

planning
transport
design
environment
infrastructure

Response to Inspector's Issues & Questions: Matter 7 Response
on behalf of Cedardrive

May 2022 JB/12370



Contents

1	INTRODUCTION	2
1.1	Background	2
2	MATTER 7: RESIDENTIAL SITE ALLOCATIONS	3
2.1	Issue 8: Hawkhurst.....	3
2.2	Q6. What is the current position regarding planning permission ref 17/02192/OUT? Does the permission remain extant?	3
2.3	Q7. Is the allocation developable within the plan period?	3

1 Introduction

1.1 Background

- 1.1.1 This Statement has been prepared by DHA Planning on behalf of Cedardrive Ltd in response to the Inspector's Questions on Matter 7 (Residential Site Allocations) in respect of the Tunbridge Wells Borough Council Local Plan Examination.
- 1.1.2 Cedardrive Ltd is promoting land at Hawkhurst Golf Club and Springfield Nurseries, Hawkhurst. The wider Hawkhurst Golf Club site was proposed to be allocated for the development of up to 450 houses and a relief road in the Reg.18 draft Local Plan but that allocation was removed from the Reg.19 draft.
- 1.1.3 The Springfield Nurseries site is proposed for allocation under Policy AL/HA3. It also forms part of a wider allocation AL/HA1 in the adopted Site Allocations DPD, and planning permission was granted on appeal for the development of up to 24 dwellings in 2020.¹ A copy of that appeal decision is appended to this Statement.
- 1.1.4 Caenwood Estates supports the proposed allocation in Policy AL/HA3. Jonathan Buckwell of DHA Planning will attend the Examination to assist the Inspector in relation to this site.

¹ APP/M2270/W/20/3245562

2 Matter 7: Residential Site Allocations

2.1 Issue 8: Hawkhurst

2.1.1 Where relevant, Cedardrive responds to the Inspector's questions in relation to site AL/HA3 as follows.

2.2 Q6. What is the current position regarding planning permission ref 17/02192/OUT? Does the permission remain extant?

2.2.1 Outline planning permission was granted at appeal on 30 November 2020. A copy of the appeal decision is appended. Condition 2 requires any application for the approval of the reserved matters to be made to the Local Planning Authority no later than the expiration of 3 years from the date of the permission, i.e. before 30 November 2023. Condition 3 then requires the development to commence no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

2.2.2 As such, the permission remains extant.

2.2.3 Cedardrive have not yet submitted a reserved matters application due to uncertainty over the wider site. As noted above, Cedardrive have been promoting a larger scheme on the adjacent Hawkhurst Golf Club site, their proposals for which also included the Springfield Nurseries site.

2.2.4 Planning permission was refused on 2nd February 2022 for the wider Hawkhurst Golf Club development following a public inquiry and so Cedardrive is considering its options. These include developing the Springfield Nurseries site in isolation, in accordance with the extant permission, or proposing a revised wider development incorporating part of the Golf Club site.

2.2.5 However, Cedardrive confirms that it fully intends to develop the Springfield Nurseries site for residential development in accordance with the draft allocation, either in accordance with the extant permission or in an expanded form.

2.3 Q7. Is the allocation developable within the plan period?

2.3.1 Cedardrive is confident that the site will be developed within the early part of the plan period.

2.3.2 Whilst the site has been allocated previously, this was as part of a wider allocation site, part of which was under separate ownership (now proposed for allocation under AL/HA2), and there had been various issues raised previously by the local highways authority in relation to this.

2.3.3 Both parts of that previous allocation now benefit from extant outline planning permissions and the highways issues raised have been addressed in the appeal decisions approving both schemes. As such, there is nothing to prevent allocation AL/HA3 coming forward in a timely fashion.



Appeal Decision

Hearing Held on 11 August 2020

Site visit made on 14 August 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/M2270/W/20/3245562

Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst, Cranbrook, TN18 5EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Fattal of Cedardrive Limited against the decision of Tunbridge Wells Borough Council
 - The application Ref 17/02192/OUT, dated 30 June 2017, was refused by notice dated 11 October 2019.
 - The development proposed was originally described as erection of 24 dwellings (including affordable housing provision) to include garaging, parking provision, improvements to existing vehicular access, landscaping and other ancillary works. Any existing structures within the site to be demolished.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the proposed erection of up to 24 dwellings to include garaging, parking provision, improvements to existing vehicular access, landscaping and other ancillary works at the Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst, Cranbrook, TN18 5EE in accordance with application Ref 17/02192/OUT, dated 30 June 2017 but subject to the attached schedule of conditions.

