

**Land West of Freight Lane, Cranbrook, Kent (Site Ref. 396)**

---

**Persimmon Homes South East**  
**Representations on the**  
**Tunbridge Wells Borough Council Draft Local Plan (Regulation 18 Consultation)**

**November 2019**

**PRODUCED BY**

**PERSIMMON HOMES SOUTH EAST**

**SCHOLARS HOUSE**

**60 COLLEGE ROAD**

**MAIDSTONE**

**ME15 6S**

## **Contents**

- 1. Introduction**
- 2. Land West of Freight Lane**
  - a. Site & Surroundings**
  - b. SHELAA**
  - c. Design Principles**
  - d. Development Proposals**
  - e. Delivery**
- 3. Development Strategy**
- 4. Major Development in the AONB**
- 5. Development Management Policies**
- 6. Summary & Conclusion**

## 1. Introduction

These representations have been prepared by Persimmon Homes in response to the Tunbridge Wells Borough Council Draft Local Plan (Regulation 18 Consultation).

Persimmon Homes have several interests within Tunbridge Wells Borough which are being promoted through the Local Plan process including land at Paddock Wood, land at Horsmonden and land at Cranbrook.

These representations have been prepared in respect of land west of Freight Lane, Cranbrook, hereafter referred to as 'the Site'. Separate representations have been made in respect of our other sites.

### Land West of Freight Lane

The Site is located in a sustainable location on the south eastern edge of Cranbrook, within walking distance of the town's services and facilities.

The Site extends to approximately 6ha and comprises agricultural land. The Site is bound by existing development to the north-east, an allocated and committed development site to the north-west. Whilst agricultural land is situated to the south, the Site boundaries are well enclosed by existing trees and hedgerows.

The Site can thereby accommodate a sensitive extension to Cranbrook delivered in accordance with AONB Design Guidance to accommodate approximately 100 dwellings in a series of 'farmsteads' within extensive landscaping.

### Structure

These representations are structured as follows:

- Section 2 provides a detailed overview of the Site and surroundings and the development potential of the site;
- Section 3 sets out an analysis of the development strategy as currently conceived, identifying several risks to 'soundness' and setting out how these can be overcome through the allocation of the Site;
- With reference to NPPF paragraph 172 Section 4 demonstrates that, whilst the Site is situated within the AONB, major development is acceptable.
- Section 5 provides commentary on the development management policies in the Draft Plan
- Section 6 provides a summary and conclusion.



## 2. Land West of Freight Lane

### Site & Surroundings

The Site is located on the south western edge of Cranbook, approximately 600m from the centre of the town and within the High Weald AONB.

The Site extends to approximately 6ha and comprises an irregular shape field, defined by Freight Lane along the southern boundary and the Crane Brook along the northern boundary. The sight slopes from southern boundary down towards the Crane Brook along the northern edge.

Situated directly to the north west of the Site is the Brick Kiln Farm development site, which is delivered by Persimmon Homes under Planning Permission Reference 16/502860/OUT. Situated directly to adjacent to the north east corner of the Site are a cluster of properties along Freight Lane and a large residential neighbourhood of predominantly post war housing beyond that. There are small cluster, a farmstead, of properties situated immediately to the south of site accessed via a private drive (known as Mount Ephrain). Agricultural land is situated to the south of the site.

The Site comprises open agricultural land which is given over to grazing. The southern, eastern and western boundaries of the site are defined by existing trees and hedgerows. Along the northern edge of the Site is a woodland belt, through which the Crane Brook runs; part of the woodland belt is designated as an Ancient Woodland. There is an established farm track which connects the site to the adjacent field to the north which is being developed for residential; the track does not pass through the Ancient Woodland.

There are two public rights of way that pass through the site (WC96 and WC95). In addition WC118A runs along Freight Lane and WC116 runs along the southern boundary of the Site.

The established hedgerows and trees along the boundaries of the site screen views into the site. As such the Site is well enclosed with limited views from the wider countryside.

The Site is well related to the town and the adjacent development site.

### Strategic Housing Economic Land Availability Assessment

The Site has been assessed as part of the Strategic Housing and Economic Land Availability Assessment under Site Reference 396.

The assessment notes that the Site is 'available'.

The assessment notes that the Site is 'achievable'. It is noted that the Site *"would make a logical extension of an existing allocation adjacent"*.

