

## 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.

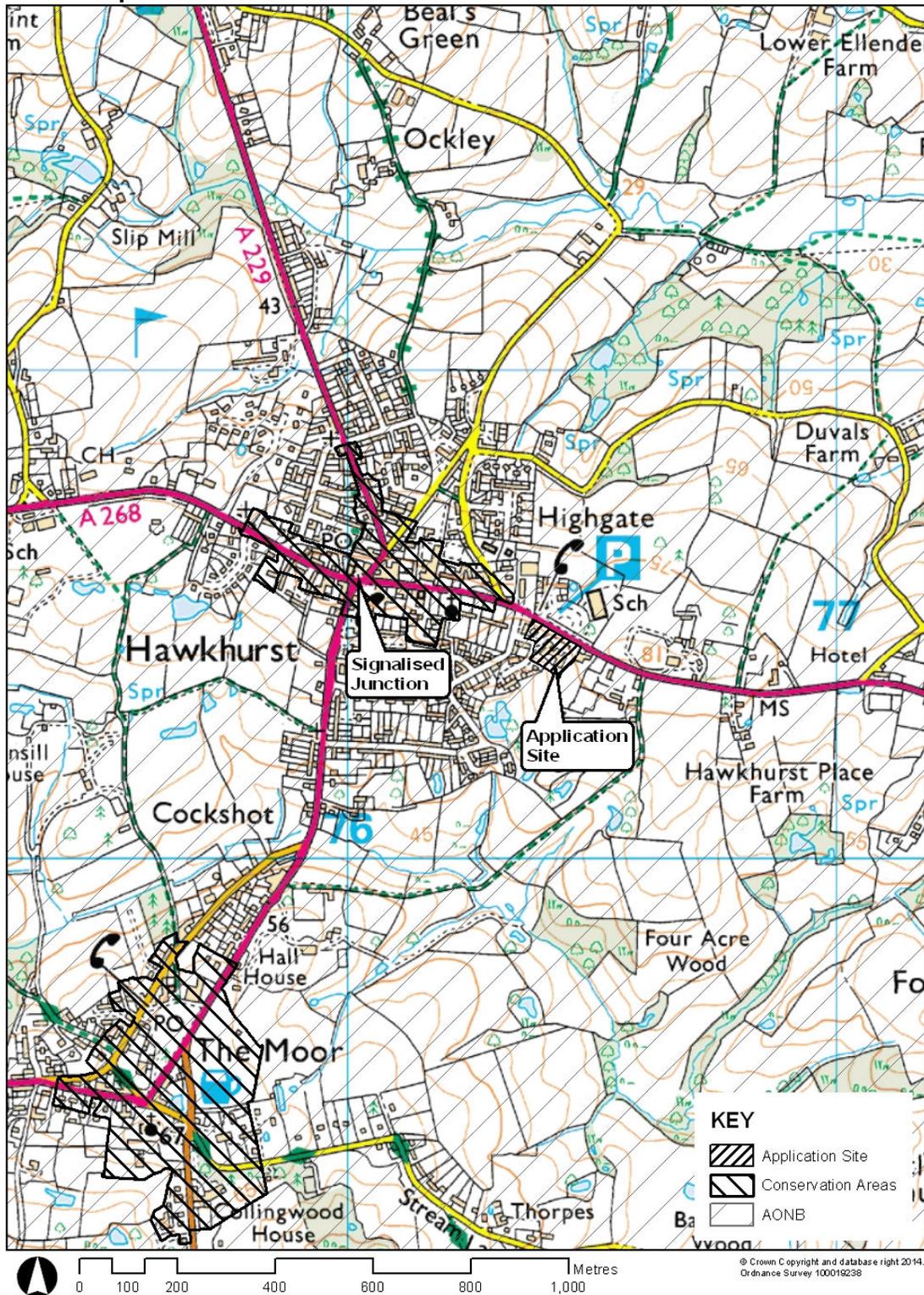
#### **Planning History**

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

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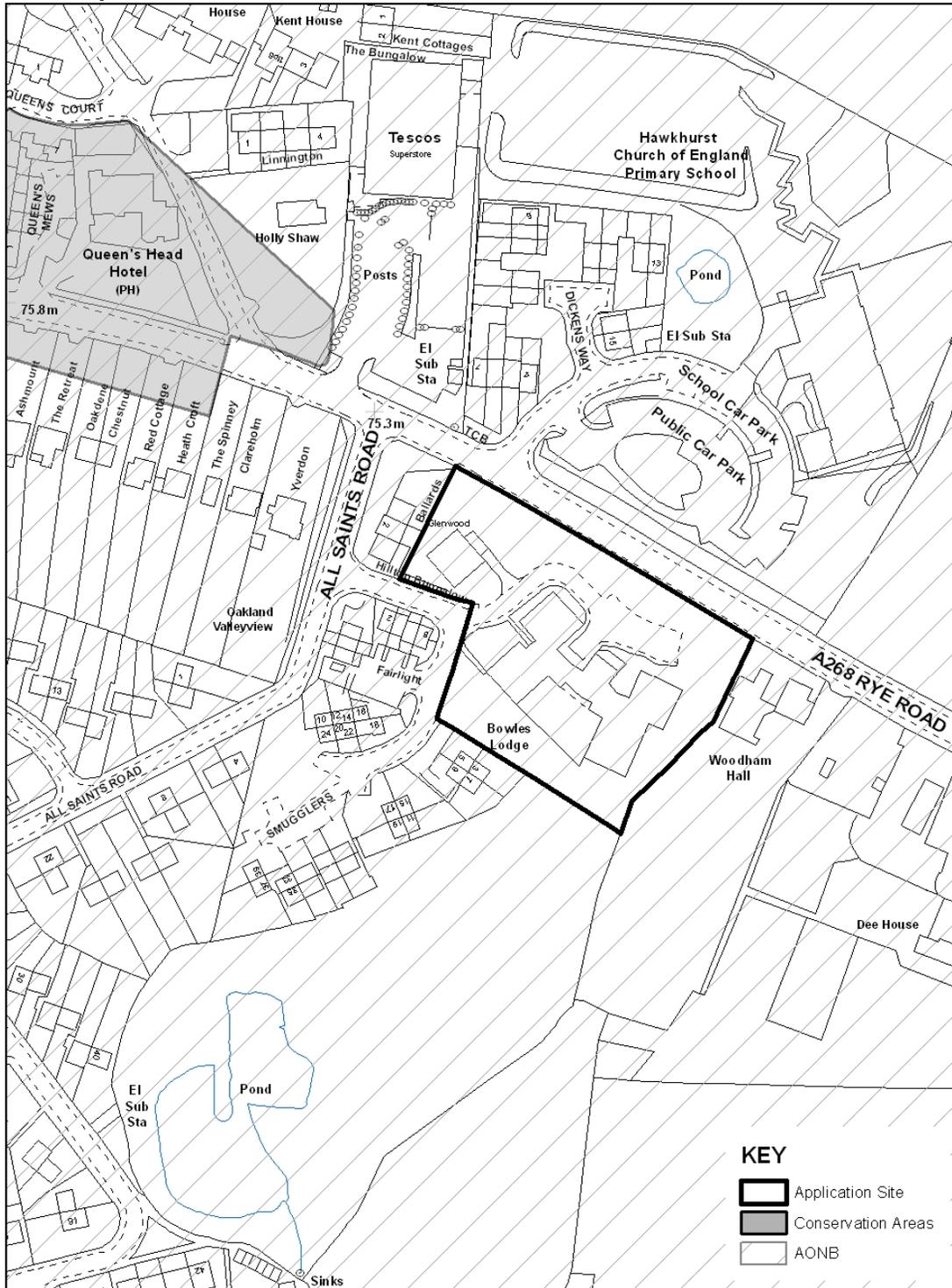
### Wider location plan



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### Site location plan



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Aerial view of site and surroundings



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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.