Preliminary Matters

2. Outline permission was sought with all matters reserved except for access. The design of the scheme, including its layout and which parts of the site are built on would be determined at the reserved matters stage. The plans submitted with the application are otherwise illustrative only. The description of development was changed by the Council, primarily to make reference to 'up to' 24 dwellings. The appellant has confirmed that this was an agreed change, so it is reflected in the formal decision.
3. An amended red line plan was submitted prior to the hearing. This corrects a minor error by omitting land which is not part of the appellants ownership. No parties interests are prejudiced by the acceptance of this information, which is necessary in the interests of accuracy.

Main Issues

4. These are:
 - i) The effect of the development on highway safety; and

- ii) the accessibility of the proposed residential development in relation to the surrounding area by means other than the private car.

Reasons

Highway Safety

5. The proposed residential development would utilise an existing longstanding vehicular access to the Cranbrook Road, which currently serves mainly commercial development including an office building. It would be rebuilt in approximately the same location.
6. At the point outside the appeal site, the Cranbrook Road hosts regular passing traffic. However, there are no formal records of any collisions occurring as a direct consequence of this existing access, which is used frequently by commercial and passenger vehicles in association with the existing uses on the wider site. A slight accident occurred across the road where a passing car struck a gardener, but there is no demonstrable link between this and the existing access.
7. 10 other accidents have been identified within an approximate 1km radius up and down the Cranbrook Road over recent years, some of which involve shunting due to unexpected stopping. Anecdotal accounts from residents suggest the actual total may be higher, given that some accidents are unreported. However, the known number of collisions is not exceptionally high for a main road such as this, given the volume of traffic and number of access roads that connect to it, in the area around the site. It has not attracted intervention from the relevant authorities.
8. At the point outside the appeal site, the Cranbrook Road is relatively straight. Consequently, the visibility going in to and out of the access is good, for both vehicles and pedestrians. This situation would be improved, as visibility splays would be provided to the north, removing the existing overgrowth. The new access would be constructed to modern standards as shown on the plans provided, as part of the proposal.
9. To the south the verge includes private land outside the red line area, so the appellant could not be compelled to maintain the longer visibility splays within this wider area by way of condition. However, at present it is a relatively open verge and the vehicular and pedestrian splays are relatively clear. There are no convincing reasons why this would not continue to be the case, were planning permission to be granted for this development.

Detailed considerations - vehicles

10. Under the existing situation there is an informal arrangement where cars park perpendicular to the access road on its northern verge, right up to the Cranbrook Road. This has the effect of limiting the gap through which any vehicles using the access road may pass to around 5 metres. By contrast, the proposed arrangement would appear as a formal access road with a large bell mouth at the point where it connects to the Cranbrook Road. This would be likely to deter such informal parking, particularly at the junction with the Cranbrook Road. It is therefore likely that the amount of space through which vehicles pass when going in to and out of the site would be significantly wider on a day to day level, than it is at present.

11. The type of additional traffic that would typically enter the proposed housing development would be cars and small vans. Because of their small size, they would not normally have any difficulty manoeuvring in to and out of this access.
12. As a consequence of the design of the upgraded access, larger vehicles including a refuse truck would cross the centre line of the access road and that of the Cranbrook road whilst it enters and exits the proposed residential development, causing an obstruction. However, the extent of such movements generated by the residential development would be limited. Furthermore, such obstructions are not entirely unexpected in a built-up area where multiple accesses face on to the road and speed restrictions are in place. In these circumstances it is reasonable to assume that drivers, including prospective future occupants of the residential development, would be aware of the need to proceed with caution.
13. Considering the broader impact on the flow of traffic along the Cranbrook Road, the proposal would represent an improvement over the existing situation where larger commercial vehicles must pass through a narrow gap when cars are parked in the access road. A further relevant factor is that the site was previously used as a garden centre. If the residential development did not go ahead, previous uses could be reinstated which could lead to a greater volume of large vehicular movements through the existing unimproved access. In the longer term, this has the potential to have a more disruptive impact in terms of obstruction to the Cranbrook Road, through blockages arising from vehicles entering or leaving the site.
14. There is another residential access opposite the proposed site access, facing on to the Cranbrook Road. The relationship between the two accesses would effectively be the same as the existing situation, which, as noted previously, has not led to any significant pattern of vehicular accidents or collisions. The arrangement is acceptable, in this respect. Given the previously developed status of the site, the proposal would not result in additional vehicular movements such that there would be a significant impact on the wider road network including the nearby crossroads in Hawkhurst. Whilst some informal parking would be displaced by the development and construction of the new access, this would not have a significant impact on the road network.

