

planning  
transport  
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infrastructure

**Tunbridge Wells Local Plan Regulation 18 Response**

**On behalf of Fernham Homes**

November 2019  
DHA/14159



<b>1</b>	<b>INTRODUCTION .....</b>	<b>2</b>
1.1	Purpose of this report .....	2
1.2	About Fernham Homes .....	2
<b>2</b>	<b>THE TUNBRIDGE WELLS DRAFT LOCAL PLAN .....</b>	<b>3</b>
2.1	Overview .....	3
2.2	Vision and Strategic Objectives .....	3
2.3	Development Strategy and Strategic Policies (Policy STR1) .....	5
2.4	Place Shaping Policies .....	7
	Brenchley and Matfield .....	7
	Summary .....	12
2.5	Exceptional Circumstances .....	12
2.6	The need for the development .....	13
2.7	The cost of, and scope for, developing elsewhere .....	13
2.8	Any detrimental effects and the extent to which that could be moderated .....	14
<b>3</b>	<b>SECTION 6: DEVELOPMENT MANAGEMENT POLICIES.....</b>	<b>15</b>
<b>4</b>	<b>CONCLUSION.....</b>	<b>19</b>

# 1 Introduction

## 1.1 Purpose of this report

- 1.1.1 This representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council ('TWBC') Draft Local Plan Consultation, which runs until 15th November 2019.
- 1.1.2 Fernham control land located between Maidstone Road, Brenchley Road and Coppers Lane, Matfield and has a live planning application pending for the site. Furthermore, the site is identified for potential development within the emerging Local Plan.
- 1.1.3 Based on the current national and local planning context, we consider the site to be suitable for formal allocation and we consider there to be the 'exceptional circumstances' to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). Give this context, this representation responds to the content of the draft plan (and relevant supporting documents), reinforces why the site remains suitable and outlines how development could be delivered.

## 1.2 About Fernham Homes

- 1.2.1 Fernham Homes are a Kent based developer, with headquarters in nearby Tonbridge and a workforce predominantly from the local area.
- 1.2.2 Each Fernham Home is built to the highest standards with meticulous craftsmanship and combines the latest in product design and technology with a 10 year NHBC warranty.
- 1.2.3 The company directors are committed to respecting the environment, seamlessly blending each home with the surrounding area. The design ethos is to provide landscape led schemes that retain and enhance existing landscaping and boundary treatments, whilst providing small to large size family homes of a range of tenures for which there is the greatest need.

## 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; and*
- *Place Shaping Policies for the Parish of Matfield.*

### 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 agree that TWBC is capable of meeting its need in full and support this 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. Nonetheless, we have concerns regarding the deliverability of the strategy and the potentially over optimistic housing trajectory, particularly in respect of the delivery from key strategic sites (as outlined below).
- 2.3.6 We note that the emerging 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. 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. 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.
- 2.3.10 On the basis of this research, if the Local plan is adopted by 2021, planning permission approved by 2023 and delivery commences within 6 years (2029), the likely deliver for the plan period would be no more than 966 homes.
- 2.3.11 Despite this evidence, TWBC has set a much more optimistic trajectory for delivery of Tudeley Garden Village and the strategic extension of Paddock Wood, which is detailed in the Housing Trajectory Paper. The Council forecast 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, the Council suggests 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.
- 2.3.12 Taking the above into account, our view is that the Council have applied 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. 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. Furthermore, it is essential that draft allocations such as our clients are retained and encouraged given the advancement of planning applications emphasises the deliverability of the land.
- 2.3.13 Given the absence of any similar scale 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).
- 2.3.14 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.

2.3.15 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.

2.3.16 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 Matfield and to reduce the reliance upon Tudeley within this current plan period.

## **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.

### ***Brenchley and Matfield***

2.4.2 Policy STR/BM1 sets the proposed strategy for Brenchley and Matfield and states that Approximately 91-150 new dwellings will be delivered on four sites, including Fernham's land AL/BM 1.

