Our Ref: SB/JS/8094

15th November 2019

Local Plan Consultation
Planning Policy
Planning Services
Tunbridge Wells Borough Council
Town Hall
Civic Way
Royal Tunbridge Wells
Kent
TN1 1RS

Dear Sir/Madam,

TUNBRIDGE WELLS BOROUGH COUNCIL DRAFT LOCAL PLAN: REGULATION 18 CONSULTATION

REPRESENTATIONS ON BEHALF OF MILLWOOD DESIGNER HOMES LTD

OMISSION OF LAND AT HOME FARM, LOWER GREEN ROAD, RUSTHALL AS A HOUSING ALLOCATION

Introduction

General

We refer to the above Regulation 18 Local Plan (“LP”) consultation document and write on behalf of our client, Millwood Designer Homes, setting out a number of comments upon the policies and proposals contained therein.

As you will doubtless be aware, our client is a Kent-based developer of long standing repute for high quality residential schemes. They have a number of current land interests in the Borough, and these representations are submitted both generally in terms of the overall spatial strategy, and settlement-specific in relation to their land interest at Home Farm, Lower Green Road, Rusthall (SHELAA Site Ref: 60).
Policies and Proposals

Our representations relate to the following policies and proposals:

- STR 1: The Development Strategy
- STR 4: Green Belt
- STR10: Limits to Built Development
- STR/RTW 1: The Strategy for Royal Tunbridge Wells
- STR/CA 1: The Strategy for Capel Parish; as well as:
  - AL/CA 1: Tudeley Village
  - AL/CA 3: Land at Capel and Paddock Wood
- STR/PW 1: The Strategy for Paddock Wood; as well as:
  - AL/PW 1: Land at Capel and Paddock Wood

Our representations are also accompanied by a duly completed response form.

Our detailed comments are set out below.

Supporting Particulars: Site Specific Representation - the omission of land at Home Farm, Lower Green Road, Rusthall as a housing allocation

Millwood Designer Homes has a controlling interest in land at Home Farm, Lower Green Road, Rusthall which extends to approximately 1.3ha

The site has been assessed in the Council’s Strategic Housing and Economic Land Availability Assessment (“SHELAA”) under Site Ref: 60.

We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 25 dwellings, whilst enhancing the landscape boundaries to the site.

Development of the site for approximately 25 dwellings would enable a high-quality housing scheme to be located within walking distance from local services and facilities, including the High Street which is within an easy 0.5km walk to the south of the site. The site is also within a short 0.25km walk to a bus stop which provides regular services to Tunbridge Wells.

Plans and particulars are enclosed in support of our representations, which seek the allocation of the site for approximately 25 dwellings as follows:

(i) Site Location Plan No. WBP1
(ii) Potential Access Improvements Plan No. P352/MDR
(iii) Site Context Plan No. WBP2
(iv) Duly completed Response Form

We set out the merits of the site as a housing allocation in response to the Royal Tunbridge Wells-specific policies below.
Overarching Comments

As an overarching position statement, it is our view that the Plan as drafted is unsound having regard to

1. The over reliance on housing delivery from strategic sites.

2. The allocation of sites that cannot be said to be justified when taking into account the reasonable alternatives (see point (3) below).

3. The omission of land at Home Farm, Lower Green Road, Rusthall (SHELAA Site Ref: 80) as a housing allocation for approximately 25 dwellings.

On the basis of the foregoing, and as expanded upon below, we do not consider the Plan to be positively prepared, justified, effective or consistent with national policy at this stage in the plan-making process. However, it is clearly a good start and we welcome the opportunity to work with the Council in addressing our comments, including in relation to the omission of our client’s land interest.

The next iteration of the Local Plan (the Regulation 19 stage) provides the opportunity to make the necessary changes in order to ensure the Plan can be said to be sound and that it represents the most appropriate strategy when assessed against the alternatives; and that it is consistent with national policy.

For the Plan to be found sound, modifications are required to be made to the Plan in response to our concerns expressed at points (1) to (3) above.

NPPF Considerations

General: Tests of Soundness

Section 3 of the NPPF (February 2019) sets out the principal components to be included in local plans.

In order to be found “sound”, paragraph 35 of the NPPF requires the plan to be positively prepared, justified, effective and consistent with national policy.

A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

In order to be justified the DPD must be an appropriate strategy, taking into account reasonable alternatives; and should be informed by a proportionate evidence base.

Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters, including meeting unmet needs from adjoining authorities.

