

## Introduction

- 4.1** The environment, and our interaction with it, has a major impact on the quality of life both now and in the future. Within the Borough, the exceptional combination of buildings, open space and landscape contributes significantly to the quality of life for those living and working here, and also attracts visitors and tourists alike.
- 4.2** This Plan aims to ensure that the unique character and appearance of the Borough's towns, villages and countryside is maintained and enhanced for future generations.
- 4.3** Balancing development needs and aspirations of the local community with the protection of the environment and natural resources is the essence of sustainable development. The strategy therefore sets out to encourage development which is sustainable at the local level, whilst also contributing to wider national and global targets of combating climatic change, pollution, resource depletion and loss of biodiversity.
- 4.4** The environmental strategy has been divided into three sub-sections. The first section sets out general policies which seek to encourage quality, locally distinctive designs that are efficient in their use of natural resources as well as establishing a range of criteria against which all new development proposals will be assessed. The second section concentrates on policies relating to the built up areas of the towns and villages, whilst the third section relates to the rural landscape of the Borough, establishing criteria against which any potential impact on the intrinsic landscape character and other features of the countryside will be assessed.
- 4.5** The principles of sustainable development established within this strategy are reflected in all the policies and proposals throughout the Plan. They are designed to provide a framework within which natural assets and environmental resources of all types are effectively protected and prudently managed through the mix, scale and spatial pattern of all development proposals.

## Aims

1. To promote the regeneration, renewal and enhancement of parts of the built fabric.
2. To minimise the loss of greenfield sites to irreversible development, and to maximise the development potential of previously-developed sites within existing built up areas.
3. To protect and enhance the designated buildings and areas of historic or environmental importance.
4. To protect the overall populations and ranges of native species, and the quality and range of habitats.
5. To protect the quality and potential yield of groundwater resources and surface water features, and minimise aquatic pollution.
6. To prevent or minimise development within active floodplains.
7. To ensure that effective measures are taken to treat, contain or remove any contamination from potential development sites.
8. To protect individual trees, groups of trees (particularly ancient woodland) and other vegetation which are important to the character of the towns, villages and countryside.
9. To conserve or enhance the character and appearance of the countryside for its own sake, particularly within the High Weald Area of Outstanding Natural Beauty and the High and Low Weald Special Landscape Areas.

10. To protect the best and most versatile agricultural land and to recognise the unique High Weald horticultural area.
11. Where development is acceptable, to encourage the creation of high quality, accessible, safe and locally distinctive new environments, and to ensure that all new development is well designed and respects the architectural, historic and landscape quality of the towns, villages and countryside.
12. To ensure that development is compatible with neighbouring uses and to protect residential amenity.
13. To encourage energy efficiency and the conservation of finite or non-renewable energy resources, and reduce the emission of greenhouse gases through the location, layout, materials and design of development.

### General Policies

#### DESIGN AND OTHER DEVELOPMENT CONTROL CRITERIA

- 4.6 The Plan area contains a unique heritage of high-quality buildings, townscapes and countryside and it is essential that new proposals respect the immediate context of the site. Control of external appearance is of great importance in this environmentally sensitive area and strong emphasis will be placed on the design of all development. In the case of major or sensitive sites, it will be appropriate for the Local Planning Authority to approve a development brief based on the policies and objectives contained in this Plan as they would apply to the development site in order to provide detailed guidance. Where a brief has not been approved, applicants should provide a written statement setting out the design principles adopted including reference to the wider context of the site beyond the immediately adjacent buildings and spaces.
- 4.7 Government guidance indicates that design and the potential impact that a proposal may have on its surroundings, in terms of visual amenity and the amenity of adjoining occupiers, are material planning considerations. Supplementary Planning Guidance, Kent Design – a guide to sustainable development (2000), gives advice on this aspect of design.
- 4.8 All proposals for development will be considered in relation to their setting and against a range of other criteria, as well as specific policies which apply to the particular proposal. POLICY EN1 will apply throughout the Plan area.

**POLICY EN1**

All proposals for development within the Plan area will be required to satisfy all of the following criteria:

- 1 The nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of noise, vibration, smell, safety or health impacts, or excessive traffic generation;
- 2 The proposal would not cause significant harm to the residential amenities of adjoining occupiers, and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy;
- 3 The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;
- 4 The proposal would 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;
- 5 There would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements;
- 6 The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and
- 7 The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.

**Notes for Guidance on the Implementation of POLICY EN1****Suitability of Use and Effect on Amenity**

- 4.9** The nature and type of a proposed use, currently defined within the 1987 Town and Country Planning (Use Classes) Order (as amended), will be an important determining factor when assessing its suitability in a given location. A proposal that would not be compatible with either existing or planned neighbouring uses will not be acceptable in that location. Particular regard will be given to certain proposals, such as housing, hospitals and schools, regarding their proximity to existing or proposed noise-generating locations – and vice versa. The impact of noise, vibration and other forms of pollution associated with a given use will be carefully assessed, including the potential for attenuation and control.
- 4.10** In the main town centres, the Planning Strategy requires the retention and addition of housing as well as making provision for leisure and entertainment uses. In the case of proposals for Restaurants and Cafes (A3), Drinking Establishments (A4), Hot Food Takeaways (A5), Entertainment and Leisure (D2) and comparable use, particular regard will be given to the possible individual and cumulative impact of a development

proposal on the amenities of local residents and others using the town centre, and the potential impact on crime, security and the character of the area by day and night.

- 4.11 The extent to which the intensity of the proposed development would impact on the character or amenities of the area and the amenity of nearby occupiers will be taken into consideration. Particular attention will be paid to the effects of increased vehicular, cyclist and pedestrian movements in relation to the existing highway usage and the effect on residential amenity of additional parking.
- 4.12 Development will not be permitted if it would result in a significant loss of privacy or would have an otherwise unreasonable impact on the amenity of adjoining or future occupiers. In considering the amenity of existing or future occupiers, privacy, daylight and sunlight will be important considerations. In judging privacy the overlooking of principal rooms or of private garden areas will be a particularly important consideration. Imaginative and innovative design solutions can overcome concerns with regard to overlooking, through, for example, the positioning of windows and the careful use of boundary treatments. Applicants will wish to take advice from the Supplementary Planning Document to be adopted by the Local Planning Authority concerning Alterations and Extensions, and Kent Design – a guide to sustainable development (2000).

**Design, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, and materials in relation to site context and energy efficiency**

- 4.13 Government guidance in PPG1 emphasises the importance of achieving good design through the development process. Good design can help promote sustainable development, improve the quality of the existing environment, attract business and investment and reinforce civic pride and a sense of place.
- 4.14 The Borough has an exceptional combination of built form, open space and landscape. Consequently the Local Planning Authority will expect development to be of a high-quality design which contributes to the character of the surrounding environment and will reject poor designs.
- 4.15 The scale of development, site coverage by buildings and roofscape should respect the context of the site having regard to the character and function of the surrounding townscape. Particular attention will be paid to the proportion of site coverage by buildings. In built up locations, where there is no conflict with the character of the locality, or where a conservation area can be preserved or enhanced, the planning strategy is to maximise the use of development sites. However, proposals which are substantially taller or bulkier than existing development in the locality will not be acceptable other than where this would be desirable for reasons of townscape, or where it would contribute to local distinctiveness and character, for example, through the introduction of a landmark building in an appropriate location. Building styles and materials should also respect the local context.
- 4.16 The Local Planning Authority will seek to ensure that larger development proposals are well designed and make a positive contribution to the surrounding environment. Schemes should fit the context of the area by respecting the layout, scale and character of local street patterns. Innovative and original design solutions may be appropriate in certain situations.
- 4.17 One way of making a positive contribution to the character of development, particularly larger, visually prominent schemes or public buildings, is through the inclusion of an element of public art. Art becomes public when it is freely accessible within the public realm, being sited in the built or natural environment. Works of public art are unique features which can be integral to a place or building, such as a sculpture, mural or other design feature which forms part of the development, or provides a focal point. Examples can include the design and production of unique metalwork, stonework,

signage, stained glass, tiling and paving, or could involve the inclusion of textiles, murals, photographs or sculpture within the development. Public art can:

- enhance the character, interest and local distinctiveness of new and existing development, and their related spaces;
- provide local landmarks and smaller features that can help residents and visitors orientate around, and identify with, towns and villages; and
- contribute towards regeneration through enhancement schemes and community involvement.

**4.18** Reference is made to the inclusion of public art into large-scale, prominent developments allocated in this Local Plan.

**4.19** It is important that public art is taken into account at an early stage in the preparation of a development proposal. Kent Design – a guide to sustainable development (2000) provides guidance on incorporating detailed design features into a scheme ensuring it contributes to, or creates, a sense of place.

**4.20** Wherever possible, the location, orientation, design and materials of buildings should seek to reduce energy consumption. This Local Plan aims to reduce energy demand for heating and lighting by orientating development schemes to maximise natural light and passive solar heat gain from the sun, and minimise heat loss caused by local wind conditions, through design and landscape features. Further detailed guidance on energy-efficient design and development is contained in Kent Design – a guide to sustainable development (2000).

**4.21** Quality, energy-efficient designs can be distinctive and, in appropriate locations, can contribute to the visual interest and character of an area. However, in some situations it may not be possible to maximise energy efficiency through building design without compromising other aims of the Plan, such as ensuring that development proposals maintain the character and appearance of areas of special interest. Where such conflicts arise the Local Planning Authority will seek to conserve the local character and appearance and, as far as reasonably possible, maximise energy efficiency. Resource-efficient design will not in itself be regarded as a reason to override other planning objectives.

**4.22** Paving is an important factor which influences the appearance of any street. When considering the type of paving materials to be used, attention needs to be given to both the appearance and safety aspects of the surface. The Borough Council is aware of the contribution that traditional brick paving and other non-standard materials can make to the attractiveness of towns and villages for residents and tourists.

#### **Landscaping**

**4.23** The location of a development proposal and the design of all associated surrounding spaces are regarded as an integral part of the acceptability of a scheme.

**4.24** A poorly located or designed scheme will not be made acceptable through the inclusion of a high quality landscaping scheme.

**4.25** Development proposals should ensure that existing site features, such as individual, or groups of, trees, hedges, shrubs, field patterns, ponds or watercourses, are not only retained as part of the overall landscaping scheme but are supplemented, where appropriate, by additional planting. This will offer opportunities for habitat creation, and will also add considerable value to the appearance of the development. The Local Planning Authority will have regard to the latest British Standards Advice on Trees in Relation to Construction when assessing the proximity of trees in relation to new buildings and surroundings, and their potential effect, including long-term impact, on

future occupiers. The felling or lopping of trees following occupation of a new building will be strongly resisted.

- 4.26** Many settlements within the Plan area are well framed by dense landscape belts. Such landscaping provides a distinct framework to built development and softens its appearance when viewed from the countryside. It is the Local Planning Authority's intention to seek substantial planting of native tree and shrub species as part of all development proposals at the edge of the built up area, or in countryside locations, which have woodland as part of the established landscape character.
- 4.27** Landscape schemes are particularly important for economic development sites. Given the high quality of the general environment and the proximity of many sites to the countryside, it is important that every opportunity is taken to create attractive and substantial landscaping within and surrounding the development which will, over time, break up roof lines and reduce any visual impact.
- 4.28** Planting, in particular tree planting, has an additional beneficial role by filtering pollutants, including carbon dioxide (CO<sup>2</sup>), from the atmosphere thereby improving air quality. Trees also provide additional benefits such as shading and shelter from prevailing winds.