With regard to 'suitability' the assessment it suggests the Site is neutral when considered in isolation but negative when considered alongside the adjacent development site:

- 'Individually' the analysis suggests that individually, whilst the site would "score negatively in landscape terms" this is balanced by the housing provision;

- ‘When considered with the wider (adjacent) site allocation AL/CRS9’ the assessment concludes that the *“site area is relatively large so would contribute significant benefits to housing numbers but is scored highly negatively for many environmental objectives to reflect the sensitive features that are at risk.”*

Whilst it is accepted that the Site has a degree of sensitivity in landscape terms, we consider that a sensitively designed development can protect and enhance the important landscape features. Set out below are several design principles which will ensure the Site is designed sensitively.

### Design Principles

Having regard to the character and appearance of the Site and the surrounding area, the following key development principles have been identified for the site:

- Provide a mixture of private and affordable housing to meet local housing needs.
- Provide a well-connected residential neighbourhood with strong links to the town centre and wider area:
  - Provide a vehicular connection to the A229 through from the adjacent development site.
  - Enhance existing Public Rights of Way to provide improved pedestrian and cycle connections to the wider area.
- Respect and enhance the character and appearance of the wider AONB landscape:
  - Retain and enhance the existing trees and hedgerows along the Site boundaries to ensure the Site remains visually enclosed from the wider countryside.
  - Protect and enhance the Ancient Woodland along the northern boundary of the Site, including providing a 15m no development buffer.
  - Respond positively to the Mount Ephrian Farmstead through the sensitive landscape design and architecture.

### Development Proposals

Persimmon Homes have worked closely with Tunbridge Well Borough Council to design a scheme for 180 dwelling on the adjacent site which relates well to the Cranbrook and also respects the character and appearance of the AONB.

At this early stage a scheme for this Site has not yet been prepared for the Site. However the Design Principles identified above define the broad parameters within which the development would be delivered. Within these parameters we anticipate we could deliver a high quality scheme for approximately 100 units within an extensive Green Infrastructure Framework.

### Delivery

Persimmon Homes anticipate that development of the adjacent site will commence in summer/autumn 2020 and will take approximately 3 years to build out, completing in summer/autumn 2023.

Should this site be allocated as part of the new Local Plan in winter 2021, detailed planning approval for the Site could reasonably be expected to be achieved within 18 months. This would allow the development to commence in summer/autumn 2023.

In summary, as Persimmon will already have a presence on the adjacent land, the Site could deliver units in the early part of the plan period, making an important contribution to the housing trajectory.

### Summary

In summary, the Site is situated in a demonstrably sustainable location. Whilst the Site is subject to some limited environmental constraints, these can be mitigated through careful design and the delivery of a comprehensive green infrastructure scheme.

### 3. Development Strategy

Persimmon Homes recognises that accommodating the housing requirement for Plan period is challenging given that much of the Borough is constrained by either the High Weald AONB and/or the Metropolitan Green Belt.

Persimmon Homes further acknowledges the broadly proactive approach that the Council has taken to accommodating their growth requirements within a comparatively constrained area. Most notably we are entirely supportive of the proposed large scale expansion of Paddock Wood, given that the settlement is already a sustainable locations (see Settlement Role & Function Study). The proposed expansion allows the existing sustainability advantages of this location to be leveraged to deliver significant growth.

Despite the broadly proactive approach that has been taken, Persimmon Homes is concerned that the proposed distribution of growth is not 'sound' in three important respects:

- Firstly, several comparatively unsuitable and unsustainable sites around Cranbrook have identified as draft allocations at the expense of alternative more sustainable locations (include the Site);
- Secondly, insufficient growth has been directed Cranbrook as a whole, with too much growth allocated at Hawkhurst which is demonstrably less sustainable settlement;
- Thirdly, too much reliance has been placed upon the delivery of a new settlement at Tudeley Village, which is not currently a sustainable location and cannot viably be made a sustainable location.

#### Cranbrook Distribution of Development

The draft Plan includes nine housing allocations in Cranbrook accommodating between 474-559 dwellings.

We consider that the Draft Plan has allocated two sites in Cranbrook which are less sustainable and less suitable than our Site:

- Firstly, **Draft Site Allocation CRS4 Turnden Farm, Hartley Road** has been allocated for 124-134 additional dwellings. This site has been allocated on the back of a planning permission for the redevelopment of the farm building complex. The allocation extends beyond the previously developed land to include wholly greenfield land. It is considered that the allocated greenfield land is more exposed than our Site and also relates far less well to the settlement. This land is also less accessible and thereby less sustainable. The allocation appears to have progressed on the basis that extensive green infrastructure will be provided which would mitigate the landscape impacts.