Proposed Amendments

For the reasons set out in these representations there are a number of shortcomings with the Plan as currently drafted, that result in the need for amendments.

Our suggested amendments, necessary to satisfy the tests of soundness, may be summarised as relating to the following:
• Acknowledgement that the existing supply of housing commitments are insufficient in both quantum and nature to meet both immediate and longer term needs;

• The need for greater flexibility within the Plan to meet the overall housing requirement for the plan period. These concerns can only be resolved through the identification of additional allocations;

• The allocation of land at Home Farm, Lower Green Road, Rusthall (SHELAA Site Ref: 60) as a housing allocation for approximately 25 dwellings.

Policy STR 1: The Development Strategy

Representation

The Council has followed the Standard Method approach to identifying the housing need for the Plan period. This approach is supported as it is compliant with the requirements set out in the NPPF.

The resulting minimum housing requirement of 13,560 dwellings (678 per year) is therefore considered to be appropriate in terms of plan-making.

However, the housing requirement needs to be embedded into the actual policy wording, i.e. within the green policy box. As presently drafted it is located in the supporting text and within tables 1 and 3. This will provide for greater clarity and certainty in relation to the policy requirements.

Additionally, to be in accordance with the NPPF and the Government’s objective to significantly boost the supply of homes (para. 59, NPPF, 2019), the housing requirement should be highlighted as a minimum figure, and not a ceiling target.

In respect of Table 1, we note that the table sets out the requirement for 13,560 dwellings to be met in the period 2016 – 2036. This should be clearly expressed as a minimum target.

The components of supply in Table 1 suggest the need to allocate a minimum of 7,593 dwellings to meet the remaining requirement (after taking into account of completions, commitments and windfalls).

The deliverability of the other elements of supply depends upon whether the sites within rows 3, 4 and 5 come forward. Their deliverability has yet to be tested through the examination process.

Paragraph 4.15 of the draft Local Plan refers to the need to make an allowance for the delay and/or non-delivery of a proportion of the identified sites. This approach is supported.

Paragraph 4.16 states that the total capacity of all of the identified components of supply, including the proposed allocations, could deliver around 14,776 dwellings during the plan period. It is said that this is 9% in excess of the 13,560 minimum target requirement.
However, including for the reasons set out in our representations upon Policies STR/CA1 and STR/PW1, we have concerns about the Council's housing trajectory and the assumptions in relation to the timing for and delivery of dwellings from certain of the strategic site allocations.

If realised during the plan period, the purported delivery of 14,776 net additional dwellings would be 1,216 dwellings in excess of the minimum requirement. However, and with reference to pages 27 and 30 of the Housing Supply and Trajectory Topic Paper, even if delivery at Tudeley (AL/CA1) and Paddock Wood (AL/PW1) is delayed by only 2 years the 'surplus' against the minimum requirement would be reduced to less than 200 dwellings. This assumes all of the other components of supply deliver at the point envisaged.

Given the inherent delays with the planning for and delivery of strategic sites, the approach to site allocation cannot be said to be justified and is likely to fail to provide for a flexible supply of housing land.

In any event row 6 in Table 1 should be re-worded to increase the allocations required, in order to provide not only for the planned housing requirement, but also to identify additional sites for choice, flexibility and competition in the market in line with national policy.

We agree with the approach to disperse housing allocations across the Borough and allocate land for additional housing at many of the smaller (and sustainable) settlements.

As a general note, it is unclear from the wording of the draft site allocations, where a range of dwellings is indicated, how many dwellings are required to be delivered from each site in order to meet the housing requirement.

**Suggested Change**

The housing requirement needs to be embedded into the actual policy wording, i.e. within the green policy box. As presently drafted it is located in the supporting text and within tables 1 and 3. This will provide for greater clarity and certainty in relation to the policy requirements.

The 13,560 dwelling housing target should be clearly expressed as a minimum.

The Council should review the delivery assumptions for and of the strategic sites.

Additional small scale deliverable sites at sustainable locations should be allocated for housing development in order to ensure an adequate and flexible supply of deliverable housing land.

