

TWBC Local Plan 2019 - Representation

Representations to the Tunbridge Wells Borough Council Draft Local Plan Regulation 18 Consultation





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Appendix 1 – Society Ownership Plan

1. Introduction

- 1.1. This representation is provided on behalf of the Benenden Healthcare Society (hereinafter referred to as the Society) in response to the Tunbridge Wells Borough Council (TWBC) Local Plan Regulation 18 Consultation, which closes on the 15th November 2019. Please note that this representation reflects the view of the landowner at the current time (the Society) and therefore may be subject to change as contractual agreements with end developers progress.
- 1.2. The Benenden Healthcare Society owns a significant amount of land which falls within the TWBC boundary, including that surrounding the Benenden Hospital at East End. The landholding of the Society is shown in blue on the plan at **Appendix 1**.
- 1.3. Benenden Hospital is the largest employer and occupies a significant complex of buildings within the parish of Benenden, and therefore any development at the site is significant for the parish. As such representations have been submitted to the Benenden Neighbourhood Plan Regulation 14 consultation which closed on the 31st October 2019.
- 1.4. Any development at Benenden Hospital would also be significant to the borough as the hospital site is not only an important employer but it is also capable of delivering a significant quantum of new houses which will help to meet the borough's pressing housing need. Consequently, the Society has a keen interest in the progress of the Tunbridge Wells Local Plan (TWLP).
- 1.5. The Society welcomes the opportunity to provide comments on the draft TWLP at this stage and looks forward to continuing to work with both TWBC and the Benenden Neighbourhood Plan Steering Group to ensure that the proposed site allocations at the hospital are both appropriate, achievable and acceptable for all parties.

2. The Site

2.1. The Society initially put forward two sites for residential development through the TWLP Strategic Housing and Economic Land Availability Assessment (SHELAA) Consultation. These consisted of the North East Quadrant, a 3.7 hectare site to the north of Goddard's Green Road (SHELAA reference Site 40) and the South East Quadrant, a 4.2 hectare site to the south of Goddard Green Road (SHELAA reference Site 424). A variation of the South East Quadrant, which included an additional 0.7 ha of land to the east was also submitted at a later date (SHELAA reference Site 41).

2.2. As part of draft Policy AL/BE 4 (Land at Benenden Hospital), both the North East Quadrant and the South East Quadrant have been allocated for development. Whilst these sites were submitted to the SHELAA individually as Site 424 and Site 41, draft Policy AL/BE 4 allocates them together as one site.

The Site: Land at Benenden Hospital

2.3. The Benenden Hospital site contained within draft allocation AL/BE 4 comprises an area of approximately 12.6 ha, bordered to the North by Mockbeggar Lane and a small parcel of houses, and to the South, East and West by agricultural land. Goddards Green Lane / Benenden Road runs east to west through the centre of the site, whilst Green Lane runs north to south through the southern portion of the site.

2.4. The characteristics of the land surrounding the hospital is that of greenfield land which is currently undeveloped. The site itself contains a significant amount of land that is previously developed, including: hospital buildings, residential dwellings, two tennis courts, unused cricket pitch and car parking.

2.5. The hospital site falls just outside of the High Weald Area of Outstanding Natural Beauty (AONB) which extends to the south, east and west, abutting the site boundary. It is located entirely within Flood Zone 1, which means there is a low risk of flooding.

2.6. The site borders an area of Ancient Woodland to the north and there are designated Local Wildlife Sites (LWS) on the site which include the disused Cricket Pitch.

2.7. The site contains one Listed Building, Benenden Chest Hospital Lister Wing Building, which is situated to the west, across Green Lane, and is Grade II Listed (UID: 1203809).

2.8. The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings.

2.9. The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary. This contains a significant amount of hospital buildings which are no longer fit for purpose.

3. Representations to the TWBC Local Plan

- 3.1. The draft TWLP identifies a strategy for development within Benenden Parish through the Benenden Section of the TWLP. This section provides five draft policies specific to Benenden consisting of draft Policy STR/BE 1 – The Strategy for Benenden Parish, AL/BE1 – Land at Walkhurst Road, AL/BE2 – Land Adjacent to New Pond Road, AL/BE3 – Feofee Cottages and land, Walkhurst Road and AL/BE4 – Land at Benenden Hospital.
- 3.2. Draft Policy STR/BE 1, provides the overall strategy for the parish, whilst draft policies AL/BE 1 – 4 provide residential allocations. This representation focuses on policies STR/BE 1 and AL/BE 4 which are relevant to the Society and its land interests. Whilst STR/BE 1 is the strategic policy for Benenden, the Society has only minor comments in relation to STR/BE 1, and therefore this representation firstly addresses AL/BE 4 and then explores STR/BE 1.