Our Site is more sustainably located and is less sensitive in landscape terms. Furthermore, as discussed above any landscape impacts can be dealt with by way of comprehensive green infrastructure.

- Secondly, **Draft Allocation CRS7 Land off Golford Road** has been allocated for approximately 150 dwellings. As noted in the supporting text this site is “detached from the existing Cranbrook Limits to Built Development”. The site is entirely separate from the settlement and is very open and very exposed. It is demonstrably more sensitive in landscape terms than our Site.

The supporting policy text suggests that the site has proximity to the settlement centre. However the site is some 900m from the centre of the town, which is further than our Site. It is also noted that Godford Road does not have a footway along the northern side.

It is evident that our Site is a more sustainable and suitable site than either of the above sites. However it is not suggested that these sites should be struck out of the draft Plan. Rather, it is considered that Cranbrook requires additional allocations to ensure that the development strategy is sound. This is discussed further below.

#### Cranbrook - Scale of Growth

The draft Plan includes nine housing allocations in Cranbrook accommodating between 474-559 dwellings. **We note that allocation CRS9 has now been partially approved for 180 dwellings and the allocation should be amended accordingly. The total allocated housing figures for Cranbrook will need to be amended accordingly.** It is considered that insufficient growth has been directed towards Cranbrook for the following reasons:

- **Sustainable settlement** - Cranbrook is a sustainable location with a good range of services, facilities and good public transport accessibility.

The ‘Settlement Role and Function Study’ (February 2017) demonstrates that Cranbrook is the most sustainable settlement in the Borough outside of Main Urban Area (i.e. Tunbridge Wells and Southborough). On all four scoring criteria Cranbrook scores significantly better than its nearest competitors Paddock Wood (19% lower score) and Hawkhurst (32% lower score) as shown in the table below.

Settlement	Score			
	1 <sup>st</sup> Method	2 <sup>nd</sup> Method	3 <sup>rd</sup> Method	4 <sup>th</sup> Method (average)
Cranbrook	166	178	127	157
Paddock Wood	135	143	103	127
Hawkhurst	112	124	79	105

It is noted that significant growth is being directed towards Paddock Wood despite the settlement being less sustainable than Cranbrook (albeit not located within the AONB).

- **Local Housing Need** - Cranbrook is a as a high value area and thereby has a high need for entry level housing to allow local people to get on to the housing ladder in the town. In addition there is a high need for affordable housing in the town.
- **Vital and vibrant town centre** – The Tunbridge Wells Borough Retail Study has undertaken Health Check Assessments for the main retail centres in the Borough, the conclusion for Cranbrook indicate that the town centre has *“a strong independent comparison goods retail offer”* but also highlights that *“the centre’s market share of comparison goods spending from local residents – and the indicative number of visitors to the centre from the recent Nexus pedestrian counts – have both fallen since the previous Study”*.

The study also shows that both comparison and convenience spending in Cranbrook has fallen between 2013 and 2016. There is expected to be some limited increase in demand over the plan period.

It is clear that additional population growth will help support the vitality and vibrancy of the town centre over the plan period.

Some additional growth in Cranbrook above the level proposed, on suitable and sustainable sites, will ensure that best use is made of the settlements existing services, facilities and infrastructure, and help ensure that these services and facilities remain vital and viable in the years to come.

#### Hawkhurst

It is considered that too much growth has been directed towards Hawkhurst which is demonstrably less sustainable, and should have substantively less growth.

Hawkhurst is allocated approximately 668 additional dwellings over the plan period. This is significantly higher than the level of growth directed towards Cranbrook which is around 500 dwelling once existing commitment are discounted.

However as highlighted in the table above, the Council’s Settlement Role and Function Study demonstrates that Cranbrook has significantly more services and facilities, scoring 32% higher in the assessment.

It is demonstrably unsound to direct substantially more growth to a significantly less sustainable settlement, when both a located within the AONB and both as subject to the same level of landscape and environmental constraints.

#### Tudeley Garden Village

The new settlement is expected to accommodate 2,500 – 2,800 units in total, of which 1,900 are expected to come forward within the Plan period.