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**Policy STR 4: Green Belt**

**Representation**

Whilst we support the need for a Green Belt review, including on the basis of the exceptional circumstances identified in the Council’s Distribution of Development Topic Paper (Sept 2019) (Section 6 refers), we nevertheless object to the approach to the Green Belt in so far as it fails to provide for sustainable urban extensions to Rushall.
Page 38 of the Topic Paper states in relation to individual site allocations located on the edge of settlements as follows:

“Individual (mainly smaller scale) sites have been identified as logical extensions to the existing LBD of a settlement, or as a ‘rounding off’ small local adjustment to the Green Belt boundary (and in some cases providing a stronger Green Belt boundary), and where all other planning considerations support the allocation, facilitating development in a sustainable location. For example, the release of Green Belt land at a number of locations at Pembury will provide a range of development opportunities, including housing and community facilities, in a sustainable location”

In our opinion, the omission site at Home Farm, Rusthall affords a sustainable opportunity in helping to meet identified housing needs and satisfies this assessment criteria.

Stage 2, Appendix A of the Council’s Green Belt Study (LUC) (July 2017) identifies the site (and adjoining land) as Parcel RU2a and confirms the site as having a moderate to weak rating when considered against the 5 purposes of the Green Belt

The Assessment confirms as follows:

- The parcel shares a similar topography to the adjacent settlement to the south, from which it has no significant separation

- The existing Green Belt boundary is defined by back gardens of properties on the settlement edge. A boundary defined by hedgerows that border the parcel would not be any weaker.

These conclusions are of particular relevance and standing in relation to assessing the soundness of the overall strategy of the Plan which fails to provide for an amendment to the Green Belt in this location.

The evidence is clear in that the boundary should be revised to remove Parcel RU2a from the Green Belt. The minor amendment would have no discernable impact upon the role and function of the wider Green Belt.

In the context of the Green Belt tests set out in the NPPF (Para 134 refers), the allocation of the site for housing would be acceptable in relation to the need to review boundaries pursuant to paragraph 138 of the NPPF.

As such, and in the context of seeking an allocation of the site for housing:

- It would not result in unrestricted sprawl of large built-up areas;

- It would not lead to coalescence;

- It would prevent more peripheral countryside locations from encroachment; and could strengthen the Green Belt boundary

- There is no "special" character to be preserved; and
It would provide for a mix of deliverable homes, including helping to meet the need to supply family sized dwellings to meet identified needs to complement higher density schemes for flatted forms of development on previously developed land within urban locations.

Rushall forms part of the wider environs of Royal Tunbridge Wells. As such, it represents one of the most sustainable locations in planning for housing growth during the plan period.

Allocating the site for housing would provide for a mix of deliverable homes, including helping to meet the need to supply family sized dwellings to meet identified needs to complement higher density schemes for flatted forms of development on previously developed land within urban locations.

**Suggested Change**

Amend the Green Belt boundary to include Parcel RU2a, and in particular SHELAA Site 60 within a revised settlement boundary.

**Policy STR 10: Limits to Built Development**

**Representation**

We object to the Limits of Built Development in so far as they relate to Rushall, including on the basis that no amendments are proposed to the Green Belt (see separate representations submitted in response to Policy STR4 above).

In setting out our representations we have considered the evidence base, including, but not limited to the following:

- Distribution of Development Topic Paper (Sept 2019)
- Housing Supply and Trajectory Topic Paper (Sept 2019)

Understanding the level of need and the most appropriate approach to the distribution of growth is important to assessing the appropriateness of the approach to the definition of settlement boundaries and the associated approach to site selection and allocation for development within revised built development limits.

For the reasons set out in response to Policy STR1, STR/CA1, STR/PW1 and STR/RTW1, the definition of the settlement boundary for Rushall is not justified as it cannot be said to represent the most appropriate strategy taking into account the reasonable alternatives.

**Suggested Change**

The LDB for Rushall should be amended to include SHELAA Site Ref: 60 within a revised settlement boundary, and the site allocated for approximately 25 dwellings.
Representation

The strategy for Capel Parish and Paddock Wood seeks to provide for significant growth as follows:

- The provision of a standalone garden settlement (referred to as Tudeley Village) of 2,500-2,800 dwellings, of which 1,900 are expected to be delivered in the plan period, together with appropriate employment, including retail provision, within the settlement. This is required to be developed using a comprehensive masterplanned approach;

- Together with land outside of Capel parish on the northern, eastern, and southern sides of Paddock Wood, and within the town centre, a proportion of approximately 4,000 new dwellings and associated education, leisure, and health facilities to be delivered (on the wider allocations). Again, they are required to be advanced using a comprehensive masterplanned approach.

The approach to masterplanning and delivery states as follows:

“The comprehensive masterplanning approach will require close liaison and involvement with local communities and organisations, infrastructure providers, statutory consultees, relevant landowners and developers, and county and neighbouring authorities, and will follow garden settlement principles. Proposals for the piecemeal development of individual sites will not be supported....”