### **Nature Conservation**

- 4.29** Sites of national, county and local nature conservation importance are identified in this Local Plan in order to ensure that they are protected and enhanced. However, as the Kent Biodiversity Action Plan and Borough-wide Habitat Survey indicate, the natural wildlife of the Borough is not just confined to designated sites. Many other areas are also important in terms of their habitat and nature conservation interest. Furthermore, many designated and non-designated sites are dependent upon adjoining areas to supply, for example, groundwater as well as links to other open spaces, habitats and the countryside. Full account will be taken of nature conservation issues, including the wider impact of any development proposals, as part of the assessment of planning applications. Where required, the effective long-term management of a particular site will be secured by way of a planning condition or agreement.

### **Crime Prevention**

- 4.30** The Council has a duty, under the Crime and Disorder Act 1998, to ensure that appropriate and reasonable measures are taken within all development proposals to deter crime and provide a more secure and welcoming environment. Regard will be had to the design, layout and landscaping of new development proposals to reduce not only the likelihood of vandalism but also to reduce the risk of personal attack or damage to property through, for example, increased public surveillance and a clear definition of the areas to which the general public can have access.

### **Accessibility**

- 4.31** Government guidance indicates that the needs of people with particular access requirements, such as people with disabilities or people with pushchairs, should be considered at an early stage in the design process. Physical access into, and within, all new buildings, including dwellings, is dealt with under Part M of the Building Regulations (as amended). However, matters external to the building, including the provision of suitable pathways, ramps and car parking spaces, are material planning considerations. In addition, under the Disability Discrimination Act 1995, service providers have a duty to ensure that all people can make use of that service regardless of their access requirements. Measures which allow for safe and convenient access should be incorporated into all development proposals.

**LISTED BUILDINGS**

~~4.32~~ The Plan area contains over 3,000 buildings of architectural or historic interest which make a significant contribution to the quality of the environment. They represent a finite resource and an irreplaceable asset. As listed buildings they are protected under the provisions contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. This Local Planning Authority aims to preserve the character of buildings of architectural or historic interest, and their setting, and to actively encourage and promote their sensitive repair by giving grants also under the provision of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**POLICY EN2**

~~Proposals for the total or substantial demolition of a listed building will not be permitted unless an overriding case can be made against all of the following criteria:~~

- ~~1 The intrinsic importance of the building;~~
- ~~2 The impact on the particular features which give the building its special interest;~~
- ~~3 The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;~~
- ~~4 The adequacy of efforts made to retain the building in use, including efforts to find compatible alternative uses;~~
- ~~5 The merits of alternative proposals for the site;~~
- ~~6 Whether redevelopment would produce substantial planning benefits for the community, including economic regeneration or environmental enhancement; and~~
- ~~7 The building's setting and contribution to the local scene.~~

~~4.33~~ There is also a need to protect listed buildings from insensitive alterations which would be detrimental to their character. However, whilst slight changes are inappropriate for some listed buildings, many can sustain some degree of sensitive alteration to accommodate continuing or new uses. The quality of the built environment cannot be protected merely by the preservation of the best individual buildings. The area around the buildings is equally important and proposals for development should be considered in the light of the effect on the setting of such buildings.

~~4.34~~ Applicants for listed building consent must be able to justify their proposals. They should provide the Local Planning Authority with full information to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting. The impact of a proposal on the particular physical features of the building (including its design, alignment, scale, mass, height, materials or location) will be an important consideration.

~~4.35~~ Generally the best way of securing the upkeep of historic buildings is to keep them in active use. This will often be the use for which the building was originally designed and continuation or reinstatement of that use should be the first option when the future of a building is considered. The Local Planning Authority recognises that this may not

~~always be appropriate but, in principle, the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building.~~

### ~~POLICY EN3~~

~~Proposals for the conversion, alteration, extension or change of use of a listed building, or any development which affects its setting, will only be permitted where there would be no significant adverse impact on its architectural or historic character or its setting judged in accordance with the following criteria:~~

- ~~1 The impact upon those features which give the building its special architectural or historic interest;~~
- ~~2 The effect that the use would have upon its fabric;~~
- ~~3 The merits of alternative uses and whether these are more compatible with the building's special character;~~
- ~~4 The scale, height, mass, materials and alignment of any new building in relation to the listed building;~~
- ~~5 The impact on views of an historic skyline; and~~
- ~~6 Whether the proposals would produce substantial planning benefits for the community including economic regeneration, environmental enhancement or contributing to the upkeep of a historic building.~~

### CONSERVATION AREAS

- 4.36 Conservation areas are designated by the Local Planning Authority as areas of architectural or historic character which it is desirable to preserve or enhance. The Plan area contains 25 conservation areas within which the combination of the buildings, spaces and landscape is of great importance in creating the unique character of the area. The strong pressures for redevelopment within, or adjoining, conservation areas could, if not controlled sensitively, lead to an erosion of that character. Conservation area boundaries are indicated on the Proposals Map.
- 4.37 In designating or reviewing conservation area boundaries, the Local Planning Authority follows Government guidance in PPG15 and English Heritage guidance note 'Conservation Area Practice' which set out the broad criteria for the designation of conservation areas. The principal concern is whether the area is, or remains, of special architectural or historic interest worthy of preservation or enhancement. The definition of an area's special interest derives from an assessment of the elements which contribute to, and detract from, its character. Such elements include its historical development; the topography; the quality and relationship of buildings in the area and also the trees, other vegetation and open spaces; the character and hierarchy of spaces; the prevalent building materials; the mix of uses and the quality of street furniture and hard and soft surfaces. The areas are reviewed periodically to consider whether further designation or extension of the areas is appropriate. However, it should be emphasised that new conservation areas cannot be established, neither can the boundaries of existing conservation areas be altered, by this Local Plan. This can only be done under separate procedures established under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.38 The Local Planning Authority has published Conservation Area Appraisals for a number of conservation areas and intends to complete this coverage in accordance with the

Local Development Scheme. The appraisals are prepared in consultation with relevant Parish or Town Councils, local residents and amenity groups and provide a detailed assessment of the special architectural and historic character of the individual areas. The key features which contribute to, or detract from, the character of the conservation area are described, providing a framework to guide development control decisions and develop enhancement proposals.

#### **Demolition in Conservation Areas**

- 4.39** Conservation areas often contain buildings of architectural or historic importance which, when grouped with other buildings, walls, trees and other features create areas of distinct character worthy of conservation. Many such important features are identified within approved Conservation Area Appraisals. PPG15 establishes a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Local Planning Authority will therefore seek the retention of all such buildings, walls and other features within the designated conservation areas. Apart from certain exceptions laid down in directions made by the Secretary of State for the Environment, Transport and the Regions, Conservation Area Consent is required for the total or substantial demolition of buildings and of many walls in conservation areas.
- 4.40** When demolition of a building that makes a positive contribution to the character or appearance of the conservation area is proposed, the Local Planning Authority will require clear and convincing evidence of the condition of the building, the repair costs, and all efforts that have been made to sustain existing uses or find viable new uses, and will require evidence that these efforts have failed. Consent for demolition will not be given unless there are acceptable and detailed plans for any redevelopment.
- 4.41** Where the building makes little or no contribution to the area, the Local Planning Authority will need to have full information about what is proposed for the site after demolition with detailed and acceptable plans for any redevelopment.

#### **POLICY EN4**

**Development involving proposals for the total or substantial demolition of unlisted buildings which contribute positively to the character or appearance of a conservation area will not be permitted unless an overriding case can be made against the following criteria:**

- 1 The condition of the building, and the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;**
- 2 The adequacy of efforts made to retain the building in use, including efforts to find compatible alternative uses;**
- 3 The merits of alternative proposals for the site, and whether there are acceptable and detailed plans for any redevelopment; and**
- 4 Whether redevelopment will produce substantial planning benefits for the community, including economic regeneration or environmental enhancement.**

### Development in Conservation Areas

- 4.42** In determining the appropriateness of development it is essential that the proposal is not detrimental to the character or appearance of a conservation area. Should the designated area comprise several areas of distinct character, any proposal would be expected to accord with the character of that part of the conservation area within which it would be situated. Proposals for development must give a high priority to the objective of preserving or enhancing the character or appearance of the area.
- 4.43** A proposal outside a conservation area may affect its character by virtue of its visual or functional impact. The desirability of preserving or enhancing these areas will therefore be a material consideration when the Local Planning Authority considers any development proposals which lie outside the conservation area but would affect its setting, or views into, or out of, the area.

#### **POLICY EN5**

**Proposals for development within, or affecting the character of, a conservation area will only be permitted if all of the following criteria are satisfied:**

- 1 The proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area;**
- 2 The siting of development would be similar to adjoining building frontage lines where this is important to the character of the conservation area;**
- 3 The layout and arrangement of the building(s) would follow the pattern of existing development and spacing of adjoining plot widths where this is important to the character of the conservation area;**
- 4 The scale, massing, roofscape, use of materials, detailing, boundary treatment and landscaping would preserve or enhance the character of that part of the conservation area in which the proposal would be situated;**
- 5 The use, or intensity of use, would be in sympathy with the character and appearance of that part of the conservation area in which the proposal would be situated;**
- 6 The proposal would not result in the loss of trees, shrubs, hedges or other features important to the character of that part of the conservation area in which the proposal would be situated; and**
- 7 In meeting the car parking and access requirements, the character and amenity of the area would not be adversely affected.**

#### **SHOP FRONTS**

- 4.44** Shop fronts form an important element in the street scene, both individually and in terms of their collective impact. They can not only enhance the vitality of a place but also contribute to the local distinctiveness and character of the townscape. Without careful design, new shop fronts may be unsympathetic to the character of the individual building or the street scene. Although the Local Planning Authority would wish to see the retention of traditional shop fronts, new shop fronts, when allowed, can be successfully integrated into their setting through the use of quality materials and by

respecting the proportions of the building and character of the street scene. Sympathetic contemporary designs can be as successful as more traditional designs. The Local Planning Authority has adopted Supplementary Planning Guidance on this topic.

- 4.45** All elements of the shop front are important including the shop width, the depth of stall riser and fascia and signage. Standard corporate images may need to be adapted to meet particular circumstances and to respect the character and appearance of the surrounding shopping area.
- 4.46** Proposals for solid external security shutters, which completely cover a shop front, will rarely be acceptable. When closed they have a detrimental impact on the character and visual amenity of the street scene, giving the frontage a dead appearance and contributing to the creation of a hostile environment. In certain circumstances, where it can be demonstrated that repeated criminal damage has occurred and there is no other reasonable and practicable alternative, external roller blinds or shutters of an open grille design may be acceptable subject to the housing being unobtrusive and unlikely to harm the character of the building or street frontage. Proposals should be incorporated into the shop front design.

### **Conservation Areas**

- 4.47** Shopping is not only a major activity in the central part of the Royal Tunbridge Wells Conservation Area, but is also to be found within many of the other conservation areas within the Plan area.
- 4.48** The Local Planning Authority will give priority to the retention of architecturally or historically interesting traditional shop fronts within conservation areas. Adapting new shop fronts to modern needs can be brought about by sensitive design. Proposals for replacing existing shop fronts will only be allowed where the existing shop front has no particular architectural or historic quality in itself or does not contribute to the character of the conservation area. Where replacement is allowed, the design should respect not only the building but also the overall character of the conservation area.
- 4.49** Proposals will be assessed against the criteria of the shop fronts policy and also against POLICY EN5 relating to development within conservation areas.

