therefore a total of 5

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car parking spaces for visitors to the site which is adequate in the opinion of the Highway Authority.

**The County Council's Biodiversity Officer** comments as follows:

Bats

"The bat survey was carried out in October which is outside of the optimum survey period for bats. While we are aware that common pipistrelle and brown long eared bats were recorded emerging from the building there is still a need for an additional survey to be carried out between May and August to establish if the building is being used as a maternity roost.

Ideally as detailed above, all surveys should be carried out prior to determination of the planning application to ensure that the mitigation detailed within the method statement is appropriate.

*Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System also states the following: The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.*

As such if Kent County Council are satisfied that there is exceptional circumstances and the additional survey can be conditioned we have the following comments to make:

We have reviewed the method statement and based on the current bat usage of the site we are satisfied with the proposed mitigation. However we would expect the method statement to be reviewed and if necessary updated once the additional survey has been carried out. We would expect the results of the emergence survey and details of changes to the mitigation strategy to be submitted for comments – this will need to be provided via a condition of planning permission.

*Apple Tree*

The apple tree to the SW of the site has suitable features to be used by roosting bats. It must be re-examined by an experienced ecologist prior to any works being carried out on it and it must be felled using a precautionary approach.

*Lighting*

Lighting can be detrimental to roosting, foraging and commuting bats – the Enhancement and Ecological Management strategy has provided recommendations for the lighting for the sites which should be incorporated in to the lighting plan for the site. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

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Breeding Birds

As there is suitable habitat for breeding birds within the proposed development site we recommend that the mitigation detailed within the *Mitigation, Enhancement and Ecological Management Strategy* must be implemented.

If is not possible to remove the vegetation prior to the bird breeding season (March – August inclusive) we recommend that an ecologist surveys the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all the young have fledged.

Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

The Overall Mitigation, Enhancement and Ecological Management Strategy has provided details of ecological enhancements which will be incorporated in to the site. We are satisfied with these proposals and recommend that the enhancements detailed in the strategy are implemented as a condition of planning permission.”

**The County Council’s Landscape Officer** has no objection to the proposal, but considers that conditions should be imposed requiring the adequate protection of trees to be retained, during both demolition or construction works. Demolition should also be undertaken away from the tree T23, from within the existing buildings where possible. It is also recommended that the boundary treatments to the site are selected carefully to contribute positively to landscape character, local amenity and to benefit wildlife.

**The County Council’s Conservation Architect** comments as follows:

“Efforts have been made to mitigate the scale of the proposals with adjacent buildings. By grading the proposals into the site, which conveniently slopes to allow the additional floors to be partially concealed, I consider that the scale will now be acceptable. The revised design approach of visually breaking the elevation into individual buildings that respond to the town’s historic context will offer a significant development in the locality a strong identity. Combined with carefully selected materials the proposals will contribute to the residential context for this alternative form of residential accommodation.

I had hoped the proposals would be supported with street view renderings to illustrate how the proposals will be treated in terms of landscaping as I believe this will form an essential component of their success and will assist in determining the application. I am satisfied that the elevation treatment and composition is now correctly articulated and follows a design logic that responds to its context, giving regard to appropriate materials, and the purpose of the building.”

**Public Rights of Way** notes that public right of way AB25 passes through the North Eastern corner of the site. In order to ensure public safety during the development, it may be necessary to temporarily close the path. Temporary closures will be processed by Kent County Council on the basis that:

- the closure is paid for by the developer;
- the duration of the closure is kept to a minimum;

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- alternative routes are provided for the duration of the closure; and
- six weeks notice of the requirement of a closure is given by the developer.

In addition the applicant's attention is drawn to the following points;

- no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- there must be no disturbance to the surface of the right of way, or obstruction of its use, either during or following any approved development;
- no hedging or shrubs should be planted with 1 metre of the edge of the public path.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the highway Authority.

**Environment Agency** raises no objection to the application but provides general advice with regard to pollution prevention, water conservation and construction/demolition waste.

**The County Archaeologist** no comments received to date.

#### **Local Member**

17. The local County Member, Mr Mike Hill OBE, was notified of the original application on the 20 December 2014, and notified of the modified design submission on the 5 March 2014.

#### **Publicity**

18. The original application was publicised by an advertisement in a local newspaper, the posting of 3 site notices and the individual notification of 48 neighbouring residential properties. All those originally consulted, and all those who made representations on the original submission were notified of the modified design submission on the 5 March 2014.

#### **Representations**

19. 66 letters of representation on the original application have been received as a result of publicity, including from the Weald of Kent Preservation Society (WKPS). In addition, a further 60 letters of representation (ie, from the same addresses) have been received following further notification on the design modifications. These letters of representation include 59 standard letters endorsing the views of the Wayside Residents' Association following the initial consultation, and a further 56 standard letters following further notification on design modifications, and include responses from those residents adjoining the application site as well as from many who live more distant from the site.

A summary of the main planning issues raised/points of objection is set out below:

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#### *Initial proposals*

##### Scale/Massing/Design

- Since the redevelopment would be 3 storeys, and the existing surrounding buildings are predominantly bungalows, it would be completely out of sympathy and character with the area;
- The two storey development as already in place is perfectly fine;
- 41 flats on this small site would swamp the site and not be in keeping with the local environment;
- Although not against a care home facility in principle, WKPS strongly object on the grounds that the application has total disregard of surroundings and design, with the building dominating the local area, with bland design, institutional appearance and serious detriment to visual amenity for those living nearby. Moreover 41 flats with staffing, would create major parking and traffic problems, detrimentally to the village;
- There are no other buildings in St. Michaels above two storeys and the design endeavours to cram in as much as the site will allow without provision for green areas, urbanising this part of St. Michaels;
- The size of the proposed building is far too large for the site and would dominate surrounding properties cutting out light and spoiling views;
- Plant and services protrude above the Mansard roof line for a third of the elevation facing Wayside;
- Standing seam metal roofing is totally out of character with the traditionally tiled surroundings, and the large flat roof has awkward square raised structures;
- Glazed balustrade balconies are out of keeping with the local area;
- There are considerable differences from the outline scheme, including a Mansard roof as another floor;
- Its mass, size and impact on local residents is totally out of character and seeks to cram as many people on the site as possible, ruining the amenities of local residents;

##### Amenity Concerns

- Due to the height and mass of the redevelopment, existing adjoining properties would be overlooked with consequential loss of privacy and daylight;
- Our home would be overlooked from windows in the new building, and it would block the view from the rear of our property;
- Instead of buildings designed to blend into the local village environment, we will face a large three storey block with offices, plant and laundry rooms;
- South facing views from Wayside properties would be ruined by the sheer walls and Mansard roof of the proposed development;
- The amenities of neighbours are not being protected with regard to overlooking, parking, kitchen odours, refuse storage and light pollution;
- The refuse storage area would be in full view of Wayside residents, as would the proposed boiler room with associated noise and fumes, and access for delivery vehicles would cause considerable nuisance;

##### Highway/Access Matters

- Only 17 parking spaces are to be provided for the proposed residents, which is inadequate for the proposed 62 bedroom development, and would lead to additional on-street parking in Wayside and surrounding roads with consequent inconvenience to existing residents;
- Parking has not been thought out at all, especially if the community facilities are to be used by the wider community as well;

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- If the 62 residents are capable of looking after themselves, they would be capable of driving, plus visitors, staff and district nurses, maintenance and delivery staff would need parking facilities;
- Ashford Road bends at this point, is narrow and not suitable for parking, but there is nowhere else to park;
- Compared to the provision at West View Hospital, where there are 71 parking spaces and 60 beds, at least 70 spaces would be needed at Little Hill;
- There would be extensive overflow parking in Wayside and surrounding roads, restricting access by residents and emergency services;
- Whilst the proposed residents may not have vehicles, there should be adequate parking for visitors, friends and family, plus deliveries;
- The absence of pavement between the existing parking area and the new development means people have to walk in the road to enter the site, and there is a Public Right of Way at the end of Wayside into Ox Lane used by schoolchildren;

#### General Matters

- The size of the development would lead to an urbanisation of the St. Michael's area and create a precedent for allowing further new developments in the area;
- How can KCC develop a site it doesn't completely own?
- The proposal conflicts with Local Plan Policies GP10 and CS1, which seek to 'conserve and enhance the special character of Tenterden', and to 'make best use of previously developed land and buildings';
- The development is to cater for vulnerable people from all over Kent, and the former sheltered housing provided for the elderly in the Tenterden area;
- Wayside residents have been advised far too late to represent their views;

#### **Modified Proposals**

#### Scale/Massing/Design

- Since the redevelopment would be 3 storeys, with a flat roof, some steep mansards with dormers, but with an overall use of three storey brick and rendered walls, and the existing surrounding buildings are predominantly bungalows and terraced housing, it would be completely out of sympathy and character with the area;
- The views of WKPS remain as adamant as previously; we still feel that the proposed building is out of scale with its surroundings, dominates the environs and is unsuitable for the area;
- The scale of the development has exceeded the outline permission and the building lines facing Wayside and Henley View, and the resulting loss of tree and green areas in Wayside would urbanise it and this part of St. Michaels;
- It seems that the mass is greater than the previous outline scheme and now even nearer properties in Wayside;

#### Amenity Concerns

- Due to the height and mass of the redevelopment, with balconies on the north, east and west elevations, existing adjoining properties would be overlooked with consequential loss of privacy and daylight;

#### Highway/Access Matters

- Only 17 parking spaces are still to be provided for the proposed residents, staff and visitors, which is inadequate for the proposed 62 bedroom development, and would lead to additional on-street parking in Wayside and surrounding roads with consequent inconvenience to existing residents;

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- The modifications make no mention or increase in the number of parking places;
- There is only one bus per hour on this route, so how can you employ good staff if they have to live on a bus route and to coincide their shifts with the bus timetable?
- On the basis of the proposed bedrooms and communal facilities, and say 4 carers at any one time, at least 26 parking spaces would be required, apart from visiting nurses, relatives, etc;

#### General Matters

- The size of the development would lead to an urbanisation of the St. Michaels area and create a precedent for allowing further new developments in the area;
- Strong objections have been raised by Ashford Borough Council, Tenterden Town Council, the Weald of Kent Preservation Society and 74 letters of objection from neighbours, and the cosmetic changes in design are an insult to our intelligence;

### **Discussion**

#### Introduction

20. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 15 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore this proposal needs to be considered in the context of Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity. In summary, the relevant planning policies, as well as strongly supporting provision of high quality homes, promote sustainable development, seek a high standard of design, have regard to local context, the amenity of nearby properties and the surrounding area, seek and require adequate access and parking.
21. This application has been reported for determination by the Planning Applications Committee following the receipt of objections from Ashford Borough Council, Tenterden Town Council and local residents. The main issues relating to this application are need, scale/massing/design, residential amenity, access and car parking provision.

#### Need

22. Consideration must first be given to the need for the proposed development due to the material planning objections that have been raised. This proposal is part of the Excellent Homes for All Programme increasing the range of accommodation options available for older people across the County. The NPPF (paragraph 50) states that Local Authorities should deliver a wide choice of high quality homes, to meet current and future needs of different groups in the community, including older people, with provision reflecting local demand in terms of size, type, tenure and range of housing. The NPPF also states that such applications should be considered in the context of a presumption in favour of sustainable development.
23. Ashford Borough Council Core Strategy Policy CS13 supports the principles of the NPPF, in that the Policy seeks to maintain and extend the range of dwelling types and sizes to increase local housing choice, respond to emerging needs and changing demographics. Ashford Borough Council strongly support the principle of providing

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supported housing for the elderly on this site, and state within the Officer report to Planning Committee on the 19 February 2014 that:

“The provision of this type of supported housing is needed urgently in Tenterden and St Michaels. It meets the objectives of the Council’s housing policies and so the principle of providing this housing merits the support of the Planning Committee’.

24. Given this policy background, and support for the principle of the development and the provision of supported housing on this site from the Borough Council, I am confident that there is a general need for extra care housing in the St Michaels area. In addition, the Borough Council support the principle of the provision of such housing on the Little Hill site, given its existing/previous use as sheltered housing for the elderly. The re-use of developed sites is supported in principle by Planning Policy, and I see no reason why the Little Hill site should not be redeveloped to provide accommodation of the nature proposed. However, even having accepted the need and principle of the development, the Borough Council do raise strong objection to the current development proposals, as detailed in paragraph 16, primarily due to design, massing and highway/access matters. These strong objections are supported by Tenterden Town Council and a number of local residents, and the points of objection will be considered and addressed in the following sections of this report.

Siting/Massing/Design

25. As referenced in paragraph’s 5 & 6 of this report, a previous outline application was submitted and approved for the development of the Little Hill site in 2009. Although that outline application expired in October 2012, the siting and massing of the development now proposed has been largely shaped by the outline scheme approved. A total of 41 apartments are proposed, 20 one bedroom and 21 two bedroom, in addition to communal facilities such as a lounge, dining room, kitchen, laundry, gym and staff facilities. The applicant has advised that it is critical to the viability of this project that the basic level of accommodation is retained as set out in the brief issued by Kent County Council Adult Services. The level of communal space and activity relies on being supported by the given number of units as a minimum, particularly as the number of flats within the current proposal follows the reduction in units which occurred through the outline planning process. Kent County Council Adult Services have accepted that the amendments to the design (to be discussed below) may involve a reduction in size for certain flats, but a further reduction in the number of units would challenge the feasibility of the scheme. Generally speaking, the form and massing of the building on this site was established through the outline planning process, and the applicant has sought, through the design process, to stay as closely aligned to the previously permitted solution as possible.
26. With regard to the siting of the development, the proposed accommodation would be spread across one ‘L’ shaped building, part one and two, but mainly three storeys in height. The applicant advises that the layout of the built form on site is ‘generally in accordance with the 2009 outline permission’. In the most part, the building as proposed would be no closer to surrounding residential properties than the existing buildings on site. Although the proposed development is clearly of a larger scale than the existing buildings, with a larger footprint, the applicant has made all reasonable efforts, in my view, to contain the building within the existing built confines of the site. The impact of the siting of the proposed development on properties surrounding the site will be discussed below (in conjunction with the impact of the massing). However, I consider

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that the siting of the development is in general accordance with the previous outline approval, and as far as reasonably practicable, follows the existing building line on site. Therefore, in my view, the siting is acceptable in principle.

27. With regard to the massing of the development, the proposed scheme adopts the solution agreed at the previous outline stage, in that the building would be largely three storey. In acknowledgement of the smaller scale of the adjacent property in Henley View, the three storey element steps down to two storey at the southern end of the Ashford Road elevation. In order to contain the proposed building within the height restrictions of the outline permission on the northern side of the site (not to exceed the ridge height of properties in Wayside), the proposed development would be part two and part three storeys in height, with the ground floor being largely concealed by the lowered site level, whilst the second floor would be accommodated within the mansard roof design form. The proposal would therefore appear as predominately two storeys in height when viewed from the north (Wayside) and from the east (Ox Lane). This is a different approach to the existing buildings on site, which step up as levels rise across the site, and would mean that the extra care accommodation now proposed would have a constant ground floor level of approximately 49.60 above ordinance datum (OD).
28. Although the existing building is largely two storey, it does have a pitched roof. The ridge line of the existing buildings on site varies, but at the lowest point (close to the junction of Wayside and Ashford Road) is 57.60 OD, rising to 60.30 OD along the eastern wing, fronting Ashford Road. The proposed development incorporates a mansard-type construction on the second floor, with a flat roof behind. The maximum height of the proposed roof would be 59.15 OD, which is commensurate in height with the existing main building, and 1.150 metres lower than the highest point of the existing building. The proposed building, however, would be of a scale and massing greater than the existing, although the mass is further moderated by the breaking down of the elevation into smaller modules/units. The design of the building, to be discussed below, is key to reducing the apparent massing. However, three storey development is not uncommon within the centre of Tenterden, and although Little Hill itself is surrounded predominately by chalet bungalows, a three storey building of this nature is not, in my view, out of keeping with buildings in the locality, especially those within the High Street. The County Council's Conservation Architect now considers the scale of the development to be acceptable due to the design approach taken with regard to addressing the level changes across the site. It is further considered by the Conservation Architect that the design approach of visually breaking the elevation into individual buildings that respond to the town's historic context would offer a significant development in the locality with a strong identity. Having considered the above, I am of the view that the massing of the building is acceptable in principle, and do not consider that the scale of the building as proposed would be significantly out of character with the locality even though it represents a fuller use of the site than the previous arrangement of accommodation did.
29. Having accepted the siting and massing of the building in principle, it is important to consider how the amenity of local properties would be affected. With regard to properties in Ox Lane, the siting of the proposed building on the western site boundary would, in the most part be in the same location as the existing two storey buildings in this area of the site. In addition, the change in levels across the site (to be discussed in more detail below), would result in the building appearing as two storey when viewed from properties in Ox Lane. The boundary here is also well screened, in particular by a Veteran Oak Tree which would be retained and protected throughout construction works (see paragraph 54). Existing first floor windows face towards properties on Ox Lane, so arguably the proposed development would have a similar impact as the existing.

