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Tunbridge Wells Local Plan Regulation 18 Response

**In respect of land at Hastings Road, Pembury
On behalf of Countryside Properties**

November 2019
DHA/14006/11661



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1 Introduction

1.1 Purpose of this report

- 1.1.1 This representation has been prepared on behalf of Countryside Properties – hereafter referred to as Countryside – 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 Pembury, which Countryside is promoting for residential redevelopment as part of the wider development plan review.
- 1.1.3 Based on the current national and local planning context, we consider these sites to be suitable for development and we consider there to be 'exceptional circumstances' to prioritise these sites in the High Weald Area of Outstanding Natural Beauty ('AONB'). Furthermore, the sites are 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 sites represent suitable locations to accommodate growth and outlines how development could be delivered on site.

2 The Tunbridge Wells Draft Local Plan

2.1 Overview

2.1.1 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.

2.1.2 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.

2.1.3 This representation comments on the following elements of the plan:

- *Vision and Strategic Objectives;*
- *Development Strategy and Strategic Policies;*
- *Place Shaping Policies for the Parish of Pembury;*
- *Development Management Policies; and*
- *Omission Sites.*

2.2 Vision and Strategic Objectives

2.2.1 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. 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.

2.2.2 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.

2.2.3 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.

2.2.4 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"

2.3 Development Strategy and Strategic Policies (Policy STR1)

- 2.3.1 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.
- 2.3.2 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 amount and variety of land can come forward where it is needed. Further, 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.
- 2.3.3 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.
- 2.3.4 In terms of the different supply components, the Council consider 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). The Council have 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.
- 2.3.5 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.
- 2.3.6 The strategy is consolidated by Policy STR1, which sets out the quantum of development that will be allocated within or around settlements to meet the identified needs of the borough over the plan period. This strategy would seek to meet the majority of the Council's housing need through the strategic extension of Paddock Wood and via a new Garden Village at Tudeley. The remaining growth would then be dispersed proportionately to other settlements in the borough.
- 2.3.7 We support the general principle of proportionately spreading the benefits of growth and we recognise the opportunity to direct a greater level of growth to Pembury compared with previous plan periods. Furthermore, adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area.
- 2.3.8 Nonetheless, we have some concerns regarding the balance between strategic and non-strategic scale allocations and the anticipated delivery trajectory. For example, 65% of new allocations would be delivered as part of the strategic extension to Paddock Wood (4,000 homes) and the new Garden Village at Tudeley (1,900 homes within the plan period), both of which require a fully master-planned approach, which is a time-consuming process. Furthermore, there

are a significant number of existing commitments within Paddock Wood that have been slower at coming forward than had originally been envisaged. A cautious approach is therefore needed.

- 2.3.9 In this regard, we would draw the Council’s attention back to the 2016 document published by Nathaniel Lichfield’s and Partners (NLP) - ‘*Start to Finish: How Quickly do Large-Scale Housing Sites Deliver*’, which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales.
- 2.3.10 It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.
- 2.3.11 Figure 1 below is taken from the NLP report, which shows the average planning approval period and delivery of first dwelling by site size.