### **Other Traditional Shop Fronts**

- 4.50** The Local Planning Authority has identified the following key groupings of traditional shop fronts where priority will be given to retention rather than replacement. They are identified on the Proposals Map:

#### **Camden Road, Royal Tunbridge Wells**

- 4.51** Part of Camden Road is located outside the conservation area but within one of the designated shopping areas of Royal Tunbridge Wells. Much of the character of the street is derived from the large number of traditional shop fronts still present. The Local Planning Authority is concerned to retain these.

#### **St John's Road, Royal Tunbridge Wells**

- 4.52** St John's Road is located outside the conservation area and contains a small group of shops trading mainly in specialist antique furniture and fittings. Almost all of the original shop fronts have been retained. In view of the architectural and historic integrity of this group, the Local Planning Authority wishes to retain the traditional shop fronts.

### **Silverdale Road, Royal Tunbridge Wells**

- 4.53** Silverdale Road contains a parade of shops and other uses which provide a variety of goods and services. It is designated within this Local Plan as part of a Neighbourhood Centre, but is not within a conservation area. Most of the original shop fronts have been retained and, as a group, the parade contributes significantly to the local character of this part of the town.

### **London Road, Southborough**

- 4.54** London Road is a principal route through the town and is designated in the Plan as the Southborough Primary Shopping Area. Part of London Road, towards Southborough Common, is within the conservation area but the main commercial area of London Road is not. There are a number of shop fronts which, either wholly or partly, retain features of architectural interest which are important to the character of the area. The Local Planning Authority wishes to see these features retained.

#### **POLICY EN6**

**Proposals for new shop fronts, or alterations to existing shop fronts, will be permitted provided all of the following criteria are satisfied:**

- 1 The proposal would be in sympathy with the architectural style, materials and form of the building(s) of which it would form part, except in cases where the building itself is architecturally incompatible with the character of the area;**
- 2 The proposal would be in sympathy with the predominant architectural style and materials of the surrounding area;**
- 3 The shop front would be related to the width of the property or a logical vertical sub-division created by the upper storey. Where a single unit of occupation has been formed by amalgamating shop units, shop front design should relate to the original unit widths;**
- 4 Where a fascia is to be applied, it would be of an appropriate height which would be in scale with the overall height of the shop front and other elements of the building and would not intrude over the first floor level; and**
- 5 In conservation areas and premises fronting Camden Road, St John's Road and Silverdale Road, Royal Tunbridge Wells, and London Road, Southborough, as defined on the Proposals Map, the proposal would not result in the loss of a traditional shop front or features and details of architectural or historic interest.**

#### **ADVERTISEMENTS**

- ~~**4.55** Advertisements and signs, by their very nature, need to be visible in order to attract attention and convey information. However, if insensitively designed or positioned they can appear as overly dominant or incongruous features within the street scene or countryside and therefore require careful control. In exercising such control over advertisements the interests of amenity and public safety are the two principal tests which will be applied by the Local Planning Authority. These will be assessed within the~~

~~context of the general characteristics of a particular area including any features of historic, architectural, cultural or other special interest.~~

- ~~4.56 In determining proposals for all illuminated advertisements the Local Planning Authority favours the use of restrained lighting from an indirect lighting source in order to ensure that the character of an area and the visual and residential amenities are preserved. Lighting should be constant and should not involve the use of open tube discharge lights. Lighting sources will be expected to be unobtrusively sited, within the context of the appearance of the building and its setting, and will be assessed against the criteria specified in POLICIES EN1 and EN8.~~
- ~~4.57 A Supplementary Planning Document will be produced by the Local Planning Authority on Advertisements, to which applicants should refer.~~
- ~~4.58 In certain areas which are particularly sensitive to the visual impact of advertisements, the Local Planning Authority will operate policies aimed at closely controlling the degree and extent of advertising with particular regard to amenity and public safety.~~

#### ~~Areas of Special Control for Advertisements~~

- ~~4.59 Visually sensitive parts of the Borough have been designated as Areas of Special Control for Advertisements under the provisions of the 1992 Town and Country Planning (Control of Advertisements) Regulations (as amended), in order to restrict the level of advertising in that locality. These areas are identified in Appendix 2.~~

#### ~~Advertisements in Conservation Areas~~

- ~~4.60 Most of the conservation areas within the Borough contain some retail or related uses. In most cases, the level of advertising is restrained.~~
- ~~4.61 Proposals for large, dominant signs will in most cases be at variance with the character of the buildings and of the conservation area. Similarly, a box sign will usually be out of character due to its shape, lack of intricacy and detail, and use of unsympathetic materials. Standard corporate designs may need to be adapted to meet particular circumstances whilst the positioning of advertisements above ground floor level may not be acceptable as the majority of buildings in the conservation area have retained their domestic appearance at upper floor levels.~~
- ~~4.62 Excessive advertising defeats its own objective by creating a clutter of signs and destroying the common asset of an attractive, historic environment.~~
- ~~4.63 Given the sub-regional role of the Royal Tunbridge Wells shopping area, it is reasonable to permit some form of advertising, provided this can be incorporated without detriment to the visual amenities and character of the building or the area.~~

#### ~~Rural Areas~~

- ~~4.64 In rural areas, factors which will be assessed include the position of the proposed advertisement relative to the landform and quality of the immediate surroundings, and whether its design respects natural contours, landscape character and background features against which it will be seen. Off-site signs are not generally considered to be acceptable within the High Weald Area of Outstanding Natural Beauty. In addition to POLICY EN7, such proposals will be assessed against POLICIES EN25, EN26 and EN27.~~

### **~~POLICY EN7~~**

~~All advertisements will be required to satisfy all of the following criteria:~~

- ~~1 No advertisement would be obtrusive in appearance, cause visual clutter or lead to a proliferation of signs, appear dominant or overbearing in the street scene or landscape, or cause significant harm to the appearance of any building or site on which it would be displayed because of its size, design, construction or materials;~~
- ~~2 The level of illumination would cause no significant harm to residential amenity, having regard to the standards set out in the latest Institute of Lighting Engineers Technical Report;~~
- ~~3 No advertisement would be so distracting or confusing as to endanger highway or public safety;~~
- ~~4 In Areas of Special Control for Advertisements the advertisement would harmonise with the surrounding area and cause no harm to its character or appearance through size, location, design, materials or siting, and functional requirements would be balanced with the need to give special protection to the amenity of the designated area; and~~
- ~~5 In conservation areas the advertisement would be designed, constructed and sited so as to preserve or enhance the special character or appearance of the conservation area.~~

### **OUTDOOR LIGHTING**

- 4.65 Outdoor lighting can increase the safety of pedestrians and other road users and provide security for premises. Floodlighting permits evening use of sports and other facilities. It is used to provide internal and external illumination of advertisements, and external illumination of shops, public houses and other business premises.
- 4.66 The effectiveness and coverage of lighting is determined by the height, location and design of the light fitting. Poorly designed lighting schemes can cause glare and light spillage which may harm the character of the built up area or countryside, obscure views of the night sky, impact on the amenities of adjoining occupiers, or distract passing road users.
- 4.67 The impact of light pollution is particularly harmful in the open countryside where rural character is eroded and the distinction between town and country blurred. POLICIES EN25, ~~EN26~~ and ~~EN27~~ will apply to all proposals in the open countryside.
- 4.68 Furthermore, the architectural and historical character of conservation areas and listed buildings, or their settings, can also be compromised.
- 4.69 Excessive lighting which results in light pollution represents an inefficient use of energy.
- 4.70 The Local Planning Authority does not have control over the lighting of adopted highways. However, where lighting falls within the scope of planning control its design and appearance should be considered as an integral part of the development proposal. The type, number, height, intensity and focus of light fittings should be designed to achieve their purpose whilst minimising glare, overspill and energy consumption. In light-sensitive locations, such as the open countryside, a lighting impact assessment should also be undertaken.

**POLICY EN8**

Proposals for outdoor lighting schemes will only be permitted where all of the following criteria are satisfied:

- 1 The minimum amount of lighting necessary to achieve its purpose is specified;
- 2 The means of lighting would be unobtrusively sited or well screened by landscaping or other site features;
- 3 The design and specification of the lighting would minimise glare and light spillage in relation to local character, the visibility of the night sky, the residential amenities of adjoining occupiers, and public safety;
- 4 Low energy lighting would be used; and
- 5 Where floodlighting of a landmark feature is proposed, the level and type of illumination would enhance the feature itself.

**ARCHAEOLOGY**

- 4.71** The Plan area mainly embraces undulating high ground which rises from the clays of the Low Weald. The area, certainly until the growth of Royal Tunbridge Wells as a spa town in the seventeenth century, was never densely settled and in medieval times was still largely wooded as is evidenced by the '-hurst' and '-den' place names signifying woodland and woodland swine pasture respectively.
- 4.72** Prehistoric occupation is represented by a number of flint scatters and other finds of Mesolithic, Bronze Age and Neolithic date, and the earthworks of probable Iron Age hill forts survive at High Rocks, Royal Tunbridge Wells; Castle Wood, Brenchley; and Castle Hill, Capel.
- 4.73** Apart from some evidence of Roman iron-working there is currently little archaeological evidence of activity in the Roman and Saxon periods.
- 4.74** In the later medieval period Cranbrook developed as a medium-sized town based on the cloth industry which also flourished in a number of surrounding villages. Several medieval moated sites have been identified and various sites are known from earthworks and place name evidence to relate to the important Wealden iron industry which developed in the later Middle Ages and reached its peak in the sixteenth and seventeenth centuries.
- 4.75** Whilst limited in quantity, the archaeological remains make an important contribution to the understanding of the area's history.

**~~SCHEDULED ANCIENT MONUMENTS~~**

- ~~**4.76** There are currently ten Scheduled Ancient Monuments to be found in the Plan area and these are listed in Appendix 3. Bayham Abbey Ancient Monument is located outside the boundary, although part of the setting of the Monument is clearly located within the Plan area.~~
- ~~**4.77** These sites are, by definition, of national importance and there will be a presumption against development proposals which would be likely to cause damage to the sites themselves or their settings. Developers should bear in mind that not all nationally~~

## 4 Environment

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~~important remains meriting protection will necessarily be scheduled. English Heritage has embarked on a survey programme which is expected to result in a significant number of additional sites being given this statutory protection. In assessing the archaeological importance of sites, the Local Planning Authority will take into account the non-statutory criteria of the Secretary of State for scheduling ancient monuments.~~

~~4.78 POLICY EN9 will apply to the Scheduled Ancient Monuments listed in Appendix 3 and to any other archaeological sites which are demonstrated to be of national importance.~~

~~4.79 The consent of the Secretary of State is required for any works affecting an Ancient Monument but planning permission for any accompanying development is granted by the Local Planning Authority.~~

### **POLICY EN9**

~~**There is a presumption against development which would involve significant alteration, or be likely to cause damage, to a Scheduled Ancient Monument, as defined on the Proposals Map, and other nationally important archaeological remains, or which would be likely to have a significant impact on the setting of those remains which are visible.**~~

### **OTHER SITES OF ARCHAEOLOGICAL INTEREST**

4.80 These areas are based on the Kent County Council Sites and Monument Record (SMR), a proportion of which have been identified as having archaeological potential and are marked on the Borough Council's constraints map.