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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

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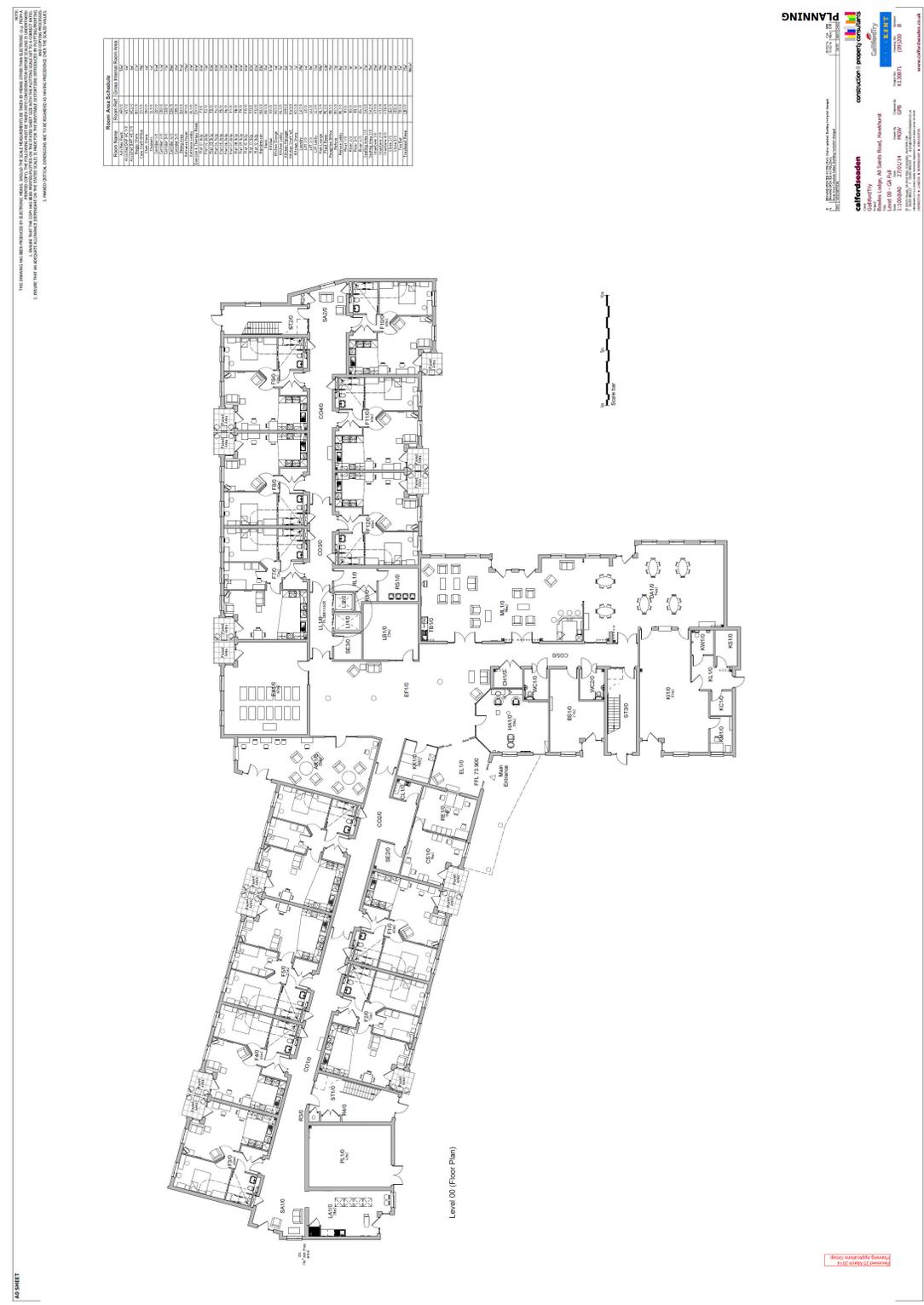
they wished to use them and by their visitors. Since these would be shared, they would be accessible to the wider community, generally by invitation or to specifically managed activities/events. The facilities proposed for this type of use are the restaurant, kiosk, hairdresser, activity rooms, fitness 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>.