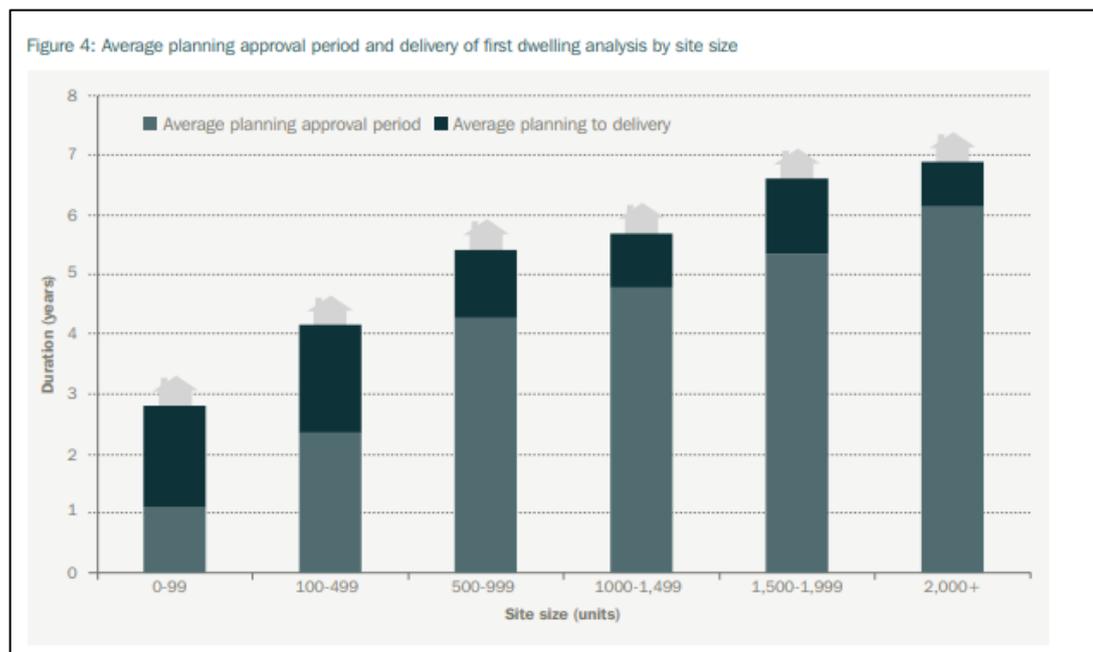


Figure 1: Average planning approval period and delivery of first dwelling by site size

- 2.3.12 Whilst the NLP report does not represent practice guidance, it is widely accepted as being a reliable and credible source of evidence and is referenced by TWBC in their Housing Trajectory Paper.
- 2.3.13 Despite evidence elsewhere, TWBC has set a very optimistic trajectory for delivery of Tudeley Garden Village and the strategic extension of Paddock Wood, which is detailed in the Housing Trajectory Paper.
- 2.3.14 The Council forecasts that the Tudeley Garden Village will begin to deliver homes from 2025/26 onward, with an initial build out rate of 150 dwellings per-annum, rising to 200 dwellings per annum from year 6 onward. Likewise, they suggest that the extension to Paddock Wood will start to deliver in 2024/25 at an average

build out rate of 333 dwellings per annum – which is nearly double the average rate for larger schemes identified in the NLP document. This higher build out trajectory is predicated on the basis that there would be a number of house builders involved the construction of different parts/phases. However, by their own admission, TWBC do not currently know how many housebuilders will be involved.

- 2.3.15 Taking the above into account, our view is that the Council have applied an overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.
- 2.3.16 Given the absence of any similar strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report 2017).
- 2.3.17 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite multiple developers delivering concurrently. Furthermore, the earlier delivery phases we delivered at lower rates given the need to front load infrastructure.
- 2.3.18 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer terms aspirations that will extend beyond 2036.
- 2.3.19 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites, which can deliver quickly and usually require limited intervention to infrastructure, particularly sustainable settlements such as Pembury and to reduce the reliance upon Tudeley within this current plan period.
- 2.3.20 The enclosed Vision document illustrates opportunities within our client’s land to deliver more homes than currently permitted by the draft allocations at Pembury. These homes would be delivered early in the plan period and help to ensure the plan is effective.

2.4 Place Shaping Policies

- 2.4.1 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

Comments on Policy AL/PE3

Stance: Support with Conditions

- 2.4.2 Countryside supports this policy, which is generally in line with its early proposals for the residential redevelopment of the site. The proposed site capacity of 90 units is specifically supported.
- 2.4.3 A Vision Document for the site (and also further land to the east – see section 2.6 below) is enclosed which sets out a strong case for development on these sites. This has previously been submitted on an informal basis, but is now formally submitted in support of these representations.
- 2.4.4 However, this support is subject to the comments and concerns set out below.