AL/BE 4 Land at Benenden Hospital: Site Specific Policy

Policy Introduction

- 3.3. The North East and South East Quadrant, allocated in the TWLP under draft Policy AL/BE 4 – Land at Benenden Hospital and are allocated for a net increase of approximately 66-72 residential units above what is existing on site. The draft policy states that this equates to a further 44-50 dwellings in this location as permission has already been granted for 22 dwellings on the South East Quadrant under planning permission 12/03130/EIAMJ. This however is not quite accurate as this extant permission is for 24 dwellings, not 22.
- 3.4. The Society submitted a representation to the Benenden Neighbourhood Plan (BNP) Regulation 14 Consultation which closed on the 31st October 2019. The Society's representation to the BNP largely focused upon draft allocations LS40 and 41 which form the North East and South East Quadrants and comprise a significant part of the area covered by draft Policy AL/BE 4 of the TWLP. The BNP supports the refurbishment or redevelopment of 22 – 25 additional homes on both the North East and South East Quadrants, over and above the 24 with extant permission, applying a density of 22dph.
- 3.5. Given the small error in housing numbers, the society requests that the opening paragraph of draft Policy AL/BE 4 is reworded to read:

*“This site, as defined on the Benenden draft Policies Map, is allocated for residential development (C3) to provide a net increase in the number of residential units (above the amount existing on site in January 2019) of approximately **68-74** residential units. Given that planning permission has already been granted for **24** new dwellings at this site, this allocation would result in a further 44-50 dwellings in this location.”*

- 3.6. Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and within the boundary identified in the TWLP. The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP.
- 3.7. The Society has been in conversation with both the Neighbourhood Plan Steering Group and TWBC regarding the development of land at the hospital, and have entered into a pre-application discussion with TMBC regarding the development of the South East Quadrant of the hospital site.
- 3.8. The progress to date in relation to the South East Quadrant provides support for the allocations, demonstrating that the site is available and can be brought forward for the proposed quantum of development. As the North East Quadrant does not benefit from an extant permission, it is currently the intention of the Society not to progress proposals on this parcel of land until either the Neighbourhood Plan, or the TWLP have progressed to a more significant stage.

Policy Requirements

- 3.9. Draft Policy AL/BE 4 also contains 12 site specific requirements which development of the site will be required to conform with. The Society has provided comments in relation to these 12 specific requirements below.

1. Provision of an active travel link between the site and Benenden village.

- 3.10. The Society notes the aspirations of the Benenden Neighbourhood Plan Steering Group set out in the BNP through draft Policy T1 for a footpath / bridleway along Green Lane. This aspiration correlates with the first requirement of draft policy AL/BE 4 as outlined above. The Society would like to elucidate that the route proposed in the BNP travels across land not owned by the Society, meaning that the deliverability of this route would be partly out of the Society's control. The Society would however be happy to provide a proportionate contribution towards the development of such a route.

- 3.11. As part of a commensurate contribution to this aim, the Society is also happy to consider making some of its own land available for the purposes of a travel link (bridleway / footpath) between the site and Benenden Village should the proposed route alter. However the Society notes that this scheme will not be possible until other land owners have also given consent for the route to traverse their own land. The Society would also highlight that any footpath / bridleway would need to be sensitive to the AONB location and would need to show due consideration to the farmer who uses the Society's farm land. Ultimately, the Society is broadly supportive of this requirement.

2. Development must take place within the non-hatched areas as defined on the allocations plan, with no new buildings to be constructed within the AONB.

