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Tunbridge Wells Local Plan Regulation 18 Response

**In respect of land at Hawkhurst Golf Club
On behalf of Cedardrive Ltd**

November 2019
DHA/14006/12935



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1 Introduction

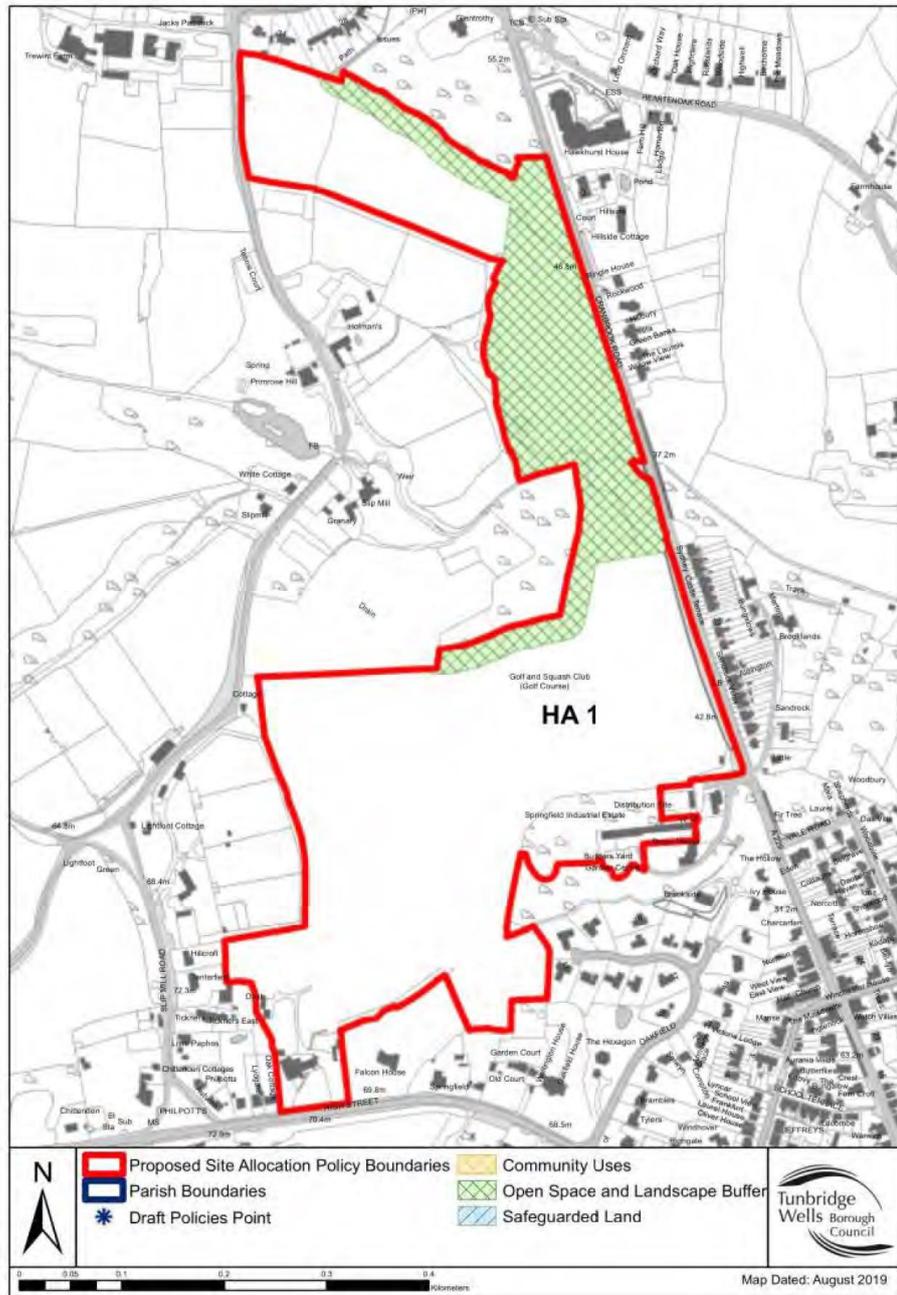
1.1 Purpose of this report

- 1.1.1 This representation has been prepared on behalf of Cedardrive Ltd in response to the Tunbridge Wells Borough Council ('TWBC') Draft Local Plan Consultation, which runs until 15th November 2019.
- 1.1.2 These representations relate to land at Hawkhurst Golf Club, which our client is promoting for a new relief road and residential development as part of the wider development plan review.
- 1.1.3 Based on the current national and local planning context, we consider this site to be suitable for development. Furthermore, the site is of a size and scale to play a role in accommodating the wider overspill of housing need from London and elsewhere within the South East of England.
- 1.1.4 This representation therefore responds to the content of the draft plan (and relevant supporting documents), reinforces why the site represents a suitable location to accommodate growth and outlines how development could be delivered on site.

2 Site and context

2.1 Site Overview

2.1.1 Our client is promoting land at Hawkhurst Golf Club for residential development and a relief road. The site was promoted via the original Call for Sites process in 2016 (site 115). The site boundary is shown within Figure 2.1.



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Figure 2.1: Proposed site boundary

- 2.1.2 The 20.69-hectare site comprises a nine-hole golf course, formed in 1968 on land on the north western side of Hawkhurst in the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.1.3 It should be noted that the AONB washes over the whole village, and therefore any development in the area will inevitably be located in the AONB. The need for housing within the AONB has been recognised in recent decisions, including the residential development at Herschel Place. In any event, there are already high levels of screening of the Golf Club site from existing, mature vegetation and views of the site are limited by the topography. Views are typically limited to the adjoining properties, roads and footpaths, and even from there are largely filtered.