Detailed considerations – Pedestrians

15. A dedicated area of pavement leading into the site would be provided for pedestrians. This would lead to a drop kerb crossing over the Cranbrook Road, from where pedestrians, including those with limited mobility, can join the main pavement leading to the centre of Hawkhurst. At the point of the crossing, pedestrians would have good visibility up and down the Cranbrook Road.
16. Whilst the traffic along the Cranbrook Road is regular, it was possible to cross it within around 30 seconds waiting time on my Friday afternoon site visit. Whilst it was suggested that traffic may currently be suppressed due to the COVID-19 pandemic, my observations of traffic around the site were broadly consistent with the surveys previously carried out by the appellant.
17. In these circumstances the construction of a refuge island in the middle of the road, as desired by the local Highway Authority, may make for a slightly more convenient crossing. However, it is not ultimately necessary to provide for a

safe crossing. The absence of such a feature does not make the proposal unacceptable in pedestrian safety terms.

18. There is no footpath on the western side of this part of the Cranbrook Road. In consequence, the closest bus stop is isolated and can only be accessed by crossing the main road. The risk that people would choose to walk along the road to access the bus stop instead of using the pavement on the opposite side already exists, given the employment development on the site. A reasonably safe alternative exists by way of the pavement on the other side of the road. The proposal would not therefore force people to take unnecessarily risky journeys on the carriageway, to access public transport.
19. Reference is made to 3 accidents in an approximate 1km stretch of the Cranbrook Road affecting pedestrians. However, on this occasion a bespoke crossing point with good visibility would be provided. It would not therefore lead to a significant risk of further accidents occurring.

Other issues and conclusion – Highway Safety

20. As noted previously, the existing access would be rebuilt. The need to build a pavement slightly reduces the total carriageway width compared to the existing situation, and the bell mouth is slightly narrowed at the southern junction. However, the access would be built to a higher standard than the existing access with a likely reduction in obstruction caused by informal parking, thus representing an overall improvement in vehicular access.
21. The highway authority cite various technical guidance set out at both local and national level, regarding the design of new access points associated with residential development. These were discussed in depth in the hearing. It also draws attention to issues identified in road safety audits carried out in relation to developments on and around the site. The situation in this proposal is not perfect but it is the most that can be achieved given the ownership constraints that apply here. Consequently, a pragmatic view has to ultimately be taken whereby the proposal must be compared against an existing imperfect situation, the continuation of which brings its own risks as discussed above.
22. Taking all of these factors in to account I conclude that there is no unacceptable impact on highway safety, in relation to either vehicle or pedestrian movements. The proposal accords with the relevant parts of the National Planning Policy Framework (“the Framework”) and Planning Practice Guidance. In this respect there is no conflict with Core Policy 3 of the Tunbridge Wells Borough Core Strategy 2010, policies EN1, TP3 or TP4 of the Tunbridge Wells Borough Local Plan 2006 nor policy AL/HA1 of the Site Allocations Local Plan 2016 all of which seek, amongst other things, to ensure that a safe and suitable access is provided where new residential development is proposed.

Accessibility

23. Whilst I have found in my reasoning above that the access is technically safe, a separate question arises as to whether the situation is desirable in accessibility terms. This partially forms the basis of the objection to the scheme, from the Local Highway Authority.
24. As noted previously, the western side of the Cranbrook Road around the site does not have a footpath leading to the centre of the settlement, necessitating

regular crossing of the road to access development and the bus stop. However, the site was allocated for development, despite this longstanding situation. Whilst policy AL/HA1 of the Site Allocations Local Plan refers to various access improvements, it does not specifically require a new pavement to be constructed on the western side of the Cranbrook Road to the centre of the settlement, to enable development on this site.