Vehicular, pedestrian and cycle access

- 2.4.5 Countryside are undertaking detailed work to inform consideration of the most appropriate vehicular access point. This work will also inform the strategy for pedestrian links including a pedestrian crossing over Hastings Road.
- 2.4.6 Countryside confirm that they are willing to investigate ways of improving cycle links between the site and Routes 2 (Pembury Road) and 6 (Pembury-Tonbridge) as set out in the Council's Cycling Strategy 2016-2020. For example, there could be an opportunity to provide a cycle connection into the neighbouring proposed allocation site (AL/PE2), from where further links could be provided to the Village Green and beyond.

Proposed 40m landscape and noise buffer

- 2.4.7 There is no objection to the principle of a wide landscape and noise buffer to the A21, but this element of the policy should be worded to allow some flexibility rather than imposing a strict 40m width. Indeed, an illustrative scheme prepared by Countryside provided a buffer ranging between 40m and 106m for most of the site, although in other parts a slightly narrower 28m buffer was considered acceptable. We consider it unnecessary and overly restrictive for the policy to set an arbitrary buffer at this stage, especially prior to more detailed landscape and noise assessment work being undertaken.
- 2.4.8 The policy should also clarify that some uses, such as amenity space, can be accommodated within the landscape buffer. For example, some structures, such as play equipment, may be built in this area, making appropriate use of the site topography. The current wording of "no built development" may also be interpreted as precluding the construction of noise barriers, which may be appropriate within this zone.
- 2.4.9 These concerns could be overcome by:
- Removing the proposed landscape buffer from the proposals map; and
 - Amending criterion 8 to read:

*"8. Noise buffer, with no **residential** development along southern edge of site adjacent to A21; **landscape buffer to A21, the width of which is to be informed by landscape and noise assessments**, in addition to existing vegetation along A21 (see Policy EN 30: Noise);"*

Small business units

- 2.4.10 Countryside **strongly objects** to criterion 11, which requires consideration to be given for the inclusion of small business units within the scheme. We enclose an Employment Feasibility Study for the site, submitted informally to TWBC in November 2018, which explains in detail why the site is unsuitable for small business units.
- 2.4.11 In summary, and taking into account the remainder of the Regulation 18 draft Local Plan, our concerns can be summarised as follows:
- The site topography is unsuitable for employment development;
 - The access from the A21/ Hastings Road junction is not suitable for HGV traffic;
 - Employment development would be incongruous with the character of the surrounding area, which is overwhelmingly residential;
 - Requiring part of the site to be developed for employment uses in a way which would have the least impact on existing and proposed neighbouring residential uses will significantly reduce the area available for housing; and
 - There is no need for employment development in this location: the Local Plan makes more than adequate provision for employment development in a wide variety of locations elsewhere including in Tunbridge Wells, North Farm, Pembury (Woodgate Corner), Paddock Wood and Hawkhurst.

Public realm improvements

- 2.4.12 The final part of the policy currently states an expectation that contributions will be required to various measures, including "Improvements to the public realm at the centre of Pembury".
- 2.4.13 It is not clear from the information in the draft Local Plan what such improvements are planned or how this is reasonably related to the development of this site. It is understood from discussions that this may mean to refer to a scheme of traffic calming on Hastings Road, similar to that expressed in Policy PE/AL 1. If this is the case, the policy wording should be amended to reflect this.
- 2.4.14 Countryside has no objection to making a fair and proportionate contribution to measures to a traffic calming scheme on Hastings Road, if this is required.

2.5 Development Management Policies

- 2.5.1 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.

Comments on Policy EN 11: Net gains for Nature - Biodiversity

Stance: Comment

- 2.5.2 Countryside recognises the Council’s wish to introduce a policy requiring a net gain for ecology to be achieved. If such a policy is considered necessary, Countryside agrees with the Council that it is important that the option is available to provide a net gain through an off-site contribution, where this is appropriate.