4.81 In considering planning applications which may affect an archaeological site, prospective developers should consult the Local Planning Authority and the County Archaeologist at an early stage, ideally prior to submitting a formal planning application, in order to establish the possible archaeological implications of any proposals. Within areas of potential archaeological importance developers will need to demonstrate, prior to the determination of the application, that the archaeological implications of the development have been properly assessed. An appropriately detailed written archaeological assessment may be required as part of the documentation to complete a planning application and an archaeological evaluation may be requested to a specification and standard approved by the Local Planning Authority. Planning permission may be refused without adequate assessment of the archaeological implications.

4.82 The Local Planning Authority will generally seek to avoid development on archaeological sites, whether of national, regional or local importance, so as to preserve sites in situ. Where development is acceptable the Local Planning Authority will endeavour to mitigate damage to archaeological remains by seeking sympathetic foundation design and careful location of open space. Where preservation of archaeological remains in situ is not appropriate and development is permitted, an appropriate level of archaeological investigation will be required in advance of, or during, development so as to ensure 'preservation by record'. This may be ensured through planning agreements or the use of conditions.

4.83 Wherever practicable, the Borough Council will encourage the enhancement of sites of archaeological interest and their settings and in judging the enhancement value of proposals the Council will pay particular regard to the likely benefits to education, leisure and tourism.

**POLICY EN10**

**Proposals for development affecting sites of archaeological interest, ~~other than those covered by POLICY EN9,~~ will be determined having regard to the desirability of preserving archaeological remains and the setting of visible remains and according to all of the following criteria:**

- 1 The intrinsic archaeological and historical value of the remains;**
- 2 The design, layout and opportunities to minimise damage to remains and their setting, preferably through preservation in their original location;**
- 3 The need for the development;**
- 4 The availability of suitable alternative sites; and**
- 5 The potential benefits of the proposals, particularly to education, recreation or tourism.**

**Where permission is to be granted for development resulting in the damage or destruction of archaeological remains and the developer has not entered into a planning agreement, or made equivalent arrangements, for the excavation and recording of the remains and the publication of the results, conditions will be attached to the permission to ensure that no development takes place until this work has been carried out.**

**HISTORIC PARKS AND GARDENS**

- 4.84** English Heritage has compiled a 'Register of Parks and Gardens of Special Historic Interest in England' which includes fourteen sites within the Plan area. Each site is referenced in Appendix 4 and is defined on the Proposals Map. The aim of the register is to draw attention to important historic parklands, pleasure grounds and gardens laid out before 1939 and which are considered to be an essential part of the nation's heritage. Although no additional statutory controls on development are available, the Local Planning Authority considers that the Historic Parks and Gardens are an important part of the area's heritage and make a significant contribution to the character of the area in which they are located. New development may not be in the best interests of the conservation of the site and principal buildings. Any development must have careful regard to the important landscape architecture of the site, the setting of the historic buildings within the site and all other Local Plan objectives and policies. The Council will expect sufficient information to be submitted with all applications to enable the impact of development on a historic park or garden to be properly assessed. This may include the effect on existing trees and landscaping, or detailed landscaping proposals. As part of its wider objective of conserving features of importance, the Council may seek agreement to a management plan to conserve the historic park and garden, promote good land management practice and encourage best use of resources.
- 4.85** Kent County Council have also compiled an independent list of 'Historic Parklands and Gardens in Kent'. The highest grade sites are also considered worthy of protection through this Local Plan. The sites are referred to in Appendix 4 and are defined on the Proposals Map. Where the Kent list coincides with the national list, only the site occurring on the national list is identified on the Proposals Map.

### **POLICY EN11**

**Proposals which would be likely to affect a historic park or garden will only be permitted where no significant harm would be caused to its character, amenities or setting.**

### **SKYLINES**

- ~~4.86 The topography and settlement pattern of the Plan area dictate the significance of skylines in establishing an important part of its character. Most of the settlements are built on, or enclosed by, prominent ridges which are visible from longer views from within, and outside, the built up areas. All the important radial routes into Royal Tunbridge Wells are located on ridgelines. Between these radial routes the topography undulates in a series of lower ridges. The majority of other towns and villages within the Plan area are located on hill top locations. The skylines are normally characterised by distinct outlines which play an important part in forming the character of a town or village, or the wider landscape. The relationship of buildings, roof lines, trees and related spaces play a key role in establishing this character.~~
- ~~4.87 Given the strategic importance of the skyline, and the contribution made to the wider character and settlements within the Plan area, proposals which would cause significant harm to important skyline features or the character of the skyline will not be acceptable. Where proposals would be located on a skyline the development should follow the characteristic features of the skyline.~~

### **POLICY EN12**

~~**Proposals for development which would have an impact on a skyline will only be permitted where it would cause no significant harm to important skyline features or to the character of the skyline in terms of massing, height, the spacing of development or its landscaping.**~~

### **TREE AND WOODLAND PROTECTION**

- 4.88 The Plan area supports extensive areas of woodland, a large number of which are of ancient origin, together with numerous small woodlands, copses, hedgerows and individual trees. The Borough was surveyed in 1993 as part of the Kent Habitat Survey. The survey identified that over 28% of the Borough is covered by woodland and scrub such as semi-natural woodland or plantation which includes orchards. It also identified that there are nearly 900km of hedgerows in the Borough.
- 4.89 Woodlands have proved a very stable element across the county as a whole, the total area of 11% in 1924 having altered little to the present day. According to English Nature's Inventory of Ancient Woodland (1994) some 77% of this woodland is thought to be ancient woodland, half of which is ancient and semi-natural woodland, (defined as being continuously wooded since 1600). The great danger is that its relative abundance will encourage a relaxed attitude towards good management and protection. Ancient semi-natural woodland is irreplaceable and requires special protection and careful management due primarily to its historic importance.
- 4.90 Trees and woodland contribute greatly to the appearance of the countryside, and the character of many of the towns and villages within the Plan area, as well as providing valuable wildlife habitats. The Local Planning Authority recognises the important

amenity and recreational function that woodland makes and is committed to conserve and retain existing trees and to encourage new planting through policies contained throughout the Plan. For compatibility with the existing landscape and for ecological reasons it will be appropriate to plant native trees.

- 4.91** Tree Preservation Orders will be made to ensure the retention of individual trees, groups of trees, or woodland considered to be of amenity value and any person who cuts down or damages a tree protected by a Tree Preservation Order is guilty of an offence for which they may be prosecuted and fined. The Local Planning Authority recognises that the Plan area supports commercial woodland as an important element in the rural economy. Whilst it is possible to serve a Tree Preservation Order on commercial woodland which makes a significant contribution to the landscape, the Order will normally be applied not in order to prevent commercial practices, but to allow for the sensitive management of the land through, for example, thinning and continuous replacement or by retaining mature shelter belts around an area of felling. The Borough Council grant aids the High Weald Countryside Management Project which gives practical advice and assistance on woodland and hedgerow management. In addition, conditions or legally binding agreements will be sought where relevant in connection with the granting of planning permission.

#### **POLICY EN13**

**Development will not be permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order, or identified as Ancient Woodland, or in a Conservation Area, unless:**

- 1. The removal of one or more trees would be in the interests of good arboricultural practice; or**
- 2. The desirability of the proposed development outweighs the amenity value of the protected tree.**

- 4.92** In addition, proposals affecting trees and woodland will be considered through other policies in the Plan including POLICIES EN1, EN25, ~~EN26 and EN27.~~

#### **NATURE CONSERVATION**

- 4.93** There is increasing public awareness of nature conservation interest and Government guidance confirms the national importance attached to the protection of wildlife habitats, emphasising the importance of both designated and undesignated areas for nature conservation. Consequently nature conservation is a material consideration in planning decisions.
- 4.94** The varied geology and topography of the Borough have produced a wide range of wildlife habitats, including those associated with woodland, hedgerows, river valleys and ponds. Wildlife habitats can be damaged as a result of development, or by land management practices beyond planning control.
- 4.95** The Borough has been surveyed as part of a county-wide habitat survey (County-wide Habitat Survey, 1994), providing valuable background to the identification and protection of important habitats. In addition, the Kent Biodiversity Action Plan, 1997 has been drawn up covering the whole of the county. Biodiversity can be defined as the variety of living organisms and the ecological complexes of which they form part. The broad aim of the action plan is to conserve and enhance the biological diversity in Kent and to contribute to the conservation of national and global diversity. Within the Borough there are several important habitats that have been identified. These include:

### **Woodland and Scrub**

- 4.96** Comprising broad-leaved, mixed and conifer woodlands either semi-natural or planted in origin. Dense scrub is a natural stage in the development of secondary woodland. Past and present management is reflected in woodland features such as pollards, coppice stools and standard trees.

### **Woodland Pasture and Historic Parkland**

- 4.97** As the name suggests, this habitat is derived from the grazing of stock within a woodland. Trees provide both shelter and a supply of wood, generally harvested by pollarding. Also describes historic deer parks and landscaped parkland.

### **Old Orchards**

- 4.98** Old or traditional orchards comprise larger trees that are grown on a vigorous rootstock at a low planting density. They support a variety of invertebrates, bird and mammal populations due to less intensive management techniques, as well as lichens on the bark of older trees.

### **Hedgerows**

- 4.99** Including all boundary lines of trees and shrubs, and field margins, hedgerows may be ancient or recent in origin, species-rich and of significant cultural and historic importance. Some are afforded protection through the 1997 Hedgerow Regulations.

### **Lowland Acid Grassland**

- 4.100** This occurs over acid rocks, such as sandstone and superficial deposits such as sand and gravel. Acid grassland, or meadow, is usually found within mosaics of other habitats, such as heathland, and is generally rare in Kent.

### **Neutral Grassland**

- 4.101** Unimproved neutral grasslands, or meadows, have been very prone to modern agricultural improvements and as a consequence are now very rare. Neutral grasslands are mostly found within enclosed field systems on moist mineral soils. They are species-rich and provide a valuable habitat.

### **Heathland**

- 4.102** Characterised by the presence of heathers and gorse, some scattered trees and scrub, areas of bare ground, wet heath, bog and open water. There are a number of birds, reptiles, invertebrates, plants, bryophytes and lichens which are characteristic of this habitat.

### **Rivers and Streams**

- 4.103** Rivers in their natural state are dynamic systems continually modifying their form. They can have a variety of features supporting a diverse range of plants and animals. Marginal and bankside vegetation supports a range of plants and animals and waterways are an important link between other fragmented habitats.

### **Standing Water**

- 4.104** Includes natural systems and man-made waters such as ditches and dykes, ponds and reservoirs ranging from large water bodies to small features only a few metres across. Nutrient status determines the range of flora and fauna. Standing water is particularly dependent upon unpolluted sources such as rainwater run-off from adjoining land.

### Urban Habitats

- 4.105** These can be divided into five overlapping categories: Remnants of ancient natural systems, such as woodlands and riverbanks; pre-industrial rural landscapes, such as remnants of hedgerows and species-rich meadow; managed green spaces such as parks, allotments and private gardens; derelict industrial sites or naturally-seeded areas, such as railway cuttings; and buildings, bridges etc. which can provide important breeding and roosting sites and support small plant colonies.