25. At this point, the Cranbrook Road is typical of main roads that pass through built-up areas. It is reasonable to expect that the vast majority of people will be able and willing to cross it. To help with this, the drop kerb and tactile paving in the designated crossing would reasonably serve the needs of people pushing buggies, and those in wheelchairs.
26. Any perceived deficiencies in the pedestrian access arrangements must also be balanced against the benefits of locating residential development here, in accessibility terms. The site is very close to the centre of Hawkhurst. This settlement has a good variety of shops, including supermarkets, along with pubs, eateries and small independent shops all within a few minutes walking distance of the site. The basic fact of proximity means that residents would be very likely to choose to walk to access these services, over the car.
27. The Framework requires significant development such as this to be focussed on locations which are or can be made sustainable, limiting the need to travel and offering a genuine choice of travel modes. Given the close proximity of the site to services in Hawkhurst, and the ease of access to these services by foot, these aims would be achieved here. The upgrading of the existing access to modern standards and construction of a pavement and drop kerb crossing to facilitate pedestrian access would amount to adequate access improvements to comply with policy AL/HA1 of the Site Allocations Local plan.
28. Overall, the proposal is acceptable in terms of its accessibility to the surrounding area by means other than the private car. There is no conflict with the previously cited policies in the development plan, or the relevant parts of the Framework which, amongst other things, seek to promote walking as an alternative to the use of the private car.

Other Matters

29. Other Appeal decision. Planning permission was granted at appeal for the development of another part of the same allocated site, last year¹. This would require the construction of another access in close proximity to this one, leading to two access roads serving the wider allocated site, facing on to the Cranbrook Road. In any scenario the centre of Hawkhurst would be accessible on foot from either part of the site, and there would be good visibility up and down the road. By granting permission for this development, the entirety of this longstanding allocated housing site would be brought forward. The interrelationship between the two developments are ultimately matters that would need to be considered when detailed proposals for both parts of the site are brought forward at reserved matters stage. However, the aspirations of policy AL/HA1 of the site allocations local plan would be broadly achieved through the grant of planning permission.

¹ APP/M2270/W/18/3199819

30. Air Quality The Parish Council raise concern about air quality within Hawkhurst. This is reflected in recent monitoring that found high levels of air pollution in part of the settlement. There is ongoing work associated with the declaration of an Air Quality Management Area, in part of the village.
31. However, this is a longstanding allocated site with a clear expectation that residential development will come forward on it. Furthermore, this is previously developed land. Any additional vehicular movements generated by the development would offset those that may otherwise potentially occur, were the site to revert to its previous use. Further air quality mitigation measures, including the provision of electric vehicle charging points, would be provided in response to planning conditions. This would be sufficient to avoid any significant risk of additional air pollution in the surrounding area. Planning permission should not be withheld, for this reason.
32. Area of Outstanding Natural Beauty (AONB) The site falls within the High Weald AONB where the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty. However, this is a previously developed site of which a large proportion has been identified for residential development through the plan making process. On the evidence before me, including the illustrative plans submitted, it is likely that appearance and landscaping proposals can be advanced at the reserved matters stage that ensure an appropriate visual relationship with the built and natural surroundings, whilst preserving the undeveloped appearance of the site where it is appropriate to do so. As such there is no conflict with the relevant statutory duties in relation to conserving and enhancing the natural beauty of the AONB.
33. Neighbourhood Plan. I have had regard to the Hawkhurst Parish Council Neighbourhood Plan, which was discussed at the hearing. There is no conflict with any of the policies within this plan, when it is read alongside the other policies in the development plan which allocate this site for development.
34. Other Issues. I have had regard to all the other issues raised by interested parties including concerns relating to ecology and the impact on the living conditions of existing residents. However, this is an outline planning application which only deals with the principle of development and the access provided. None of the issues raised would justify the dismissal of the appeal.

Planning Obligation

35. A unilateral undertaking was provided with the appeal which provides for affordable housing, together with contributions towards community, health and education facilities. The document has been agreed with both the Borough and County Council and none of the payments are contested. The obligations ensure that the proposal complies with policies on affordable housing provision and also helps to mitigate the impacts of the development on services in the surrounding area.
36. Based on the evidence before me I consider that these obligations are directly related to the development, are fairly and reasonably related in scale and kind to the development and are necessary to make the development acceptable in planning terms. I therefore consider that the obligations meet the necessary tests in both policy and law, and I have taken account of them in reaching my decision.