The strategic site allocations include a number of separate land ownerships and there are significant infrastructure issues to address and deliver.

In setting out our concerns in response to Policy STR 1 above, we have considered the content of the Housing Supply and Trajectory Topic Paper (Sept 2019) and the analysis set out therein in relation to build rates etc.

Including for the reasons set out in that Paper, and the accompanying source documents (paragraph 4.2.2 refers), we consider the assumed build rate of 299 dwellings per annum at the strategic allocations of 2,000+ dwellings (Table 8 refers) is overly optimistic.

Reliance on overly optimistic build rates artificially inflates the assumed rate of completions set out in Table 9 of the Topic Paper.

The available evidence does not support nor justify relying upon 150 completions from Tudeley village (AL/CA1) in 2025/26 and nor does it justify 333 completions from Paddock Wood (AL/PW1) in 2024/25.

A more robust assessment, with a more realistic start date and annual rate of completions would require additional site allocations in order to demonstrate a deliverable and developable supply of housing land sufficient to meet the minimum housing target during the plan period.
Suggested Change

Revise the delivery assumptions for the sites to provide for a more realistic date for first completions as well as a more realistic annualised build rate.

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Representation

As set out in response to Policy STR4 above, Rusthall forms part of the wider environs of Royal Tunbridge Wells. As such, it represents one of the most sustainable locations in planning for housing growth during the plan period.

However, the restrictive approach to the Green Belt boundary serves to prevent sustainable growth in this location.

Omission Site: Land at Home Farm, Lower Green Road, Rusthall

General

Our client’s site comprising land at Home Farm, Lower Green Road, Rusthall (SHELAA Site Ref: 60) is submitted as an additional housing allocation. The Site is edged red on Plan WBP1 attached and extends to approximately 1.3ha.

We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 25 dwellings.

The site is well related to the urban area and is well contained from the wider Green Belt, which conclusion is supported by the Council’s assessment of the site as set out in Appendix A of the Council’s Green Belt Study (LUC) (July 2017) (see our response to Policy STR4 above).

Development of the site for approximately 25 dwellings would enabling a high-quality housing scheme to be located within walking distance from local services and facilities, including the High Street which is within an easy 0.5km walk to the south of the site.

Access can be readily achieved from Lower Green Road, and there is a pedestrian footway to the High Street which enables safe and convenient access to local services and facilities by foot.

The site is also within a short 0.25km walk to a bus stop which provides regular services to Tunbridge Wells.

The proximity of the site to local services is shown on supporting Site Context Plan No. WBP2.

Accompanying Plan No. P352/MDR explains how improvements to the site access can be achieved in order to provide for a safe means of access to serve development of the site for housing.

Overall, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
Suggested Change

Allocate land at Home Farm, Rusthall (SHELAA Site Ref: 60) as a housing allocation for approximately 25 dwellings.

Summary

On the basis of the foregoing, the Regulation 18 draft Local Plan does not currently satisfy the tests of soundness for the following reasons:

- **Unjustified** – The plan is not the most appropriate strategy when compared to the reasonable alternative of additional allocations in sustainable locations such as Site 60 at Home Farm, Lower Green Road, Rusthall.

- **Ineffective** – The proposed distribution strategy and over-reliance on strategic sites fails to deliver the necessary level of housing development, including addressing potential unmet needs (to be agreed during the evolution of the Local Plan process).

- **Inconsistent with National Policy** – The proposed distribution strategy fails to boost the supply of housing or maximise sustainable patterns of housing growth, including on account of failing to provide for an appropriate level of growth on sustainably located sites.

Our client’s site at Home Farm, Lower Green Road, Rusthall offers a sustainable and deliverable opportunity to provide for approximately 25 dwellings, in a landscaped setting, within walking distance from local services and facilities.

Against the above background, including on the basis of the Council’s evidence base, there are no known constraints to releasing SHELAA Site 60 from the Green Belt as a housing allocation for approximately 25 dwellings in helping to meet identified housing needs during the early part of the plan period (following a review of the Green Belt boundaries).

We trust the above comments are of assistance in producing a revised version of the Local Plan for a subsequent Regulation 19 consultation and we await confirmation of receipt of our representations in due course.

Finally, we welcome the opportunity to enter into dialogue with the Council in order to discuss our comments in the context of seeking to ensure a sound Local Plan.

Please do not hesitate to contact the writer should you wish to discuss any matter(s) arising.

Yours faithfully

Steven Brown BSc Hons DipTP MRTPi

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