- 3.12. The Society do not object to the requirement for no new buildings to be located within the High Weald AONB and can confirm that there is no intention to develop new buildings within the AONB. The Society do however consider the green hatched area on the site plan accompanying AL/BE 4 which is to act as a landscape buffer to the north of the Wood Lane to be excessively large. Initial site layouts indicate that some limited development will be required within the southern part of this hatched area and therefore **the Society request that the hatched area is reduced in size to provide a circa 30 metre landscape buffer to the north, rather than the 60 metre buffer currently indicated through the allocation site plan.**
- 3.13. It would be the intention of the Society to retain as many of the trees located within this landscape buffer area as possible through any development.
- 3. The proposal must incorporate tennis courts, a similar level of car parking for use by the hospital, and access to the sports pavilion as currently provided, unless it can be satisfactorily demonstrated that these facilities are no longer required by the hospital in the short and long term.*
- 3.14. The Society can advise that the tennis courts and sports pavilion currently existing on site are rarely used and are not required by the Hospital. As a result, the Society does not propose to retain or reinstate the tennis courts or sports pavilion in any future development of the site. Therefore **the Society requests that the requirement to incorporate tennis courts and retain the sports pavilion is removed from the policy.**
- 3.15. In relation to car parking, the Society can confirm that the car parking on site is used by the Hospital and it would be the Society's intention to re-provide a similar level of car parking within the Hospital site as part of any development. The Society therefore does not object to the requirement to re-provide a similar level of hospital parking on site.
- 4. The garage block within the open space to the north as defined on the site allocation plan shall be demolished before the occupation of 50% of the residential units, and thereafter the land used and managed in the longer term for the benefit of the Local Wildlife Site and/or sports pitch.*
- 3.16. It is the intention of the Society to demolish the existing garage block to the north of the site as part of the re-development of the North East Quadrant. As it is the Society's current intention to develop the South East Quadrant for approximately 48 units ahead of the North East Quadrant, **the Society request that the demolition of the garage block is triggered upon occupation of 75% of the residential units, rather than 50% to allow the development of the South East Quadrant to be completed ahead of the North East Quadrant.**

3.17. In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, **the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.**

5. Means to secure the public use of the cafe at the hospital (for a minimum of 10 years from occupation of 50% of the (gross) residential units);

6. The provision of a small, publicly accessible retail outlet within the existing hospital buildings (for a minimum of 10 years from occupation of 50% of the (gross) residential units).

3.18. The Society intend to develop a premise as part of the overall proposals that would be available to be leased as a publicly accessible café and retail outlet. As such **the Society request that requirements 5 and 6 are reworded to reference provision will be made within the wider development proposals for a cafe and retail outlet, as oppose to existing hospital buildings which have only been designed for hospital use being repurposed.**

3.19. In order to generate funding for the proposed café / retail outlet it is the Society's intention to bring forward the development of the South East Quadrant for circa 48 units prior to the creation of the café / retail outlet premises. Therefore, **the Society request that the trigger for the café and retail outlet is altered from occupation of 50% of the residential units to 75%.**

7. The provision of a daily trip to/from the hospital site to Benenden and Tenterden by minibus to coincide with the primary school start and finish of the day from Monday to Friday, and an additional service in the morning and late afternoon on a Saturday (for a minimum of 10 years from occupation of 50% of the (gross) residential units).

3.20. The Society raise concerns with this requirement. The Society do not object to providing a contribution towards the provision of a bus service to and from the Hospital site to Benenden and Tenterden, commensurate to the quantum of development being brought forward at the site. However, the Society is not a transport provider and therefore is not capable of establishing or providing such a service directly. Consequently, **the Society request that the requirement is reworded to require the Society to provide a proportionate contribution towards the provision of a bus service to and from the Hospital to Benenden and Tenterden rather than to provide the bus service itself.**

8. The provision of the long-term management of the Local Wildlife Sites associated with the hospital land (see Policy EN 11: Net Gains for Nature: biodiversity).

3.21. The Society support the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.

9. Regard to be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment (see Policy EN 14 : Trees, Woodlands, Hedges, and Development and criterion 3 of Policy EN 1: Design and other development management criteria).

3.22. The Society raises no objection to the requirement to protect trees and hedges of high amenity value and confirms that when development proposals are drawn up for the site great care will be taken to ensure that trees and hedge of greatest amenity value are retained.

10. Reflects existing trees and hedges on the site, and the complex topography (particularly within the southern part of the site) (see criteria 1 and 3 of Policy EN 1: Design and other development management criteria).

3.23. The Society supports this requirement and will try to ensure that development proposals respect the existing hedges, trees and topography of the site.

11. The provision of affordable housing as 35% of the net increase in the number of dwellings. A proportion of this may be provided as a financial contribution for use to provide a higher proportion of affordable housing at Feoffee Cottages and land, with the remainder provided on site (see Policy H5: Affordable Housing).

3.24. The Society supports the requirement to provide a proportion of affordable homes for both aspiring homeowners in the parish and is happy to do so. Furthermore, the Society appreciates the rationality provided by allowing for a financial contribution to be made in lieu of a proportion of the required on site provision. **The Society do however request that this same flexibility is built into the requirement, to allow for a lower provision than 35% affordable housing if fully justified by robust viability evidence.** This will build flexibility into the allocation to ensure that it remains deliverable should market conditions change.

3.25. Collectively this is an extensive brownfield site with significant built form which will involve significant costs to be removed from the site. This combined with the various contributions sought and additional facilities on site may have some viability implications when affordable housing contributions and normal S106 / Community Infrastructure Levy (CIL) contributions are also factored in. Accordingly it would appear prudent to reflect viability considerations in the usual way, and as stipulated by national planning policy.