- 2.1.4 The site also incorporates the 2.25ha Springfield Nurseries site, which has been allocated for residential development as part of the AL/HA1 allocation for 40 dwellings in the 2016 Site Allocations Local Plan, prior to which it had also been allocated in the 2006 Local Plan. Planning permission has now been granted on appeal for the residential development of the other part of the AL/HA1 allocation (at Brook House). Planning permission was recently refused on the Springfield Nurseries site (17/O2192/OUT), contrary to the Planning Officer's recommendation to committee. The current draft allocation incorporates the Springfield element of the 2016 allocation within the Hawkhurst Golf Club allocation.
- 2.1.5 The site is subject to a current planning application (19/O2025/HYBRID) for the following description of development:

"Hybrid planning application for the demolition of existing clubhouse, squash courts and ancillary structures, and redevelopment of existing golf course. Full planning permission sought for new relief road and associated earthworks and junctions with A268 and A229. Outline planning permission (all matters reserved for future determination) sought for residential development of up to 417 dwellings, a C2/C3 care home, class D1 facilities such as a doctor's surgery and/or community hall, public car park, public park, and associated parking, servicing, utilities, footpath and cycle links, formal and informal open space and recreation facilities, drainage, ground and infrastructure works".

- 2.1.6 Detailed planning permission is being sought for the new relief road, associated earthworks and junctions.
- 2.1.7 Outline planning permission is being sought for the remainder of the development, with all matters reserved for future determination.

Proposed relief road

- 2.1.8 A relief road was first proposed more than 20 years ago but has never been delivered. This proposal seeks detailed planning permission for a new, public road through the centre of the site which would link the A268 High Street and A229 Cranbrook Road. Combined with the proposals to amend the Highgate crossroads this would effectively result in the A229 being diverted through the site. This new relief road will remove the need for some traffic movements to have to pass through the already congested Highgate crossroads, and will improve the performance of that junction, reducing queuing times.