### ~~Sites of Special Scientific Interest~~

~~**4.106** Sites of Special Scientific Interest (SSSIs) are notified by English Nature. They are nationally important designations recognised for their flora and fauna, geological or physiographical (landform) features. They form a national network of sites that represent the best examples of important habitats and geological features in the country. There are currently 10 designated SSSIs within the Borough, one of which straddles the boundary with Wealden District. Each is defined on the Proposals Map and listed in Appendix 4 to the Plan. These range from species-rich woodlands and parkland, such as those at Seetnoy Castle, to geologically valuable sites, such as Southborough Pits.~~

~~**4.107** The Local Planning Authority has a duty to consult English Nature where proposals are submitted for development affecting, or likely to affect, such sites even where a development proposal falls outside the SSSI. SSSIs can be seriously damaged or even destroyed by development outside their boundaries. For example, a wetland can be fed by water and run-off from relatively distant sources whilst a geological feature could be damaged by excavations or pile driving. Any development proposals likely to have a detrimental effect on the nature conservation or geological interest of a SSSI will be refused.~~

~~**4.108** SSSIs also receive protection from many operations outside the scope of planning control. English Nature specifies operations which could potentially damage the conservation interest of a site, for example ploughing or tree felling, and owners or occupiers are required to consult with English Nature prior to undertaking works.~~

### ~~Protected Species~~

~~**4.109** Certain species of birds, animals and plants which are rare or threatened nationally are protected by the Wildlife and Countryside Act 1981, as amended. Protected species are not only confined to designated sites and can occur in other locations. Proposals likely to result in damage to the habitat of a protected species, which cannot be prevented by conditions, will not be acceptable. Where there is reason to suspect that land or buildings proposed for development may include the habitat of protected species, developers will be expected to provide adequate survey information and details of any necessary protection measures. For example, Tunbridge Wells Borough is fortunate in having many old wood framed buildings which have been used for agricultural purposes, or have for other reasons been partially open to the elements. Such buildings can provide ideal habitat as roost sites for bats, and proposals for their conversion would be expected to be accompanied by the kind of information outlined above.~~

#### **POLICY-EN14**

**Development proposals that would affect a SSSI or the habitat of a protected species will only be permitted where it would have no detrimental effect on the nature conservation or geological interest of the site.**

### Local Nature Reserves

**4.110** In appropriate circumstances, the Local Authority can designate and manage statutory Local Nature Reserves in consultation with English Nature. Local Nature Reserves are habitats of local or regional significance that make a useful contribution both to nature conservation and to the opportunities for the community to see, learn about, and enjoy wildlife. The Borough Council has designated Local Nature Reserves at:

- Barnett's Wood, Southborough;
- Foalhurst Wood, Paddock Wood;
- Crane Valley, Cranbrook; and
- Hilbert Recreation Ground, Royal Tunbridge Wells.

**4.111** The reserves are defined on the Proposals Map. Proposals affecting Local Nature Reserves will be assessed against POLICIES EN1 and EN15.

### Sites of Nature Conservation Interest and Sites of Local Nature Conservation Value

**4.112** Government guidance recognises that wildlife is not only confined to nationally designated sites, such as SSSIs, but is found throughout the countryside and in many urban areas. Non-statutory sites, together with nationally designated sites, form a network of habitats and help to ensure the maintenance of the biodiversity of the area. They can also enable local communities to have direct contact with nature particularly where the sites are within, or close to, a built up area.

**4.113** The Kent Wildlife Trust (KWT) has identified Sites of Nature Conservation Interest (SNCIs) which, whilst not of national status, have a county-wide significance. In addition, this Local Plan identifies locally important sites of lesser status than SNCIs from surveys by the KWT. Sites of Local Nature Conservation Value (SLNCVs) are designated within, or adjacent to, built up areas where the greatest pressure for development exists. Each site identified provides a high-grade habitat for a diverse range of flora and fauna meriting careful conservation. Sites have been evaluated according to criteria including: diversity of species, features of wildlife importance, rarity of habitat and species in a local and county context, management and current use, public access, and linkages with other sites and areas. Sites, either by their continuous nature or their function as stepping stones, can assist the migration, dispersal and genetic exchange of wild species. This can be particularly important within, and adjacent to, built up areas.

**4.114** All sites are defined on the Proposals Map and referenced in Appendix 4. The Local Planning Authority keeps detailed information on each site which includes recommendations on the management of sites with the aim of establishing practices which promote the conservation and enhancement of wildlife and, where appropriate, to increase public access. Surveys will be updated periodically to review existing sites and to identify new ones.

**4.115** The Local Planning Authority is committed to the protection of these sites and will seek the views of KWT on any proposals affecting them. Given that development proposals immediately adjoining the sites may also impact on their future viability, the Local Planning Authority may require the provision of a buffer zone around a site to protect its intrinsic nature conservation value.

**4.116** The KWT advises that priority should be given to the nature conservation value of each of the sites over other planning considerations unless it can be demonstrated that the need for the development overrides the intrinsic nature conservation interest and no appropriate alternative site is available. In assessing development proposals, the Local Planning Authority will have regard to information contained within the Kent Biodiversity

Action Plan and the Habitat Survey. Where the Borough Council suspects that land proposed for development may have significant nature conservation value, but existing information is inadequate, the developer will be expected to provide sufficient survey information to determine the nature conservation value of the site.

#### **POLICY EN15**

**Development proposals that would have an adverse impact on the nature conservation interest of a statutory Local Nature Reserve or non-statutory nature conservation site, will only be permitted if all of the following criteria are satisfied:**

- 1 The need for the development would outweigh the nature conservation interest of the site;**
- 2 There would be no reasonable, less damaging alternative solutions; and**
- 3 The design and layout of the scheme would minimise the potential impact on the important features of the site.**

#### **WATER**

**4.117** It is an objective of this Local Plan to protect the Borough's water resources and in particular to:

- protect and enhance the quality and quantity of groundwater;
- protect and enhance surface water features and control aquatic pollution;
- ensure that new development has an adequate means of water supply and sufficient foul and surface water drainage; and
- protect and enhance floodplains and prevent flood risk.

#### **Protection of groundwater resources, surface water features and control of aquatic pollution**

**4.118** Groundwater is present in water-bearing strata or aquifers. It is an important source of water supply as well as providing the base flow for many rivers and other surface water features.

**4.119** About 80% of Kent's public water supply is drawn each year from groundwater. Whilst Kent is self-sufficient in water supply, increases in abstraction have given rise to a progressive depletion in base flows and water tables in the County. Whilst this is particularly pronounced in north and east Kent, the Local Environment Agency Plan, published in 1998, notes there are instances of localised environmental impact elsewhere which will have to be addressed. Over-abstraction threatens the sustainability of water supplies and can harm wetland and surface water habitats. Evidence from climate change research, coupled with recent drought experience, points to an increasing mismatch between the replenishment of water supplies and demand for abstraction. Consequently, it is important that development is only permitted in locations where an adequate means of supply can be made without harming groundwater resources.

**4.120** Major residential and infrastructure developments, and industrial activities involving the production, storage and use of chemicals, oil or petroleum can affect the quality and quantity of groundwater. The Environment Agency's policy framework "Policy and

Practice for the Protection of Groundwater” includes a detailed methodology for assessing the potential risks to groundwater posed by development and takes account of both the vulnerability of the groundwater supply and type of development proposed. Associated with this policy are groundwater protection zone maps showing the vulnerable areas to aid potential developers to anticipate the likely response from the Agency.

- 4.121** Environmental damage can also be caused by increased surface water run-off, associated with development, where impermeable surfaces such as roofs, roads and pavements are constructed. Traditional drainage schemes collect surface water and pipe it, via surface water sewers, to the nearest watercourse. This can lead to increased downstream flood risk, unnatural fluctuations in water flow rate, aquifers not being recharged, water retention in subsoil being reduced, and increased risk of transmission of pollutants to watercourses and other surface water features. For this reason development schemes will be expected to incorporate measures to control the speed, quantity and quality of surface water run-off. In addition, consideration will be given to natural ways of treating collected surface water before it is either discharged into a watercourse or infiltrated into the land. Where the effectiveness of the drainage system would not be impaired, both these objectives can be achieved through the use of soakaways, permeable hardstanding and paved surface areas, water retention or balancing ponds and reedbeds. Ponds and reedbeds can provide an opportunity to create new habitats and enhance the appearance of the local environment. Such measures, either by themselves or in combination with piped drainage systems, are promoted by the Environment Agency and are known as Sustainable Urban Drainage Systems (SUDS). Good design can also help to minimise the demand for water. Detailed advice on both these matters is included in Supplementary Planning Guidance, Kent Design – a guide to sustainable development (2000).
- 4.122** The Local Planning Authority will have regard to the advice of the Environment Agency to ensure that proposals for development do not have an unacceptable effect on groundwater supply or surface water features.

### **POLICY EN16**

**Development proposals will only be permitted if all of the following criteria are satisfied:**

- 1 There would be no unacceptable effect on the quality or potential yield of groundwater;**
- 2 There would be no adverse impact on the water quality within, or water supply to, lakes, ponds, wetlands and other watercourses;**
- 3 All practicable measures have been taken to minimise the demand for water; and**
- 4 In appropriate locations, development proposals will be required to incorporate sustainable drainage systems for the disposal of surface waters.**

### ~~Capacity of Sewerage and Water Supply Services~~

- ~~**4.123** Account will be taken of the capacity of existing drainage, sewerage, sewage treatment and water supply facilities. Any necessary improvements to these services to cater for the extra demand resulting from the proposals should form part of the scheme. Regard~~

~~should be had to the guidance given in Kent Design – a guide to sustainable development (2000) concerning measures to promote the re-use and recycling of water.~~

#### **POLICY EN17**

~~Development proposals will only be permitted where the foul and surface water, sewerage, sewage treatment and water supply facilities would have sufficient capacity to meet the needs of the development.~~

#### **Flood Risk**

- 4.124** Government guidance, in the form of PPG25 “Development and Flood Risk”, relates to built development in floodplains where excess water flows or is stored in times of flood and also considers the problems associated with run-off arising from developed sites.
- 4.125** Floodplains are those areas adjacent to watercourses over which water flows in times of flood, or would flow but for the presence of flood defences. Floodplains have an important role in allowing for the storage and free flow of flood waters. In addition to providing natural flood control, floodplains are important for groundwater recharge and provide valuable habitats for wildlife. Even relatively small development proposals can, over time, affect the natural functioning of a floodplain. For these reasons development within floodplains will be strictly controlled.
- 4.126** The Environment Agency is required, under Section 105 (2) of the Water Resources Act 1991, to identify the extent of floodplains and other areas liable to flooding. The limits to the floodplain areas identified by the Environment Agency are based on the approximate extent of floods with a 1% annual probability of occurrence, under present expectations of the highest known flood. By 2002, the Environment Agency also aims to indicate an additional floodplain area showing the likely extent of extreme floods. This will show those areas of 0.1% annual probability. Outside these areas, major flooding due to watercourses can be effectively discounted, but it should be recognised that intense rainfall may still cause localised flooding due to surface flow exceeding the drainage system. The Local Planning Authority has a duty to liaise closely with the Environment Agency to ensure that any flood risks that might arise are recognised and made an integral part of the decision-making process.
- 4.127** Where development is proposed it will need to have been subject to a sequential test relating to the potential annual likelihood of a flood risk in a particular location. The purpose of the three-point sequence is to steer development towards areas with little or no potential risk from flooding (annual probability of less than 0.1%), or a low potential risk (annual probability of between 0.1% and 1.0%). These areas are first and second, respectively, in the sequence. Areas with high risk of flooding have an annual probability of greater than 1.0% and are third in the sequence. On extensively developed areas with a high risk of flooding, further built development or redevelopment will generally be appropriate where adequate flood defences are already in place, subject to other policies contained in this Local Plan. Developed areas comprise all previously-developed land. Undeveloped areas with a high risk of flooding, will not generally be suitable for built development and conversions, unless a particular location is essential, and an alternative lower-risk location is not available. The principal areas at high risk of flooding within the Borough are around Paddock Wood, Five Oak Green and Lamberhurst. The planning strategy aims to focus new residential development towards the urban area of Royal Tunbridge Wells and Southborough. Consequently, no major residential development is expected to take place within the areas at high risk of flooding within the Plan period. However, it has been necessary to allocate economic development sites within areas at high risk of flooding at land west of Maidstone Road, Paddock Wood and at Brook Farm, Capel, as no other suitable alternative lower-risk

location is available. Within functional floodplains (the flat-lying areas adjacent to a watercourse where water regularly flows in time of flood) with a high risk of flooding, including those areas behind existing flood defences where there is a significant risk that failure could lead to rapid inundation by fast flowing water, built development and conversions should only be permitted in wholly exceptional circumstances. Only essential transport and infrastructure proposals may be acceptable where subject to suitable flood protection measures. These areas may be appropriate for some recreation, sport, amenity and conservation use.