However the proposed new settlement is in an unsustainable location and is of insufficient scale to secure the necessary new infrastructure to make it sustainable.

With regard to the sustainability of the settlement, it is noted that Tudeley is too small to be assessed in the Settlement Role and Function Study and has very limited facilities and services (comprising only a pub and church). The nearest settlement to the proposed new settlement is Five Oak Green (just under 2km from the centre of the proposed new settlement) also performs poorly in the Settlement Role and Function Study with an average score of just 34 points.

Given the location is currently highly unsustainable the proposed development is required to deliver a comprehensive package of new infrastructure including:

- Strategic highways links road to the east;
- Secondary School
- Primary School
- Expansion of Caple Primary School
- Sports and recreation facilities
- Health facilities
- Provision of local services and facilities appropriate to the scale and function of the settlement

Even if the settlement can bring forward this new infrastructure, this will take time to deliver, with implications for housing trajectory.

### Summary

Whilst the Council have taken a proactive approach to accommodating the housing requirement over the plan period, the development strategy as current conceived is subject to several shortfalls which make it 'unsound'. These issues can be addressed by directing additional growth toward sustainable locations around Cranbrook, most notably toward the Site.

#### 4. Major Development in the AONB

The Site is situated within the High Weald Area of Outstanding Natural Beauty (AONB). The NPPF states that the scale and extent of development within these designated areas should be limited. The National Planning Policy Framework (NPPF) makes clear, at paragraph 172, that:

*“Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”*

Paragraph 172 goes on to state that:

*“Planning permission should be refused for major developments other than in exceptional circumstances, **and where it can be demonstrated that the development is in the public interest**” (emphasis added).*

Paragraph 172 goes on to set out three considerations against which proposals for major development in the AONB should be assessed:

- a) *The need for development, including any national considerations, and the impact of permitting it, or refusing it, upon the local economy.*
- b) *The cost of and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

The Development Strategy as currently conceived has sought to minimise the development directed towards the AONB, paragraph 4.38 states that: *“the Council proposes a development strategy to meet the housing needs of the Borough based on Option 3 (dispersed growth)...this also takes account of the need to maximise the amount of major development outside the High Weald AONB”.*

However, as demonstrated in Section 3, the Development Strategy as currently conceived is unsound. To address the unsound aspects of the Draft Local Plan it is recommended that some growth is redirected towards demonstrably sustainable locations within the AONB (such as the Site).

Within the framework of the tests set out at NPPF paragraph 172, the following analysis demonstrates that directing further major development toward the AONB, is sound:

- Need for development

There is a clear housing need in the Borough. Specifically, as a high value area Cranbrook has a need for entry level housing to allow local people to get on to the housing ladder in the town; in addition there is a need for affordable housing in the town.

Failing to direct sufficient (i.e. additional) housing growth towards Cranbrook will undermine the future economic success and prosperity of the town as there will be a smaller employment pool and less spending power locally.

- Opportunities for development outside the AONB

As noted above the Development Strategy as currently conceived seeks to minimise the level of growth directed to towards the AONB. As a consequence the Development Strategy is reliant upon areas outside of the AONB accommodating a high level of growth.

Most notably the proposed new settlement at Tudeley Village is required to accommodate around 2000 units in the plan period. However as discussed in Section 3 the proposed new settlement is in an unsustainable location and is of insufficient scale to secure the necessary new infrastructure to make it sustainable.

It is considered that alternative locations outside of the AONB have either been allocated, such as Paddock Wood, or are unacceptably constrained. It is thereby clear that further growth should be directed towards sustainable locations within the AONB.

As demonstrated above Cranbrook is a sustainable settlement, with capacity to sustainably accommodate additional growth. Indeed it is considered that insufficient growth has been directed towards Cranbrook given its size, level of services and accessibility.

- Detrimental impacts of development within the AONB (and scope of moderation)

It is acknowledged that Section 2 of these representations that the Site has a degree of sensitivity in landscape and environmental terms, including the presence of an Ancient Woodland on the northern boundary of the Site.

However it is also highlighted in Section 2 that with appropriate design, particularly with regard to the inclusion of an extensive green infrastructure, the proposed development can protect and enhance the important landscape and environmental features.

It is also acknowledged that the site has some recreational value, by virtue of the Public Rights of Way that pass through parts of the Site and provided connectivity to the wider countryside. However these routes can be protected and indeed enhanced as part of the proposed development

It is noted that the Council have supported such an approach on the adjacent site (Land at Brick Kiln Farm) and the nearby Turnden Farm site – namely allowing development whilst protecting the key landscape and environmental features of the Site, and existing PROW through the provision of extensive green infrastructure.