- 2.1.9 This significant infrastructure improvement is key to the delivery of additional housing at Hawkhurst to meet the area's share of the Borough's overall housing need.
- 2.1.10 Hawkhurst Crossroads currently operates above its design capacity during both the morning and evening peak periods, with maximum queue lengths of 42 vehicles in the morning peak hour on the Highgate Hill arm of the junction and average delay per vehicle of three-and-a-half minutes.
- 2.1.11 The operation of the junction will continue to deteriorate in the coming years if nothing is done and background traffic growth and permitted developments in the village and surrounding area (including Cranbrook and Hartley) come forward. Indeed, Kent County Council has recently acknowledged that there are no other viable improvements that can be made to the crossroads in isolation.
- 2.1.12 By 2033, if nothing is done, peak period queue lengths on both the Highgate Hill and Cranbrook Road arms of the junction will increase to in the region of 100 vehicles, with average delay reaching almost nine minutes per vehicle. This would likely lead to increased 'rat-running' on unsuitable rural routes in the area.
- 2.1.13 With the Golf Club scheme and relief road, the Cranbrook Road closure and other committed developments in and around Hawkhurst in place (assumed to be in 2023 for the purposes of the current planning application), peak period queue lengths would reduce to a maximum of 32 vehicles in the morning peak hour on the Highgate Hill arm of the junction. Average delay per vehicle would reduce to less than two minutes in the morning peak and around two-and-a-half minutes in the evening peak, even with the expected growth in traffic from other developments.
- 2.1.14 By 2033, average delay at the junction would remain lower than currently. As such, it is clear that the Golf Club scheme and relief road are critical to the delivery of meaningful and much-needed improvements to the crossroads, as well as ensuring that wider housing growth in the area can be satisfactorily accommodated.

Other benefits

- 2.1.15 The proposals also allow for new community facilities to be provided, including an 80-space car park to help to free up space in the existing village centre car parks.
- 2.1.16 A new public park will also be created in the centre of the development, which will be available to all existing and new residents, but will be particularly easily accessible to residents of Highgate and Gills Green. This will open up the site to public access for the first time.
- 2.1.17 The largest land use on the site will be residential development accommodating a mix of residential types and sizes and to include 35% affordable housing in accordance with the policy requirements of TWBC. Up to 417 dwellings would be provided.

- 2.1.18 The proposals would also allow the development of specialist accommodation for elderly residents, either in the form of a class C2 care home or class C3 dwellings designed for older residents (or indeed a combination of the two).
- 2.1.19 The proposals are for new homes of a wide mix of sizes, including social and sheltered housing. Of these, 383 will be on the golf course land, plus 34 homes on the Springfield site which, as discussed above, forms part of the same current draft allocation (HA1), but which has already been allocated in the adopted Local Plan for housing, giving a total of 417 homes.

3 The Tunbridge Wells Draft Local Plan

3.1 Overview

3.1.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

3.1.2 The plan will set the agenda for development across the borough to 2036 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

3.2 Vision and Strategic Objectives

3.2.1 The TWBC draft Local Plan is underpinned by a future vision up to 2036 and beyond. The vision is for Tunbridge Wells to be vibrant and prosperous and there is also an expectation that it will have grown significantly. The Council aim for growth to be infrastructure led and largely funded by new development.

3.2.2 Development is proposed to be spread around various locations in the Borough. As well as expanding Paddock Wood and creating a new garden village, the Plan proposes significant development in the eastern villages including Hawkhurst, Cranbrook, Sissinghurst, Hartley and Frittenden. As discussed in section 2.1, the Hawkhurst crossroads is already over capacity and if nothing is done to improve the situation, additional pressures from new residents from these allocations will only make matters worse when using the A229 through the Highgate crossroads. Therefore something must be done, and the proposed relief road is a critical part of the Council's development and infrastructure strategy.

3.2.3 The key components of the vision are summarised below:

- The heart of Royal Tunbridge Wells and Southborough will be culturally rich, full of vitality, and will have the flexibility, robustness, and adaptability to cope with changes in the economy and other circumstances.
- Paddock Wood as a settlement will have developed considerably (including on land in eastern Capel parish) on the basis of garden settlement principles, using a comprehensive, master-planned approach.
- A new garden settlement will have been established at Tudeley Village, including homes, employment, and community facilities (which will continue to develop into the following years).
- High quality development at other settlements across the borough will have been realised, with the timely provision of relevant infrastructure
- Rural enterprise will have been supported, and the exceptional quality of the built and natural environments will have been protected and enhanced.