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However, it should be noted that properties in Ox Lane are located approximately 30 metres at the closest point from the western elevation of the proposed development, with long gardens and existing planting offering a degree of separation. I therefore do not consider that the siting of the development would have a detrimental impact on the amenity of properties in Ox Lane.

30. With regard to properties in Wayside, properties here are facing the application site, separated by front gardens, the road, and an area of car parking. Although the development as proposed would be closer to properties in Wayside than the existing, especially towards the Ashford Road end of the close, as discussed above, the proposed building would appear two storey when viewed from these properties. The development would also be well over 20 metres from the frontage of properties on Wayside. I therefore am satisfied that the development as proposed would not have a detrimental impact on the amenity of properties in Wayside with regard to overlooking/loss of privacy. I would also conclude that the development would not be overbearing when viewed against the existing.
31. With regard to properties on Ashford Road, I am of the view that the development would have a very limited impact on the amenity of those properties. Properties here face the site, but are well over 30 metres away, separated by Ashford Road, a large grass verge, and an existing hedge and footway that runs between the Little Hill boundary and Ashford Road.
32. To the south of the application site lies Henley View, a small road set back from Ashford Road, separated by a narrow vegetated/grass verge. As outlined in paragraph 2 of this report, number 6 Henley View directly adjoins the Little Hill site boundary, and is a converted bungalow with dormer windows at first floor level looking into the application site. Ashford Borough Council initially included overlooking of Henley View as a key point of objection to the development, and it was also a concern of the County Planning Authority. The two storey end elevation of the eastern wing of the proposed building would be approximately 13 metres from the side elevation of number 6 Henley View. At ground floor level, this wing of the building would accommodate an exercise/therapy and activity room, and I have no concerns over the amenity implications of the ground floor. However, at first floor level, living accommodation is proposed in the form of a two bedroom flat. As originally proposed, the flat had a balcony on the south eastern corner of the building, and bedroom and living accommodation windows in the southern elevation, overlooking the adjacent property. Although I do not appear to have received an objection to the scheme as proposed from the residents of this property, Ashford Borough Council and the County Planning Authority expressed concern regarding the potential detrimental effect the development as proposed could have on the amenity of the occupants.
33. Therefore, as a result of these concerns, the applicant has reorganised the internal accommodation, resulting in the removal of all windows at the second floor on the southern elevation of this wing of the building, and the relocation of the balcony to eastern elevation, away from the southern end of the building. The upstairs dormer windows of number 6 Henley View would now face a mansard roof with no windows at first floor, and non living accommodation windows at ground floor level. I am of the view that this is acceptable and would not result in overlooking/loss of amenity to the adjacent property. The 13 metre distance would also comply with the guidance in the Kent Design Guide, which suggests that window to wall/non habitable room distances should be ideally over 11 metres.

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34. In addition to the changes above, the applicant also amended the southern end of the western wing of the building to further protect the amenity of properties in Henley View. The second floor flat at the end of this elevation has been reduced in size by removing a bedroom, and the staircase re-orientated, enabling the southern elevation of this wing to be stepped back to form a mansard roof at the second floor, breaking up the massing and potential of the building to appear overbearing at this point when viewed from properties in Henley View. Following the internal alterations and subsequent alterations to the elevations, Ashford Borough Council has withdrawn their objection in this regard. I am also of the opinion that the development as now proposed would not lead to undue overlooking and loss of privacy on number 6 Henley View, and would not have a detrimental impact on properties in Henley View in general, and therefore see no reason to refuse the application on this ground.
35. In summary therefore, having considered the siting and massing in general terms, and in assessing the impact on the amenity of properties surrounding the site, I am of the opinion that the siting and massing is acceptable and would not have an undue detrimental impact on the amenity of adjoining properties, the street scene, or the character of the locality.
36. Having accepted the siting and massing of the building, it is important to discuss the design and external appearance of the building. NPPF guidance on good design includes consideration of optimising the potential of a site to accommodate development, responding to local character and history, reflecting identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation and creating visually attractive design as a result of good architecture and appropriate landscaping. Guidance states that planning policy and decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation or creativity through unsubstantiated requirements to conform to a certain development form or style, although states that it is proper to seek to promote or reinforce local distinctiveness. The NPPF states that although visual appearance and architecture is very important, high quality and inclusive design goes beyond aesthetic considerations. The NPPF also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
37. Objection has been raised to the design by the Borough Council, Tenterden Town Council and local residents, as summarised in sections 16 and 19 of this report. The design as originally submitted, as can be seen in Appendix 1, was considered by the Borough Council to be 'very poor', and not representative of the local area. The Borough Council also felt that the articulation of the external facades failed to break the mass of the building down into elements of an appropriate scale. The applicant subsequently met with the Borough Council and myself, and separately with the County Council's Conservation Architect, to discuss the detail of the design and the points of objection raised. The design has subsequently been amended by the applicant to address the points raised and improve the overall design quality of the scheme. The revised design is outlined in paragraph 11 and shown on the plans on pages 10, 11, 12 & 13 of this report.
38. The changes made by the applicant have, in my view, vastly improved the design over that originally submitted. First, the entrance area has been reorganised to ensure that the way into the building is more evident and integrated within the architecture. The design of the projecting entrance 'bay' has also been simplified, with the chamfered corners removed. Spaces internally have also been reorganised to enable balconies to

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be moved away from corners of the building, with some Juliette balconies also introduced, and the design amended to use a more traditional metal balustrade and hand rail construction, in lieu of the glass finish previously proposed.

39. One of the most significant changes, in my view, has been the substitution of the mansard roof form originally proposed with a true mansard incorporating a parapet up to window cill level and a roof construction set back from the face of the building. The dormer windows, as a result, are now fully contained within the tiled, or newly introduced, slated element as with more traditional mansards and certainly as most examples found in the Tenterden area. Further additional amendments have seen the various up-stands over staircases removed, as they are not generally seen in traditional buildings in the vicinity and were considered an inappropriate design response. In addition, at the request of the Borough Council, the cycle store and garden shed have been relocated to more discreet locations well away from the Ashford Road frontage, and the green house has been entirely removed from the proposals.
40. Although there is a view that the revisions made to the design are not sufficient, I am of the opinion that the applicant has made best endeavours to address the points of objection, and has done as much as practicably possible, in considering the constraints associated with this development, to improve the design. The amended design breaks the massing of the building down into smaller individual units, which is further articulated by the use of materials. The County Council's Conservation Architect is satisfied that the elevational treatment and composition is now correctly articulated and follows a design logic that responds to its context, giving regard to appropriate materials, and the purpose of the building. On balance, and in considering the need for this development (as outlined in 22-24), I am satisfied that the development as proposed would not have a significantly detrimental impact on the character of Tenterden and St Michaels. Whist Tenterden is widely admired as a historic Town with two important Conservation Areas, the proposed site is well outside those areas and is in an area of largely post-war suburban development. The proposed design, therefore, aims to blend in with that more contemporary surrounding development, whilst incorporating interests and features that reference characteristics in those older parts of the town. In my view the applicant has taken all reasonable and practicable steps to address the points of objection raised regarding siting, massing and design, and that the scheme as proposed is now acceptable and accords with the NPPF's objective to achieve a high quality of design, and a good standard of amenity for all existing and future occupants. However, should permission be granted, I consider it appropriate to condition the submission of final details of all materials to be used externally to ensure that a satisfactory standard and distribution of materials is secured.

#### Additional Residential Amenity Matters

##### Noise/Plant/Kitchen Odours

41. Concern is expressed regarding potential noise and disruption from deliveries and refuse vehicles, and kitchen odours. However, I would suggest that the nature of the premises proposed and the age/health of those that that would reside there, together with stringent design standards for new buildings with regard to insulation and noise attenuation, that noise nuisance from the building would be minimal. In my view, noise disturbance from refuse collection and deliveries would be no worse than that generated by the site's previous use as a care facility, and arguably no greater than that associated with residential properties. In addition, odours from kitchens would be controlled by strict regulations for new buildings, and monitored if required by environmental health officers.

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The new building would arguably have a more efficient ventilation system than the existing, and in my view the degree of separation from neighbouring properties would negate any undue nuisance.

External lighting

42. No details have been provided on external lighting for the development. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of any external lighting (including for car parking areas) can be controlled to ensure any potential nuisance from light pollution can be minimised.

Access and car parking provision

43. Objection has been raised to this application on the ground that insufficient car parking is proposed. It is considered, by those objecting, that the level of car parking proposed is inadequate and likely to lead to parking on surrounding streets to the inconvenience of local residents and other road users, and that traffic flow in the surrounding area would be adversely affected. There is also concern that insufficient space would be provided for service vehicles to attend the site.
44. As outlined in paragraph 13 of this report, 17 car parking spaces are proposed, including two disabled spaces and four car parking spaces on-site adjacent to the main entrance of the building, accessed via the new vehicular access point on Wayside, and a further 11 spaces on the southern side of Wayside (as existing). The new vehicular access would also enable on-site drop off, in addition to affording access for an ambulance/minibus and refuse vehicles, including space for turning. The existing Little Hill development, although currently vacant and unused, does not have any on-site car parking per se, but the lay-by to the south of Wayside is within the applicant's ownership and is designated as car parking for Little Hill only. However, local residents have taken to using this car parking themselves, especially whilst the site has been vacant. This lay-by would provide 11 of the 17 marked car parking spaces associated with this development.
45. Kent County Council Highways and Transportation have been consulted on this application and raise no objection to the development. It is considered that the development is unlikely to generate a significant increase in vehicle movements compared to the existing permitted use of the site and, additionally, the amount of car parking proposed is deemed to be acceptable. Members will note that the site is currently unoccupied (has been vacant for approximately three years) and so there has been no traffic travelling into or out of the site for a period of time. Residents would have got used to this reduction in traffic accessing the site, and have also taken the opportunity to use the parking area to the south of Wayside, which is within the applicant's ownership and not part of the public highway. Any redevelopment of this site would effectively reinstate the previous traffic flow that the site generated originally, including use of car parking provision within Wayside.
46. The applicant advises that there are no empirical rules either within Local Authority Planning Policy or within the NPPF which give guidance on the level of car parking appropriate for extra care facilities such as that proposed. It is therefore appropriate to use an evidence based approach, referenced from previous experience and similar facilities. The applicant and Kent County Council Highways and Transportation have both separately and independently provided evidence in this regard to a) support the

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amount of car parking proposed, and to b) substantiate the views of Highways and Transportation.

47. Further research has been carried out on behalf of the applicant, who operate Extra Care accommodation throughout the county at various sites, several of which are synonymous with this site in terms of context. From the information provided, which includes the location of the facilities, the number of flats at each site, and the level of parking provision, it can be concluded that all existing sites are operating perfectly well with the parking provision provided. The applicant confirms that the key reasons why parking functions at the level proposed appears to be:
- all residents have care needs and tend to be over the age of 70;
  - there is a very low level of car ownership amongst residents;
  - care staff tend to assist more than one resident per visit- reducing the parking load;
  - staff tend to be locally recruited and do not drive to work; and
  - residents are not offered allocated parking spaces.

In addition, each site, as is the case at Little Hill, has a good provision for secure enclosed parking for mobility scooters, further reducing car ownership.

48. Kent County Council Highways and Transportation also confirm that the provision of 17 car parking spaces for the 41 extra care apartments is adequate. The nature of extra care schemes is such that residents have to be assessed to be suitable to live in a scheme such as this and therefore have a care need. As stated by the applicant above, car ownership levels at extra care sites is low, with the highest car ownership levels of any scheme in Kent being 20% in information that has been supplied by Orbit South for extra care schemes in Kent. This would give demand for 8 car parking spaces if the parking demand for Little Hill was 20%. The applicants state that there would be a maximum of 4 staff at the site which would give a total demand of 12 car parking spaces for both residents and staff. There would be, therefore, a total of 5 car parking spaces for visitors to the site which is adequate in the opinion of the Highway Authority. Whilst local residents may contest this judgement, there is good evidence from the other sites across the County with a similar provision of parking which demonstrates that at many times of the day there are vacant spaces. Therefore local resident's concerns that more cars would park in local roads if they could not find a space within the site are considered unfounded and unlikely to happen as result of this particular development.
49. The impact of the development on the local road network is a matter for consideration by Kent County Council Highways and Transportation, who take into account the existing traffic conditions when assessing the introduction of new development or, as in this case, the redevelopment of the existing site. Highways and Transportation have not raised any concerns about the local road network being unable to cope with any potential increase in traffic to the site. Compared to more conventional forms of housing development, the impacts on the local road network of Extra Care housing are arguably negligible, given the low level of car ownership and car use amongst people in care.
50. With regard to provision on site for refuse vehicles, the applicant has provided tracking information to demonstrate that the site is able to accommodate the largest service vehicle used by Ashford Borough Council, a 10.7 metre long refuse collection vehicle. The proposed site layout would allow a vehicle of this size to enter the site forwards, manoeuvre within the site, and exit the site forwards, negating the need for any vehicles of this size to reverse onto Wayside.

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51. Given the evidence supplied by the applicant and Kent County Council Highways and Transportation, and in considering the lack of objection to the proposal from Highways and Transportation, I am of the view that the applicant is proposing sufficient car parking to accommodate traffic associated with the site. The car parking proposed is, in my view, sufficient to accommodate residents of the facility, staff and visitors; although it is important to note that parking on the public highway is not a reason to refuse a planning application, unless it was considered by the Highway Authority to be a serious safety concern. Subject to the imposition of the conditions required by Kent County Council Highways and Transportation with regard to the provision and permanent retention of the access, vehicle loading/unloading and turning facilities, and vehicle parking spaces prior to the occupation of the development, I consider that the development would not have a significantly detrimental impact upon the local highway network. I therefore see no reason to refuse the application on highway grounds.

#### Public Right of Way

52. As outlined in paragraph 3 of this report, a Public Right of Way runs along the northern site boundary, linking Wayside with Ox Lane. As can be seen in paragraph 16 of this report, Public Rights of Way have been consulted on this application and have provided advice with regard to temporary closures during construction works and general points with regard to erecting furniture, disturbance to the surface, obstruction of use, and planting. The applicant has confirmed that the Public Right of Way would be unaffected by the development, that no works are proposed to be undertaken to the Right of Way, and that no temporary closure would be required during construction works, should permission be granted. In this instance, therefore, I consider it sufficient to draw the applicant's attention to the advice provided by Public Rights of Way by way of an informative only.
53. Ashford Borough Council, in their consultation response, requests that the County Council ensures that, should permission be granted, the existing pavement across the western frontage of the site (Ashford Road) is retained and maintained, available for use both during the construction period and subsequently. The applicant has confirmed that that existing pavement is outside the boundary of the application site and would be unaffected by the development proposals. Should permission be granted that pavement, which is not a Public Right of Way, would be maintained and remain operational at all times.

