



Clarendon Homes
C/O Mr David Maher
Barton Willmore
The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet Valley
DA10 1EE

15 November 2019

PLANNING DECISION NOTICE

APPLICANT:	Clarendon Homes
DEVELOPMENT TYPE:	Major Dwellings
APPLICATION REFERENCE:	19/02095/FULL
PROPOSAL:	Erection of 30 nos. residential dwellings including affordable housing, provision of open space, sustainable urban drainage systems (SUDs), new vehicular access, parking and landscaping and associated works
ADDRESS:	Land South Of Ringle Green, Sandhurst, Cranbrook, Kent

The Council hereby **REFUSES** Planning Permission for the above for the following Reasons:

- (1) The proposed development would result in a harmful level of encroachment into the countryside and cause significant harm to the High Weald Area of Outstanding Natural Beauty and the setting of a historic farmstead. The proposal by reason of its siting, design and layout would appear incongruous in this location, result in poor design and would be harmful to the visual amenity of the locality. The provision of the new market and affordable housing to help meet the Borough's housing shortfall does not outweigh the harm identified. The proposal would be contrary to Sections 1, 2, 12, 15 and 16 of the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1, 4, 5, 6 and 14 of the Tunbridge Wells Borough Core Strategy 2010, Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Borough Landscape Character Area Assessment Supplementary Planning Document 2017, Kent Design Guide and High Weald Area of Outstanding Natural Beauty Management Plan.

- (2) Insufficient information has been submitted to demonstrate that a safe and suitable access to the site can be achieved for all users. It has also failed to demonstrate that significant impacts from the development on the highway network (in terms of capacity and congestion) can be mitigated to an acceptable degree through sustainable transport measures. The proposed development therefore fails to comply with Sections 2, 8, 9 and 12 of the National Planning Policy Framework 2019, the National Planning Practice Guidance, Core Policies 1 and 3 of the Tunbridge Wells Borough Core Strategy 2010, Policies EN1 and TP4 of the Tunbridge Wells Local Plan 2006 and the Kent Design Guide.
- (3) In the absence of a Section 106 planning obligation, the proposal fails to secure affordable housing on site. The proposed mix and tenure also fails to meet the identified local need. The proposal is therefore contrary to Section 5 of the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policies 1, 6 and 14 of the Tunbridge Wells Core Strategy 2010 and the Tunbridge Wells Borough Council Affordable Housing Supplementary Planning Document.
- (4) Insufficient information has been submitted to assess the impact of the proposal on existing trees. The road widening and passing places proposed on Marsh Quarter Lane are likely to result in harm to some mature oak trees, which currently make a positive contribution to the visual amenity of the locality. The location and orientation of Plot 17 is also likely to result in future pressure to lop, top or fell some of the existing trees along the western boundary on residential amenity grounds. The proposed development would be harmful to existing trees and therefore fail to comply with Section 15 of the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policies 4, 5 and 14 of the Tunbridge Wells Borough Core Strategy 2010, Policies EN1, EN13 and EN25 of the Tunbridge Wells Borough Local Plan 2006 and the Borough's Landscape Character Area Assessment 2017.
- (5) Insufficient information as been submitted to assess the impact of the proposed development on protected species. The proposal development also fails to demonstrate that it can achieve a net gain for biodiversity. The proposal therefore fails to comply with Section 15 of the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policy 4 of the Tunbridge Wells Borough Core Strategy and Policies EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006.
- (6) The proposal fails to make adequate provision to mitigate the impacts of the proposed development on community services/facilities, including schools, community/youth services and recreation open space. The proposed development therefore fails to comply with Sections 2, 4 and 8 of the National Planning Policy Framework 2019, the National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010, Policies R2 and CS4 of the Tunbridge Wells Borough Local Plan 2006 and the Recreation Open Space Supplementary Planning Document 2006.

- (7) Insufficient information has been submitted to demonstrate compliance with the Council's Renewable Energy Supplementary Planning Document. The proposal fails to provide renewable energy on site to help reduce greenhouse gas emissions and climate change. The proposal is therefore contrary to Sections 2 and 14 of the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policy 5 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Recreation Open Space Supplementary Planning Document 2006.

Informatives:

- (1) The plans/documents taken into consideration in refusing this application are:

EX01: Site Location Plan
EX03: Existing Site Sections
EX04: Site Analysis Plan
PL01/F: Proposed Site Layout Plan
PL02/B: Proposed Site Plan Sheet 1
PL03/B: Proposed Site Plan Sheet 2
PL04/B: Proposed Site Sections/Street Elevations Sheet 1
PL05/B: Proposed Site Sections/Street Elevations Sheet 2
PL06: Proposed Site Layout Plan - Height Parameters
PL07: Illustrative Rendered Street Elevations
PL101: Unit Type Plans and Elevations (Plots 4, 5, 28 and 29)
PL102: Unit Type Plans and Elevations (Plots 24-27) Front elevation and ground floor plan
PL103: Unit Type Plans and Elevations (Plots 24-27) Rear elevation, side elevations and first floor plan
PL104: Unit Type Plans and Elevations (Plots 1-3) Front elevation and ground floor plan
PL105: Unit Type Plans and Elevations (Plots 1-3) Rear elevation and first floor plan
PL106: Unit Type Plans and Elevations (Plots 14 & 16)
PL107: Rear elevation Plots 14 & 16 and Rear Elevation Plot 15
PL108: Unit Type Plans and Elevations (Plot 15)
PL109: Unit Type Plans and Elevations (Plot 18)
PL110: Unit Type Plans and Elevations (Plot 17)
PL111: Unit Type Plans and Elevations (Plot 19)
PL112: Unit Type Plans and Elevations (Plot 30)
PL113: Unit Type Plan and Elevations (Plot 6)
PL114: Car Barn Type Plans and Elevations (Plots 15 & 30)
PL115: Unit Type Plan and Elevations (Plots 8, 9, 11 & 12)
PL116: Unit Type Plan and Elevations (Plots 20 & 21)
PL117: Unit Type Plan and Elevations (Plots 10 & 23)
PL118: Unit Type Plan and Elevations (Plot 13)
PL119: Unit Type Plan and Elevations (Plot 22)
PL120: Unit Type Plan and Elevations (Plot 7)
244MQL/LM01/B: Landscape Masterplan
RR/TSP/1492-01-A: Tree Survey Plan
RR/TCP/1492-02-A: Tree Constraints Plan
12574/18: Site Survey x 2

Letter from agent dated 19 July 2019
Planning Statement dated July 2019
Design and Access Statement dated July 2019
Transport Statement dated July 2019
Arboricultural Report dated 23 November 2018
Bat night-time surveys dated 11 July 2019
Dormouse survey interim dated 11 July 2019
Preliminary Ecological Appraisal dated 12 November 2019
Flood Risk Assessment and Drainage Strategy dated 12 July 2019
Landscape and Visual Impact Assessment dated August 2019

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- This application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.
- The applicant is advised to seek pre-application advice on any resubmission.



Stephen Baughen
Head of Planning
Tunbridge Wells Borough Council

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF CONSENT OR GRANT OF CONSENT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or Control of Advertisements Regulations 1989.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant for the following:

- If this is a decision to refuse permission for a Householder application or a Minor Commercial application and you want to appeal the decision, or any of the conditions imposed, then you must do so within 12 weeks of the date of this notice.
- In all other cases, you will need to submit your appeal against the decision, or any of the conditions imposed, within 6 months of the date of this notice.

For applications relating to Enforcement Notices:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served and relates to the same or substantially the same land and development and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial application decision] of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House , 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted advertisement consent for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.