Presumption in Favour of Sustainable Development

37. It is common ground that the Council are unable to demonstrate a 5-year housing land supply. The Framework states that, in these circumstances the policies which are the most important for determining the application are out-of-date. As such, the presumption in favour of sustainable development, as set out in paragraph 11 d) of the Framework, is engaged. On this occasion there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the social and economic benefits associated with this housing development, when the proposal is assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies.

Conditions

38. A list of conditions was agreed between the Council and the appellant prior to the hearing. I have imposed these with some rewording and consolidation, and to avoid duplication with the reserved matters. A further condition has been added on the suggestion of the highway authority, requiring that visibility splays are provided, however for the reasons previously discussed in the decision it is only possible to compel the long-term retention of these, where the land falls within the site area. The final condition (23) has been worded accordingly. Several conditions were suggested in relation to surface water drainage, I have consolidated these in to one condition (12).
39. Conditions are necessary in the interests of certainty and to reflect the time limits for the submission of reserved matters applications; to demonstrate appropriate provision for affordable housing; to ensure a satisfactory standard of development with particular regard to the character and appearance of the area and the living conditions of existing and future residents; in the interests of highway safety; and to ensure that appropriate provision is made for decontamination, drainage, ecological management, biodiversity enhancement, energy and water conservation, renewable energy technology and electric vehicle charging points to achieve a sustainable development that preserves the environmental quality of the area. A condition also requires that a construction environmental management plan is approved to ensure that construction works are managed effectively, to avoid obstruction to the highway network. Details of noise insulation are justified given the proximity of the development to a main road, to ensure acceptable living conditions for future occupants. It is also necessary to require air quality mitigation measures, to avoid the risk of additional pollution.
40. The appellant has agreed to the pre commencement conditions. Given the potential for any work on the site to be disruptive they are essential in the case of tree survey and protection measures and construction management. It is also essential to undertake survey work regarding contamination, sewage disposal and drainage before work begins on site as the findings of these surveys may need to inform the design of the development. Proposals for biodiversity enhancement and ecological management must also be agreed before any work begins on site, as they also have the potential to affect the detailed design of the development and how it is carried out.
41. The wording of the biodiversity enhancement condition has removed specific reference to a net gain, as originally suggested by the Council. Firstly, this would potentially require significant work to establish the baseline situation

against which any gain could be calculated. Secondly, it is not clear what would occur if it turned out not to be possible to achieve such a net gain on the site, within the terms set out by the Council. It would therefore be unreasonable to impose this wording, which could unreasonably hinder the deliverability of the development. In these circumstances I consider that it is sufficient to make reference to enhancement, which is still broadly consistent with the planning policy objectives in relation to biodiversity, as set out in the development plan and the Framework.

42. In imposing these conditions, I am mindful of the government's aim that conditions should be kept to a minimum. However, in this case this is a major development and at present the level of approved detail on the scheme is minimal, aside from matters relating to access. The site is also highly environmentally sensitive, falling within an AONB. The appellant does not object to the conditions being imposed. Each issue is sufficiently distinguishable from the reserved matters to justify their imposition.
43. In many cases I have also amended the wording of the agreed conditions to remove unnecessary guidance and prescription on what information may be necessary to fulfil the requirements of the condition. This is in the interests of precision. The conditions are all necessary to make the development acceptable in planning terms. As imposed, they meet the tests set out in the Framework and Planning Practice Guidance. Various other conditions were suggested by consultees. However, these either relate to matters that could be dealt with at reserved matters stage or are not, on the evidence before me, necessary to make the proposal acceptable in planning terms.

Conclusion

44. The proposal complies with the development plan, when it is considered as a whole and there are no other considerations that outweigh this finding. The appeal should succeed.

Neil Holdsworth

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the layout (including internal access roads), scale, appearance and landscaping of the development (hereafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3776/p01 Site Location Plan April 2020
 - T 26 P1 Vehicular access splays (insofar as it relates to access and visibility splays only)
 - T 27 P1 Pedestrian visibility Splays
 - P-02 Rev P1 Proposed site access
- 5) The development hereby permitted shall be for up to 24 dwellings.
- 6) Details pursuant to Condition 1 shall show the following details (this is not an exhaustive list):
 - the provision and distribution of affordable housing;
 - details of hard and soft landscaping, with appropriate regard to ecology and biodiversity, and a programme for carrying out the works;
 - trees that are to be retained as part of the development;
 - facilities for the parking and turning of vehicles;
 - external lighting in public and communal spaces;
 - details of the storage and screening of refuse and waste;
 - boundary treatments including walls, fences and railings;
 - existing and proposed ground levels; and
 - building heights and external materials used in the construction of the development.
- 7) No development shall take place until a detailed tree survey has been submitted to and approved in writing by the local planning authority. The survey shall detail all trees on, and immediately adjacent to the site independent of, and prior to, any development design.