3.2.4 The plan stresses that all development will achieve high quality design, responding to the distinctive character of particular locations and in certain instances valued and protected landscapes. Further, the timely delivery of infrastructure will be central to the plan.

3.2.5 In order to turn this vision into reality the plan sets a number of strategic objectives.

- 1) To deliver the housing, economic, and other needs identified for the borough by the end of the plan period through well designed, sustainable, plan led, and high-quality development;
- 2) To achieve the delivery of all forms of infrastructure to mitigate the impact of development and where possible to result in 'betterment';
- 3) To prioritise active travel, but where necessary to plan appropriately for use by private motor vehicle, in particular embracing new technology;
- 4) To boost significantly the supply of affordable housing, and to seek to redress the disparity between house prices and income in the borough;
- 5) To ensure that the borough is vibrant, culturally rich, and economically buoyant;
- 6) To protect the valued heritage, and built and natural environments of the borough, including the AONB and to achieve net gains for nature;
- 7) To release appropriate land from the Green Belt through a plan-led approach, and to increase public accessibility, and to protect the openness of remaining Green Belt land;
- 8) To tackle climate change and minimise the impact of development on communities, the economy, and the environment with carefully considered design and by embracing technology, such as renewable energy generation;
- 9) To establish garden settlements as a model for the future delivery of development in the borough;
- 10) To work with neighbourhood plan groups to ensure the formation of locally-led policies, with this reflected in decisions on planning applications.

3.2.6 We support the general thrust of these objectives, which seek to meet identified housing needs in full and boosting significantly the supply of new affordable homes. However, we would suggest some minor modification to clarify that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we acknowledge that the Plan aspires to achieve the full development needs of the borough and therefore we consider that objective 1 should be modified to make certain on this point.

"To deliver the full housing, economic and other needs identified for the borough by the end of the plan period through well designed, sustainable, plan led and high quality development"

3.3 Development Strategy and Strategic Policies

Context

- 3.3.1 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.
- 3.3.2 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient quantum and variety of land can come forward where it is needed. Furthermore, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- 3.3.3 The Council confirm that their housing need target for the plan period 2016–2036 is 13,560 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections.
- 3.3.4 In terms of the different supply components, the Council considers that the Local Plan must (as a minimum) include additional allocations to accommodate 7,593 homes. This figure was formulated taking into account:
- completions since April 2016 (1,552);
 - extant planning permissions (3,127);
 - outstanding site allocations (588); and
 - a windfall allowance (700 dwellings).
- 3.3.5 The Council has applied a 10% non-delivery rate to these figures to err on the side of caution and consider that the plan would exceed the minimum housing requirement if all of the supply components were achieved.
- 3.3.6 We commend TWBC for seeking to meet their need in full and support this positive approach to plan-making. Likewise, we support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach.

Comments on Policy STR/HA1

- 3.3.7 We **support** the strategy for Hawkhurst as set out in Policy STR/HA1 in general, with particular support for the following requirements:

- The proposal for 681-731 new dwellings to be delivered in the village as set out in requirement 1. The proposals at Hawkhurst Golf Club are therefore a key part of the housing strategy;
- Requirement 3, in particular insofar as it requires contributions towards the relief road where this is appropriately justified; and
- The inclusion of some additional housing at Gills Green, as set out in requirement 5. The proposed development of Hawkhurst Golf Club includes some housing on the southern side of Gills Green.

3.3.8 Our client's proposed development at Hawkhurst Golf Club will make a significant contribution towards delivering this strategy.

3.3.9 However, we **raise concerns** in relation penultimate paragraph of the policy, which requires employment floorspace to be provided on all greenfield windfall sites of 100 or more dwellings. It is assumed that the use of the word "windfall" means that this policy does not apply to Local Plan allocations but would be grateful for clarification on this. It should be noted in any event that any community facilities developed at Hawkhurst Golf Club would create some employment.

3.3.10 We **object** to the proposed Limits to Built Development for Hawkhurst insofar as the proposed allocation site at Hawkhurst Golf Club is shown as being excluded from the LBD. This makes no logical sense.

