

**Representations to Tunbridge Wells Draft Local
Plan: Reg 18 20 September to 1 November 2019**

Hams Coach Yard, Benenden

Representations made on behalf of the Hams Travel

October 2019



Opus House
Elm Farm Park
Thurston
Bury St Edmunds
Suffolk
IP31 3SH

T 01359 233663
E enquiries@evolution-planning.co.uk
W evolution-planning.co.uk

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1.0 Introduction

1.1 These representations are submitted by Evolution Town Planning Ltd on behalf of our client and site owners, Hams Travel in response to consultation on the Draft Tunbridge Wells Local Plan Consultation (Regulation 18) 2019.

1.2 The representations relate to their site at Benenden, which has not previously been submitted in the 'Call for Sites' process (due to uncertainty about whether it would become available). However, as we will set out in this report, Hams Travel are now confident that this site can be released for development as it will shortly be surplus to requirements in the business. We consider that there are substantial benefits in developing this site over the other sites currently allocated and we therefore seek the allocation of this site in preference to, or in addition to, the other sites included around Benenden in the draft Local Plan. The extent of the site available is set out in Appendix 1.

1.3 These representations set out that we:

- **Support** the **Policy STR 1 (Development Strategy)** and suggest that it should include greater flexibility to enable a wider range of windfall development outside of defined settlement boundaries.
- **Object** to policy **STR/BE1** and suggest revisions including the allocation of Hams Travel's Surplus Yard.
- **Object** to policy **AL/BE2** and suggest removal or revisions.
- **Object** to policy **AL/BE3** and suggest removal or revisions.
- **Object** to policy **AL/BE4** and suggest revisions.
- **Suggest Inclusion** of new allocation, to allocate Hams Travel's Surplus Bus Yard.

2.0 POLICY STR 1 (Development Strategy)

- 2.1 Having reviewed the broad strategy contained in this policy, we note that the Council is relying heavily on delivery of housing around Paddock, which includes an entire new settlement at Tudeley Village on the Hadlow Estate, between Tonbridge and Paddock Wood. Tunbridge Wells, the largest settlement in the district, is only allocated 1222 to 1330 new homes. Meanwhile allocations in smaller sustainable settlements are restricted even more significantly. Benenden has received allocations for just 53-57 new homes, whereas the relatively remote site of Benenden Hospital at East End, a significant distance from Benenden, has received allocations for up to 66-72 new homes.
- 2.2 We **object** to this strategy as set out in **policy STR1** since we consider it has an over-reliance on large sites at a time when economic downturns are predicted and the proposed policy does not include sufficient flexibility to guard against non-delivery.

Objections - policy STR1

- 2.3 The Consultation Draft Local Plan **policy STR1** identifies development allocations as follows:
- Paddock Wood and surrounding area (around 4000 new homes at Paddock Wood and an entire new settlement at Tudeley Village on the Hadlow Estate of 2500-2800 of which 1,900 are to come forward during the plan period).
 - Tunbridge Wells, the largest settlement in the district, is only allocated 1222 to 1330 new homes
 - Other settlements have been allocated sites at various levels in accordance with their sustainability credentials and opportunities. So for example, Cranbrook has received allocations for 718-807 new dwellings, whereas Bidborough has not received any allocations. Benenden has received allocations for 53-57 new homes, whereas the relatively remote site of Benenden Hospital at the very small settlement of East End, a significant distance from Benenden, has received allocations for up to 66-72 new homes.
- 2.4 We are not persuaded that this strategy is likely to ensure delivery at the levels the NPPF requires. NPPF states at paragraph 59 that the government's objective is to '*significantly boost the supply of homes*' and elsewhere the NPPF makes clear that it is not just the allocation of sites, but their delivery which is crucial. In this regard

we have concerns that such a large proportion of the Borough's housing allocations have been concentrated in such a small part of the Borough and on large sites. Since large sites are known to be vulnerable and volatile to non-delivery in economic down turns, this approach seems to be flawed and likely to place the strategy at risk.

2.5 The NPPF (paragraph 68) states that *'small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.'* In supporting small and medium sites to come forward, the NPPF requires LPAs to ensure that (a) at least 10% of their housing requirement is on sites no larger than one hectare; and (c) *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using sustainable sites within existing settlements for homes'*.