- 4.128** There may be circumstances where planning permission for development, including the raising of land, is granted in areas which may be at high risk from flooding, for example developed areas. Such development must take account of the potential flood risk in that location, ensuring that the threat of flooding is managed using flood protection and mitigation measures designed to the appropriate standard set out in PPG25, that the development remains safe throughout its lifetime, and does not increase flood risk elsewhere. The Local Planning Authority will attach conditions, or seek works through a planning agreement, to secure any necessary flood protection and/or mitigation measures. Where new buildings are proposed in an area at high risk from flooding the applicant will be required to carry out a flood risk assessment as part of the application process.

### **POLICY EN18**

**Within those developed areas identified by the Environment Agency as being at high risk from flooding, built development and conversions will only be permitted if both of the following criteria are satisfied:**

- 1 Practicable and effective flood protection and mitigation measures would be proposed and maintained for the lifetime of the development; and**
- 2 Practicable and effective measures would be included as part of the development proposals to prevent the increased risk of flooding elsewhere.**

**Within those undeveloped areas identified by the Environment Agency as being at high risk from flooding, but outside functional floodplains, built development and conversions will not be permitted unless a particular location is essential and no suitable alternative lower-risk location is available. In such exceptional circumstances, development will only be permitted if the above criteria are satisfied.**

**Within functional floodplains identified by the Environment Agency as being at high risk from flooding, built development and conversions will not be permitted except essential transport and utilities infrastructure that has to be sited there.**

### **~~CONTAMINATED LAND~~**

- ~~4.129 It is consistent with the principles of sustainable development to bring derelict and contaminated land into new uses. Such recycling provides an opportunity to deal with the threats imposed by contamination to health and the environment, bring land back into beneficial use and minimise pressures on greenfield sites. Accordingly, the Borough Council will encourage the redevelopment of contaminated sites, provided that the site can be rendered fit for the purpose proposed.~~

~~4.130 The extent and nature of land contamination is a legacy of an area's industrial and urban development. Consequently, the Borough's largely rural character and the scarcity of heavy industry means that levels of contamination are likely to be low. However, there are a variety of sites where contamination may be present including redundant gas and sewage works, railway land, landfill sites, waste handling sites, former garage and petrol stations.~~

~~4.131 Sites could pose contamination problems if redeveloped unless adequate care is taken. The Council has produced a Contaminated Land Strategy (2001) to illustrate the approach that will be adopted to identify contaminated land that is posing an unacceptable risk to human health or the wider environment, and to secure remediation of that land. Where a site may contain contaminants, it is the responsibility of the applicant, in consultation with the Environment Agency and the Borough Council's Environmental Protection team, to investigate the extent and nature of the contamination, and the extent to which the risks to health and the environment can be reduced by remedial measures. In assessing the need for remedial works, the Local Planning Authority will have regard to the intended future use of the site. If remedial measures prove necessary, the Local Planning Authority will consider attaching conditions to the permission specifying the necessary measures to be carried out prior to the commencement of development. Wherever possible, contamination should be treated on site. Any permission for development will require that the remedial measures agreed with the authority must be completed as the first step in the carrying out of the development.~~

#### **POLICY EN19**

~~Development will only be permitted on, or adjoining, land likely to have been contaminated by a previous use where practicable and effective measures would be taken to treat, contain or remove any contamination.~~

#### **RENEWABLE ENERGY**

4.132 The production of energy from renewable sources, such as wind, can make an important contribution towards reducing emissions of greenhouse gases, such as carbon dioxide. The Kent Structure Plan 1996 and the Kent & Medway Structure Plan 2006 contains a policy which lends support to the development of sources of renewable energy, in appropriate locations, within the County. Whilst there is no history of such applications having been received within the Plan area, POLICIES EN1, EN25, ~~EN26~~ and ~~EN27~~ will apply to any such proposals which may come forward during the Plan period.

#### **TELECOMMUNICATION EQUIPMENT**

4.133 Modern telecommunications are an essential and beneficial element in the life of local communities and the national economy. New technology in this field is spreading rapidly to meet demand for better communications for businesses, homes and public services, which in turn have implications for land use. Within the Plan area there has been a growth in the development of new masts, antennae and radio stations, which are collectively known as base stations. Government guidance on telecommunications is contained in PPG8.

4.134 Mobile telecommunication systems are dependent upon radiowave signals travelling between fixed transmitter base stations and handsets. Each base station covers a specific area or cell. The area covered depends on the type of cell. These range in size and power output from picocells, which cover small areas sometimes within specific buildings, microcells, which are used to infill and improve coverage of a main network,

especially where the volume of calls is high, through to macrocells. With the development of internet compatible handsets, such as Wireless Application Protocol (WAP) handsets, and the latest “3G” Third Generation Mobile handsets (also known as UMTS or Universal Mobile Telecommunications Systems), it is estimated that the number of cells will need to be increased, although this is likely to be mainly microcells and picocells. This is because of the need for greater clarity of signal when processing the complex digital information that can be received by internet handsets.

- 4.135** Mobile telecommunication systems operators currently enjoy wide-ranging permitted development rights. This means that many types of mast and base station fall outside the scope of full planning control. However, a determination from the Local Planning Authority of whether prior approval will be required for the siting and design of masts and other equipment under 15 metres in height is necessary in most cases. Governing bodies must be consulted on all proposals to site masts on or near schools and colleges.
- 4.136** There is a need to balance the requirements of the telecommunications industry with the protection of the environment. For this reason, the Local Planning Authority will require technical information on how any free-standing proposal for network telecommunications is linked to the specific network (including any related mast proposals) and justification for siting including reasons why the location of development is essential in terms of network coverage. The Local Planning Authority will expect applicants for all masts to demonstrate that they have explored the possibility of erecting antennae on an existing building, mast or structure, and that the option of roaming between networks has been considered.
- 4.137** Siting and design concerns will centre particularly on the impact of a mast and any ancillary development, especially in the High Weald Area of Outstanding Natural Beauty, other area of landscape character sensitive to the introduction of such structures, or a conservation area. Its design, height and mass together with the scope for landscaping and screening will be important considerations. POLICY EN1 will be applied to all proposals, and POLICIES EN25, ~~EN26~~ and ~~EN27~~ will apply to all proposals outside the defined Limits to Built Development.
- 4.138** The perceived impact on health from the use of mobile handsets and the siting of base stations has become an issue of public concern. Existing mobile telecommunication systems, including base stations and handsets, transmit and receive signals using electromagnetic waves. Electromagnetic waves occur naturally, such as the earth’s magnetic field which causes compass needles to point north. They also arise from a large number of man-made sources including, for example, domestic wiring and appliances, visual display units, electricity power lines, security systems, and electric trains. Electromagnetic waves are measured in hertz. Those between 30 KHz and 300 GHz are widely used for radio, television and telecommunications and comprise the radiofrequency (RF) band. Telecommunication systems currently operate between 900 and 2200 MHz within the RF band.
- 4.139** Mobile handsets and base stations generate electromagnetic waves within the RF band. The distance of a person from either dictates the level of exposure. Consequently, the exposure from a mobile handset is greater, in the order of 50 to 100 times, than that from a base station because a handset is held next to the head.
- 4.140** The Stewart Independent Expert Group on Mobile ‘Phones (The Stewart Report, 2000) has examined the best available information on potential health impacts and concluded that “the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures [to RFs] are expected to be small fractions of guidelines [International Commission on Non-Ionizing Radiation Protection guidelines 1998 and National Radiological Protection Board Guidelines 1993].” The Stewart Report does recognise, however, that indirect adverse effects on wellbeing can result from the insensitive siting of such apparatus. This is because of the wide ranging permitted development rights that mobile telecommunication systems

operators currently enjoy, and the limited public consultation and involvement required for operators to erect many types of base station and associated equipment. It endorses the adoption of the “precautionary approach” relating to the future consideration of such developments which, in essence, requires that before accepting a new development there should be positive evidence that any risks from it are acceptably low, and not simply an absence of convincing evidence that risks are unacceptably high. RF emissions are currently recognised as the principal measurable output from telecommunications equipment, and maximum exposure limits are set by the National Radiological Protection Board and the International Commission on Non-ionizing Radiation Protection.

- 4.141** In addition to environmental considerations relating to siting and appearance, the Local Planning Authority will expect all applicants to demonstrate that RF emissions are within the latest guidelines set by the National Radiological Protection Board and the International Commission on Non-ionizing Radiation Protection. In addition, details will be required relating to the spread and direction of the beams of greatest RF intensity emanating from all new telecommunication base stations.

#### **POLICY EN20**

**Proposals for the siting of telecommunications equipment will only be permitted if all of the following criteria are satisfied:**

- 1 Radiofrequency emissions would be within the latest established guidelines set out by the National Radiological Protection Board and the International Commission on Non-ionizing Radiation Protection;**
- 2 There is no practicable possibility of erecting antennae on an existing building, mast or other structure where this would represent the optimum environmental solution;**
- 3 The location of the development is essential in terms of network coverage;**
- 4 The development would be as unobtrusively sited and well screened by landscaping as is technically feasible; and**
- 5 The materials, colour and design of the development would minimise its visual impact subject to technical and operational considerations.**

### **The Environment Within the Limits to Built Development**

#### **LANDSCAPE WITHIN THE BUILT ENVIRONMENT**

- 4.142** Government guidance in PPG3 (Annex C) states that the definition of previously-developed land excludes open spaces within the built up areas which have not been previously developed. These include parks, recreation grounds, allotments and other areas which have remained undeveloped. They also include sites where the remains of any former structure or activity have blended into the landscape so that the space can be reasonably considered as part of the natural surroundings.
- 4.143** One of the aims of this Plan is to focus development towards existing urban areas and other settlements where there are opportunities to develop. However, the spaces between areas of development can be of great importance in creating the character and identity of a place. The loss of these spaces can be important to both the character and amenity value of the immediate locality and also, because of the effect of topography,

may affect the appearance and character of the town or village as a whole. Furthermore, these spaces can form part of a green network of habitats used by local populations of birds, plants and animals. If uncontrolled, changes to open spaces between areas of development can irrevocably change the special character of a place.