In summary it is considered that the limited detrimental landscape, environmental and recreational impact of the proposed development can be effectively moderated through careful design. To this end Section 2 sets out a number of design principles for the site which would define the acceptable parameters of development on the site.

## Summary

This section has shown that, whilst the Site is situated within the AONB, directing major development toward the Site would be entirely in accordance with the NPPF Paragraph 172 tests. There is a clear need for the development which cannot be accommodated in locations outside of the AONB and furthermore the limited detrimental environmental impacts of the development can be mitigated through sensitive design.

The development of the Site would thereby demonstrably be in the public interest.

## 5. Development Management Policies

The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

### EN1 – Sustainable design and construction

The Council's choice of words in parts 1 and 2 of EN2 are confusing. The Council state that they will prioritise development in locations with frequent and easily accessible public transport or in locations that encourage active travel. The Council should not be seeking to "prioritise" certain development on the basis of their location through a development management policy. Any prioritisation should have been undertaken when sites are allocated. There is a risk that such policies begin to create a sequential test with regard the location of sites and their relative accessibility to services. We would suggest that parts 1 and 2 are deleted and replaced with policies that require development to consider how they encourage active travel and the use of public transport in relation to their location. This would be more consistent with national policy which recognises the need to limit travel and offer genuine choice in transport modes but also that solutions will vary between locations.

It is not clear what part 6 is trying to achieve and how an applicant would address this point. It would appear that the Council are seeking some form of flexibility within development to recognise the changing nature of how an occupant may use that building (as long as the use is within the same use class order). This is inappropriate and whilst the Council may encourage more flexible layouts there is no requirement in national policy or guidance to do so. We would therefore recommend that part 6 is deleted.

Part 7 requires development to seek to secure positive behaviour change and sites the provision of water fountains in a move discourage the purchase of single use plastics. However, we do not consider this policy to be consistent with national policy or that the consequences of this policy have been properly considered. In relation to the example provided we would ask – what type of development would be required to provide water fountains, how many water fountains would be necessary, who would maintain these fountains ensure they work and who would ensure they are clean and not a danger to public health. We appreciate the sentiment but there are wider consequences that do not appear to have been considered by the Council. If the Council consider infrastructure such as water fountains to be necessary it should consider this against to the tests set out in paragraph 56 of the NPF and 122 of the CIL regulations.

### EN3 - Sustainable Design Standards

We note that policy EN3 'Sustainable Design Standards' requires developers to obtain HQM 4 stars for schemes of 150 (+) from 2021.

We understand that the Home Quality Mark has been developed by BRE, and is a national standard for new homes, which uses a simple 5-star rating to provide impartial information from independent experts on a new home's design, construction quality and running costs. It is in effect part of the BREEAM family of quality and sustainability standards. The 'Top 10 Questions Asked by Planners – Answered' document published by the BRE suggests that 'Outstanding and 5 star ratings are incredibly challenging and are unlikely to be suitable as a blanket policy'. It also indicates in Table 2 (Conceptual policy), that for new homes of 200 (+) authorities should be looking to achieve HQM 3 stars OR HQM 2 star and level 4 on the Footprint Quality Indicator from 2020 – not HQM 4 stars per say. Given eth above we would suggest that policy EN2 is being overly ambitious in its aspirations. Other authorities such as Colchester and Mid Beds have merely looked to support developers who choose to register their homes under the HQM.

### EN4 – Energy reduction in new buildings

The Written Ministerial Statement (WMS) published in March 2015 stated the Government's intention to introduce improved energy efficiency requirements through Building Regulations. It went on to state that Council's should not seek to apply standards higher than those set out in building regulations other than the published optional technical standards. Some interim flexibility was provided allowing Councils to seek improvements in energy efficiency through local plans that were the equivalent of level 4 of the Code for Sustainable Homes until new regulations had been introduced.

However, following the publication of the WMS the Government did not take forward the legislation as indicated leaving the interim guidance in place which allows for a maximum improvement of 20% in relation to part L of the building regulations. The situation has now been clarified further within 6-012 PPG reiterating the Government's position as set out in the WMS. However, the Council's policy as set out in EN4 would result in some developments having to deliver energy efficiency improvements of greater than 20%. As such we would suggest that part 2 of EN4 is amended to require total reduction of 20% using a combination of fabric first and renewables.