Comments on Policy EN 17: Local Green Space

Stance: Object

- 2.5.3 Whilst Countryside has no objection to the aims and objectives of this policy, there is a specific objection in terms of how it has been applied on land adjacent to Woodside Recreation Ground, Pembury. There are two aspects of concern:
- (i) That it is no longer necessary to designate the majority of this land as Local Green Space; and
 - (ii) That criterion 2 of the draft policy needs to allow greater flexibility.

Land adjacent to Woodside Recreation Ground

- 2.5.4 The draft Local Plan allocates Woodside Recreation Ground and two parcels of adjacent land as Local Green Space. There is no objection to the allocation of the existing recreation ground (the large, westernmost EN17 rectangle shown in *Figure 2*).
- 2.5.5 Countryside’s concerns relate to the two adjacent areas, to the south-west and north-west of the recreation ground, as shown in Figure 2. These have been long since allocated for the potential expansion of Woodside Recreation Ground in previous Local Plans but the Council has failed to deliver these to date. Indeed, the Council has recently withdrawn an application submitted in 2018.
- 2.5.6 The criteria for allocating Local Green Space is set out in the Council’s *Local Green Space Designation Methodology*, dated July 2019. This sets out specific criteria which must be met if a site is to be allocated as a Local Green Space.

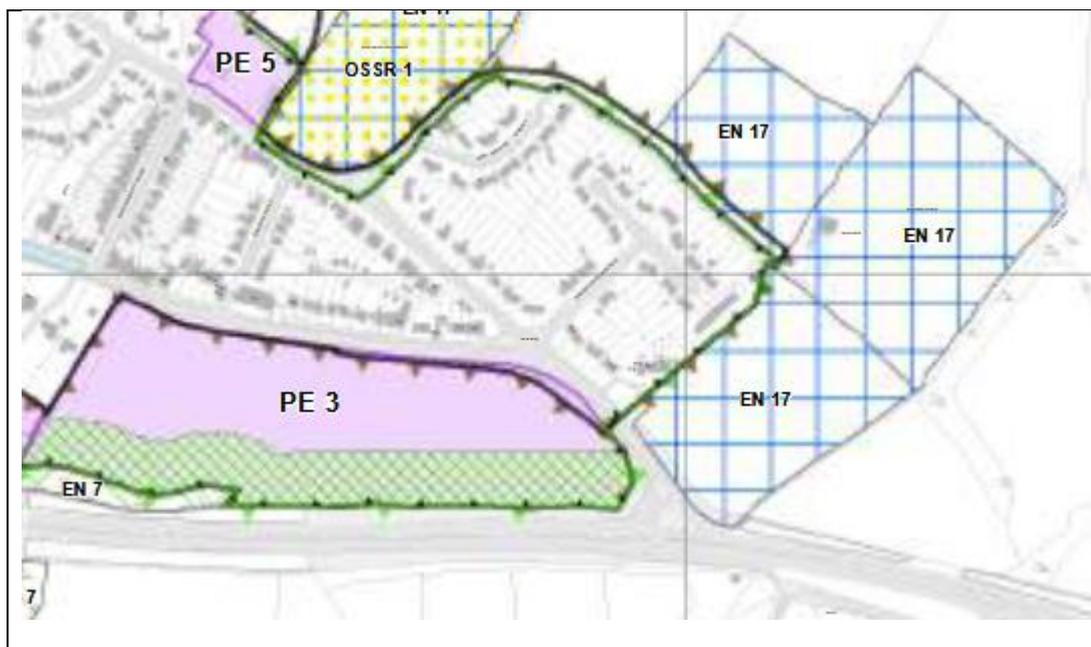


Figure 2: Extract from draft Local Plan showing the EN17 allocations at and adjacent to Woodside Recreation Ground on the right hand side.