2.4.3 Policy AL/BM 1 states that the land is allocated for a mixed use scheme, including approximately 30-45 dwellings, allotments and play space.

2.4.4 Development on the site shall accord with the following requirements:

*(1) A single point of vehicular access onto Maidstone Road or Brenchley Road (not Coppers Lane) to be informed by a landscape and visual impact assessment and highway assessment; the highway assessment to include consideration of crossing points and impact of development on surrounding junctions, including the junction of Coppers Lane with Brenchley Road (see criterion 3 of Policy EN 1: Design and other development management criteria, Policy EN 20: Rural Landscape, and Policy TP 1: Transport Assessments, Travel Plans and Mitigation);*

*(2) Pedestrian access onto Maidstone Road required to link with existing footway along south eastern side of Maidstone Road, to include crossing point opposite site AL/BM 3 (Land fronting Maidstone Road and Chestnut Lane; land north east of Maidstone Road), and renewal of existing footway;*

*(3) Provision of pedestrian link through site from Coppers Lane to provide a desire line through site;*

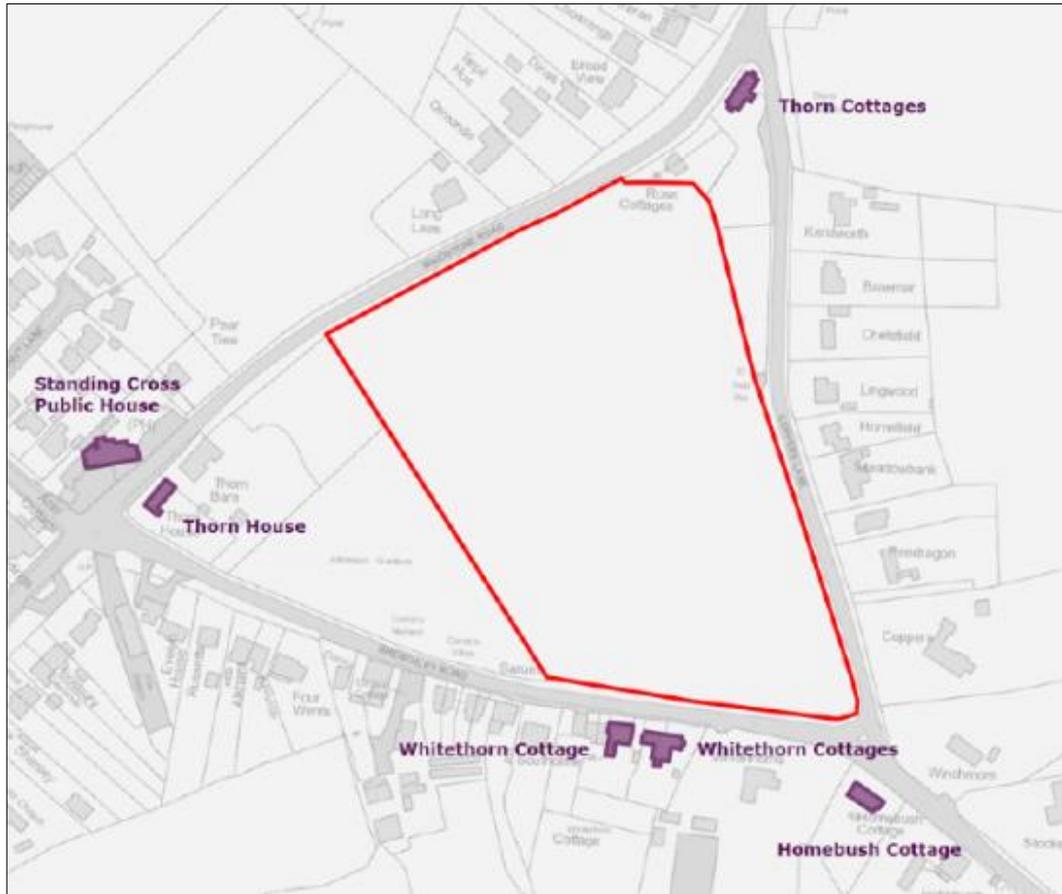
- (4) *A landscape and visual impact assessment and heritage assessment to inform site access and site layout, and to maintain the setting of the settlement, including views from and through the site to countryside beyond, including from Maidstone Road (see criteria 1 and 3 of Policy EN 1: Design and other development management criteria, Policy EN 20: Rural Landscape, and Policy EN 7: Heritage Assets);*
- (5) *Contributions towards an assessment of traffic along the surrounding roads to inform a scheme of potential traffic calming measures and contributions towards these measures;*
- (6) *Opportunities to be explored for providing approximately 12 parking spaces to serve existing dwellings on Brenchley Road;*
- (7) *Relocation of the 30mph speed limit northwards to Invicta Oast on Maidstone Road, installation of speed sign with number plate recognition facility, and associated gateway features;*
- (8) *Regard shall 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);*
- (9) *Provision of on-site amenity/natural green space, improvements to 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;*
- (10) *Provision of children's play space in northern part of site to include fully equipped and funded children's playground;*
- (11) *Provision of allotments in south west corner adjacent to existing allotments, including provision of off-street parking for this use.*
- (12) *It is expected that contributions will be required towards the following if necessary, to mitigate the impact of the development:*
- (13) *a. Highway related works including traffic calming in the settlements;*
- (14) *b. Improvements to bus service provision;*
- (15) *c. BT fibre upgrade and mobile reception upgrade (see criterion 10 of Policy EN 1: Design and other development management criteria) and Policy ED 3: Digital Communications and fibre to the premises).*