- 4.144** The quality and dominance of the landscape is an essential part of the character of the built environment within the Borough. The landscape is made up of large numbers of areas which possess different characteristics: from the largely open areas such as village greens, parks, recreation and school grounds, and allotments, to the more enclosed tree belts and copses. Urban landscape performs a variety of overlapping functions. It contributes to the character of conservation areas. It provides visual amenity to, for example, residential areas or along approach routes to the centre of the town or village. It can also provide a variety of important habitats for wildlife, which is especially important within the built up area. The conservation importance of these habitats lies as much in the opportunities they provide for people to have a close contact with wildlife as in the protection of scarce species.
- 4.145** The undulating topography of the Plan area and the ridgeline location of many of the settlements further elevate landscape features to a strategic importance. The topography permits views directly into, and from, the countryside, visually linking town and country. Intervening urban development is concealed by trees or other vegetation or by the shape of the land. Together the landscape and topography contribute significantly to the character of towns and villages.
- 4.146** The Local Planning Authority has carried out detailed surveys of those places which contribute to the character and appearance of the built up areas. By definition, these are areas which are visible from public places. Although surveys were concentrated on identifying the most significant sites for specific protection, this does not diminish the contribution that other, smaller or more private sites can make to the character of an area, the setting of a building, or the nature conservation interest of a locality. Appraisals of conservation areas have identified such spaces in relation to the contribution they make to the special character of the conservation area.
- 4.147** Landscape areas within the built environment have been sub-divided into two principal categories which exhibit different characteristics, although some exhibit a mixture:
1. Areas of Important Open Space. These are essentially open in character; and
  2. Areas of Landscape Importance. These contain a large degree of tree or vegetation cover.
- 4.148** Given the value of landscape within the built environment, the emphasis on protecting greenfield sites and the continued availability of brownfield sites for development, development proposals will only be permitted in limited circumstances on an Area of Important Open Space and Area of Landscape Importance.
- 4.149** Areas of Important Open Space and Landscape Importance which are not classified as greenfield sites also make an important contribution to the built up area and development will only be acceptable where it would not cause any significant harm to the appearance or character of the designated site.
- 4.150** Both Areas of Important Open Space and Areas of Landscape Importance are defined on the Proposals Map. Where these areas extend beyond the built up area they are protected by POLICIES EN1, EN25, ~~EN26~~ and ~~EN27~~.

### **AREAS OF IMPORTANT OPEN SPACE**

- 4.151** An open space may be important visually for a number of sometimes overlapping reasons, which are outlined below:

**(i) Open Spaces of Historic Importance**

The open spaces within conservation areas are frequently of historic importance. The built up areas of all settlements within the Borough are distinguished by the relationship of buildings to the greenery of the commons, parks, greens and other open spaces. The disposition, density and outline of buildings in relation to the surrounding spaces are essential in creating their special character. The open spaces within the Borough's conservation areas take many different forms:

- common land;
- the town park at the Calverley Grounds, Royal Tunbridge Wells;
- The Grove, Royal Tunbridge Wells (retained as a grove by the 1703 deed);
- the parkland character of Arcadian developments at Camden Park, Calverley Park, Hungershall Park and Nevill Park, Royal Tunbridge Wells;
- village greens at Benenden, Goudhurst, Groombridge, The Moor (Hawkhurst), Horsmonden, Langton Green, Matfield, Pembury and Sandhurst;
- the setting of principal landmark buildings such as those at Benenden (St George's Church), Bidborough (St Lawrence's Church), Cranbrook (St Dunstan's Church), Frittenden (St Mary's Church), Goudhurst (St Mary's Church), Hawkhurst (All Saints' and St Lawrence's Churches), Pembury (Upper Church of St Peter) and Speldhurst (St Mary's Church); and
- within plot curtilages defining an historic building line and acting as part of the setting of the adjoining buildings as at Rye Road, Hawkhurst and Church Road, Kilndown.

**(ii) Open Space of Local Visual Amenity Value**

A number of open spaces within the built up area provide important visual amenity for the locality and can include village greens, parks, recreation grounds and allotments, together with smaller pockets of locally important amenity spaces.

**(iii) Open Spaces of Strategic Importance**

Certain open spaces, because of their location and openness, allow longer distance views of the towns or villages. Similarly, because of a combination of location and topography an open space may have a strategic importance in creating a perception of a town or village.

**POLICY EN21**

**Proposals for development affecting Areas of Important Open Space, as defined on the Proposals Map, will only be permitted where no significant harm would be caused to the appearance or open character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.**

**AREAS OF LANDSCAPE IMPORTANCE**

- 4.152** Where spaces within a built up area have a large degree of tree or vegetation cover they are particularly important for their visual amenity value and the contribution they make to local character.

**4.153** It is important to remember that in order to maintain the value of the site over time it will require regeneration and renewal in the form of suitable management and replanting. In determining development proposals, the Local Planning Authority will have regard to the impact on the existing landscape. Where development would be acceptable, the Local Planning Authority will seek to secure, by condition or agreement, sufficient space for, and appropriate management of, the landscape in order to secure the future and continued regeneration of the site.

**4.154** Areas of Landscape Importance have value for a number of sometimes overlapping reasons:

**(i) Landscape of Historic Importance**

All towns and villages within the Borough contain important tree groups which contribute to the character of conservation areas.

Other smaller groups or individual trees may contribute significantly to the character of conservation areas, for example by providing enclosure to spaces, enhancing the setting of a building or group of buildings, or providing a landmark feature of individual value.

Dense tree and shrub cover in mature private gardens also contribute to the character of conservation areas within the Plan area.

**(ii) Neighbourhood Edges**

The evolution of Royal Tunbridge Wells is characterised by the growth of a number of separate villages which have gradually converged. However, it is a feature of both the historic and more recent developments of the town and other settlements such as Brenchley, Cranbrook, Hawkhurst, Horsmonden and Lamberhurst where individual areas are segregated from one another by mature tree and shrub belts. The dense vegetation and tree belts form a strong visual barrier between areas. Such tree belts form Neighbourhood Edges which are not only important in understanding the historic evolution of the town or village but also add to the overall tree cover.

**(iii) Landscaped Skylines**

Almost all of the settlements and their approaches are situated on prominent ridgelines. Within Royal Tunbridge Wells the undulating topography creates a series of minor ridges between the principal ridgelines. Such ridges and other areas of high ground gain strategic importance as they may be viewed from outside and within the settlements. Proposals which would break the treeline or skyline will not be acceptable. A strong landscape element will be required for new development proposals on, or close to, important ridgelines dominated by tree cover.

**(iv) Strategic Significance**

Even when not located on high ground or ridgelines, many vegetated areas have significance to the wider landscape setting and character of the town or village and may be viewed from a wide area. In addition, many provide natural habitats for a variety of flora and fauna which can be of strategic significance in terms of providing a network of various habitats.

It is important to remember that in order to maintain the value of the site over time it will require regeneration and renewal in the form of suitable management and replanting. In determining development proposals the Local Planning Authority will seek to secure, by condition or agreement, sufficient space for, and appropriate management to, the important features of the site to ensure its continued regeneration.

**POLICY EN22**

**Proposals for development affecting Areas of Landscape Importance, as defined on the Proposals Map, will only be permitted where no significant harm would be caused to the appearance or landscape character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.**

**IMPORTANT LANDSCAPE APPROACHES**

- 4.155** One of the attractive environmental features of the Borough is the character and high visual quality of the approach routes outside and within the built up areas. Where these important approaches extend beyond the built up areas they are protected by POLICIES EN1, EN25, ~~EN26 and EN27.~~
- 4.156** Twelve predominantly landscaped approaches have been identified in Royal Tunbridge Wells, Southborough, Cranbrook, Benenden, Brenchley, Pembury and Speldhurst and are defined on the Proposals Map. The designated approaches are lined principally by mature hedges and native trees which partly conceal built development. They give the impression of the countryside extending well into the built up area. The first view of any town or village is important in forming an impression, particularly for visitors and tourists. Indeed, three of the approaches are on signed tourist routes. Consequently it is considered desirable to retain and enhance the character of these approaches.
- 4.157** Development, including a high solid fence, a new access and visibility splays, or the introduction of a dominant new building, would be likely to detract from the approaches identified. The principal discordant feature along many approaches is the presence of close boarded fencing which detracts from the soft landscape appearance by enclosing the road with a hard edge and by obscuring views of the vegetation.

**POLICY EN23**

**Proposals for development affecting the important landscape approaches to settlements, as defined on the Proposals Map, will only be permitted where no significant harm would be caused to the appearance and character of the approaches and the development would not materially detract from the contribution which that approach makes to the locality.**

**ARCADIAN AREAS**

- 4.158** Certain parts of the Borough exhibit strong Arcadian characteristics where landscaping is the dominant visual element. In such areas there is a large proportion of trees, often specimen trees and exotic species, and most boundaries, including road frontages, are formed by dense hedges and trees. Accesses to the properties are normally narrow and do not expose views of the principal building. Car parking is generally low key and well screened.
- 4.159** These areas are characterised by very low site coverage of buildings. Buildings are of a large domestic scale, generally two storeys in height and set well apart with significant, usually landscaped gaps between. Principal buildings are frequently some distance back from front and rear boundaries and many areas are also characterised by uniform front and rear building lines. Plot layout is often along a gently curved road which lacks formal kerbs. With the exception of Broadwater Down, buildings overlook open space.

- 4.160** Notwithstanding the Local Plan's overall aim of maximising the development potential of previously-used sites, the character of Arcadian Areas is of such historic and architectural importance that it is worthy of very careful conservation. The Local Planning Authority will expect all development proposals to respect the general features described where they are characteristic of the particular Arcadian Area. Low site coverage by built development should be retained as part of any proposal. Sub-division of plots which would result in a significant increase above the existing density of the Arcadian Area will be refused.
- 4.161** In addition to the considerable visual amenity that Arcadian Areas possess they can also be valuable as habitats for many species of birds, animals and plants. Larger gardens, belts of landscaping, and the canopies of trees provide green networks, allowing species to move through, and colonise, built up areas. Even relatively ordinary urban habitats can facilitate more complex species over time. Consistent with POLICY EN1, the Local Planning Authority will take into account the potential ecological value of Arcadian Areas when assessing proposals for development.

### **Royal Tunbridge Wells**

- 4.162** Royal Tunbridge Wells is characterised by a particular type of Arcadian development which extends the landscaped areas of the Common into residential locations. These Arcadian Areas contribute to the overall views and character of the town, and contrast to the higher densities of other parts of the town.
- 4.163** In the 1830s Decimus Burton laid out a heavily landscaped, low density development around the central part of Calverley Park which set the pattern for much of the later development of Royal Tunbridge Wells. Subsequent park developments built from the late nineteenth century exhibit a different character: a relatively higher density development with narrow gaps between properties, shallower front gardens and fenced or walled boundaries.
- 4.164** Four of the earlier so-called park developments in Royal Tunbridge Wells exhibit similar characteristics and possess a homogeneity of historic and architectural character which should be protected. These areas are listed below and defined on the Proposals Map:
- Calverley Park;
  - Camden Park;
  - Hungershall Park and Nevill Park; and
  - Broadwater Down.

### **Villages**

- 4.165** The areas surrounding parts of the village greens at Benenden and Matfield are characterised by a particular type of Arcadian development described above. They contribute strongly to the overall character of the villages in contrast to the more densely developed parts and are defined on the Proposals Map.