12. Provision of on-site amenity/natural green space and children's play space and improvements to existing allotments, parks and recreation grounds and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation.

- 3.26. The Society do not object to this requirement and can confirm that they will aim to provide commensurate open space and play facilities within or adjoining the site.

Developer Contributions

- 3.27. Draft Policy AL/BE 4 highlights 5 areas for which developer contributions will be required in association with the development of the site.

a. Measures to control the speed of traffic within and around East End.

- 3.28. Subject to viability considerations the Society do not object to paying a contribution towards traffic calming measures within and around East End that is proportionate to the scale of the proposed development.

b. Suitably designed crossing points across Goddards Green Road.

- 3.29. Subject to viability considerations the Society is willing to pay an appropriate contribution towards the provision of suitable crossing points across Goddard Green Road.

c. Relevant works to highway junctions as necessary.

- 3.30. Subject to viability considerations the Society do not object to paying a proportionate contribution towards any highway junction improvements necessary to mitigate the increase in traffic arising for the proposed development.

d. Improvements to the public realm at the centre of Benenden.

- 3.31. Subject to viability considerations the Society is willing to pay a contribution towards public realm improvements in Benenden, commensurate to the scale of the proposed development.

e. Other highway related works.

- 3.32. The Society considers it unlikely that highways related works in addition to traffic calming measures, the provision of crossings, and junction improvements as set out in requirements a – c of the draft policy are likely to be necessary as a result of the development of the sites at Benenden Hospital, given the scale of development proposed.

- 3.33. The Society would also highlight the requirement set out in the draft policy for public transport improvements (requirement 7). Whilst the Society consider it unlikely that additional highways related works are likely to be required, should Kent County Council Highways department consider that additional contributions are necessary in order for the development to be brought forwards the Society would not object to making a proportionate contribution, provided it does not jeopardise the viability of the development of the site.

STR/BE 1: The Strategy for Benenden Parish

- 3.34. In addition to the allocation of the two sites identified above through draft policy AL/BE 4, the TWLP also seeks to create a policy relating to the overall strategy for the Benenden Parish through draft policy STR/BE 1.
- 3.35. Draft Policy STR/BE 1 outlines that 119-129 new dwellings will be delivered on the allocated sites within Benenden parish. The draft policy acknowledges that extant planning permission exists for an increase of 22 dwellings at AL/BE 4. However, as previously outlined in paragraph 3.35 this appears to be a mistake, Land at Benenden Hospital in fact has an extant permission for 24 dwellings.
- 3.36. The Society requests that paragraph 1 of draft Policy STR/BE 1, is reworded to read:
- “Approximately 119-129 new dwellings will be delivered on four sites allocated in this Local Plan in the plan period (Policies AL/BE 1-4). (*) Of these sites, the following already have planning permission: AL/BE 1 for 12 dwellings and AL/BE 4 for **24** (net increase) dwellings:”*
- 3.37. The remainder of draft policy STR/BE 1 sets out a number of high level requirements for the sites to be allocated in Benenden. Those requirements of STR/BE 1 relevant to the Hospital sites have already been addressed previously in this representation through the Society’s comments in relation to draft policy AL/BE 4.
- 3.38. Similarly to draft policy AL/BE 4, draft policy STR/BE 1 also sets out a number of developer contributions that may be required for the sites allocated in Benenden. These contributions are provided below alongside the Society’s comments.
- a. ***Primary and secondary education;***
 - b. ***Health and medical facilities;***
 - c. ***The provision of buildings and spaces to provide cultural infrastructure.***
- 3.39. The Society has no objections to providing a contribution towards these requirements, commensurate to the quantum of development to be brought forward on site.
- d. ***Improvements to bus services including investigations into the feasibility of a Demand Responsive Bus Services linking Benenden and East End.***