2.4.5 Having regard to these draft requirements, our client supports the general thrust of what is required, which largely reflects the current planning application reference 19/O1099/OUT.

2.4.6 For the avoidance of doubt, access design is included in detail. It is proposed that a new access will be created along the north western boundary of the site,

approximately 140m to the south west of the junction between Coppers Lane and Maidstone Road. The internal access road will initially measure 5.5m in width, with the access junction provided with 6m radii, with over-runnable strip in the left-hand lane, facilitating larger vehicle movements.

- 2.4.7 During pre – application scoping, it was also suggested by KCC H&T that a number of off – site mitigation strategies be considered.
- 2.4.8 Subject to the agreement of the highway authority, it is proposed that the existing verge extending in either direction away from the development is used to increase the width of the existing footway to 1.8m. To the north – east of the site access, this footway will extend for approximately 45m along the southern side of the B2160 Maidstone Road. A dropped kerb crossing is then proposed at this point, to link in to the existing footway to the north of the B2160 Maidstone Road.
- 2.4.9 The 1.8m wide footway also extends to the south west of the site access towards Matfield village centre as far as the B2160 Maidstone Road / Brenchley Road / Chestnut Lane junction.
- 2.4.10 The current 30mph speed limit zone begins approximately 30m to the south west of the site access (heading southbound), with a 50mph speed limit in place in the vicinity of the site access and along much of the proposal site’s frontage heading north towards Paddock Wood. It is proposed to extend to the 30mph speed limit by approximately 100m in the northbound direction, up to approximately 70m to the north east of the proposed site access. It is noted that the site access has been designed irrespective of this, with the required visibility splays calculated using current measured speeds.
- 2.4.11 The pending application is accompanied by a detailed heritage assessment. In summary, there are a small number of listed buildings that are located in the vicinity of the site. These include:
  - (A) Thorn Cottages
  - (B) Standings Cross
  - (C) Thorn House
  - (D) Acer Cottage
  - (E) Whitethorn Cottage
  - (F) Whitethorn Cottages
  - (G) Homebush Cottage
  - (H) Homebush