3.3.11 The draft proposals map already differentiates between areas of the Golf Club site which are suitable for housing, or which are required to be kept open. Whilst we make additional comments on this below, the principle of denoting these areas in this way is acceptable. There is no logical reason why the LBD should then exclude the whole site when it will clearly become part of the main built up area once developed. Instead the LBD could be drawn to exclude the non-developed area in exactly the same way as has been shown on allocations HA4 and HA6. The inconsistent approach to HA1 is unacceptable.

3.4 Place Making Policies

Comments on Policy AL/HA1

3.4.1 We strongly **support** the proposed allocation of Hawkhurst Golf Club for development as proposed in Policy AL/HA1, both in terms of the retention of the existing allocation for housing at Springfield and the new proposals for development on the golf course itself. However, we qualify that support with the following comments.

Comment on paragraph 5.93

3.4.2 The fourth bullet point refers to the site including land within the EA's Flood Zone 3. Whilst this is correct, the area in question is a very narrow strip of land well within the proposed open space buffer zone. The text should be amended to clarify this.

Quantum and type of development

- 3.4.3 We fully **support** the quantum and type of development set out in the introductory paragraph to Policy AL/HA1.

Bullet point 2: Open Space buffer

- 3.4.4 Whilst the principle of a development-free area is acceptable, we have concerns about the proposed buffer as set out further at paragraph 3.4.8 below.
- 3.4.5 Amongst other things, the proposed development-free buffer should contain no greater than a 15m buffer adjacent to the ancient woodland in order to avoid placing unnecessary constraints on development. As demonstrated in the current planning application proposals, a greater buffer is likely to be created in various places along these boundaries; however it important that appropriate flexibility be allowed, whilst respecting the need to maintain an acceptable buffer to ancient woodland.

Comments on Map 61

- 3.4.6 It is noted that the key to Map 61 includes references to Safeguarded Land and Community Uses, yet there are no such designations on the plan (as indeed there is no reason for these to be shown on this map). These references should be removed to avoid confusion.

Comments on Proposals Map in relation to Policy AL/HA1

- 3.4.7 For the reasons stated at paragraph 3.3.10 above, we **object** to the exclusion of site AL/HA1 from the proposed Limits to Built Development.
- 3.4.8 Part of the site is shown as an Open Space and Landscape Buffer. We have no objection to the general principle of both a minimum 15m buffer to adjacent ancient woodland, and to the creation of an appropriate area of open space to ensure the continued separation of Highgate and Gills Green. However, whilst the principles are generally consistent, the precise boundaries of the buffer area shown are slightly inconsistent with those shown on the current planning application masterplan and could prevent a small amount of development which we consider to be acceptable. We **object** to this and request that the boundaries are amended so that they are consistent.

3.5 Development Management Policies

- 3.5.1 The development management policies seek to achieve the vision established by the strategic and place making policies aforementioned. They provide more detail for decision making in relation to particularly issues and assess the acceptability of development.
- 3.5.2 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

General comments

- 3.5.3 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision. In contrast, the draft policies currently proposed are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are simplified and where additional guidance is needed, this be included within secondary Supplementary Planning Documents.
- 3.5.4 Turning to detailed policies, there are a number of contradictory elements that need to be remedied before the plan proceeds to Regulation 19. For example, policy EN1 seeks to ensure development is consistent with the established character and surrounding form. However, policy EN4 places significant emphasis on measures to radically reduce greenhouse gas emissions. The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies are too inconsistent.
- 3.5.5 A number of policies also seek to provide guidance rather than policy. For example, policy EN6 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information should instead feature within a support SPD not policy.