2.5.7 The two parcels of land adjacent to Woodside Recreation Ground clearly fail to accord with Criterion 5, which requires that *"The space is demonstrably special to the local community and holds particular local significance"*. Paragraph 3.10 of the Methodology explains that evidence will be considered in relation to the relevant sub-criteria set out in NPPF paragraph 100(b). These are considered below, with the relevant sub-criteria highlighted in bold:

- (i) **The proposed space is of particular local significance because of its beauty.** Whilst these parcels are not unattractive, there is nothing particularly special or significant about them which would warrant the conclusion that they are of particular local significance due to their beauty, compared with any other greenfield site around the edge of Pembury. These parcels do not contain any specific features of interest, do not contribute to the setting of a historic building, and do not contribute to any especially valued views.
- (ii) **The proposed space is of particular local historic significance.** The parcels are not of local historic significance. There are no local historic features, and no important historic events or rituals are known to have taken place here.
- (iii) **The proposed space is of particular local significance because of its recreational value.** In contrast to the recreation ground itself, the adjacent parcels are not used for playing sport. Whilst there is a public right of way (footpath WT234) running across the middle of the southern parcel, there is no right of public access to the remainder of either parcel. Whilst the parcels have previously been allocated for recreational uses, no such uses have actually taken place.
- (iv) **The proposed space of particular local significance because of its tranquillity.** This is not the case for either parcel, but especially not the southern parcel which is adjacent to the A21 dual carriageway.

- (v) **The proposed space of particular local significance because of its richness of wildlife.** It has not been designated as a Local Wildlife Site and is not known to be of notable biodiversity interest.

2.5.8 For the above reasons, the parcels adjacent to Woodside Recreation Ground fail to meet the relevant criteria and should not be allocated as Local Green Space.

Flexibility

2.5.9 Draft Policy EN 17 should retain sufficient flexibility to take account of circumstances where the redevelopment of a Local Green Space might be acceptable if the LGS is being replaced within the wider development. We believe that criterion 2 of Policy EN 17 may be trying to achieve this, but the current wording could be interpreted as requiring the LGS to be retained in the same place.

2.5.10 There may be circumstances where the re-provision, and indeed potentially the expansion of Local Green Space may be more appropriate, or could lead to greater benefits, if it were relocated to a different part of a larger development.

2.5.11 Our concerns would be overcome if Criterion 2 was reworded as follows:

*2. The proposed development would incorporate and preserve the main features, use, and purpose of the designated area of Local Green Space **within the same site or relocated as part of a wider** development site, including, where already in existence, continued community access to the area. The proposals may involve plans to expand the existing Local Green Space and/or improve its existing use and purpose, such as new recreational facilities;*

3 Omission Sites

3.1 Comments on Appendix 6: Submitted Sites not included in this Draft Local Plan

3.1.1 This section relates to the following sites which have not been included in the draft Local Plan:

- 190: Land south east of Sandhurst Avenue, Pembury
- 191: Land north of Henwoods Mount, Pembury
- 208: Romford House, Kings Toll Road, Pembury
- 241: Land south east of Sandhurst Avenue¹

3.1.2 As can be seen from the submitted Vision document, these sites have been considered together (Site B in the Vision document) and so our comments below relate to all of the above sites.

3.1.3 The enclosed Vision document demonstrates how these parcels can be developed in a sustainable manner, to provide 114 additional dwellings. A comprehensive development of this area could also deliver the additional sports and recreation facilities sought in previous iterations of the Local Plan, if these are still required.

3.1.4 We comment below on matters arising from various aspects of the evidence base, in relation to these parcels.

SHELAA and related considerations

3.1.5 The SHELAA is not a policy document, but is supposed to be a technical assessment of site suitability. For this reason, it is usual for such documents to adopt a '*policy off*' position and identify sites as being suitable for development even where those sites are not then proposed for development in the Local Plan. This normally results in a greater amount of land being found suitable for development than is actually required for the Local Plan, which then leads to judgements being made about the best planning strategy.