- 8) No development shall take place until a Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. The development shall be carried out in accordance with the approved details.
- 9) Prior to the commencement of the construction works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include, amongst other things, details of access arrangements to the site in the course of building works. The construction of the development shall then be carried out in accordance with the approved Construction Environmental Management Plan at all times.
- 10) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and any potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation and risk assessment, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be carried out in accordance with the details approved under the terms of this condition. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. The development shall not be occupied until the closure report has been submitted to and approved in writing by the local planning authority.

- 11) No development shall take place until details of the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 12) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority, together with a programme for its implementation. This shall be informed by calculations of likely potential surface water discharge rates, demonstrating that such water can be appropriately managed avoiding the risk of flooding. It shall include details of any surface water infiltration being

used, and also any attenuation basin used, providing biodiversity enhancement where appropriate. Development shall be carried out in accordance with the approved details.

- 13) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) a timetable for its implementation, and
 - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- 14) Prior to commencement of any above ground works, details of works to the existing access including off site works to include provision of improved pedestrian crossing facilities on the Cranbrook Road, on the basis of those shown on the approved plans, shall be submitted to and approved in writing by the local planning authority. The works approved under the terms of this condition shall be built prior to first occupation of the development.
- 15) Prior to the commencement of development, a detailed scheme for biodiversity mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. The development shall be carried out in accordance with the approved details and maintained thereafter in accordance with any requirements of the agreed scheme.
- 16) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of development. The development shall be carried out, and maintained thereafter as necessary, in accordance with the details approved under the terms of this condition.
- 17) Prior to the occupation of any of the units hereby approved, details of the provision of at least 2 'fast charge' electric vehicle-charging points, including a timescale for its provision, shall be submitted to, and approved in writing by, the Local Planning Authority. The charging points shall be provided in accordance with the approved details, in accordance with an agreed timescale, and retained thereafter.
- 18) Prior to the commencement of above ground construction works, written and illustrative details for renewable energy technologies to be incorporated in to the development shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 19) Prior to the commencement of above ground construction works, written details for water conservation, shall be submitted to, and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 20) Prior to the commencement of above ground construction works, written and illustrative details for energy conservation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 21) Prior to the commencement of above ground works, details of noise insulation measures to be installed within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the development.
- 22) Prior to commencement of above ground works, a scheme of mitigation measures for the control of air quality shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 23) Prior to the occupation of the residential development hereby approved, the visibility splays shown on plan T26 P1 shall be provided. Anything in the splay greater than 0.9m in height above the level of the adjoining carriageway shall be removed and, insofar as it relates to the application site, the splay shall be retained as such thereafter. The pedestrian visibility splay shown on plan T27 P1 shall also be provided prior to the occupation of the development. Anything in the splay greater than 0.6m in height above the level of the adjoining carriageway shall be removed. In so far as it relates to land within the application site, the splay shall be retained as such thereafter.

END OF SCHEDULE

APPEARANCES

For the Local Planning Authority

Mr James Moysey MRTPI
Mrs Margaret Parker, BSC, MSC, MCILT

Planning Officer
Highways Officer (Kent
County Council)

For the Appellant

Mr Jonathan Buckwell BA (Hons), MA, MRTPI, PIEMA
Mr Paul Lulham CMILT
Mr William Fattal

Planning Consultant
Highways Consultant
Appellant

Interested Parties

Ms Clare Escombe

Hawkhurst Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Annotated plan showing extent of red line changes to plan 3776/P01
2. Document entitled Tunbridge Wells Borough Council: Planning Position Statement for proposed development which may impact on air quality in Hawkhurst, June 2020.

DOCUMENTS RECEIVED AFTER THE HEARING

1. Email from Hawkhurst Parish Council, dated 14 August 2020 in relation to information about air quality discussed at the hearing.