#### Landscaping and Ecology

54. This application was accompanied by a Pre-Development Tree Survey, and subsequent further information was submitted with regard to the protection of Tree T23 – a Veteran Oak to the site's eastern boundary. The Borough Council and the County Council's Landscape Officer have both requested that suitable conditions be imposed to protect trees to be retained, in the event that permission is granted. The existing trees on site, primarily the Oak and Willow, do make a positive contribution to the street scene, and offer a degree of screening between local properties and the proposed development, especially in the case of the Oak. Therefore, should permission be granted, I consider it appropriate to condition that the all trees to be retained be protected in accordance with the submitted details, and in accordance with the relevant British Standard.
55. The Borough Council has, however, also expressed concern and disappointment that one of the large willow trees at the front of the site, which is shown on the application drawings to be retained, has already been felled. However, the applicant has

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commented as follows:

“We can confirm that the Willow tree (T10) was removed without consultation with the developer and it would seem by operatives working for Ashford Borough Council. It was said that the tree was leaning and therefore dangerous although it was our sincere intention to maintain what remained a fine example and a major contributor to the street scene.”

56. The Borough Council requests that a suitably large tree is planted on the Ashford Road Frontage to replace that Willow Tree. I, and the applicant, consider it regrettable that the Willow Tree had to be removed as it did make a positive contribution to the street scene. The tree was, however, removed by the Borough Council for apparent safety reasons, and was undertaken without consultation with the applicant or the County Council, so was completely out of the applicant's control. However, replacement and additional tree planting should be provided, and an indicative landscaping scheme has been provided as part of the planning application documentation. It is therefore appropriate, in my view, to request the submission of a detailed scheme of landscaping pursuant to planning condition, should permission be granted. The landscaping scheme should also incorporate the advice of the County Council's Landscape Advisor in that boundary treatments should be carefully selected to contribute positively to landscape character, local amenity and to benefit wildlife. Subject to the submission of a detailed landscaping scheme, to include replacement tree planting, and conditions regarding tree protection (discussed above), I consider that the proposed development would be acceptable in this regard.
57. With regard to ecology, this application was accompanied by an Ecological Study and a report to verify the 2010 Phase 1 Environmental Risk Assessment. The County Council's Biodiversity Officer advises that the Bat Survey was carried out in October, which is outside of the optimum survey period for bats. Although the survey did record bat activity, and the appropriate mitigation method statements have been submitted, it is considered by the Biodiversity Officer that an additional survey should be undertaken between May and August to establish whether the existing building is being used as a maternity roost. Ideally, that additional survey should be undertaken prior to the determination of this application to ensure that the mitigation detailed within the method statement is appropriate.
58. However, this recommendation needs to be balanced against other planning considerations, including objectives in the NPPF which promote the delivery of a wide choice of high quality homes to meet current and future needs of different groups in the community, including older people with provision reflecting local demand in terms of size, type, tenure and range of housing. Without a planning permission in place for the development proposed by mid April at the latest, Government funding for the wider development (i.e. all 7 sites) would fail. Therefore, as set out in paragraph 16, the County Council's Biodiversity Officer has accepted that, in this instance, the County Council could condition the additional survey work provided the results of the updated emergence survey, and details of any changes to the mitigation strategy, are submitted for comment prior to the commencement of development. This approach reflects the requirement for Planning Authorities to look for solutions rather than problems, as set out in the NPPF. Therefore, in this case, I consider it appropriate should permission be granted to condition the submission of an updated emergence survey and an updated mitigation strategy with regard to bats. In addition, a condition should be imposed to ensure that the development is carried out in strict accordance with the conclusions and recommendations of the submitted Ecological Surveys, including those regarding

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ecological enhancements. That condition would cover all the additional matters raised by the Biodiversity Officer and, in my view, would ensure that the development would not have an unacceptable impact on ecology/biodiversity interests.

Sustainable Construction

59. Ashford Borough Council, in their consultation response, requests that the County Council ensure that, should permission be granted, the development adheres to the relevant standards set out in various Supplementary Planning Documents (SPD), including the Sustainable Design and Construction SPD. Development planning policies and the NPPF require developments to be sustainable and to address issues of climate change. In particular, Policy CS10 of the Ashford Borough LDF Core Strategy requires that all major developments incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The Borough Council's adopted Supplementary Planning Document (SPD) on Sustainable Design and Construction sets out in more detail how they will apply this policy.
60. Under the policy, unless it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable, or impose excessive costs on the occupier, development in Tenterden and the Villages is expected to meet Sustainable Homes Code Level 2 or an overall BREEAM rating of Good (with Excellent in Energy and Water Credits and Very Good in Material Credits). It is also expected to achieve a minimum reduction of 10% in carbon dioxide emissions through use of on-site sustainable energy technologies with any shortfall being met by the applicant making a financial contribution to enable the residual carbon emissions to be offset elsewhere in the Borough. Any financial contributions for that purpose are paid to the Ashford Carbon Fund which is managed by the Borough Council.
61. In the Design and Access Statement it is stated that the development has been designed to effectively meet Code for Sustainable Homes (CSH) Level 3 and in the Energy Strategy report included with the application, a total reduction of 9.2% in the CO<sup>2</sup> dwelling emission rate (DER) is indicated. I understand that assessed reduction of 9.2% is higher than that requirement, it falls marginally short of the 10% requirement set out in Core Strategy Policy CS10. However they are intending to meet CSH Level 3 which is above the Policy requirement of CSH Level 2.
62. Originally the developments in the Excellent Homes for All project, of which this is a part, was to be designed to BREEAM "Excellent" or Code for Sustainable Homes Level 4. However the funding for the project was cut by 11% by the Homes and Communities Agency following a Value for Money review on behalf of HM Treasury. I am advised that the environmental rating was just one area of many aspects of the project to be cut and the rating was reduced to either BREEAM "good" or Code Level 3. In the light of this the applicants consider that the costs of achieving higher levels including a higher level of CO<sup>2</sup> reduction could put the whole project at serious risk. In the circumstances, I do not consider it appropriate to require the higher levels or require a financial contribution to the Ashford Carbon Fund to offset the *marginal* shortfall in the targeted CO<sup>2</sup> reduction. However should permission be granted I consider that a condition should be imposed requiring the development to meet Code for Sustainable Homes Level 3 and a CO<sup>2</sup> reduction of 9.2% as set out in the Energy Strategy report accompanying the application.

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#### Supplementary Planning Documents

63. As detailed above, Ashford Borough Council, in their consultation response, requests that the County Council ensures that, should permission be granted, the development adheres to the relevant standards set out in various Supplementary Planning Documents (SPD). In addition to the Sustainable Design and Construction SPD, which is discussed and addressed in paragraphs 59-62 above, the Borough Council requests that the following are also considered;
- *Sustainable Drainage (SuDs) SPD;*
  - *Residential Space and Layout SPD; &*
  - *Public Green Spaces and Water Environment SPD.*
64. With regard to the latter of the two listed above, I would comment as follows:

*Residential Space and Layout SPD* – This is considered to be of no direct relevance to this application, since it essentially relates to private residential development, and other than aspects like outdoor garden space, it covers largely internal room sizes and facilities which are already strictly prescribed by Government for these extra care developments.

*Public Green Space and Water Environment SPD* – This is also considered to be of no direct relevance to this application since it essentially relates to private residential developments, and proposals for in excess of 50 houses, and in most respects 1000 houses. Contributions are sought for public open space provision and children's play space, neither of which are relevant or appropriate to the development proposed at Little Hill. Moreover the Little Hill site cannot be regarded itself as public green space, but since the Borough Council own the site they have ultimately influenced its proposed end use and support the principle of the redevelopment of the site for extra care housing.

65. With regard to the Sustainable Drainage SPD, it should first be noted that the Environment Agency has been consulted on this application and raise no objection and are satisfied with the details provided. Advice and guidance is provided with regard to water conservation and construction/demolition waste, and I consider that this should be drawn to the applicant's attention by way of information, should permission be granted. Secondly, the provision of Sustainable Drainage is considered in line with the expectations of achieving Code Level 3 of the Code for Sustainable Homes.

#### Construction

66. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.
67. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The strategy should include details of the methods of working, location of site compound and operative/visitors parking, details of site security and safety measures and details of any construction accesses and lorry routing. Such a strategy would cover all of the matters that Highways and Transportation required to be conditioned with regard to construction. Therefore, should permission be granted, a Construction Management Strategy would

**Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

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be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

68. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

**Conclusion**

69. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. In addition, I consider that the development is in accordance with the principles of the National Planning Policy Framework. Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the character of the local area, the local highway network or residential amenity, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions

**Recommendation**

70. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the standard 3 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - development to be used for extra care accommodation only;
  - the submission of details of all materials to be used externally;
  - the submission of details of external lighting;
  - provision of access, car parking, turning and circulatory space prior to first occupation, and subsequent retention;
  - submission of a detailed landscaping scheme, to include replacement tree planting, and boundary treatments which contribute positively to the landscape character, local amenity, and benefit wildlife;
  - tree protection measures and the development to be undertaken in accordance with the recommendations of the Tree Survey;
  - the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey, including ecological enhancements;
  - submission of a updated emergence survey and updated mitigation strategy/method statement for Bats prior to the commencement of the development;
  - provision of access, car parking, turning and circulatory space prior to first occupation, and subsequent retention;
  - the development to meet Code for Sustainable Homes Level 3 and a CO<sup>2</sup> reduction of 9.2% as set out in the Energy Strategy report accompanying the application.
  - hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;

### Item D3

#### **Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

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- submission of a construction management strategy, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

71. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority;
- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation in order to obtain the necessary Application Pack.
- Account should be taken of Environment Agency's advice relating to water conservation and construction/demolition waste.

Case officer – Mary Green
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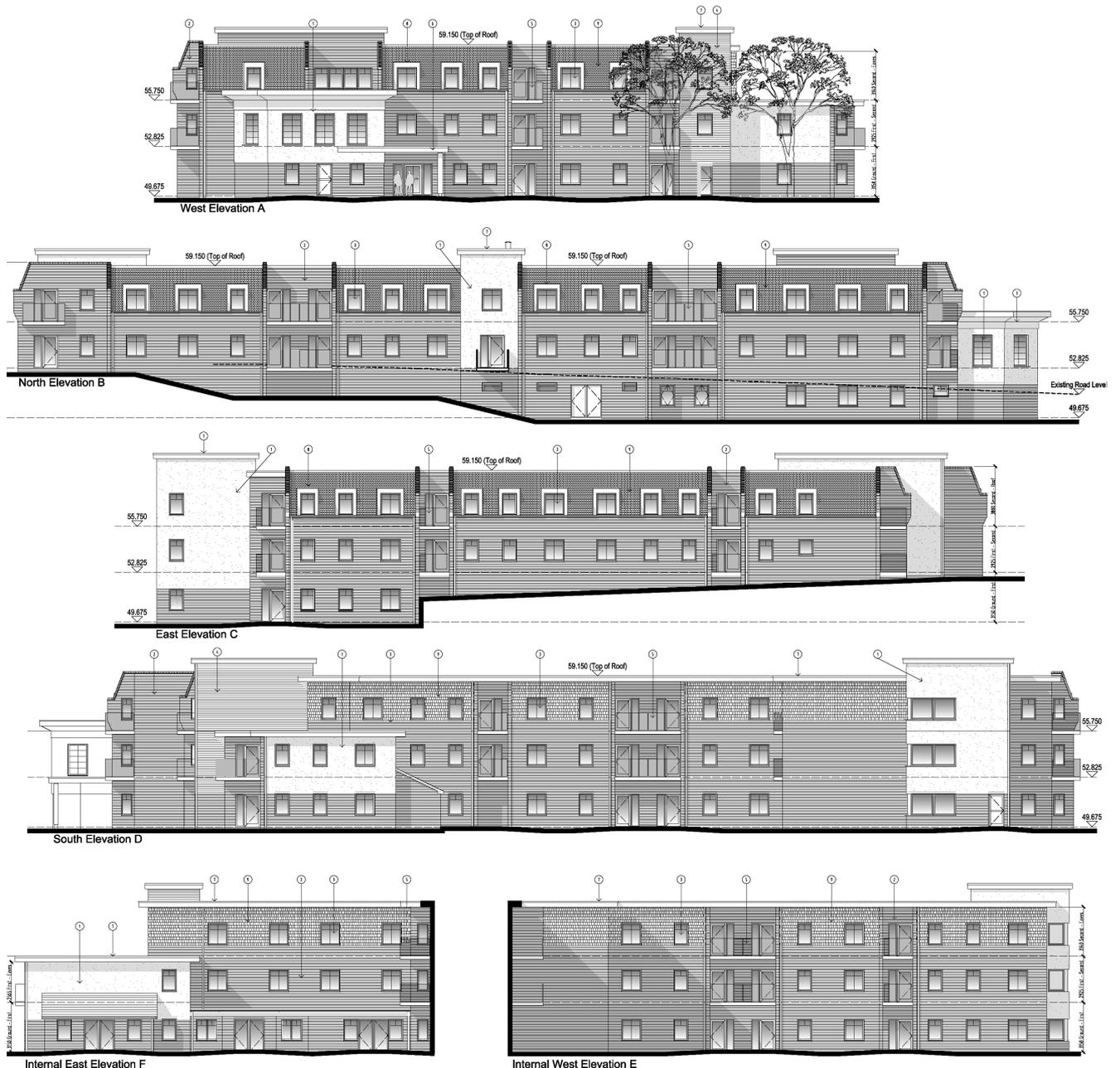
Background documents - See section heading
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**Item D3**

**Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

**APPENDIX 1**

**Superseded elevations for comparison purposes only**



**Superseded**

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**Item D4****Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9<sup>th</sup> April 2014.

Application by Galliford Try Investments Ltd and Kent County Council Adult Services for demolition of an existing single storey with pitch roof nursing home and the construction of an extra care building of 2 and 3 storeys containing 48 flats and associated communal and community facilities at Bowles Lodge, All Saints Road, Hawkhurst TN18 4HT–KCC/TW/0381/2013 (TW/13/03828).

Recommendation: Permission be granted subject to conditions

Local Member: Mr S Holden

Classification: Unrestricted

**Site**

1. Hawkhurst is a small rural town located to the south of Cranbrook and to the south east of Tunbridge Wells. The village is within the High Weald Area of Outstanding Natural Beauty.
2. The proposed development site at Bowles Lodge, is located to the south of the A268 (Rye Road) on the eastern approach to Hawkhurst village. The site is accessed via All Saints Road and the Smugglers cul de sac. The site is within the Hawkhurst limits to built development and approximately 150m to the east of Hawkhurst Highgate and All Saints Conservation Area.
3. The existing buildings at the site are set within open grounds and comprise a single storey pitched roof day care centre and a predominantly single storey pitched roof building with two storey making use of the site levels to the south east. The site is in an elevated position and the site levels fall from the north to south east.
4. The site is bounded on the northern edge by trees adjacent to the boundary with Rye Road, to the east by the property Woodham Hall, to the west by bungalows known as the Ballards and properties at the Smugglers to the south west and by a belt of established trees to the south of the site and properties at Smugglers Mews. Opposite the site to the north there is a public car park and the Fowlers Park Primary School.