3.1.6 By contrast, TWBC's SHELAA appears to only find sites suitable for development where they are then allocated, which is unusual in our experience. It begs the question whether the SHELAA findings are robust and reliable, or whether other policy objectives have influenced the findings.

Sustainability Appraisal (SA)

3.1.7 A number of sites submitted through the Call for Sites process have been assessed against the Sustainability Objectives as 'reasonable alternatives'.

¹ It should be noted that site 241 is essentially an amalgam of sites 190 and 191

- 3.1.8 To determine how well a policy strategy or site contributes to each objective, a score is determined from an eight point scale of impact. The results published in the Sustainability Appraisal Consultation Document.
- 3.1.9 In this case, the SA scores for the omitted parcels are similar to sites that have been selected for allocation. For clarity, figure 3 below outlines the scores for the omission sites in question.
- 3.1.10 Whilst we do not take issue with the scoring of these sites generally, we do not agree that the sites score very negatively against the landscape and land use objectives. We provide comment on the landscape and green belt studies below to elaborate on this.
- 3.1.11 Likewise, the conclusions in respect of noise are confusing, as sites 191 and 208 are deemed to be affected by noise to the same extent as allocated sites, despite being further from the A21.

Sustainability Objective	Scores for Reasonable Sites in Pembury (part 2 of 5)			
	190 Land south east of Sandhurst Avenue, Pembury	191 Land north of Henwoods Mount, Pembury	208 Romford House Farm, Kings Toll Road, Pembury, TN2 4BE	241 Land south of Sandhurst Avenue and east of Woodside Road, Pembury
Air	0	0	0	0
Biodiversity	0	0	0	0
Business Growth	0	0	0	0
Climate Change	? / -	? / -	? / -	? / -
Deprivation	0	0	0	0
Education	+	+	+	+
Employment	+	+	+	+
Equality	+	+	0	+
Health	0	0	0 / +	0
Heritage	0 / -	0 / -	-	0 / -
Housing	+ / ++	+ / ++	+ / ++	+ / ++
Land use	-- / ---	--	--	--
Landscape	- / --	-	- / --	- / --
Noise	-	-	-	-
Resources	0 / ?	0 / ?	0 / ?	0 / ?
Services & Facilities	0 / -	0 / -	0 / -	0 / -
Travel	0	0	0	0
Waste	0	0	0	0
Water	0 / -	0 / -	0 / -	0 / -

Figure 3: SA scores for omission sites in Pembury

- 3.1.12 Taking the above into account, whilst we acknowledge that sites should not be allocated based on a favourable SA score alone, the omission sites align with the development strategy (policy STR1) and would contribute additional housing without any greater negative effects than the allocated sites.
- 3.1.13 It is therefore difficult to comprehend why these parcels are considered to be unsuitable for development despite having very similar characteristics to suitable sites nearby.

Landscape

- 3.1.14 The TWBC Landscape Sensitivity Assessment considers sites 191, 208 and part of 190 to be located within Character Area 14: Pembury Forested Plateau, sub-area Pe7, a very large sub-area which contains significant areas of woodland with very different characteristics to these sites. In terms of landscape character, sites 190, 191 and 208 have much more in common with sub-area Pe8, which includes draft allocations PE1, PE2 and PE3, than it does with much of Pe7. Indeed this is recognised in the sensitivity conclusions on p.109, where it notes that:

"Only in fields adjacent to the south-eastern edge of Pembury, where there is a closer relationship to existing development, is sensitivity to small-scale development² reduced to medium."

3.1.15 The commentary then continues on p.110 stating that:

"Development in fields immediately adjacent to the Henwood Green settlement edge, on Henwoods Mount and Sandhurst Avenue, would have the least impact on landscape character."

3.1.16 This is a similar level of landscape sensitivity to that of sub-area Pe8, which includes draft allocations PE1, PE2 and PE3 (noting that PE3 is at the lower end of landscape sensitivity).