Comments on Policy EN20

- 3.5.6 In respect of the natural environment, policy EN20 seeks to protect the rural landscape. It states that development will be required to:
1. *Conserve and enhance the unique and diverse variety and juxtaposition of the borough's landscape and the special features that contribute positively to the local sense of place; and*
 2. *Not cause significant harm to the landscape setting of settlements, including historic farmsteads and hamlets; and*
 3. *Not result in unsympathetic change to the character of a rural lane, which is of landscape, amenity, nature conservation, or historic or archaeological importance; and*
 4. *Restore landscape character where it has been eroded; and*
 5. *Preserve intrinsically dark landscapes in accordance with Policy EN 10: Outdoor Lighting and Dark Skies.*
- 3.5.7 We support the principle of the policy but consider amendments are needed to ensure that it does not result in a blanket reason to refusal otherwise sustainable greenfield development. We suggest it be amended to read:

1. *Conserve and enhance the unique and diverse variety and juxtaposition of the borough's landscape and the special features that contribute positively to the local sense of place; and*
2. ~~Not cause~~ *Include appropriate mitigation to ensure against significant harm to the landscape setting of settlements, including historic farmsteads and hamlets; and*
3. *Not result in unsympathetic change to the character of a rural lane, which is of landscape, amenity, nature conservation, or historic or archaeological importance; and*
4. ~~Restore~~ *Enhance landscape character where it has been eroded; and*
5. *Preserve intrinsically dark landscapes in accordance with Policy EN 10: Outdoor Lighting and Dark Skies.*

Comments on Policy H1

- 3.5.8 Turning to housing policies, we have significant concerns about the drafting of several policies, that show a degree of misunderstanding of the development industry. For example, policy H1 states:

Unless there are exceptional circumstances due to specific site or development constraints, a condition will be attached to any grant of planning permission for new major residential development (including change of use) requiring one or the other of the following conditions:

1. *That the permission be implemented within two years from the date of decision; or*
2. *That groundworks and the construction of the ground floor base of at least two buildings be completed within three years of the permission.*

- 3.5.9 Whilst the majority of developers would aspire to be 'on site' and under construction within 2 years, the reality is that there are often processes that need to be adhered to that are outside of the applicant's control, including the need to formally conclude land purchases, to discharge conditions and to deliver off site mitigation. Other delays outside the control of the developer, for example through judicial review proceedings, can also delay the ability to proceed with reserved matters applications or start on site. The Council will also be aware that commencement of development is often prohibited by seasonal restrictions in respect of ecology and wider constraints.

- 3.5.10 In this case, the Hawkhurst Golf Club site is in a single ownership and the owner is keen to progress as quickly as possible with the development. Whilst we would expect to be able to make a quick start to development, we have concerns over limiting the commencement period to three years for the reasons set out above, and therefore consider that the Council's policy should be deleted.

Comments on Policy H2

- 3.5.11 In respect of policy H2, and the preference for multi-developer schemes and comprehensive masterplanning, we understand the aspiration. However, in reality such stringent requests often result in conflict and further delay. With this in mind, it is our view that the Council should shift focus away from how it wishes to change development industry practices and instead concentrate on what it can influence, namely the provision of detailed guidance for the proposed site allocations (including potential phasing plans and areas zoned for different forms of development).

Comments on Policies H3 and H4

- 3.5.12 We note that policies H3 and H4 have regard to housing mix and density yet provide little or no detailed requirement. Unless aspirational mixes and densities are to be inserted in the policies, these generic requirements would be better placed being inserted into the wider reaching policy EN1.

Comments on Paragraph 6.160

- 3.5.13 Paragraph 6.160 states:

*"...The Council will assume a buffer of **25m** from the edge of [ancient] woodland expecting through assessment for developers to confirm that this or any other distance is appropriate and that the priority for such buffers will be ecological mitigation and enhancement for the woodland rather than the amenity of the proposed development."*

- 3.5.14 The advice from the Government's statutory advisor on biodiversity, Natural England, states that:

*"For ancient woodlands, you should have a buffer zone of at least **15 metres** to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone."^[1]*

- 3.5.15 Whilst it is recognised that every case will need to be treated on its merits, the Council has provided no justification for imposing a new starting point of 25m, which is nearly double the standard minimum requirement set out by Natural England. This increased buffer zone does not appear to have been based on any evidence. It will simply reduce the quantum of development that can be achieved on many sites, which will in turn increase the risk that additional land is likely to be required elsewhere to meet development needs. We **object** to this proposed buffer, and request that the standard accepted minimum distance of 15m should be stated instead.

^[1] <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>