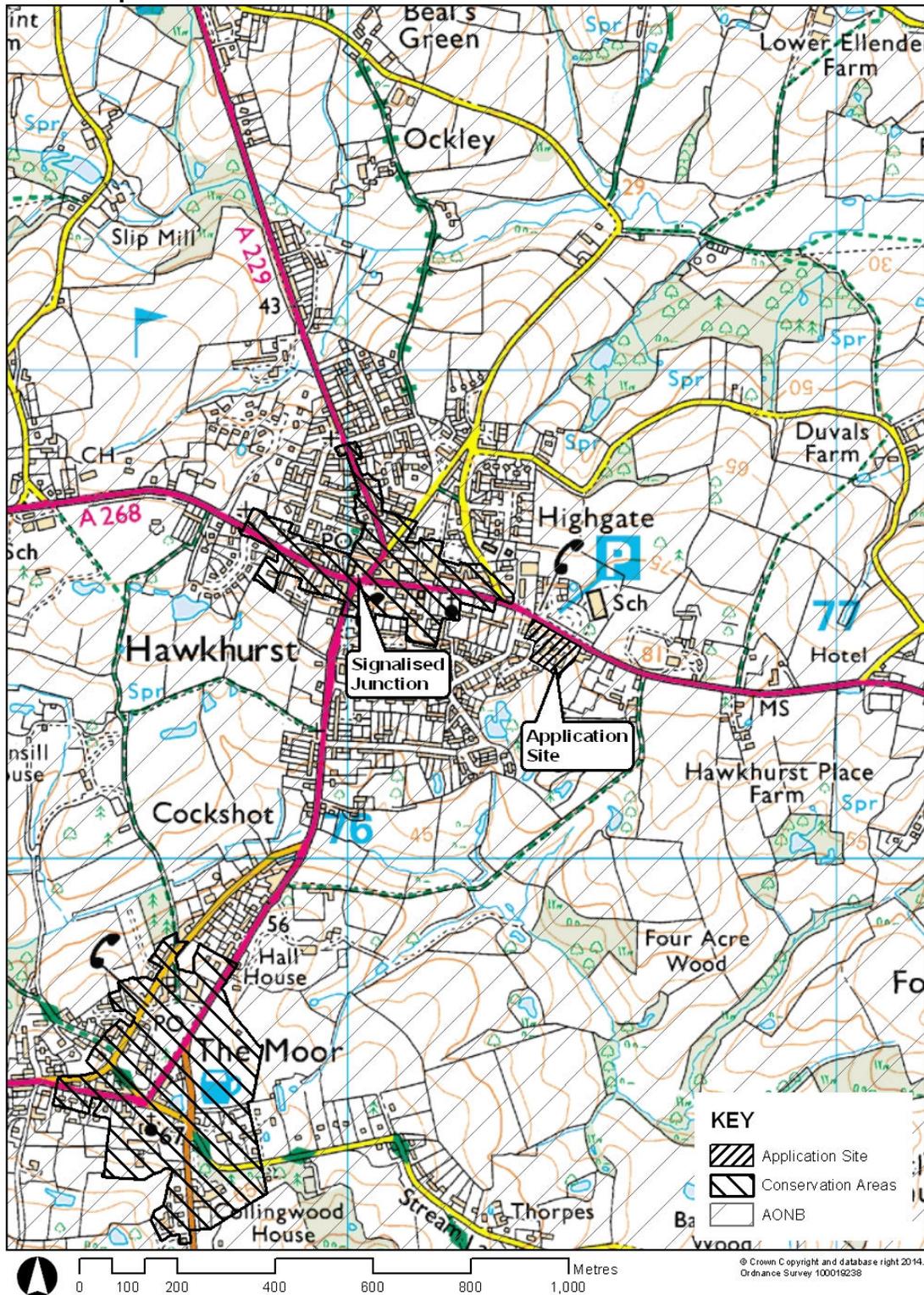
**Planning History**

5. Permission was given for the erection of an Old Persons Home under reference TW/78/00469. In 1985 temporary permission was granted for a timber mobile classroom at the site for use as a day centre which was renewed to extend the

# Item D4

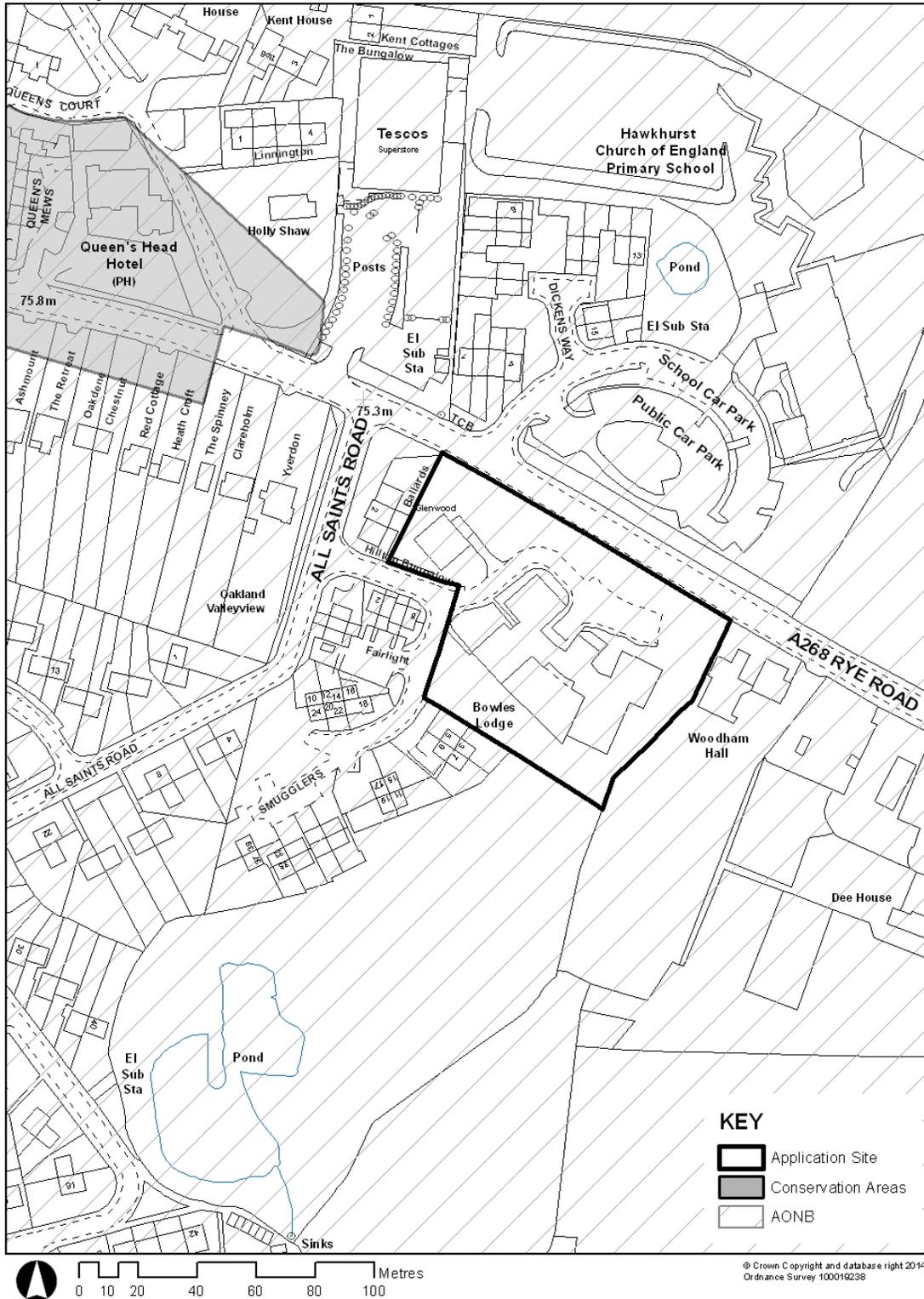
## Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)

### Wider location plan



**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

Site location plan



**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

**Aerial view of site and surroundings**



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Ordnance Survey 100019238

**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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timescale before removal. In 1991 permission was granted for alterations to a staff bungalow to form a new day centre at the site. The facilities provided for 35 units and a day care centre. The Bowles Lodge Care Home and the day care centre are now closed. Unlike other proposals in this latest programme of extra care housing in Kent, this site has not been the subject of earlier outline consent, but it has accommodated elderly people's development since the late 70s.

**Background**

6. There has been a purpose built care home (35 bed unit) at the Bowles Lodge site since 1978 and day care community facilities since 1991. It is understood that prior to their closure the existing buildings required significant investment and major refurbishment. In 2010 the County Council consulted on and announced the outcome of the consultation (10/01511) which was to close the care home by January 2012, demolish the buildings and use the site for extra care housing. In the report to KCC Cabinet on Older Person's Modernisation and the closure of the Bowles Lodge residential care facility on 10<sup>th</sup> January 2011, it was stated that the care home had 29 residents in June 2010, 20 residents in November 2010 and an average daily day care attendance of 13 and 42 respite users. The maximum service capacity at Bowles Lodge was stated as 18 people each day 6 days a week. The services offered at the residential care home were permanent care, respite care and day care. In November 2010, there was 29.19 FTE staff.
7. This proposal is part of the Excellent Homes for All Extra Care and Supporting Living scheme. This scheme is for extra care housing for older people (age 55 plus) with care needs, to allow them to continue to live in their local communities and to support independence in so far as is possible. Prospective tenants would need to meet particular eligibility criteria including housing need, care need and local connection to Tunbridge Wells Borough. It is intended that this type of accommodation provides residents with greater independence and choice than the traditional residential care home and that care can be provided to residents as and when needed as their care needs require, which may fluctuate over time. It is therefore intended that some care and support services can be delivered on a shared basis and this is facilitated by this type of scheme. The level of support would therefore vary between residents reflecting their level of independence and care needs.
8. The proposed facility would therefore provide residents with the choice of using shared communal services such as the care services offered by staff, catering, dining and lounge facilities, laundry, shop, hairdressing and treatment rooms. The proposal would therefore also provide communal and community facilities, although the community facilities are limited in nature and not intended to be a replacement for the previous day care centre use at the site.
9. It is understood that the proposed site would be known as the Bowles Lodge Extra Care Centre.

**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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**Proposal**

10. The proposal is for the demolition of all existing buildings at the site and for the development of one new building of two and three storey to provide 48 flats and associated communal and community facilities.
11. The applicant's original proposal was for 24 one bed and 24 two bed flats with shared facilities such as the communal dining area, treatment rooms and small shop located on the ground floor, external gardens and conservatory. It was proposed that the building be three storey with a section of two storey elevation to the south west boundary and to the south. Plans, elevations and sections showing the original proposal are included in the appendices.
12. The main part of the building proposed runs east to west parallel with Rye Road behind an established tree belt which would remain in order to screen the development. To the west the three storey drops to two storey nearest to properties known as "Ballards". A wing extends from the main building towards the south creating a "T" shaped layout. This also steps down to two storeys nearest to properties known as "Smugglers Mews".
13. The principal elevations included sections of horizontal white boarding, light coloured render and red brickwork. Building materials included soft red stock brick, ivory dragged render, rockpanel lines cladding, white shiplap boarding. Windows proposed are aluminium faced timber (white), balconies etched glass balustrade with hardwood oval handrail and a polyester powder coated aluminium frame and columns with safety glass infill panel entrance canopy and polyester powder coated frame and side panels. The roof proposed was corus light grey coated steel deck.
14. It is proposed that all parts of the building have a flat roof with 75m<sup>2</sup> of photo voltaic panels laid at 10 degrees to the horizontal to the roof of the two storey roof section to the south west. These are included within the design to meet the Code for Sustainable Homes Level 3.
15. The main entrance would be located to the east of the proposed building and accessed by vehicles via All Saints Road to Smugglers Mews. Wheelchair access would be via the footway via this route. The car park would be public facing as the building is approached. The proposal includes 17 car parking spaces including 3 disabled parking spaces and a motorised buggy store for 6 buggies and buggy recharging store and covered cycle parking. There is a separate bay proposed for minibus unloading. These spaces are located to the west of the proposed building at the public facing approach to the building. The applicant states that the parking space is provided primarily for visitors and staff only. The applicant includes details of refuse collection and refuse vehicle tracking as part of the application, and has provided information about deliveries and refuse collection.
16. There would be a reception office and communal facilities would be immediately accessible and available to residents in the shared parts of the ground floor. The communal facilities that the proposal would provide would be shared by the residents if

**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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they wished to use them and by their visitors. Since these would be shared, they would be accessible to the wider community, generally by invitation or to specifically managed activities/events. The facilities proposed for this type of use are the restaurant, kiosk, hairdresser, activity rooms, fitness room and garden. It is not however proposed that the facilities would be openly available to the public nor operate as a day care centre. Access to the private parts of the building would be via controlled doors such that there is progressive privacy to the more private areas.

17. Communal gardens are located around the proposed development, accessible from the “private” side of the proposed building and from the communal lounge. The proposal includes the retention of all but three trees at the site and a planting schedule including a large number of trees and shrubs across the site and borders and gardens, particularly in the communal garden areas. The proposal currently includes fencing of the site with a close boarded fence and trellis to the eastern boundary, a mix of metal railing 1.2m, and close boarded fence nearest to properties at the Ballards, to the western boundary. To the south of the site, the applicant proposes a 1.5m metal hooped railing. To the north the applicant is proposing to omit and amend fencing proposed from a 1.8m metal railing located within the site to reinforced hedging. The applicant requests that the fencing detail be subject to submission for further details.
18. A retaining wall is proposed within the grounds in locations to the north, east, south and west of the proposal.
19. Flats would be prepared to be wheelchair accessible, “care ready” and to incorporate easy installation of hoists and wheelchair accessible bathrooms and kitchens. They would incorporate private balconies. The units have been designed to achieve “Lifetime Homes” standards allowing use by the elderly section of the community.
20. However, following the original consultation a revised proposal was received, in the light of discussions with applicants to improve the design and address concerns through consultations. That amended the proposal only in so far as the distribution of external materials and finishes proposed on a number of elevations which affected the overall appearance and design; removed an external access ladder and conservatory and substituted three of the two bed flats for three one bed flats in the north west corner of the proposed building which resulted in a stepping back of the footprint of the elevation nearest to Woodham Hall. It also amended window design, included obscured glazing to the eastern elevation and added planting to the elevations nearest to residential property. The revised proposal was for 27 one bed flats and 21 two bed flats. The revised proposal included an amended Transport Statement providing data on the previous use.
21. A further revision has also now been submitted by the applicant, which aims to address issues raised through the planning processes of publicity, consultation, neighbour notification. That is referred to as the final proposal in this report. The final proposal comprises 48 flats of which 32 are one bedroom and 16 are two bedrooms. The one bed flats are amended in size to 60m<sup>2</sup> and the two bedroom units remain at 72m<sup>2</sup>.



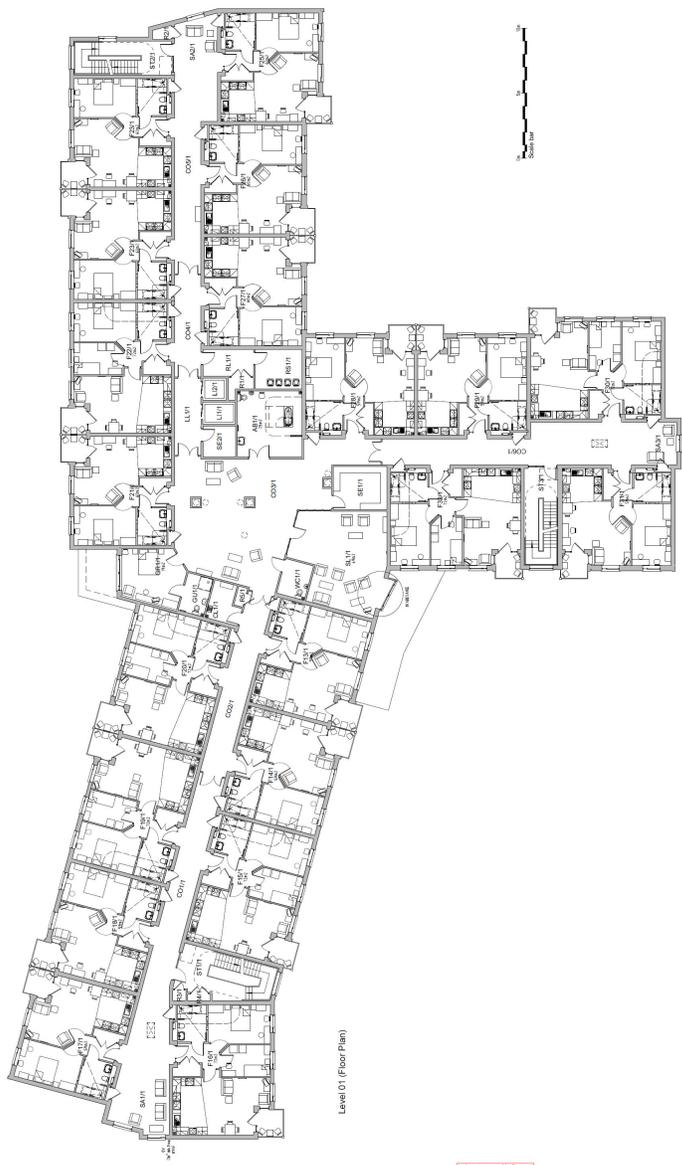


**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

**First floor**

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Room No.	Room Name	Area (sqm)	Volume (cu m)
001	RECEPTION	15.0	15.0
002	OFFICE	10.0	10.0
003	OFFICE	10.0	10.0
004	OFFICE	10.0	10.0
005	OFFICE	10.0	10.0
006	OFFICE	10.0	10.0
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Level 01 (Floor Plan)

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 Community  
 Bowles Lodge, All Saints Road, Hawkhurst  
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## Item D4

### Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)

Typical elevation details and materials as proposed



#### KEY TO PROPOSED MATERIALS

1. Through coloured render wall finish.
2. Fair faced brickwork to incorporate 3no. bat bricks as recommended (and to be located) by KB Ecology Version 2: Scoping Report.
3. Horizontal timber boarding.
4. Aluminium composite casement window and door units in.
5. Galvanised balcony structure
6. Steel Frame Glazed four post entrance canopy.
7. Straining wires to brickwork to support dense climbing plants.
8. Solar shading to windows.