Green Belt Study

3.1.17 TWBC's Green Belt study divides the Green Belt around Pembury into several zones. The sites here are shown to each form a small part of three wider zones:

- Site 190 forms part of Zones Pe2a (shown to make a weak to moderate contribution to Green Belt purposes) and Pe2b (weak to relatively strong contribution);
- Site 191 forms part of Zone Pe3 (weak to relatively strong contribution); and
- Site 208 forms part of Zone Pe2a (weak to moderate).

3.1.18 We are surprised that Site 191 has been included in zone Pe3 when it appears to relate much more closely with Pe2a, with Woodside Road making a more natural boundary between the two zones. It is clear from the description of the zone set out in the Appendix to the Study that the main characteristics of zone Pe3 relate to the steep sided valley to the north of Woodside Road, abutting the Henwood Green and Heskett Park areas of the village.

3.1.19 The characteristics of parcel 191 do not relate well to Pe3 and are much more similar to those assessed within Zone Pe2a. This is especially the case in relation to Green Belt purposes 1 and 3, the contribution to which is considered to be relatively strong at Pe3 but only moderate at Pe2a. Parcel 191 is adjacent to residential development on two sides - Henwoods Mount and Woodside Close, and with the Woodside Recreation Ground also adjacent, this means that in relation to purposes 1 and 3 the parcel can sensibly be described in the same terms as the rest of Zone Pe2a, i.e.:

- In relation to Purpose 1, the parcel is adjacent to the large built-up area and relates to both the settlement and the wider countryside (Moderate rating); and
- In relation to Purpose 3, the parcel relates to both the settlement and the wider countryside (Moderate rating).

² I.e. housing development of the nature proposed here, according to the methodology

- 3.1.20 We would add that the above conclusions should be reached in relation to parcel 191 regardless of which wider zone the parcel is deemed to fall within.

Noise

- 3.1.21 The conclusions in the SHELAA about noise appear inconsistent and unreliable.
- 3.1.22 The presence of the A21 will clearly have an effect on the sites closest to it. However, rightly, this hasn't prevented draft allocations PE1, PE2 and PE3 being found suitable for development so long as suitable noise attenuation is in place.
- 3.1.23 As can be seen in our Vision document, parcel 190 is proposed for sports uses, as part of Countryside's wider vision, which are much less sensitive to noise. Yet parcels 191 and 208 are also considered to be equally affected by noise from the A21, if the SHELAA is to be believed, despite being located much further away from the A21 – much further indeed than existing areas of housing. This cannot be right, and no evidence has been provided to support this view.

Highways / Access

- 3.1.24 It is considered that safe and suitable access can be achieved in the form of priority junction with Hastings Road. We consider this access conforms with relevant highway design standards including visibility splay requirements. Dialogue with the highways authority is on-going in relation to the access, and we will update TWBC as this continues.
- 3.1.25 In the meantime, we note that the SHELAA finds that site 208 lacks a vehicular access. However, as can be seen from the enclosed Vision document, when considered comprehensively with sites 190 and 191, it is clear that a suitable access can be achieved.

4 Section 6: Development Management Policies

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 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.
- 4.1.4 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.
- 4.1.5 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'.*
- 4.1.6 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'.

4.1.7 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'.

4.1.8 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. There are also 'non planning' consents that need to be achieved for example Section 278 Highway works, infrastructure agreements (S38 of the Water Industry Act), ecology licensing etc

4.1.9 The Council will also be aware that commencement of development is often prohibited by seasonal restrictions in respect of ecology and wider constraints.

4.1.10 The second requirement for two buildings to be commenced is arbitrary, for example what is the test for single unit schemes or conversion works? The correct test should be as set out in statute i.e. 'a material start'.

4.1.11 With the above in mind, we consider the Council's policy should be deleted or modified to the extent that it will endeavour to agree a two year start date based on site circumstances.