**Location of heritage listed buildings**

- 2.4.12 From a wider perspective, the site is located outside of the Conservation Area and historic core of the village.
- 2.4.13 The heritage assessment has identified that the proposed development has the potential to result in a highly limited level of harm to the significance of Thorn Cottages, Whitethorn Cottage and Whitethorn Cottages. The highly limited level of harm stems from the slight reduction in the rural surroundings of the buildings. In NPPF terms this low level of harm is considered to fall within the lowest realms of less than substantial harm with Whitethorn Cottage and Whitethorn Cottages slightly less affected than Thorn Cottages.
- 2.4.14 Overall, the significance of the conservation area would be preserved as a result of the proposed development.
- 2.4.15 From an ecology and tree perspective, a Preliminary Ecological Appraisal was undertaken in November 2018 by Corylus Ecology. The initial PEA findings are summarised below.

*(a) Three hedgerows along the boundaries have been assessed as species-rich and meet criteria for the important hedgerow assessment. The proposals have considered the presence of the important hedgerows and so the hedgerows are retained with a wide buffer between the features and development;*

- (b) *The hedgerows around the boundaries of the Site support suitable dormice habitat. Presence / likely absence surveys have been recommended and are being undertaken the early findings of which were provided;*
- (c) *Suitable reptile habitat has been identified along the boundaries of the Site and presence / likely absence surveys have been recommended;*
- (d) *One tree has been assigned 'Low' potential to support a bat roost under the BCT guidelines (Collins 2016). Further surveys to ascertain the presence / likely absence of a bat roost were only recommended if this tree is to be directly or indirectly affected by the proposal, which it is not.*
- (e) *The Site has been assessed to support Low quality habitat for foraging and commuting bats however as the areas of highest quality are the boundary features which will be retained, no surveys in relation to bat activity have been recommended.*
- (f) *The Site supports suitable terrestrial habitat for great crested newt and therefore Habitat Suitability Index Assessments of two offsite ponds at 77m and 124m to the north-east are undertaken and further surveys are being carried out to determine presence / likely absence.*
- (g) *A pre-commencement check of the Site for badger field signs is recommended immediately prior to works commencing.*
- (h) *The Site supports suitable breeding bird habitat. It has been recommended that any clearance of vegetation is undertaken outside of the core bird breeding season 1<sup>st</sup> March to 1<sup>st</sup> August or checked prior to clearance.*
- (i) *Recommendations under the National Planning Policy Framework for enhancing the ecological value of the proposed Site have been provided and these include installation of bird boxes, generous native planting and measures to enhance the Site for hedgerows.*

2.4.16 As set out above, the following protected species surveys were recommended in the 'Preliminary Ecological Appraisal:

- (a) *Reptile presence/likely absence surveys*
- (b) *Great crested newt (GCN) Habitat Suitability Index (HSI) assessments and, for suitable ponds,*
- (c) *GCN presence/absence surveys*
- (d) *Dormouse presence/likely absence surveys*

2.4.17 These reports were subsequently commissioned in full and are either complete or in progress and have been reported in detail.

2.4.18 The protected species report also confirms that the proposals result in an increase in the number of biodiversity units in line with the Defra Metric.

2.4.19 In respect of arboricultural matters, the focus of the application has been to preserve existing tree coverage and provide additional tree planting as part of the wider landscape and ecology strategy. This includes retention of the hedgerows and an adequate landscape buffer.