2.6 By relying on a few large sites for such a large proportion of the housing supply in the Paddock Wood market (over 50% of the Borough's 7,593 housing allocations required), we are concerned that this strategy is likely to prove highly vulnerable to obstacles to delivery, should the market experience a downturn or volatility. This is not consistent with the aims of NPPF.

2.7 Whilst we do not object to the allocation of these larger sites, to guard against non-delivery the Council should consider allocating far more small and medium sized sites and scheduling to expect a slower rate of delivery on these large sites. This will effectively program in some dips in the market and downturns, in such a way that delivery of the overall housing target is not compromised. We consider that the Local Plan is comprised and at risk of being found to be unsound, without an increase in small and medium sized sites being allocated and less reliance on the large sites around Paddock Wood.

2.8 We also object to **paragraph 6** of the policy, which states that development will be supported on the following basis:

'Development at the other settlements across the borough within their respective Limits to Built Development boundaries and through the delivery of allocations as per Table 3 below, and other suitable windfall developments;'

2.9 Since this policy only restricts development to *'within their respective Limits to Built Development boundaries'*; on allocated sites and *'other suitable windfall sites'* the

policy could be improved with greater clarity as to what *'other suitable windfall sites'* will be considered to be. We believe that, in the light of the Council's heavy reliance on large sites in the Paddock Wood area for the vast majority of housing delivery, this clause should be expanded to state the following:

*'Development at the other settlements across the borough within their respective Limits to Built Development boundaries and through the delivery of allocations as per Table 3 below, and other suitable windfall developments **including brownfield sites outside of the Limits to Built Development;***

2.10 This would open up development options on brownfield sites in accordance with NPPF's preference for brownfield delivery and would assist against concerns regarding the non-delivery of large allocated sites in an economic downturn.

2.11 Regarding paragraph 8 of policy STR1, we note that it states development will be supported:

'Where major development is provided for at specific identified sites in the AONB, this is only where the tests set out in the NPPF are met'.

2.12 Given the scale of the housing crisis and the need to ensure delivery of housing across the Borough, we consider that this clause needs to be amended to be more flexible and to be explicitly supportive of developments which are not *'major'* developments (especially where such proposals are on brownfield land) and where the proposals would result in visual improvements to the ANOB. We suggest a revision as follows:

*'Where major development is provided for at specific identified sites in the AONB, this is only where the tests set out in the NPPF are met. **Proposals for housing developments which are not 'major' developments will be supportive especially on brownfield sites where there are opportunities for enhancements for the AONB'**.*

2.13 We consider that these suggested revisions will bring the plan more into line with the NPPF which requires Local Plans to support brownfield development, ensure the delivery of housing (not simply allocated sufficient sites) and be *'positively prepared'*, *'justified'*, *'effective'* and *'consistent with national policy'* (paragraph 33). Such amendments will place the plan in a better position for its Examination.

Summary

2.14 We would support policy STR1, if it were amended to include less reliance on the new settlement and Paddock Wood sites and a greater proportion of smaller sites across the Borough. However, in addition we have also recommended the following amendments, to ensure that the plan is positively prepared and effective, even if the Council continues to rely on such large sites to deliver its housing strategy:

*'(6) Development at the other settlements across the borough within their respective Limits to Built Development boundaries and through the delivery of allocations as per Table 3 below, and other suitable windfall developments **including brownfield sites outside of the Limits to Built Development;***

*'(8) Where major development is provided for at specific identified sites in the AONB, this is only where the tests set out in the NPPF are met. **Proposals for housing developments which are not 'major' developments will be considered positively and constructively, especially on brownfield sites where there are opportunities for enhancements for the AONB'***

2.14 Both of these amendments would help guard against non-delivery of the larger sites that the plan relies on, should there be a downturn in the housing market. These suggestions will improve the deliverability of the Council's housing targets.

3.0 Representations: Objections Policy STR/BE1 and Allocations

- 3.1 We **object** to **policy STR/BE1** and suggest revisions including the allocation of Hams Travel's Surplus Yard.

Objections and Revisions to the Allocations associated with policy STR/BE1

- 3.2 Having reviewed the strategy for site allocation in Benenden our main objection is a reliance on greenfield sites, when brownfield sites are available. We also object to the heavy reliance on one large site, which is extremely remote from the main village of Benenden. NPPF is clear that LPAs have a responsibility to make an effective use of land, prioritising brownfield land to make *'as much use as possible'* of brownfield opportunities:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land' (paragraph 117).