- 3.40. The Society would question whether this obligation is in addition to that set out in draft policy AL/BN 4 – requirement 7, which sets out that the Society should provide a bus service from the Hospital to Benenden and Tenterden. The Society’s comments in relation to requirement 7 are set out previously in this representation.
- 3.41. **If this obligation refers to the same bus service then the Society request that this is made explicit in draft policy STR/BN 1 so that obligations required of the Society are not duplicated.** Should this obligation refer to a separate or additional bus service then, notwithstanding the Society’s comments in relation to requirement 7 of draft policy AL/BN 4, **the Society ask that TWBC re-consider the amount of contributions that are required in relation to transport infrastructure associated with the development of the Hospital sites in order to ensure that the viability of the development is not jeopardised by the significant quantum of developer contributions being sought.**
- 3.42. The Society would like to elaborate that they are content with having to pay developer contributions to make the development acceptable and to mitigate the adverse impacts of the development. However, the Society would like to request that these are fair and directly related to the development. This is outlined in paragraph 002-20190901 of the Planning Practice Guidance, whereby planning obligations sought should be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and in kind to the development.
- 3.43. Should TWBC decide that it is pertinent to retain all of the transport contributions contained within the draft TWLP then **the Society request that a mechanism is built into both policies AL/BN4 and SRT/BN 1 to ensure that financial contributions required are proportionate to the quantum of development proposed.**
- e. *Improved broadband and mobile connectivity to serve all of the parish area;*
 - f. *Provision of allotments, amenity/natural green space, parks and recreation grounds, children’s play space and youth play space;*
 - g. *Other mitigation measures identified through the pre-application process and planning application.*
- 3.44. The Society raises no objection in relation to the above obligations provided that contributions required are appropriate and commensurate to the scale of development brought forward at the site.

Developer Contributions

- 3.45. As identified in the previous sections of this representation, both draft policies AL/BE 4 and STR/BE 1 have certain requirements whereby financial contributions will be required towards projects within the parish. The Society's specific comments in relation to each specific developer contribution have been provided previously in this representation, however the Society also wish to provide some general comments in relation to the proposed developer contributions as set out in draft policies AL/BE 4 and STR/BE 1, and the implications of these in conjunction with the requirements of the draft BNP.
- 3.46. The Society is aware that, in addition to the community infrastructure requirements set out through AL/BE 4 and STR/BE 1, any development within the Benenden Parish will be subject to obligations through the BNP draft policies T1 – T6 in relation to travel, mitigation, highways etc. These obligations will result in additional costs to the Society when developing the site. These costs are in addition to the cost associated with the development of their previously developed land, which is likely to be considerably higher than those associated with a greenfield site, due to the presence of a considerable amount of built form which will require demolition and ground remediation.
- 3.47. Accordingly, the Society considers that it is necessary to build a degree of flexibility into the financial contributions required in both policies AL/BE 4 and STR/BE 1 to allow for reduced contributions where justified by robust viability evidence.
- 3.48. Whilst the Society will strive to provide all of the obligations sought through the BNP and the adopted or emerging TWLP, it is incumbent upon the Plan makers to ensure that allocated sites are viable and policies are realistic and deliverable. This is set out in the Planning Policy Guidance (PPG) (Viability and Plan Making) (Paragraph: 002 Reference ID: 10-002-20190509):
- “Viability assessments should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. It is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies”.*
- 3.49. The additional flexibility that a clause in Policies AL/BE 4 and STR/BE 1 linking the proposed obligations to viability testing will ensure that the development of the two sites remains viable, deliverable and achievable. This will therefore result in the sites being brought forward for development to deliver the numbers of units allocated through the TWLP and BNP that are desperately required in the parish and indeed the borough as a whole.
- 3.50. **The Society request that a mechanism is built into draft Policies AL/BE 4 and STR/BE 1 to allow for a reduced contribution, where fully justified by robust viability evidence.**

4. Conclusions

- 4.1. The Society are supportive of the allocation of sites 424 – The South East Quadrant and site 41 - The North East Quadrant through draft policy AL/BN 4 for development of between 66 – 72 additional dwellings, and hereby confirm the availability of this land for development.
- 4.2. The Society are broadly supportive of draft policies STR/BN 1 and AL/BN 4 and the various policy requirements, with the exception of requirements 2, 3, 4 and 7 which the Society do not object to in principal but consider should be altered as set out in these representations.
- 4.3. We trust that these representations are of assistance to the TWBC. The Society would be happy to meet with the TWBC to discuss the TWLP or the allocated sites in more detail if this would be of assistance. Details of the Society's retained planning consultants can be found at the end of this document.
- 4.4. Overall, the TWLP policies need to be in conformity with the National Planning Policy Framework (NPPF). They also need to be in adherence with the Community Infrastructure Levy (CIL) regulations. A number of the policy requirements listed in these draft policies, notably the requirement for an active travel link (requirement 1 – AL/BN 4) and the requirement for the bus link (requirement 7 – AL/BN 4) will need to be formally added to the CIL Regulation 123 list, so that TWBC are able to legitimately seek specific financial contributions towards them when subsequent planning applications are under consideration.
- 4.5. The Society are grateful for the opportunity to comment on the draft policies at this early stage and look forward to continuing the positive working relationship with TWBC which has been established.



Appendices



Appendix 1 – Society Ownership Plan

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