**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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## Item D4

### Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)

Typical elevation details and materials as proposed

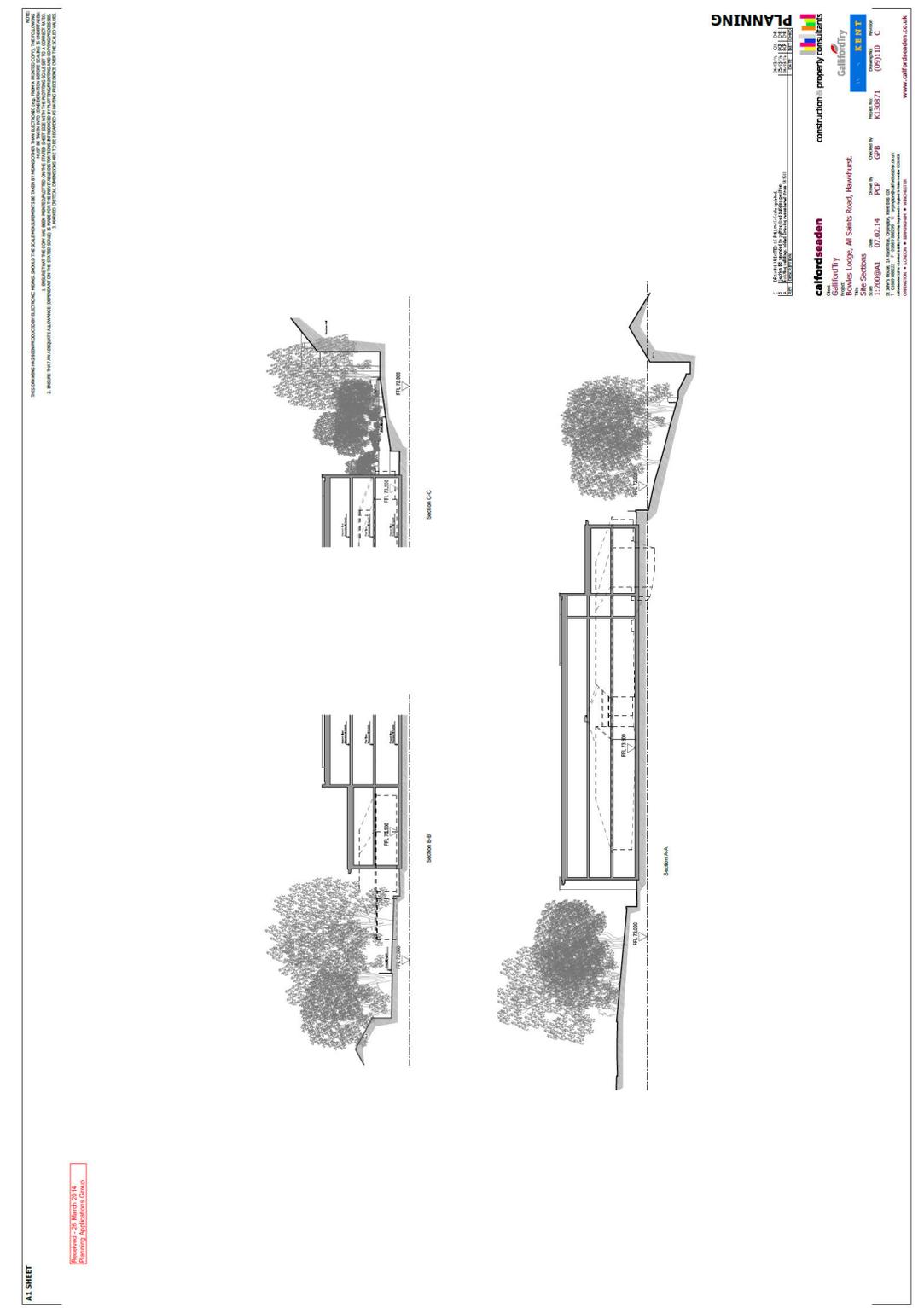


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# Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)

## Site sections



**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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22. The amendments to the original proposal relate to the footprint, elevations and floorplans.
23. The footprint of the development, elevations, cross sections and floor plans are set out in drawings above. The application also includes details of the existing footprint with the proposed footprint overlain.
24. The building materials proposed are not further amended in the final proposal, however, the proportion and location of external treatment materials has been amended in the final design proposed and this is reflected in the revised proposed elevations.
25. The roof, drainage details and landscaping proposed within the original proposal will need to be updated to reflect the final design and I am satisfied that this can be addressed by condition. The proposed photo voltaic panels and two storey sections are unchanged by these amendments.
26. The footprint of the original proposal has been reduced at the eastern end of the building which is now 13m from the site boundary and at its closest point, 14.8m from the nearest residential property to the east of the site at Woodham Hall. To the south, the proposed footprint is approximately 21m from the façade of the nearest residential building at no 3 Smuggler Mews. To the west, the proposed footprint is approximately 17m from the nearest building façade at the Ballards.
27. The height of the three storey sections of building is at the maximum, 9.6m high and the height of the two section sections is 6.3m high. These measurements are taken from a ground level at 73.5m.
28. The proposed elevation plan shows views of 9 sections of elevation. Sections F, C and J represent the eastern, southern and western ends of the T shape of the building. Elevation section H and G represent the elevation sections that face Rye Road. Sections A and B are to the west of the building and elevations E and D are to the east.

**Planning Policy**

29. The most relevant Government Guidance and Development Plan Policies are summarised below and are pertinent to the consideration of this application:

**National Planning Policy Framework (NPPF) March 2012**, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

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In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

*Supporting a prosperous rural economy by promoting the retention and development of local services and community facilities in villages*

*Promoting sustainable transport*

*Delivering a wide choice of high quality homes and to create sustainable inclusive and mixed communities.*

*Achieving the requirement for high quality design and a good standard of amenity*

*The promotion of healthy communities*

*Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes and giving great weight to conserving landscape and scenic beauty in AONB.*

*Conserving and enhancing the historic environment*

**Borough/ District Local Plan / Local Development Framework** policies are contained in the Tunbridge Wells Core Strategy Development Plan Document adopted June 2010 and the Local Plan 2006 Saved Policies

**Tunbridge Wells Local Plan 2006 Saved Policies:**

**Policy EN1** – provides general development control criteria for all proposals for development requiring compatibility with neighbouring uses and proposals that do not cause significant harm to the amenities or character of the area or excessive traffic generation; to not cause significant harm to the residential amenities of adjoining occupiers. It seeks proposals that respect the context of the site and to take account of efficient use of energy and that do 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.

**Policy EN5** concerns development within or affecting the character of a Conservation Area and seeks to ensure that proposals would be in sympathy with the character and appearance of the Conservation Area and not result in the loss of trees, shrubs, hedges or other features important to the character of the area within which the proposal would be situated.

**Policy EN13** - concerns the protection of trees and woodland unless the removal of one or more trees would be in the interests of good arboriculture practice; or the desirability of the proposed development outweighs the amenity value of the protected tree.

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**Policy EN10** – concerns protection archaeological interest and development.

**Policy EN16** - seeks to protect groundwater and other water resources including systems for the disposal of surface waters.

**Policy EN22** – concerns the protection of Areas of Landscape Importance from significant harm to the appearance or landscape character of the designated area and seeks to ensure that development does not materially detract from the contribution which that area makes to the locality.

**Policy EN23** – seeks to protect the important landscape approaches to settlements from harm to the appearance and character of the approaches and development that detracts from the contribution which that approach makes to the locality.

**Policy H5** – concerns and seeks to control the types of residential development within the Limits to Built Development.

**Policy CR13** seeks to guard against the loss of a community facility unless it can be demonstrated that suitable alternative provision is available or that it can be demonstrated that demand within the locality no longer exists, or there are clear operational reasons for closing or moving the facility and the wider importance of the facility to the community has been taken into account.

**Policy TP5** – seeks to ensure that there is adequate vehicle parking in connection with development proposals having regards to the Kent County Council's Vehicle Parking Standards.

**Policy TP8** – seeks to encourage the provision of operational parking within non residential development on site.

**Tunbridge Wells Core Strategy Development Plan Document (2010) Policies:**

**Core Policy 1** - delivery of development gives priority to allocated land and release of previously developed land within the Limits to Built Development.

**Core Policy 3** – requires that proposals with significant transport implications to include Transport Assessment and Travel Plan to show how car based travel can be minimised. Sustainable modes of travel are encouraged.

**Core Policy 4** - encourages the conservation and enhancement of the High Weald AONB and the conservation and enhancement of heritage assets and special regard to their settings. The Borough Landscape Character Area Assessment 2002 will be used manage conserve and enhance the landscape as a whole and opportunities for biodiversity enhancements will be encouraged.

**Core Policy 5** - encourages the sustainable design and construction of new

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developments to make efficient use of water resources and protect water quality; be located so as to take account of flood risk; produce no negative effects on existing flood patterns, and apply mitigation to reduce risks if needed; manage and seek to reduce air, light, soil and noise pollution levels and be designed to minimise waste creation and disposal throughout lifetime of development. Developments are required to be of high quality design which will create safe, accessible, legible and adaptable environments, conserve and enhance the public realm.

**Core Policy 6** - concerns housing provision and seeks to meet local housing needs and to contribute towards a sustainable balanced housing market, achieving a mix of dwelling types to meet the needs of all people including older people and vulnerable people.

**Core Policy 8** - seeks to maintain and improve capacity and quality of community facilities.

**Core Policy 13** - requires all new development in Hawkhurst to pay particular regard to conserving and enhancing character of the Conservation Area and for the setting of the town in the High Weald AONB.

**Core Policy 14** - restricts new development to within the Limits of Built Development in accordance with Core Policy 1. Development of facilities including community facilities to meet local needs will be encouraged. The countryside will be protected for its own sake and a policy of restraint will operate in order to maintain landscape character and quality of the countryside. The interrelationship between the natural and built features of the landscape will be preserved and enhanced. Development will maintain the local distinctiveness. Non motorised modes of transport will be encouraged

In addition, there is supplementary planning guidance concerning renewable energy, the Hawkhurst Conservation Area and on design which are material planning considerations.

**Consultations**

**Tunbridge Wells Borough Council:** raises no objections to the original proposal subject to conditions concerning limitation of the flats to those in need of care and/or over the age of 55; retention and protection of trees and replacement planting where appropriate along the Rye Road; provision of adequate parking and servicing on site to meet the demands of the development and acceptability of the traffic generated by the proposal in terms of capacity of the local highway network and to require any windows which could cause a loss of privacy to neighbouring dwellings to be obscure glazed and fixed shut. However, their comments are provided on the basis that the proposal falls within Town and Country Planning Use Class C3 (dwellinghouses) and not C2 (Residential Institutions). *No additional comments have been received in relation to the revised proposal. Any additional comments received in relation to the final proposal will be verbally reported to the Committee.*

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**Hawkhurst Parish Council** objects to the design, parking and scale of the original proposal. It considers that the building proposed is dated, angular and industrial in appearance and is out of character with the architecture of the village, particularly in relation to the three storey elevation and flat roof proposed. It considers that the bulk created by the size of the building where there was previously single storey building is inappropriate for the location and that it will visually impact on the [nearby] Conservation Area, AONB and [nearby] protected woodland. The Parish Council also considers that the amount of car parking proposed is inadequate and that there is no designated unloading space for service and emergency vehicles. The Parish Council also considers the scale of the scheme for 48 units to be over intensive development of the site, possibly contributing to restricted parking and access.

The Parish Council also comments that they welcome the proposal for provision of this housing for residents of Hawkhurst and the surrounding area and request clarification as to planning designation C2 or C3 use. It is disappointed at the public consultation carried out on the proposed design of the proposed building and considers that no proper attempt has been made to reinstate the day care service which was available for vulnerable and elderly residents of the village which also used to exist at the site. The Parish Council also comments that there are no direct bus routes to any of the district hospitals in Tunbridge Wells, Maidstone or Hastings and that the bus depot referred to in the application has closed and has been replaced with a supermarket.

In response to the revised proposal, the Parish Council comments that there seems to have been a bit more thought now going into the design. The Parish Council also comments that it is disappointed that the Planning Applications website does not show representations from other statutory consultees or the public which it would find helpful when following an application's progress. *Any further comments received in relation to the final proposal will be verbally reported to the Committee.*

**Environment Agency:** raises no objection to the proposal and provides advice to the applicant with regard to water efficiency and waste disposal measures.

**Kent County Council Biodiversity:** raise no objection to the proposal and request conditions relating to implementation of the mitigation, enhancement and ecological management strategy, in relation to removal of tiles on the building before demolition, lighting, breeding birds and enhancements.

**Kent Highways and Transportation (KHT) :** in their initial response to the original proposal refer to the TWBC classification of the proposed units as general C3 housing which would replace a nursing home at the site and comment that the application would appear to bring in both an increase in the number of units and a change of use. They comment that additional residential units in Hawkhurst are subject to close scrutiny by the Highway Authority and states that the current position in relation to additional residential development in Hawkhurst relates to the signalled junction (in the centre of Hawkhurst where the A229 and A268 meet) which operates at or over capacity at times and that the Highways Authority has concluded that there would be no opportunity to significantly mitigate any additional flows at the junction within existing highway

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boundaries.

KHT state that there is an in principle acceptance by TWBC and KCC that another 110 dwellings will be delivered in Hawkhurst and accordingly the Highways Authority did not raise objection to a proposed general housing development at land to the rear of Fowlers Park. However, any further general housing development over and above what is agreed in the TWBC Core Strategy in Hawkhurst generating a net increase in traffic would need to demonstrate how it would mitigate its impact on the highway network, including the A229/A268 signalled junction, otherwise the Highways Authority must raise an objection and recommend its refusal.

KHT consider that the application may have to be considered in the light of overall housing targets for Hawkhurst and the associated highway impact. In response to the original application KHT consider that the role of the communal facilities existing and proposed is not clear and that they will need to know the extent to which these serve the site or provide wider community role and what are the parking and servicing implications compared with the former use of the site.

KHT consider that the level of parking needs to be justified as nursing home standards that have been employed do not appear to be relevant and that although the existing site may nominally only have 10 spaces it is evident that significantly more vehicles can be accommodated at this site and anecdotally there seems to have been an overspill. KHT comment that there is a lack of turning space for larger delivery vehicles and details of likely servicing patterns will be required to assist with further assessment.