4.1.12 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 and the Council should be careful not to try and impose itself on wider commercial arrangements that may prohibit rather than assist delivery. 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). The Council could also consider imposing a illustrative delivery trajectory as part of the validation process.

- 4.1.13 We note that policies H3 and H4 have regard to housing mix and density yet provide little or no detailed requirement. On the basis that mixes must reflect market requirements, we consider any aspirational densities would be better placed being inserted into the wider reaching policy EN1.
- 4.1.14 Policy H5 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.
- 4.1.15 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable prior ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery.
- 4.1.16 We also object to the expectation of sites that provide between one and nine units to pay a contribution towards affordable housing. This conflicts with Paragraph: O23 Reference ID: 23b-O23-20190901 of National Planning Practice Guidance, which states planning obligations for affordable housing should only be sought for residential developments that are major developments. Any reduced threshold should be restricted to designated areas only and should be underpinned by detailed evidence.
- 4.1.17 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.
- 4.1.18 We note that the Council is only willing to allow the use of Vacant Building Credits in exceptional circumstances. However, the test proposed appear significantly more onerous than have been considered and applied elsewhere. Based on the tests proposed, we fear that there will be a delay in genuinely vacant buildings, that are entitled to use of VBC, to be delayed in coming forward in order to meet the overly onerous criteria.
- 4.1.19 Finally, we note 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.”

4.1.20 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]*

4.1.21 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 increases 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.

4.1.22 Rather than increasing the size of the necessary buffers based on an arbitrary figure, the policy should instead provide clarity on the functions and forms of the buffer zones, the purpose of which is to minimise recreational pressure on ancient woodlands by preventing uncontrolled access by people and pets. Buffer zones however can also provide benefit for the schemes they fall within by forming part of open space provision and can include planting, paths and play equipment, but not buildings or roads.

4.1.23 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

4.1.24

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

5 Conclusion

- 5.1.1 This representation has been prepared on behalf of Countryside Properties in response to the Tunbridge Wells Borough Council Draft Local Plan Consultation.
- 5.1.2 Countryside control various land parcels at the eastern end of Pembury and are promoting these for residential redevelopment as part of the wider development plan review. Part of this land is included as a draft allocation (AL/PE 3) whilst the wider land was also promoted via the initial 'call for sites' process.
- 5.1.3 The purpose of this representation is to provide comment on the Council's proposed development strategy and specific proposals for allocated sites within the plan.
- 5.1.4 In this respect, we commend the Council for aspiring to meet their housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Further, we support the inclusion of our client's land at AL/PE 3 as a residential allocation, subject to the comments in this document.
- 5.1.5 However, we also consider that land on parcels 190, 191 and 208 is also suitable for residential and sports related development, which should also be allocated.
- 5.1.6 Notwithstanding our in-principle support, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village, largely disregarding the NLP 2016 report and the time it would take to masterplan the strategic sites and deliver the required infrastructure.
- 5.1.7 In our view, a more realistic trajectory would see some housing delivered, albeit not at the suggested build out rates and much later in the plan period.
- 5.1.8 It should be noted that we have no in principle objection to the allocation of strategic sites of this nature. Nonetheless the extension of Paddock Wood and the garden village at Tudeley would serve to meet development needs at the latter stage of the plan period and continue past 2036. Accordingly, we would stress the importance of making efficient use of proposed site allocations to ensure that enough housing is brought forward early in the plan period. Likewise, additional sites are available within the borough that are suitable for development.
- 5.1.9 For these reasons, there is an opportunity to allocate land at sites 190, 191 and 208 to deliver a further 114 new homes, as well as improving local sports facilities. A Vision Document is included with this submission to demonstrate that this could be achieved, whilst delivering the required green infrastructure and without prejudice to the wider strategic and development management requirements that need to be fulfilled.
- 5.1.10 I trust the contents of this representation are clear and I hope the comments are useful in guiding the forthcoming stage of the plan making process.