- 2.4.20 Landscape Collective have been instructed by Fernham Homes to carry out a tree survey in accordance with BS: 5837:2012. In total 19 items were surveyed. 1 surveyed item was considered to be good quality, 5 survey items were considered to be moderate quality and 13 surveyed items were considered to be low quality.
- 2.4.21 The prominent trees within and around the site are primarily oak. These are of variable quality.
- 2.4.22 Most of the trees within the site are of important landscape value as they are visible from many of the residential properties around the site and the adjacent roads.
- 2.4.23 Future management must include careful monitoring of the health of the retained trees within the site, so as to maximise the aesthetic and wildlife value of the tree resource.
- 2.4.24 Although some of the hedgerows are well-managed other parts of the hedgerow resource are very undermanaged and need strengthening/infilling in places.
- 2.4.25 The above findings have subsequently informed core decisions that focus on maintaining the existing tree coverage. All trees will be protected by the proposed landscape buffer.
- 2.4.26 Having regard to the above, we support the proposed allocation and consider a significant degree of evidence has been provided as part of the ongoing planning application to demonstrate that it is deliverable. However, we do have concerns in respect of the criterion seeking new allotment provision, when the existing adjacent provision is not fully utilised or occupied and as such would wish to see the evidence base that underpins this request.
- 2.4.27 Furthermore, whilst Fernham would have no objection in principle to the provision of an equipped play area, the plan as drafted is silent as to whether and in what capacity the borough Council or Parish Council would adopt the long term management of the facility. In this regard, it would be unsound to expect the future residents to bare the ongoing costs of a village wide play facility or for the developer to do so in perpetuity.

### ***Summary***

- 2.4.28 Taking all of the above into account, we support the principle of the proposed allocation. However, consider that it would be advantageous for the Council to look at more simplified allocation policies that seek to secure the quantum of development and essential infrastructure requirements. For more aspirational elements, such as allotment provision or play space, these elements should be written into wider design guidance so that the policies are not overly prescriptive and remain deliverable.

## **2.5 Exceptional Circumstances**

- 2.5.1 Paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. It goes on to state that planning permission

should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

2.5.2 Consideration of such major applications should include an assessment of:

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

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

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

2.5.3 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.5.4 We set out below why we consider exceptional circumstances exist for the allocation of this site within the AONB.

## **2.6 The need for the development**

2.6.1 As outlined by the plan, there is an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 648 new homes per year. This in turn has seen a further uplift as a result of the standard methodology for calculating housing need, which based on the most credible set of population projections suggests a further uplift to circa 680 new homes per year.

2.6.2 In addition to the need moving forward, the previous difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

2.6.3 Given the current development plan has seen documented difficulties in meeting the existing core strategy housing target, the need for new housing is compelling and indisputable and must be addressed by the new plan as a priority.

## **2.7 The cost of, and scope for, developing elsewhere**

2.7.1 Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

2.7.2 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the

borough also hosts a number of, or is close to, areas of ecological importance. These include:

- (1) Ancient Woodland (approximately 16% of the borough)
- (2) Circa 60 Local Wildlife Sites (approximately 11% of the borough)
- (3) Ten Sites of Special Scientific Interest (SSSI)
- (4) Five Local Nature Reserves (including one Community Woodland)
- (5) One Regionally Important Geological Site, at Scotney Castle Quarry.

2.7.3 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

2.7.4 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

2.7.5 Given the above constraints, it is acknowledged that planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy.

## **2.8 Any detrimental effects and the extent to which that could be moderated**

2.8.1 Opportunity exists to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

In summary, we support the Council's conclusions that exceptional circumstances exist to justify the allocation of sustainable AONB land.

### 3 Section 6: Development Management Policies

- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 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'.*
- 3.1.6 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'.*

3.1.7 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'.*

3.1.8 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

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

3.1.10 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'.

3.1.11 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.

3.1.12 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.

- 3.1.13 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.
- 3.1.14 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.
- 3.1.15 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.
- 3.1.16 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: 023 Reference ID: 23b-023-20190901 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.
- 3.1.17 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.
- 3.1.18 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.
- 3.1.19 Finally, we note that 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.”*

3.1.20 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]*

3.1.21 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.

3.1.22 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 Conclusion

- 4.1.1 This representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Draft Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy.
- 4.1.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Matfield.
- 4.1.3 It is important that such sites are retained within the Regulation 19 draft as we consider that the Local Plan strategy relies too 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.
- 4.1.4 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.