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**Ground floor**

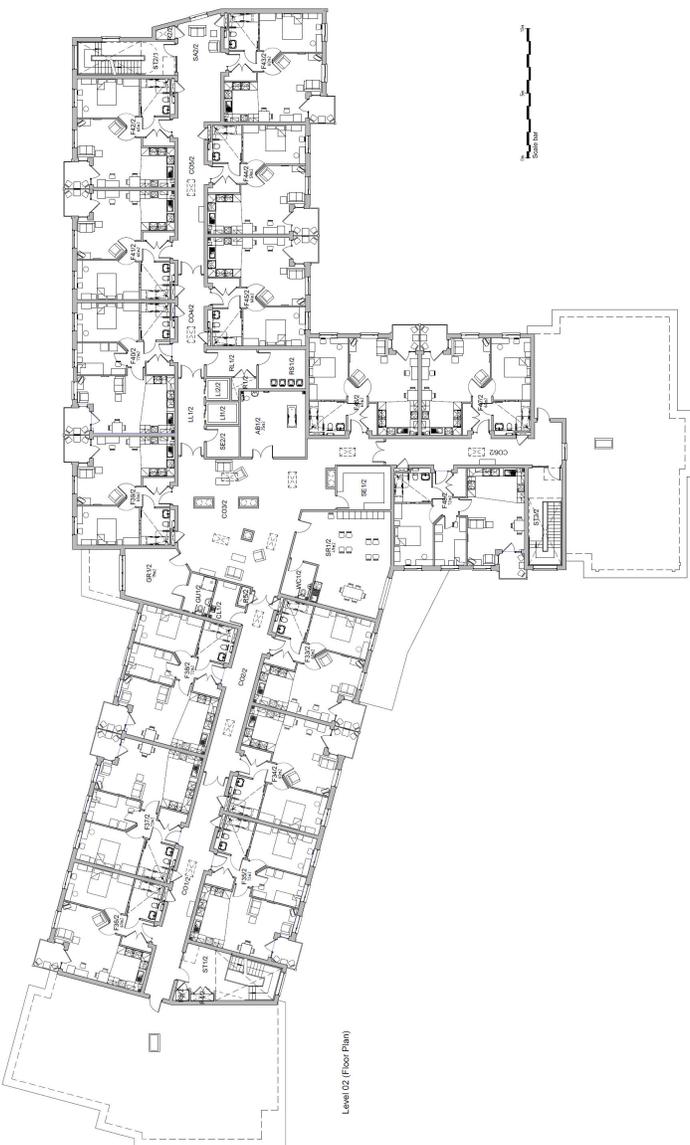




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Second floor

Room No.	Room Name	Area (sqm)	Room No.	Room Name	Area (sqm)
001	RECEPTION	15.00	011	FLAT 1	45.00
002	OFFICE	10.00	012	FLAT 2	45.00
003	OFFICE	10.00	013	FLAT 3	45.00
004	OFFICE	10.00	014	FLAT 4	45.00
005	OFFICE	10.00	015	FLAT 5	45.00
006	OFFICE	10.00	016	FLAT 6	45.00
007	OFFICE	10.00	017	FLAT 7	45.00
008	OFFICE	10.00	018	FLAT 8	45.00
009	OFFICE	10.00	019	FLAT 9	45.00
010	OFFICE	10.00	020	FLAT 10	45.00
021	FLAT 11	45.00	031	FLAT 21	45.00
022	FLAT 12	45.00	032	FLAT 22	45.00
023	FLAT 13	45.00	033	FLAT 23	45.00
024	FLAT 14	45.00	034	FLAT 24	45.00
025	FLAT 15	45.00	035	FLAT 25	45.00
026	FLAT 16	45.00	036	FLAT 26	45.00
027	FLAT 17	45.00	037	FLAT 27	45.00
028	FLAT 18	45.00	038	FLAT 28	45.00
029	FLAT 19	45.00	039	FLAT 29	45.00
030	FLAT 20	45.00	040	FLAT 30	45.00
041	FLAT 31	45.00	051	FLAT 41	45.00
042	FLAT 32	45.00	052	FLAT 42	45.00
043	FLAT 33	45.00	053	FLAT 43	45.00
044	FLAT 34	45.00	054	FLAT 44	45.00
045	FLAT 35	45.00	055	FLAT 45	45.00
046	FLAT 36	45.00	056	FLAT 46	45.00
047	FLAT 37	45.00	057	FLAT 47	45.00
048	FLAT 38	45.00	058	FLAT 48	45.00
049	FLAT 39	45.00			
050	FLAT 40	45.00			
051	FLAT 41	45.00			
052	FLAT 42	45.00			
053	FLAT 43	45.00			
054	FLAT 44	45.00			
055	FLAT 45	45.00			
056	FLAT 46	45.00			
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080	FLAT 70	45.00			
081	FLAT 71	45.00			
082	FLAT 72	45.00			
083	FLAT 73	45.00			
084	FLAT 74	45.00			
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**PLANNING**

**calton studios**  
 CALTON STUDIOS  
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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.