In response to the additional information received as part of the revised and final proposal, KHT state that the County Planning Authority will need to satisfy itself as to whether the development is classified in landuse terms as general class C3 (housing), C2 (residential institution) or a sui generis use. KHT consider that in the event that the Planning Authority concludes that the development is a C3 use then the application would raise concerns in respect of the signalled junction (in the centre of Hawkhurst where the A229 and A268 meet) which operates at or over capacity at times and that the Highways Authority has concluded that there would be no viable opportunity to mitigate any additional flows at the junction. As such, the Highways Authority cannot support additional C3 development over and above what is agreed in the TWBC Core Strategy for residential development. However, KHT also consider that if the Planning Authority is satisfied that the previous use of the site as a residential care home falls within class C2 and the proposed use is not class C3 development, then the replacement facility does not raise a highway objection in principle, on the basis that the net trip generation is then assessed to be insignificant.

KHT consider that the proposed use will result in an overall reduction in trips to the site although consider that the case made is not robust.

KHT also consider that any larger vehicles serving the site would be required to manoeuvre on the highway rather than within the site and to date this has not been quantified within the application. The Highways Authority would recommend on site

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turning for all vehicles .

KHT consider that, taking averages across data provided by the applicant, the proposed level of parking provision is relatively low compared with other sites in Kent.

KHT suggest that should the Planning Authority be minded to support the proposals, conditions would be appropriate in order to address the submission as follows: approval and maintenance of details of visibility splays at the access (parking bay 17 is likely to impinge on the splay); parking and turning to be provided; and details of a Construction Management Plan to be submitted. KHT suggest an informative would also be appropriate in relation to ensuring all necessary highways approvals and consents where required are obtained and that the limits of the highway boundary are clearly established, and advising the applicant to contact KHT in order to progress this aspect of the works prior to commencement.

**Kent County Council Heritage Conservation:** raises objection to the original proposal in respect of the intensity and scale of the proposed development, which in its view both appear to be out of keeping with the surrounding area. In response to the final proposal comments that efforts have been made to mitigate the scale of the proposals with adjacent buildings and that in order to succeed in reducing the visual impact of the proposal adjacent to Woodham Hall and No 3 Smugglers, the additional space now gained by reducing the length of the east wing in particular would need to be carefully landscaped to allow tree screening and planting against the east wing gable. In response to the final proposal comments that the revised elevation treatment and composition is now correctly articulated and follows a design logic that responds to its context, giving regard to appropriate materials and the purpose of the building.

**Kent Police Secure by Design:** raise no objection on the principle of the proposal and requests that the applicant contacts them with regard to crime prevention advice.

**South East Water:** no comments received.

**Local Member**

30. The local County Member Mr Sean Holden was notified of the original application on 20<sup>th</sup> January 2014, the revised proposal on the 12<sup>th</sup> March 2014 and the final proposal on the 26<sup>th</sup> March 2014. No written comments have been received to date and any comments received on the final proposal will be verbally reported to the Committee.

**Publicity**

31. The original application was publicised by the posting of two site notices, advertisement in the newspaper and the individual notification of 62 neighbouring properties. It has also been advertised on our website. The revised proposal was publicised by the individual notification of 62 neighbouring properties and advertised on our website. The final proposal received on the 25<sup>th</sup> and 26<sup>th</sup> March 2014 has been advertised on our website and 5 of those neighbours who made representations to the original application re-

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notified.

**Representations to the proposal**

32. In response to the neighbour publicity for the original proposal, 6 letters of representation were received.
33. One representation was supportive of the original proposal, commenting that the proposal was a good idea and hoping that it would be approved.
34. Five of the remaining representations concerned parking provision at the site with concerns about parking outside the site on nearby roads causing disruption. Two of these also concerned the height and nature of the proposed perimeter fence to the south of the site. Two also concerned the scale and design of the proposal. I summarise these representations as that the proposal was out of character with the area, “looks like a large factory unit”, is too big and unsuitable, and that the scale of the building is excessive for its location; that the height of the building was excessive, which would be overbearing on surrounding properties and out of character for Hawkhurst and Highgate, and that with windows all the way to the 3rd floor would result in severe loss of privacy for surrounding property and in particular Woodham Hall. One response suggests that the building be reduced in size from three storeys to two storeys, which would reduce the number of residents to 40 which would be a number more in keeping with the area available and its surroundings.
35. In response to the revised proposal, one email was received from the representee that originally supported the proposal stating that they had no issues with the proposed development. No other comments were received.
36. *Any further comments received including those in relation to the final proposal will be verbally reported to the Committee.*

**Discussion**

37. In considering this proposal, regard must be had to the Development Plan Policies outlined in **paragraph 28** above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
38. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key planning considerations in this particular case relate to the need for the proposal, the location within the AONB and proximity to the Conservation Area and the potential for impacts including in particular, the design and scale, highways impacts and likely impacts to residential amenity. These issues are considered below within the headings of need, location and potential for impacts.

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Need

39. This proposal is part of the Excellent Homes for All Programme increasing the range of accommodation options available for older people. The TWBC Core Strategy recognises the need to facilitate the delivery of a range of housing types including those for older people. The strategy recognises that an aging society is one of the Borough's major housing challenges. The Core Strategy refers to the Tunbridge Wells Borough Housing Strategy 2006-2011 which identified a need up to 2011 for 40 extra care sheltered housing units for frail older people. The Strategy for the period 2012 – 2017 indicates that extra care housing which allows residents to age within a facility that also provides added care and support is still needed. The Strategy refers to a 40 unit scheme planned in Hawkhurst and also refers to the KCC Supporting People Strategy 2010-2015 which emphasises the need to increase choices for older people, with more home-based services that allow people to remain living at home for as long as possible.
40. The TWBC Core Strategy detailed work with Kent County Council to develop affordable extra care housing for older people in Cranbrook and the surrounding area which was expected to meet the demands of older people with a local connection to Cranbrook and surrounding parishes. However, the outline planning application for the Cranbrook Extra Care Scheme (TW/09/977) which was for 20 one bed and 20 two bedroom apartments was withdrawn in 2010. It is understood that the Bowles Lodge proposal has been developed by the applicant as a replacement for the originally intended Cranbrook scheme.
41. The Bowles Lodge site is referred to in the TWBC Site Allocations Development Plan Document (Consultation Draft March 2013) as being one which if developed for extra care housing would meet a need for this form of care. It was envisaged that the scheme being developed between Kent County Council and TWBC was planned to provide approximately 40 independent dwellings for older people with a care need and that the site should not therefore be allocated to meet other general housing requirements. Given that the site was a previously developed site inside the Limits of Built Development where Core Policy 1 gives priority to the allocation of land for development, it is regarded as being suitable for development according to the Core Strategy hierarchy.
42. Given this policy background and notwithstanding the scale of the proposal which is for 48 rather than the 40 units referred to above, I am confident that there is a general need for this type of extra care accommodation which allows flexible and increased care over time for older people and that the Bowles Lodge site has been identified for this purpose within TWBC planning policy.
43. In their response to the original planning proposal for an extra care building TWBC provided their response of no objection subject to the proposal being regarded in planning terms as Use Class C3 (dwellinghouse) rather than Use Class C2 (residential institution). At the same time TWBC request that KCC satisfy itself that the occupation of the flats can be adequately controlled in the long term to those in need of care and/or over the age of 55.

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44. In terms of the legislation, a dwellinghouse can be one of three types: C3a) those living together as a single household (ie a family); C3b) those living together as a single household and receiving care C3c); those living together as a single household who do not fall within a “house of multiple occupation” (ie C4). A house in multiple occupation (C4) usually would normally have between 3 and 6 unrelated occupants. Unfortunately the terms “dwellinghouse” and “single household” are not defined and will therefore depend on the facts of the case. However, in Annex A (guidance on classes) of the Government Circular 09/2010 (which has now been replaced by general guidance within the NPPF) it is noted that class C3b makes provision for supported housing schemes such as for those with disabilities or mental health problems but that it “remains the case that small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class (class C2) regardless of the size of the home. The Annex also states that the criteria for determining whether the use of particular premises should be classified with C3 include both the manner of the use and the physical condition of the premises. It states that premises can be regarded as being used as a single dwelling house where they are:

- a single, self contained unit of occupation which can be regarded as a separate planning unit distinct from any other part of the building containing them ;
- designed or adapted for residential purposes containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse.

45. Therefore, in my view, (which takes account of the circular having been replaced by the NPPF), in order for the proposal to be considered as C3 each flat within the proposal would need to be a single self contained unit containing all of the normal facilities for eating and sleeping and be *separate units distinct from other parts* of the extra care building.

46. A C2 use is defined as one for the provision of residential accommodation and care to people in need of care (and not falling within Class 3b). The applicant considers that their planning proposal for an extra care building is a C2 (a) use – ie a residential care and nursing home, as in their view this most closely corresponds to the nature of the development that they are proposing. They consider that the controls required over the age profile and care needs of the residents mean that the proposal does not fit the standard form of general C3 housing.

47. In this proposal, it is intended that the level of care provided will vary over time depending on need and that the level of care will be flexible as residents need more or less support and care at different stages in their life. The independence will be supported by facilities within resident’s flats as well as by the communal facilities and on site care available offering flexible care packages, choice and in my view it is the shared facilities and services that underpin “extra care” and also facilitate independence in so far as is possible. Therefore, given the definition of a C2 use, and the varying levels of care to be provided over time, the proposal in my view, does not fit neatly into the residential institution category either.

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48. In my view, in these circumstances, the final proposal should be considered as being neither class C3 or C2, ie it should be considered as a development of its own type (*sui generis*). That is because, the proposal does not seem to fit within the definition of the C3 use in that it does not contain single self contained units which are completely separate to the supported services within the extra care building (although does include the normal facilities associated with but *adapted for* independent living for those with care needs), and neither does it completely fit to the traditional meaning of a residential care home such as the one that used to operate from the site. In these circumstances, I therefore consider the proposed use to be *sui generis* and indeed consistent with the way that that the other similar properties already determined and to the other proposals being reported with the agenda papers, which are part of the Excellent Homes for All project, have been considered.
49. I consider that, notwithstanding the planning use class issue, there is an apparent identified need for older persons housing including housing of this type. The proposal is for those over the age of 55 and in need of care. Priority would be given to those with local connections. The proposal is for tenanted accommodation to people that meet these criteria and there would be an Allocations and Nominations Protocol/Agreement. The applicant states that the contract period is for 25 years. There would be a “lettings and assessment panel” consisting of KCC, the Local Authority, the Landlord’s Manager and the Care Manager to consider and determine the most appropriate tenancy allocations. The applicant informs me that the site would be on a 99 year lease to the West Kent Housing Association (WKHA). At the end of the 25 year period the site would still be leased to WKHA. The lease stipulates that the site must be used for affordable housing until the end of that period. Given the aging population and increasing demand for this type of facility, it is unlikely that there would be insufficient demand for this type of facility in the future that would justify a change in the nature of the use. I am therefore satisfied that the occupation of the flats can be strictly controlled for at least a 25 year contract period to those in need of care and over the age of 55 and also with priority to those also that have a local connection. I am also satisfied that beyond this period, this use is likely to continue on the basis of the information currently available and that the site would not be available on the open market during the 99 year period. Nevertheless, any change from the current proposed use would need to be subject to consideration of a fresh planning application.
50. The TWBC Supplementary Planning Document (SPD) “Affordable Housing” which predates the TWBC 2010 Core Strategy and the requirements for CP 6 provides information on aspects of affordable housing provision although as SPD is a material planning consideration. The document refers and distinguishes between older persons housing need, extra care housing need and also situations where there are specialist complexes for older persons that are proposed with varying levels of care as in terms of affordable housing, that triggers a requirement for consideration of affordable housing when there are 15 or more Use Class C3 dwellings (i.e. self-contained units) on the site overall, regardless of any institutional (Use Class C2) provision within the site. In this case, the proposal would be considered to be entirely affordable housing of the extra care type.

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Location

51. This proposal is located well outside the Hawkhurst Conservation Area and within the defined Limits to Built Development. As this is a previously developed site, it is generally considered a suitable site for development according to the Core Strategy hierarchy of development under Policy CP1. I therefore conclude that the location of this proposal within Hawkhurst is generally acceptable in planning terms.
52. However, the site is located within the High Weald AONB and development is expected to have particular regard to the key components of natural beauty and to take account of the High Weald AONB Management Plan. NPPF guidance is that great weight should be given to conserving landscape and scenic beauty in the AONB. Guidance suggests permission should be refused for major developments in such designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.
53. Arguably, this proposal could be considered to be a major development by virtue of the floorspace. NPPF guidance is that the public interest for such applications needs to be considered against an assessment of the need for the development and the impact of permitting it or refusing it upon the local economy; the cost and scope of developing elsewhere outside of the designated area or meeting the need in another way; and any detrimental effect on the environment, the landscape and recreational opportunities and the extent that it could be moderated.
54. In my view, the public interest test for this proposal relates to fulfilling a stated local need for suitable accommodation for older people with care needs. That is within the context of the site having previously been used as a residential care facility and day care facility with closure to allow modernisation to a fit for purpose extra care facility. Bearing in mind that TWBC do not object to the proposal, I consider that the strong public interest factors in this case are that there is a need for this type of accommodation as stated within the Core Strategy, that the location is outside the Conservation Area and within the Limits of Built Development and making use of previously developed land. However that needs to be balanced against the impacts of the proposal in particular any detrimental impact to the environment and landscape within the AONB designation and also against any other significantly adverse impacts such in relation to residential amenity and highways impacts.
55. The economic justification for the scheme relates to the reuse of previously developed land with close proximity to local services and transport links and the economies of scale in the provision of varied care needs. There is no information within the application with regard to the cost and scope of developing elsewhere outside of the designated AONB and of meeting the need in another way. However, this is a replacement proposal for an earlier proposal at Cranbrook. I consider that there is an economic justification for a scheme considering the context of closure of the existing day care centre and care home and the significant building maintenance costs required and considering the context of efficient social care and service provision.

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56. If it is considered that the proposal would have a detrimental effect on the environment, landscape or recreational opportunities given the location within the AONB, the extent to which the proposal could be further moderated needs to be considered in the decision making process. However, the applicant considers that demonstrable evidence of exceptional circumstances and the public interest should only apply when there is a clear relationship between a development and the AONB designation. In this case the applicant considers that the site whilst in the AONB is within a residential estate incorporating the existing “1970’s” style Bowles Lodge building and that there is no distinct quality or range of architectural features that embrace the individual character of Hawkhurst and the High Weald AONB. It is suggested by the applicant that otherwise the area would have been included within the Conservation Area.
57. The High Weald AONB Management Plan (which is a material planning consideration) sets out the components to natural beauty within the AONB. Settlement contributes to the AONB landscape. The Management Plan indicates that one of the issues in relation to settlement is inappropriate new development, inappropriate design and building materials and architecture not respecting the AONB character, quality and objectives. One of the Plan’s objectives is to enhance the architectural quality within settlement. The Core Strategy policy CP4 concerning the environment and the locally distinctive sense of place and character (urban and rural) and Core Policy 13 concerning development in Hawkhurst also seek to guide acceptable development within the AONB environment. Therefore, in my view consideration of the whether this is appropriate new development and appropriate design and building materials for settlement located within the AONB is required.
58. NPPF guidance on good design includes consideration of optimising the potential of a site to accommodate development, responding to local character and history, reflecting identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation and creating visually attractive design as a result of good architecture and appropriate landscaping. Guidance states that planning policy and decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation, creativity through unsubstantiated requirements to conform to certain development form or styles although states that it is proper to seek to promote or reinforce local distinctiveness. The NPPF states that although visual appearance and architecture is very important, high quality and inclusive design goes beyond aesthetic considerations. NPPF also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
59. The proposal is for a more intensive use of the site than that which has previously occurred. The previous development was for 35 one bed units and 1 two bed unit and a separate day care centre whereas this development with the final proposal is for 32 one bed units and 16 two bed units contained within one building and without day care provision, although an element of restricted access community facility is proposed. The existing development was mainly one storey with some two storey building to the south west of the site whereas this development proposal incorporates two and three storeys. In my view, the original proposal optimises the potential of the site to accommodate the

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additional units by creating additional storeys and additional footprint, although in so doing does not achieve the high quality of design that could otherwise be achieved. This was reflected in the Heritage Conservation Officer, Parish Council and neighbour comments on the original proposal, and is discussed further in relation to impacts below. In particular, the Parish Council, Heritage Conservation Officer and a number of the neighbour representations received did not consider that the original design proposal respected the location within Hawkhurst or created a visually attractive design. In response to design, scale and visual impact concerns the applicant has moderated the design and scale of the scheme and this is reflected in the revised proposal. The revised proposal resulted in amendments to the design and use of materials and to elevations facing the nearest residential properties.