- 3.3 The NPPF continues that LPAs should *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'* (paragraph 118).

- 3.4 We have assessed each of the allocations in and around Benenden and set out our comments and objections below:

- **AL/BE1 Land at Walkhurst Road – No Objection.** This site already has planning permission and therefore has been proven to have no significant obstacles to development. We support the inclusion of this site.
- **AL/BE2 Land adjacent to New Pond Road – Objection.** This is a greenfield site including arboricultural, ecological and possible archaeological constraints. We consider it to be a less suitable site for development than Hams Travel's Coach Yard. Indeed, we question whether the rear part of the site with the most valuable trees and potential for archaeological interest is suitable for development at all. This should not be allocated in advance of brownfield opportunities, such as the Hams Travel site.

- **AL/BE3 Feoffee Cottage and land, Walkhurst Road – Objection.** This is a greenfield site and lies adjacent to ancient woodland and a Listed Building. It therefore has a number of constraints and should not be allocated in advance of brownfield sites, lacking any such constraints. We therefore do not consider that this site should be allocated in advance of the Hams Travel’s Coach Yard, which contains fewer constraints and is a brownfield opportunity.
- **AL/BE4 Benenden Hospital – Objection.** Whilst we note this site has planning permission for 24 dwellings, further land for housing is now allocated. The allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. Moreover, since other brownfield sites are available in closer proximity to the settlement – such as the Hams Travel site, we do not consider it to be the most sustainable brownfield option available. It therefore should not be allocated in advance of brownfield sites, nearer to the settlement such as Hams Coach Yard.

3.5 We consider that a preferable allocation would be **Hams Coach Yard**, since this is largely brownfield, is surplus to requirements and is nearer to Benenden than the only other brownfield allocation at Benenden Hospital. Development of this site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which gives ‘*substantial weight*’ to the allocation of brownfield sites and which uses as much brownfield land as possible.

3.6 We provide full details of this site’s opportunities for development at **section 4** together with an explanation as to why this is being submitted for consideration after the Call for Sites.

3.7 In the meantime we consider that **Policy STR/BE 1 (point 1)** should be amended to include a 5th housing site in the Benenden area:

*‘Approximately ~~119-129~~ **129-139** new dwellings will be delivered on ~~four~~ **five** sites(*) allocated in this Local Plan in the plan period (Policies AL/BE 1-45). (*) Of these sites, the following already have planning permission: AL/BE 1 for 12 dwellings and AL/BE 4 for 22 (net increase) dwellings’*

3.8 The **Hams Travel Coach Yard** should provide this 5th housing allocation in the Benenden area, as set out in the following chapter.

3.9 We note that the proposed policy **STR/BE 1** states that:

'The Limits to Built Development (LBD) around Benenden are defined on the draft Policies Map. The LBD now includes the sites/part sites to be allocated in Benenden at Policies AL/BE 1-2, and 3 (part), but excludes Policy AL/BE 4 (there is no existing LBD at East End). As above, the LBD at Iden Green has been removed as this settlement has limited key facilities and bus services making it unsustainable in this context.'

3.10 If the Council agrees to include the Hams Travel Coach Yard within the allocations, the policy will need to be amended to include reference to Hams Travel's yard as a 5th allocation, not necessarily within the Defined Settlement Boundary, but an allocation nonetheless.

Objections and Amendments to general policy provided by policy STR/BE1

3.11 In addition to the above general objections to the allocations made, we also object to parts of the remainder of the policy below. If the policy and allocations are not amended to include the Hams Travel site, we set out additional amendments, which we consider will assist in ensuring that the plan is both flexible and deliverable. Given the over reliance on housing delivery in and around Paddock Wood, we consider that these amendments will assist in protecting the plan against non-delivery in a housing market slow down (a major risk with a strategy dependent on large sites and a single housing market), by enabling the development of a wider range of brownfield sites around Benenden.

3.12 We **object** to clause 2 of policy **STR/BE1** which states:

'Additional housing may be delivered through the redevelopment of appropriate sites and other windfall development in accordance with Policy STR 1'.