**POLICY EN24**

**Proposals for development which would affect the character or appearance of an Arcadian Area, as defined on the Proposals Map, will only be permitted if all of the following criteria are satisfied:**

- 1 The proposal would result in a low density of development where building heights, site coverage, distance from site boundaries, and front and rear building lines respect the predominant characteristics of the area;**
- 2 Landscaping would dominate within the site and along boundaries;**
- 3 Access widths would be narrow; and**
- 4 Buildings and parking would be well concealed in views from public places.**

### **The Rural Landscape of the Borough**

- 4.166** The rural landscape of the Borough is of a varied, and generally, high quality. It includes attractive small towns and villages, many of which are washed over by the High Weald Area of Outstanding Natural Beauty and Special Landscape Areas. The character and attractive appearance of the countryside is one of the Borough's principal assets and its protection will be an important consideration during the assessment of all development proposals. Proposals should be capable of being easily assimilated without detracting from the features which contribute to the character of the locality. Such features have a vital role in defining the character of the countryside, providing highly visible evidence of the historical evolution of the landscape.
- 4.167** The planning strategy aims to focus most development towards the urban area of Royal Tunbridge Wells and Southborough thereby maintaining the rural character of the countryside and contributing to more sustainable patterns of development. Government advice and separate Local Plan policies deal with the appropriateness of development within the Metropolitan Green Belt and outside the Limits to Built Development.

#### **The Protection of the Rural Landscape**

- 4.168** The Local Plan covers an area of attractive and largely unspoilt countryside which forms part of the Kentish Weald. This is the name given to the extensive and varied area of countryside situated between the North and South Downs, which also extends across parts of Surrey and Sussex.
- 4.169** The Weald landscape is based upon an ancient geological anticline, the chalk cover of which has been eroded to reveal older sandstone intermingled with soft clays underneath. The resulting landscape consists of a series of ridges and river valleys which provide the setting for the various settlements within the Plan area, many of which are located on prominent ridges or, like Royal Tunbridge Wells, spread into adjacent valleys. This is known as the High Weald. A number of broad, low-lying clay vales, such as the Upper Medway Valley, extend around the edges of the High Weald. Paddock Wood, Five Oak Green and Frittenden are situated in this area which is known as the Low Weald.
- 4.170** The Borough has a diverse and distinctive landscape formed by a patchwork of agriculture, woodland, heathland and rural settlement superimposed upon a landform of rolling plateaux incised by thin ghyll valleys and wide river valley floodplains. It is predominantly a rural agricultural landscape of grazed pastures and arable fields,

highlighted with broad belts of orchards and hop gardens, set within a framework of extensive woodlands. The landscape presents a peaceful and tranquil character, often with a sense of remoteness, which belies its location in the populous South East of England. The strong wooded framework is provided by the upland blankets of coniferous plantation, thin ghyll woodlands nestled in the valleys and woodland shaw boundaries that knit the various agricultural landscapes together. Settlement and built character provide a further layer of interest with a locally distinct vernacular style including brick, tiled, weatherboarded, half timbered and sandstone buildings. In the High Weald these form traditional ridgetop settlements with commanding views of the countryside. There are also farmsteads and isolated rural dwellings, including characteristic Wealden hall houses and visually distinctive clusters of oasts.

- 4.171** A study of the key components which contribute to local landscape character within the Borough has been undertaken (Landscape Character Area Assessment, 2001). It divides the Borough into six broad character types. These are sub-divided into a total of 19 separate local character areas each with distinct, identifiable characteristics. The Local Planning Authority has published Supplementary Planning Guidance covering the local landscape character of the Borough.
- 4.172** In considering proposals for development within the whole of the Borough's countryside area, the Local Planning Authority will have regard to the advice contained in PPS7 and the Borough Landscape Character Area Assessment, 2001.

### **Landscape Setting of the Towns and Villages**

- 4.173** The landscape setting of the towns and villages is an important feature of the Plan area. Many of the settlements are situated on ridgelines and are particularly prominent when viewed from the countryside. However, because of the topography, other settlements on lower land may also be viewed from higher areas of the attractive countryside. Typical of the High Weald, many parts of the built up areas are swathed in woodland which often forms a dense screen of vegetation between the settlement and the countryside. In other cases, private gardens abut the countryside and any development in such areas would normally be out of character with the setting of the town or village.
- 4.174** Consistent with Regional Planning Guidance (RPG 9), the conservation of the setting of the towns and villages of the Plan area will be pursued through the protection of landscape features which contribute to their setting. This has been taken into account during the selection of sites for new development and in any landscape requirements where development is proposed. In addition, encouragement is given to the provision of new structural landscaping at the edge of the built up areas (POLICY EN1).

### **Rural Lanes**

- 4.175** The Borough possesses a rich heritage of attractive lanes which contribute significantly to the distinctive character of the countryside whilst also providing wildlife habitats.
- 4.176** Reference should be made to the Borough Council's adopted Supplementary Planning Guidance: 'Rural Lanes'.

### **Conversion of Rural Buildings and Extension of Existing Buildings**

- 4.177** Government guidance indicates that the re-use and adaptation of existing rural buildings has an important role in meeting specific development needs in rural areas. Where appropriate, the Local Planning Authority will consider the re-use of suitable existing buildings within the countryside, in preference to the construction of new buildings, and has adopted Supplementary Planning Guidance on the Re-use of Rural Buildings.

- 4.178** In addition to POLICY EN1, the following criteria will apply to all rural areas outside the Limits to Built Development, including those areas covered by the High Weald Area of Outstanding Natural Beauty and Special Landscape Areas.

#### **POLICY EN25**

**Outside of the Limits to Built Development, as defined on the Proposals Map, all proposals for development will be required to satisfy all of the following criteria:**

- 1 The proposal would have a minimal impact on the landscape character of the locality;**
- 2 The development proposal would have no detrimental impact on the landscape setting of settlements;**
- 3 The development proposal would not result in unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance;**
- 4 Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be well screened by existing vegetation; and**
- 5 Where an extension or alteration to an existing building is proposed, it would respect local building styles and materials, have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.**

#### **High Weald Area of Outstanding Natural Beauty**

~~**4.179** A major part of the landscape character areas fall within the High Weald Area of Outstanding Natural Beauty, which was designated by the Secretary of State for the Environment in October 1983. This gives national recognition to the importance of the landscape character of the area. The status of Areas of Outstanding Natural Beauty (AONBs) is equivalent to that of the National Parks and together they share the highest level of protection in relation to landscape and scenic beauty.~~

~~**4.180** Within AONBs, it is Government policy to protect and enhance their natural beauty, whilst having due regard to social and economic considerations. The conservation of wildlife and cultural heritage are also important considerations.~~

~~**4.181** Major developments should not take place in these designated areas, except in exceptional circumstances. Any application for such development should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:~~

- ~~(i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;~~

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~~(ii) the cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way; and~~

~~(iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.~~

~~4.182 The Local Planning Authority will ensure that any planning permission granted for major development in the High Weald Area of Outstanding Natural Beauty would be carried out to high environmental standards through the application of appropriate conditions where necessary.~~

~~4.183 A Statement of Intent has been published by the constituent authorities affected by the designation setting out strategic aims and expressions of intent with regard to the management of the area, such as undertaking new tree planting and woodland management, improving natural habitats and facilitating public access to uncultivated land. A Management Plan has been published by the High Weald Area of Outstanding Natural Beauty Joint Advisory Committee, made up of the constituent authorities within the Area of Outstanding Natural Beauty including the Borough Council, setting out long-term objectives for the area. The Borough Council, in association with Kent County Council and the Countryside Agency, has set up the Kent High Weald Countryside Management Project to directly assist in achieving the management objectives within the Borough.~~

~~4.184 The boundary of the High Weald Area of Outstanding Natural Beauty is defined on the Proposals Map. As a statutory designation it cannot be amended by the Borough Council. The Countryside Agency has indicated that no comprehensive reviews of the boundary are currently planned.~~

~~4.185 This Plan allocates land at Kingstanding Way, Royal Tunbridge Wells under POLICY ED4 within the AONB. There are exceptional circumstances that apply to this allocation so that it does not conflict with guidance in PPS7, not least of which is the proximity of the Longfield Road industrial area. The site was identified as one which could accommodate an identified need in a sustainable location in an area constrained by Metropolitan Green Belt. The site itself, which is below the high quality landscape of the adjacent AONB, is contained on two sides by either previously developed land or industrial development and is currently poorly integrated with the surrounding landscape. The allocation allows for development that can be integrated with the existing landscape, protects and enhances the wider landscape of the AONB and also provides a suitable edge for existing development commensurate with the quality of the surrounding landscape.~~

~~4.186 POLICY EN26 applies to settlements washed over by the AONB designation. However, within the Limits to Built Development of such settlements where interaction with the countryside is limited, development will be permitted where it would protect or enhance the landscape of the AONB. This allows for appropriate development within such settlements.~~

### ~~POLICY EN26~~

~~Within the High Weald Area of Outstanding Natural Beauty, development proposals will only be permitted if they would protect or enhance the natural beauty and special character of the landscape. Major development proposals will only be permitted in exceptional circumstances and where they are demonstrated to be in the public interest.~~

~~4.187~~ In addition, proposals affecting the High Weald Area of Outstanding Natural Beauty will be considered through other policies in the Plan, including POLICY EN25.

### ~~Special Landscape Areas~~

~~4.188~~ The High and Low Weald Special Landscape Areas are strategically important landscape character areas identified within the approved Kent Structure Plan. The boundaries, which partly overlap the High Weald Area of Outstanding Natural Beauty, are defined on the Proposals Map. Special Landscape Areas (SLAs) are largely unspoilt areas of countryside which, because of their high scenic quality and distinctive local character, have county wide importance. Within the SLAs, priority is given to the conservation, enhancement and long term protection of the landscape over other planning considerations.

~~4.189~~ POLICY EN27 applies to settlements washed over by the SLA designation. However, within the Limits to Built Development of such settlements where interaction with the countryside is limited, development will be permitted where it would cause no significant harm to the important landscape character of the area. This allows for appropriate development within such settlements.

#### ~~POLICY EN27~~

~~Within the High and Low Weald Special Landscape Areas, but outside the boundary of the High Weald Area of Outstanding Natural Beauty, development proposals will only be permitted where they would cause no significant harm to the important landscape character of the area.~~

~~4.190~~ In addition, proposals affecting the Special Landscape Areas will be considered through other policies in the Plan, including POLICY EN25.

### ~~AGRICULTURAL LAND~~

~~4.191~~ Government guidance on the countryside and rural economy advises that it is national policy to protect greenfield sites, including the best and most versatile agricultural land, from irreversible development and to protect the countryside for its own sake. As the present character of the countryside has largely been shaped by agriculture, horticulture and forestry, it is necessary to ensure that controls are exercised to safeguard such activities.

~~4.192~~ Although the agricultural land within the Borough is generally not of the highest quality, being predominantly Grade 3, as classed by the Department for Environment, Food and Rural Affairs (DEFRA), pockets of Grade 2 and 3a land do exist. Farm structure is generally good and parts are intensively cropped. The presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations when considering planning proposals. Where the development of agricultural land is unavoidable, the Local Planning Authority will apply the advice contained in PPS7 and seek to use areas of poorer quality in preference to that of higher quality, except where this would be incompatible with other sustainability considerations.

### **POLICY EN28**

~~In considering development proposals, the presence of the best and most versatile agricultural land will be taken into account alongside other sustainability considerations. If significant development of agricultural land is unavoidable, poorer quality land should be used in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations.~~

## **Implementation**

- 4.193** The policies and paragraphs in this Chapter will be applied by the Local Planning Authority to encourage and promote a high standard of private and public sector development consistent with the sustainable objectives of this Plan.