60. It should be noted that the revised proposal attracted one comment of acceptance of the proposal and a comment from the Parish Council in relation to more positive thought in relation to the design. However, as part of the requirement for proactive planning, further discussions with the applicant has resulted in further amendment and a final proposal which is further moderated in respect of the number of units, footprint and therefore scale and design. Taking into account the representations received during the course of the planning application, and the comments of the Heritage Conservation Officer in respect of the final proposal, I now consider that the final proposal responds more appropriately to the site context and given additional landscaping achieves a better quality of design than was originally put forward and is now acceptable.
61. In particular, it should be noted that the site is located to the south of Rye Road which is the eastern approach to the Conservation Area. Along this approach, in my view it would be largely screened by the north eastern edge of the site which is bounded by trees to be retained within the proposal. The tree belt is designated as an Area of landscape importance within the limits to built development. Policy EN22 requires development to have no significant harm to the appearance of landscape character of the area of landscape importance and for development to not materially detract from the contribution of the area to the locality. The applicant has submitted a pre-development arboriculture survey with the application and proposes retention of the trees in this area. Further detailed assessments would be required prior to any development including a Tree Protection Plan, a root protection plan and detailed arboriculture implications assessment and method statement. I am satisfied that retention of these trees which would also provide an important visual screen for the proposal can be controlled by planning condition. There are also trees to the south of the site and along the boundaries and a landscaping plan that proposes further planting. Further revisions to the landscaping plan would be required in order to reflect the final proposal footprint and to allow further screening in order to address KCC Heritage Conservation comments and to maximise the screening of the proposed development.
62. Given that TWBC do not object to the original proposal (subject to it being considered a C3 proposal), the context of the existing development at the site that would need to be demolished and the location of the site outside of the Conservation Area, and which is generally well screened by existing vegetation, I conclude that the proposal in its revised and moderated form is not inappropriate to the location within the AONB. However, the

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transport and local amenity impacts, including the localised impact of the design and scale proposed to the nearest neighbours needs to be considered further and this is discussed below.

Transport and Highways impacts

63. The Parish Council in its response to the original proposal had concerns about the adequacy of the parking provision and provision for emergency vehicles and unloading space. There were also 5 neighbour representations concerning adequacy of the parking proposed. The proposal includes provision for 17 car parking spaces at the site, of which 3 would be for disabled spaces, on site buggy store and charging and cycle parking. The applicant included within their application details of earlier discussions with Kent Highways in relation to the proposal. These were in 2010 and from time to time preceding submission of the proposal in December 2013. The advice up until submission indicated that the level of parking proposed for the development would be acceptable. However in response to the planning application, Kent Highways have also queried the level of parking proposed, together with on site turning for larger delivery vehicles and the likely servicing patterns, and the implications of the community facilities.
64. The final proposal included some additional information, including data on trips from the previous use and comparisons to other similar extra care sites in Kent. The applicant also included some additional information about deliveries and refuse collection. The applicant states that the largest anticipated vehicle (refuse truck) would be able to manoeuvre on site, entering and exiting in a forward direction. Access for deliveries would be via the same access from All Saints Road and then Smugglers Mews. The applicant states that all unloading of deliveries would take place from within the site using the parking bays provided and the drop off facility. They also propose that deliveries for the general day to day running of the site would be via smaller wheel based vehicles that would meet any road width restrictions in force and that such deliveries would be organised at agreed times with the suppliers so as to avoid overlaps and minimise disruption to neighbours. It is proposed that any supply chain partners would provide more frequent and transport smaller loads related to deliveries to encourage quicker unload times and that wherever possible small material items would be delivered via postal services, rather than through delivery vehicles, to further encourage quick turnaround. The applicant proposes that all delivery organisations would be advised that no parking would be allowed on site and that they are to organise and distribute the load within delivery vehicles in such as way as to facilitate rapid turnaround. A drop off point, a delivery point, turning area and space for an ambulance/minibus to stop is provided within the “minibus unloading” area.
65. The applicant has also confirmed the role of the communal facilities, both existing and proposed. Data from the day care centre has been included within the Transport Statement and the proposed communal facilities have been clarified. The applicant has stated that the communal facilities are primarily aimed at and for the residents and to support their care needs. They would also be available to residents’ occasional visitors but would not be openly available to all who are not residents, and the housing management team and activities coordinator would work with residents to ensure that the correct balance is obtained. In my view, the communal facilities would not be a

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destination of choice of the general public, given the other facilities available within Hawkhurst village and the communal facilities should be considered in that context. The facilities are not a replacement for the day care centre. The applicant considers that the traffic movements associated with the proposal would be less than when the day care centre and care home was operational.

66. The applicant also confirms that for extra care schemes it is not expected that there be full occupancy as would be the case for general housing. The scheme as amended includes 16 two bed and 32 one bed flats offering prospective tenants choice and flexibility. It should be noted that the ratio of one to two bed apartments has been significantly amended to moderate the scale of the proposal during the course of the planning application.
67. The applicant has also provided information that seeks to justify the level of parking included for the development. They provide data from their other extra care schemes and sheltered accommodation schemes indicating the average age is above 77, and for their two larger extra care schemes the average age is 80. The applicant states that out of 192 units at their other schemes only 28 (14.6%) continue to have use of a car. They also provide evidence from 7 other similar sites in Kent showing that the average number of care hours to residents was 11.6 and that residents have a mean age of 78 with a car ownership average of 3 per site. The level of parking proposed at the site is not however based on the parking requirements for general C3 housing, and whilst KHT regard the parking provision to be relatively low compared with other sites in Kent, the proposed provision on this particular site has been assessed in the light of existing patterns of use at other already operating extra care housing sites. The consistent evidence is that just over 7.5% of residents own cars, which would indicate an ownership level for this site of between 3 and 4 vehicles, which accords with other data collated by KHT indicating a level of car ownership at such sites in Kent of just 6%. Most of the residents would be of an age and disposition where their impacts on the primary road network would be negligible, and most of the residents would not be car owners or even capable of driving. Whilst visitors may well arrive by car there is adequate free parking available close to the proposed development if needed, immediately opposite the site off Rye Road.
68. In their response, KHT state that a C3 use would raise concerns about the impacts of the proposal to the signalled junction in the centre of Hawkhurst. However should the previous use of the site be regarded as C2 development (residential institution), and the proposed development is not to be C3 (general housing) development, they consider that the proposal would not raise a highway objection in principle, on the basis that the net trip generation would then be insignificant. However, KHT ask the Planning Authority to satisfy itself as to the type of proposed development in land use terms.
69. However, TWBC does not object to the proposal subject to it being C3, and KCC being satisfied that adequate parking and servicing is provided on site to meet the demands generated by the development, and that the traffic generated by the proposal is acceptable in terms of highway capacity. As discussed above, and in paragraphs 48 and 49, the proposal in my view is neither a C3 nor C2 use and is in a class of its own (ie. sui generis). It should not in my view be considered on the same basis as general housing

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development, nor within the context of other development proposals that have not yet been determined and may not therefore come forward. Therefore, in my view there is no highway objection in principle to the proposed development.

70. The need for a proposal for extra care accommodation is also already separately identified within the TWBC Core Strategy (which specifically refers to the need for at least up to a 40 unit extra care development) and Core Policy 6 supports a sustainable mix of dwellings. However, notwithstanding this, consideration of the impact of this proposal on the transport network is required although the NPPF guidance that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe should be noted in decision making. The KHT response to the development proposal does not indicate that the residual cumulative impacts of the development would be regarded as severe and the net trip generation would be insignificant if the proposal is not regarded as C3 use.
71. Should the County Planning Authority be minded to permit this development proposal, KHT suggests that conditions would be appropriate in order to address submission, approval and maintenance of visibility splays at the site access, parking and turning details to be provided and details of a Construction Management Plan to be submitted. KHT would also require all necessary highway approvals and consents to be obtained for any works to the highway, including reinstatement of the existing access and creation of the new access. They would also require the limits of the highway boundary to be clearly established and suggest that an Informative could address that.
72. The proposal also requires demolition of an existing building and construction works. The impacts from demolition and construction would be temporary impacts. The applicant states that all construction traffic would be routed along Rye Road, All Saints Road and Smugglers. Notifications would be provided to local residents. Construction hours proposed by the applicant are 0800 hours to 1800 hours Monday to Friday and 0800 to 1300 hours on a Saturday. The applicant proposed that there would be a Construction Management Plan and a Section 61 application to Tunbridge Wells Borough Council. I am satisfied that these matters could be adequately controlled via planning condition.

**Design, scale and massing impacts**

73. Notwithstanding the discussion above regarding the appropriateness of the design in the AONB location, the impacts of the design and scale in relation to the nearest neighbours needs to be further considered. The applicant in their original proposal and design evaluation described the site as offering a number of opportunities which in their view included improvement of the existing accommodation at the site and improvement of the visual appearance to the existing buildings at the site. They also considered there to be opportunity to make efficient use of an underused site and to provide a high quality development. They described the need to ensure that the overall height of the proposed building did not appear excessive and to protect the amenity of neighbouring residential occupiers and the spatial characteristics of the area. In my view, these are important design, scale and massing considerations and the extent to which the development proposed achieves this needs to be considered in the context of planning policy, statutory

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consultee responses and neighbour representations received.

74. The applicants proposed an initial design which in their opinion responded to these issues. The proposal was sited so as to keep most of the proposed building away from the south west boundary so as to minimise overlooking concerns, whilst at the same time taking account of the location of existing trees that would screen the site and therefore needed to be retained. The scale of the design proposed a three storey design in the centre, maximising the use of the site which was stepped down to two storey at the western and southern edges where it is nearest to bungalows at the Ballards and to housing at 5 and 3 Smugglers Mews. The site is located in an elevated position and the ground falls towards properties located to the south of the site. These design aspects remain unchanged throughout the revisions to the proposal. However, to the east of the site, nearest to property at Woodham Hall, the eastern elevation originally proposed was stepped back from being 9m between the two buildings at their closest point to the final proposal which is proposed to now be located 13m from the site boundary and at its closest point, 14.8m from the nearest residential property to the east of the site at Woodham Hall. Removal of the external maintenance ladder from the western elevation and amended elevation treatment to the western, southern and eastern elevations nearest to properties together with the additional of planting and amended elevation treatment and composition on the public facing elevations at the entrance to the site (to the south west) in my view assist in the moderation of the design, scale and massing of the proposal.
75. The amendments were made by the applicant in order to address concerns of the Parish Council, nearby neighbours and KCC Heritage Conservation in relation to the design, scale and mass of the building. It should be noted that TWBC did not have objection to these aspects of the original proposal and the extent to which the proposal has addressed these concerns is in my view reflected in the level of neighbour response to the amended proposal whereby only one neighbour responded indicating no concern and the Parish Council response indicating a more positive process of design. Since then the applicant's final proposal further stepped back the footprint from Woodham Hall thus further reducing the scale and mass of the building. Taking into account the comments made in relation to the final proposal by the Heritage Conservation Officer, I consider that the design has been sufficiently moderated in order to mitigate the scale of the proposals in relation to adjacent buildings, particularly with the use of careful landscaping to allow further tree screening and planting, particularly against the eastern elevation. The applicant has confirmed that they intend to "green" the external walls in their landscape design and update the planting plan originally submitted in order to reflect this. I consider that this additional detail can be satisfactorily addressed by planning condition.
76. Whilst the proposed final development is still a large building, I consider that the design in its final form is a more positive design response considering the impact of mass and scale on neighbouring property and is considered acceptable.

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Impacts of proposal in relation to residential amenity – overlooking and overbearing issues

77. The nearest residential property to the eastern elevation is Woodham Hall. In order to address concerns regarding the potential for a loss of privacy to this property given the proximity of the original proposal to this property and the location of windows at Woodham Hall, the applicant has stepped back the footprint and amended the floor layout (which impacts on the mix of one/two bed units) which results in removal of balconies on the north east corner of the building. Landscape planting is also proposed. Windows on this elevation are proposed to be with obscured glazing. Other elevations facing towards the east do not directly face the residential building and are screened by existing vegetation at the site boundary and in my view are sufficiently distant so as not to be of concern.
78. Bearing in mind that the general guidelines for protecting privacy between neighbouring properties suggest a distance of 21m where the windows of habitable rooms directly face each other, and 11m where such windows face blank walls, I consider that this proposal which now only has obscured glass windows at a distance of approx. 14.2m from windows in Woodham Hall adequately complies with these guidelines at this location.
79. The nearest residential property to the south is at number 3 and 5 Smugglers Mews. The proposal is located in an elevated position in comparison to the location of these properties. The nearest elevation to this property is two storey and 21m away. The three storey elevation is over 29m away and there is established landscaping between these distances. There are two round windows on this elevation one at first and one at second floor. These windows are within corridor seating areas and given the established landscaping, proposed fence and distance from numbers 3 and 5 I do not consider to be an overlooking concern.
80. To the west, the nearest residential property are bungalows at the Ballards. These buildings are located approximately 17m from the two storey section of the proposed building and the third storey section of building is located approximately 27m away. The elevation facing these properties has obscured glazing to the ground and first floor and an obscured door on the second floor. There is a balcony on the northern corner of the second floor that faces the Rye Road and a balcony on the southern corner of the first floor layout that faces to the south. Additional planting is proposed to the west and I consider that the additional planting proposed should be sufficient to mitigate any overlooking concerns in this area.
81. The elevations A and B comprise the main entrance and focal point of the building on arrival at the site. Elevation A is located over 22m at the closest point to property at no. 4 to 8 Smugglers. However, the closest elevations are two rather than three storey. Elevation B is over 30m away from these properties. These two elevations do have windows at all levels and the first and second floor units have balconies. Given the distance and orientation of the building to these properties, and planting proposed, I consider that the design sufficiently respects privacy between neighbouring properties.

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82. To the north of the site the development proposal is screened by well established vegetation and there are no residential properties directly facing the development.
83. One neighbour responded to the original proposal with comments regarding the height of the building. They considered that a three storey building to replace a one storey building would be an excessive increase in height which would be overbearing on surrounding properties and out of character with the site context. The Parish Council also had concerns with regard to the bulk of the proposed building when compared to the existing development at the site. No additional comments raising concerns in this regard have been made to date in relation to the revised proposal or the final proposal. The applicant has provided drawings showing the footprint of the existing development at the site when compared to the final proposed development and also showing the comparison with site sections. The proposal is a more intensive use of the space available within the site than the existing Bowles Lodge building. It is of a noticeably different scale, mass and intensity to the existing development and therefore will give a much greater visual impression than the existing building at the site. However, with the improvements to the elevation treatment and composition, retention of existing established planting for screening and further planting proposed, along with further revisions to the planting, I consider that the scale of the building can be successfully integrated into the surroundings. The design incorporates use of two storey sections of the building to reduce the potential for overbearing impact to the west and south and concentrates the three storey sections of building in the central “T” of the building. To the east of the site where the final proposal is located closest to Woodham Hall, the height of the proposed building extends only to the height of the eaves level of Woodham Hall using a flat roof design, rather than pitched roof so as maximise use of space and reduce the overall height of the building. Having regard to the development policies EN1 and CP5, and taking account of the views of TWBC and KCC Heritage Conservation, I do not consider that the design in its final form incorporating the stepping back of the footprint nearest to Woodham Hall to have a significantly unacceptable overbearing impact. Moreover, the retention of established planting to the north, east and south of the site and the additional planting in the landscaping scheme would also help to soften and break up views of the development, by filtering direct lines of sight.
84. I therefore conclude that the final proposal optimises the use of the space at the site whilst retaining important established planting that will screen the proposal, and that the design has sufficient regard to the potential for overlooking and overbearing impacts to neighbours, and therefore conclude that there is no justification for presuming against the development on privacy and overbearing issues.