Our objection to Policy STR 1 is set out in the previous section. However we would be willing to support this clause of policy **STR/BE1**, if policy STR 1 is amended to support the allocation of Hams Travel's Coach Yard and/or if clause (6) of that policy were amended to include support of *'other suitable windfall developments **including brownfield sites outside of the Limits to Built Development**.'* Likewise, our support of policy **STR/BE1** cross referencing policy STR 1 is only given if clause 8 of that policy is amended to specifically state that there will be support for 'minor' applications within the AONB, particularly where these are ***on brownfield sites where there are***

opportunities for enhancements for the AONB’.

3.13 We also **object** to clause 2 of policy **STR/BE1** which states:

‘Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape;’

3.14 We consider that this clause would be improved if it were expanded to state that the redevelopment of brownfield sites will be considered to make a positive contribution towards the objectives of managing the AONB, particularly where they can be demonstrated to have visual improvements. We therefore suggest the following amendment:

*‘Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape. **The redevelopment of redundant brownfield sites will be considered positively. Particularly where proposals will make a positive contribution towards the objectives of managing the AONB and where they can be demonstrated to have visual improvements;**’*

Summary

3.15 In response to policy **STR/BE1**, we have submitted that we do not support the following allocations in the area around Benenden:

- **AL/BE2 Land adjacent to New Pond Road – Objection.**
- **AL/BE3 Feoffee Cottage and land, Walkhurst Road – Objection.**
- **AL/BE4 Benenden Hospital – Objection.**

3.16 Rather, we consider that a preferable allocation would be **Hams Coach Yard**, since this is largely brownfield, is surplus to requirements and is nearer to Benenden than the only other brownfield allocation at Benenden Hospital. Development of this site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which gives ‘*substantial weight*’ to the allocation of

brownfield sites and which uses as much brownfield land as possible.

- 3.17** We only support the cross reference to Policy STR 1 if it is amended to support the development of brownfield sites outside of the Limits to Built Development and we consider that the policy could be amended make this amendment, offering support to minor applications which would offer such an opportunity.
- 3.18** We also **object** to clause 2 of policy **STR/BE1** which could be improved by making clear that the development of redundant brownfield sites will be considered positively.

4.0 Suggest Inclusion of new allocation, to allocate Hams Travel's Surplus Bus Yard

- 4.1** Approximately 1.5km to the west of Benenden, along the B2086 between Benenden and Hartley, lies Hams Travel's Benenden Coach Yard. Since the early 1990s this yard has provided an overflow facility for the main Hams Travel operation, accommodating their coachworks, workshop and some of the taller and longer vehicles used for international trips. As part of a reordering of the business, involving the expansion of the yard in Flimwell, Hams are due to consolidate operations on a single yard, making this site surplus to requirements.
- 4.2** Since it is largely brownfield, and NPPF state a preference for Brownfield development in making housing allocations, we propose this site here for inclusion in the next draft of the local plan. NPPF supports an approach which gives '*substantial weight*' to the allocation of brownfield sites and which uses as much brownfield land as possible. The site has not been put forward previously, since there has been some uncertainty as to whether the Flimwell proposals will gain support. However, the yard extension proposals have gained the support of both Highways and the LPA, meaning that Hams Travel is now confident to put forward their Benenden site as a potential housing site in the Local Plan. Given that the LPA have allocated other sites which are not 'brownfield' we consider that these need to be reconsidered in light of the '*substantial weight*' in favour of allocating Hams Travel's previously developed site.

Site Description

- 4.3** The site is L shaped and roughly 1ha in size (the boundaries are defined at Appendix 1). The site comprises a substantial area of hard standing and a large workshop to the rear of the site, with an orchard area to the front of the site, transacted by the access road. The coach yard and workshop cover more than half of the site. The site benefits from good visibility splays in both directions and crashmap data reveals that there have been no recorded incidents associated with the access over the last 20 years.
- 4.4** The site has residential properties directly adjoining it to the south/east and the north. Immediately to the east is an agricultural field associated with Apple Pie Farm. To the west is a large lack, which forms the part of the large grounds at The Moat, a Grade II Listed property immediately to the west.

4.5 The site is within flood zone 1, with the lowest level of flood risk.

Designations

4.6 The site is in the High Weald AONB and a Parsonage Wood SSSI is approximately 500m away from the site. There are no RAMSAR Sites (proposed or existing), SPAs, SACs, Local or National Nature Reserves nearby.

4.7 As with much of Benenden, the site is within AONB. However, unlike other sites currently allocated in the Local Plan, the Hams Travel yard and workshop are brownfield sites which, by their redevelopment, offer the potential for substantial visual improvement and reduced visual impact on the AONB.