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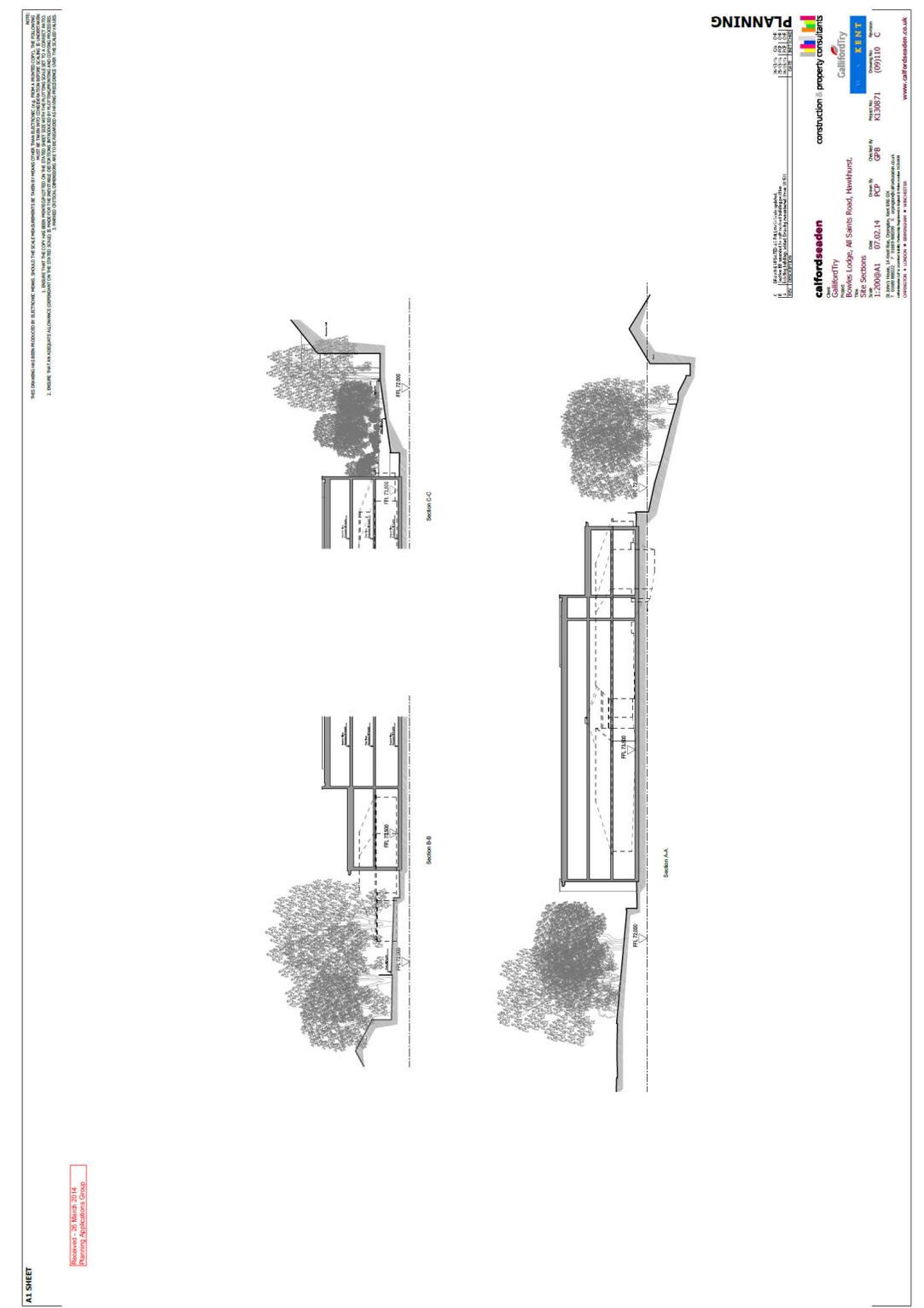


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## Site sections



**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 a 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

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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.

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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**

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Case Officer: H Mallett

Tel. no: 01622 221075

Background Documents: see section heading



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Superseded elevations for comparison purposes only