Other impacts – sustainable buildings, energy, biodiversity and arboriculture

85. To the north of the proposed site there are a number of established important trees along the Rye Road. These trees are not formally protected although development policy EN13 concerns the general protection of such trees and policy EN22 and EN23 concerns the protection of important landscape approaches to settlements. These trees are to be retained within the proposal. They provide an important screening function for the development in addition to contributing to the character of the Rye Road approach into

**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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Hawkhurst. Any works would need to take account of this, with suitable tree protection measures in place. The applicant has submitted a pre-development arboricultural survey, which details the age, condition and location of trees within the proposed site and also detailed the location and condition of 3 trees that would need to be removed as part of the proposed development. Some crown lifting works would also be required. The applicant intends to submit further detailed information concerning final root protection zones; tree protection plan; detailed arboriculture implications assessment and method statement, and I am satisfied that this additional information can be required by condition in order to ensure that important established trees can be satisfactorily protected.

86. The applicant has submitted a Mitigation, Enhancement and Ecological Management Strategy for the site and taking into account comments from KCC Biodiversity, I am satisfied that the implementation of measures detailed in the Strategy together with measures in relation to restrictions on the removal of tiles on buildings to be demolished where there is potential for bats to be present and measures in relation to protection of breeding birds can be required by condition.
87. In relation to Core Policy 5, the applicant intends that the proposal meet the Code for Sustainable Homes level 3 and as such addresses energy, water use, discharge and waste in the design proposal. The proposal is not located within an Environment Agency flood risk zone. The original proposal included photo voltaic systems on the roof of the western elevation, although does not provide detailed nor updated drawings within the final proposal in order to show the visual impact of these. The applicant would also need to provide revised details of the proposed drainage layout in relation to the final proposal and I therefore consider that further details of these systems are required. I consider that these details can be addressed by condition requiring submission prior to commencement of any development.
88. The applicant is liaising with Kent Police Secure by Design in relation to the final fence details and I therefore consider that a condition requiring submission of further details regarding fencing and security would be appropriate.

**Other issues**

89. The NPPF suggests that applicants be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community, and that proposals that can demonstrate this in developing the design of new development should be looked upon more favourably. In this proposal, the applicant arranged an exhibition for residents that had been consulted on the proposal, and that took place shortly after the planning application publicity for the proposal. In their response to the original planning application, the Parish Council commented that they were disappointed about the level of consultation that took place on the design for the proposed building. However, it should be noted that the applicant has amended elements of their original proposal in order to respond to representations received and as a result the design has therefore evolved to the final proposal now being considered.

**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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**Conclusion**

90. This proposal seeks to provide increased choice and independence for people aged over 55 that have care needs through the provision of an Extra Care building. The need for such choice and flexibility is in my view clearly evident and the proposed site at Bowles Lodge is recognised as being available to meet this general need within planning policy terms. I consider that the location of the site, outside of the Conservation Area, within the AONB and inside the Limits Built Development is appropriate given the strong public interest factors concerning delivery of a wide choice of high quality homes and creation of sustainable inclusive and mixed communities; supporting healthy communities and local services. The applicant has amended their proposal in order to more positively respond to design, scale and massing considerations and in order to address concerns regarding overlooking and privacy and taking into account the comments received to date this would appear also to sufficiently address the neighbour concerns received. Having regard to the statutory consultations received, I consider that there is no justification for presuming against the development on design, scale, massing, overlooking and overbearing issues. Having regard to the NPPF in terms of protecting and enhancing valued landscapes such as the AONB I also consider there are strong public interest factors for this proposal and consider the final proposal is now acceptable and appropriate to the location within the AONB. Having regard also to the NPPF objectives concerning the historic environment, I consider that the proposal will not lead to undue harm to the setting of the Conservation Area.
95. The question of whether or not the proposal is acceptable in highway terms is discussed in some detail in paragraphs (63) to (76) above. Whilst I accept that the data provided by the applicant could have been more robust, the acknowledged need for this proposal which supports independence and healthy communities, in my opinion, far outweighs the potential highway and traffic impacts in this location when taking into account the previous day care centre and care home use and the nature of the type and use of the development proposed which I regard as being a sui generis use. Besides which, for the reasons discussed above, I do not consider that the proposal should be assessed on the basis of general open market housing (Use Class C3). To do so, in my view, would be wholly inconsistent with the way in which the County Planning Authority has considered the other EHFA proposals in terms of their planned use and consequential highway considerations. I therefore consider that there is no basis for raising a highway objection, and that it would be appropriate to address the residual issues raised by the Highway Authority relating to visibility splays, construction management and highway approvals via the use of conditions/informatives.
96. At the heart of the Government's planning policy guidance for England is a presumption in favour of sustainable development. I consider that the proposal responds to the site context in so far as is possible within the scope of this proposal and accords with the general aims and objectives of national and local planning policy requiring good design, promoting healthy communities, sustainable transport and delivering a wide choice of high quality homes and creating sustainable inclusive and mixed communities. I also consider that this proposal accords with the Development Plan and that there are no material planning considerations that indicate that planning permission should be

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withheld. I would however recommend the inclusion of various planning conditions and informatives.

**Recommendation**

97. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard limit for implementation;
- That the development be carried out in accordance with submitted details;
- Submission of details of the final root protection zones; tree protection plan; detailed arboriculture implications assessment and method statement;
- Provision of detailed drainage details prior to commencement;
- Submission of details of PV panels prior to commencement;
- Submission of revised roof plan prior to commencement;
- Submission of revised landscaping plan, including amendments to the planting at the east, west and southern elevations and incorporating planning of the retaining wall;
- Submission, approval and maintenance of details of visibility splays at the access  
Submission of a Construction Management Plan;
- Submission of details of retaining walling and fencing details prior to construction;
- Submission of external lighting details;
- Submission of details of external building materials;
- Restriction of demolition and construction working hours to between 0800 and 1800 Monday to Friday and 0800 to 1300 Saturday with no work on Sundays and Public Holidays;
- Implementation of the Enhancement and Ecological Mitigation Strategy;
- Removal of tiles from the building in accordance with the Enhancement and Ecological Mitigation Strategy;
- Implementation of biodiversity measures concerning the removal of vegetation and protection of breeding birds.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the informatives covering the following:

- Ensuring all necessary highways approvals and consents where required are obtained and that the limits of the highway boundary are clearly established, and advising the applicant to contact KHT in order to progress this aspect of the works prior to commencement.
- Conveying biodiversity advice
- Conveying tree protection advice
- Conveying crime prevention advice
- Working with those directly affected by the proposals in order to address good neighbour issues throughout the duration of the demolition and construction phases of the development and following occupation of the development.

## Item D4

### **Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

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Case Officer: H Mallett

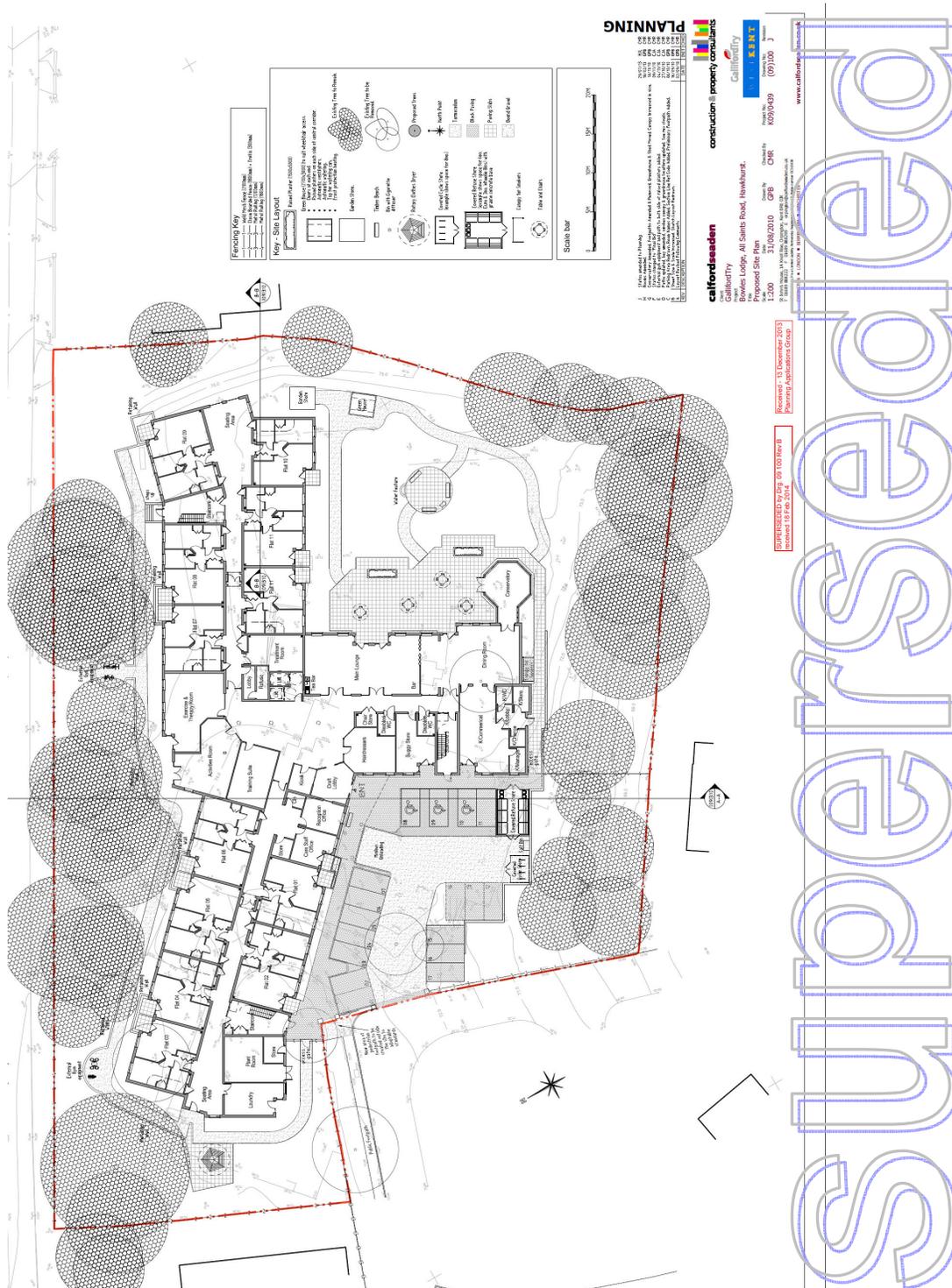
Tel. no: 01622 221075

Background Documents: see section heading

Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)

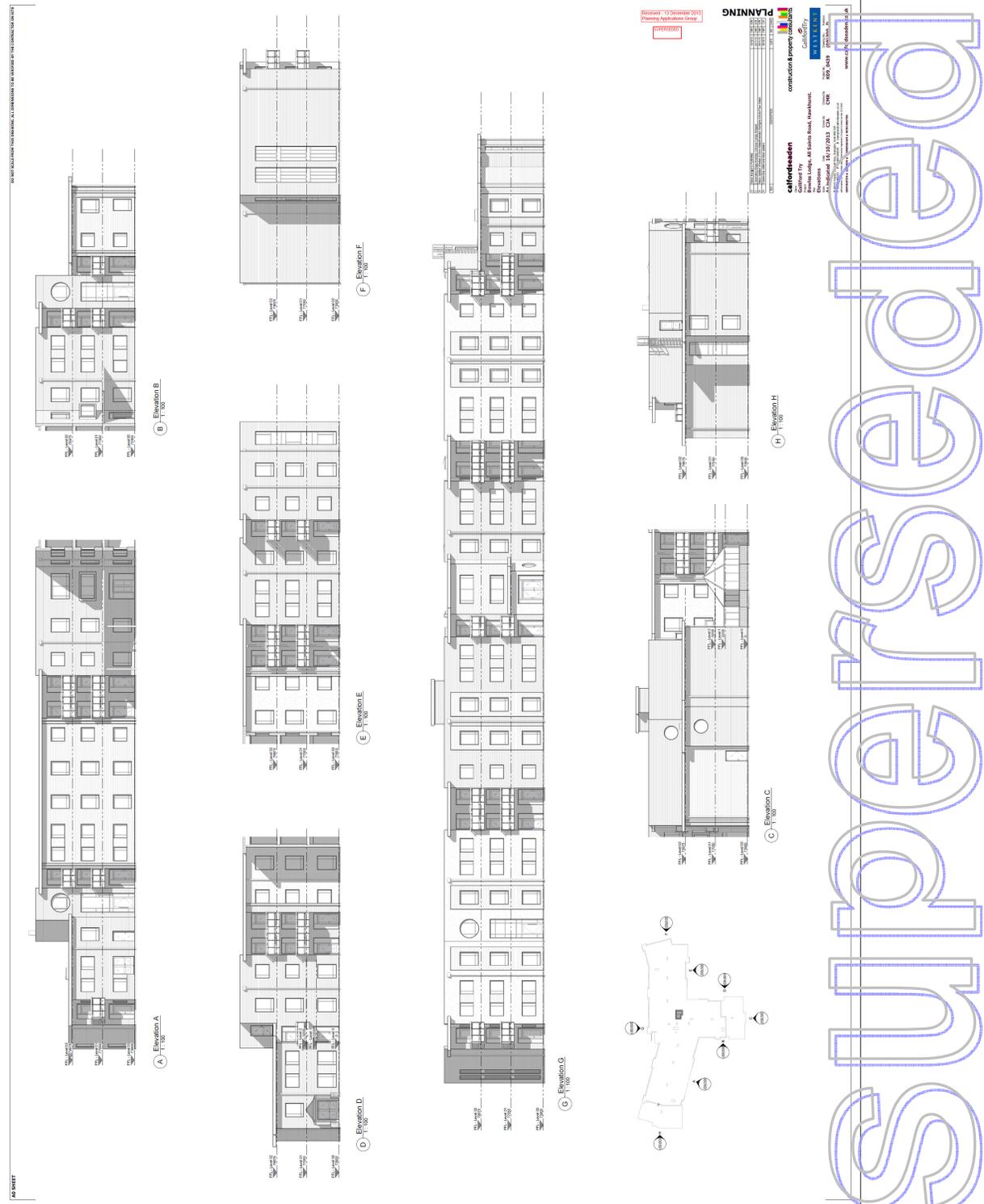
APPENDIX 1

Superseded site layout plan for comparison purposes only



**Extra care building containing 48 flats and associated communal facilities at Bowles Lodge, All Saints Road, Hawkhurst – KCC/TW/0381/2013 (TW/13/03828)**

Superseded elevations for comparison purposes only



**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** - The deposited documents.

DA/13/827/RA	Application for a non-material amendment to erect a building within the current courtyard area on site (dimensions are 4.5m wide, 14m long, 5m high, the roof to remain below the current building roof height). Recresco, Manor Way, Swanscombe, Dartford
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**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** – The deposited documents.

AS/14/68	Extension of building to accommodate new storage areas, new classroom canopy and clear covered enclosure (open sided) to MUGA play area. Beaver Green Community Primary School, Cuckoo Lane, Ashford
SH/13/453/R4B(PART)	Details pursuant to condition 4 (part) - Materials - Samples of roof details and window detailing of planning permission SH/13/453. Hawkinge Primary School, Canterbury Road, Hawkinge
SW/13/633/R8	Submission of details of construction site access and compound pursuant to condition (8) of planning permission SW/13/633. Westlands Primary School, Homewood Avenue, Sittingbourne
TH/14/11	Construction of a new enclosed fire escape staircase forming an extension to the existing school together with associated minor alterations, provision of new window and adaptations to fenestration. Stone Bay Special School, 70 Stone Road, Broadstairs

**E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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**Background Documents –**

- *The deposited documents.*
  - *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
  - *DETR Circular 02/99 – Environmental Impact Assessment.*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- None
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-
- None

**E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

**Background Documents -**

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2011.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None