Planning History

4.8 Relevant planning history for the site reveals that Change of Use from agriculture to a coach yard with workshop and offices was first granted in 1988. Since then numbers of applications have been approved associated with the use of the site for a coach yard.

Development Potential

4.9 The road out of Benenden towards the Hams Travel yard is scattered with individual houses. The site is in no way an 'isolated' and development here would support the shops, school and other services within Benenden. We consider that this site has capacity to accommodate a minor development of around 9 homes, if development were restricted just to the brownfield part of the site and development were built at a density of 30 homes per hectare. If a lower density were sought, it is considered that there could be justification for building on some of the land between the hard-surfaced yard area and the road boundary. Either way, we consider that the site has capacity of around 9-10 homes.

4.10 The site is not known to be constrained by archaeology, being some distance from the likely route of the known roman road. The site is adjacent to a Listed Building, but since this benefits from substantial grounds and since the site is currently a coach yard, it is hoped that any proposals will improve the site's relationship to the listed building.

4.11 In terms of ecological impacts, this would be assessed. However, we consider that development of the site could lead to ecological net gains as there is potential to strengthen and enhance the orchard, which is a 'Priority Habitat'.

4.12 Since the site has been operating successfully as a coach yard for over 30 years, there are no anticipated highways concerns. If anything, developing the site would lead to highways benefits, by taking the coach traffic off the local highway network and relocating it over to Flimwell, where that site benefits from direct access onto the A21.

Summary

4.13 In view of the NPPF's support for brownfield and the requirement that LPAs make effective use of land, prioritising brownfield land to make '*as much use as possible*' of brownfield opportunities (paragraph 117), we consider that the LPA should consider allocated the Hams Travel site. It could make a valuable contribution to local housing supply and development in this location will support local facilities within Benenden. We consider that the site has potential for around 9-10 new homes on a relatively constraint free site. It is therefore preferable to some of the allocated sites and we consider that this site should be a preferred location for development.

5.0 Conclusions

- 5.1 On behalf of our client, Hams Travel, this report has provided a response to consultation on Draft Tunbridge Wells Borough Local Plan (Regulation 18) 2019.
- 5.2 These representations **object** to the strategic approach set out in policy **STR1**. We consider that policy STR1 ought to be amended to include less reliance on the new settlement and Paddock Wood sites and a greater proportion of smaller sites across the Borough. This policy could be amended to include reference to an allocation at our client's yard. However, in addition we have also recommended amendments to the wording of the policy, to ensure that the plan is positively prepared and effective, allowing a greater flexibility than the policy currently allows. By relying on large developments around Paddock Wood for the majority of the Borough's housing supply, we consider that in a downturn in the market, the large sites will be vulnerable to slowed delivery and this could risk the plan being found unsound.
- 5.3 We suggest by amending the policy to state that '*suitable windfall developments*' could include brownfield sites outside of the Limits to Built Development and that in relation to the AONB, minor proposals for housing development would be supported where there are opportunities for enhancements for the AONB. Both of these amendments would help guard against non-delivery of the larger sites that the plan relies on, should there be a downturn in the housing market. These suggestions will improve the deliverability of the Council's housing targets.
- 5.4 These representations also **object** to the approach set out in policy **STR/BE1** in relation to Benenden and the numbers of the allocations relating to development around Benenden. We do not support the following allocations in the area around Benenden:
- **AL/BE2** Land adjacent to New Pond Road – **Objection**
 - **AL/BE3** Feoffee Cottage and land, Walkhurst Road – **Objection**
 - **AL/BE4** Benenden Hospital – **Objection**
- 5.5 Rather, we consider that a preferable allocation would be **Hams Coach Yard**, since this is largely brownfield, is surplus to requirements and is nearer to Benenden than the only other brownfield allocation at Benenden Hospital. Development of this site also offers opportunities for visual improvements of the AONB, ecological

improvements and is without known constraints. NPPF supports an approach which gives '*substantial weight*' to the allocation of brownfield sites and which uses as much brownfield land as possible.

- 5.6** We only support the cross reference to Policy STR 1 in policy STR/BE1 if STR 1 is amended to support the development of brownfield sites outside of the Limits to Built Development and also offering support to minor applications which would offer such an opportunity.
- 5.7** Our client's site has not previously been put forward (as it has been in use). However, it is now anticipated to be available in the very near future, is suitable for development (being largely brownfield) and is deliverable for development with no known constraints. This makes the site preferable to numbers of the allocated sites, which are greenfield, contain ecological and archaeological constraints and are not all well related to the settlement of Benenden. We consider that amendments to the Proposals Map should be made to include this site for housing development.

Appendix 1 – Hams Travel Location Plan

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

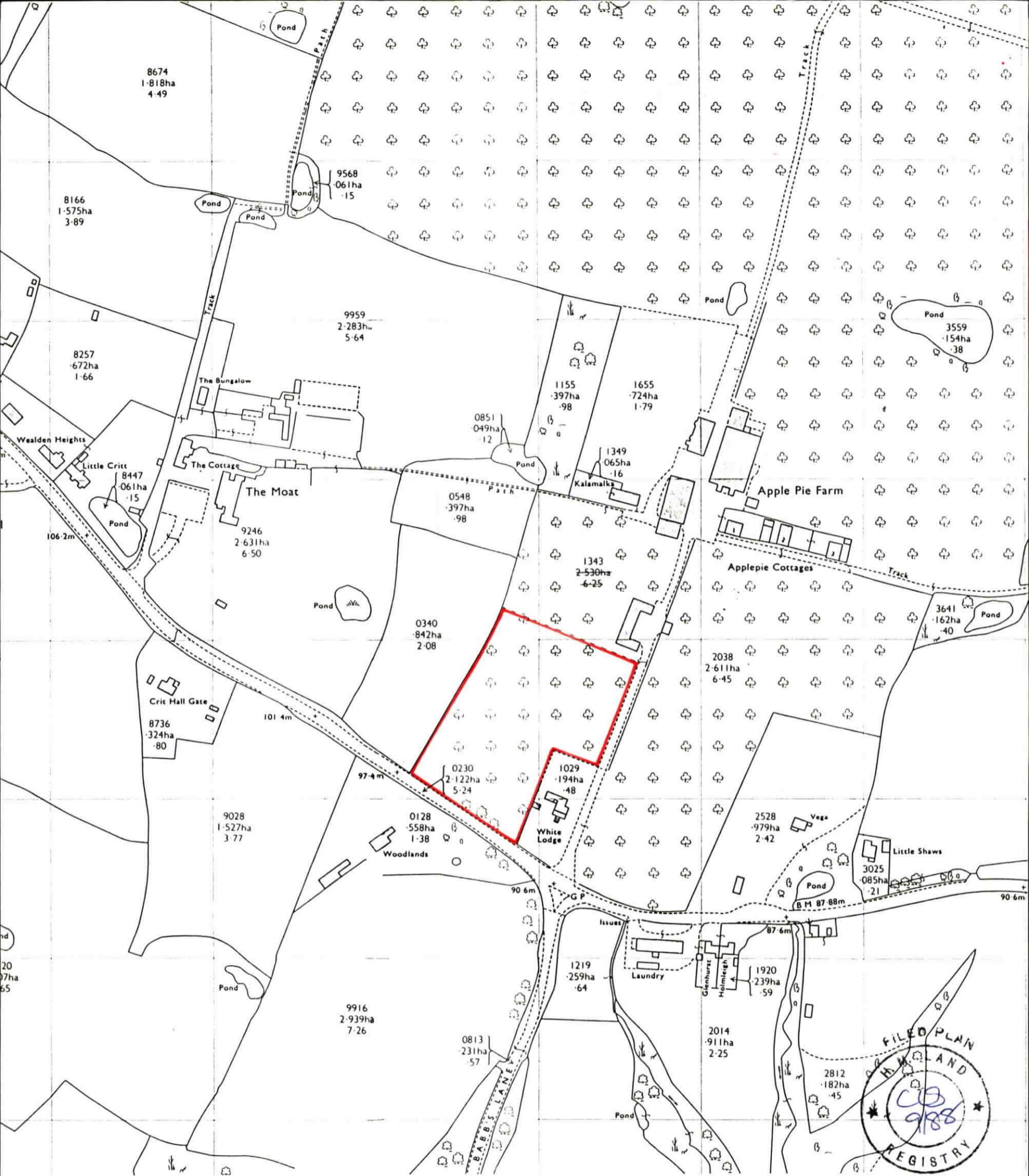
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Hams Coach Yard, Benenden