The Council will also need to monitor progress with regard to the Future Homes Standards which will see the improvements being suggested by the Council being brought into building regulations and as such make policies such as EN4 unnecessary.

We would also suggest that paragraphs 3 to 6 are removed from the policy and placed in the supporting text as they are guidance and not required in relation to the determination of a planning application.

#### EN11 – Net Gains for Nature: Biodiversity

The Council's proposals with regard to Biodiversity Net Gains will need to have regard to the proposals being considered by Government as set out in the Environment Bill. The Council will need to ensure their policies are consistent with the approach being promoted by Government and that their impact on viability is properly considered by the Council.

#### EN29 – Sustainable Drainage

We would expect a development to deliver a net reduction in runoff but it would seem that the Council are expecting, in some cases, significant improvements which may see developments having to reduce runoff to rates below those on green fields. This would appear to be inconsistent with current guidance produced by Defra on this matter which suggests that a brownfield development must be as close as practicable to greenfield runoff rates. This recognises that in some situations a development will not be able to deliver greenfield runoff rates and that in such a situation it should seek an improvement over the existing runoff rates on any previously developed site. Given the Government's focus on delivering more development on brownfield sites we would suggest it is essential that greater flexibility is provided in this policy. We would suggest that the policy is amended to require an applicant to show a net reduction that is as close as practicable to greenfield runoff rates.

#### H1 – Implementation of Planning Permission for New Residential Dwellings

We note that Policy H1 requires that:

*'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:*

- *That the permission be implemented within two years from the date of decision; or*

- *That groundworks and the construction of the ground floor base of at least two buildings be completed within three years of the permission'*

In our opinion policy H1 requires some clarity. The term implemented is not defined in the policy, reasoned justification or glossary. Does it mean completed or merely started. Is the definition of started the carrying out of a material operation as defined in section 56(4) of the 1990 Act or something more advanced? What is an 'exceptional circumstances'? Why can't the policy be 'unless otherwise agreed'? Whilst we fully support the desire to see planning consents implemented promptly, we do not believe that para 76 of the NPPF looks to see this enshrined in planning policy – rather this is a matter for LPA's to look to address through the imposition of suitable worded conditions. We would thus question whether policy H1 complies with national policy.

#### H4 – Housing Density

The proposed policy is inconsistent with the wording of national policy which seeks to ensure appropriate densities rather than providing an appropriately high-density development. The final sentence is redundant as it is self-evident that a planning application that does not meet a policy requirement will be refused permission. We would suggest the following amendment:

*~~“Development shall be delivered~~ should ensure appropriate densities that make the most effective use of land to an appropriately high density with regard to its context, including landscape, topography, surrounding built form and any other relevant factors*

*~~Planning application will be refused where development is found not to make efficient use of land”~~*

#### H5 – Affordable housing

##### *Viability assessment*

The latest Framework places far more emphasis on the local plan with regard to viability and ensuring that development will be deliverable against the policy requirements being set by the Local Planning Authority. It is therefore essential that the approach taken by Councils is consistent with both policy and guidance and that the Council does not seek to secure contributions at a level that could make development viability marginal and which will, inevitably, lead to site by site negotiations with regard to affordable housing and other contributions. To assist Council's in

the consideration of viability issues within their local plans the HBF has worked with its membership to prepare a short note on how viability is considered by the housebuilding industry, attached to this response, and how they consider build costs, fees, profit etc. Using this guide, we have also reviewed the Viability Assessment and have the following recommendations with regard to the approach and the costs it applies:

- Fees. We would recommend using the highest figure in the ranges suggested on page 43. It is important that a cautious approach is taken with regard to fees. In particular professional fees on larger and more complex sites can be up to 20% of build costs.
- Developer profit. The Council proposes 15 to 20% on GDV for market housing and 6% on affordable. However, PPG advises that profit should be 15% to 20% on total GDV for a development. A 15% margin on market housing and 6% margin on affordable housing will result in a profit margin on development GDV of less than 15%.
- Abnormals. Whilst the assessment suggests that any abnormal costs will be removed from the land value there is the risk that if these are significantly higher than the land value will not be sufficient to incentivise the sale of that land. As we set out in our viability guide there are a huge range of abnormal costs to be accounted for and the Council should engage with housebuilders in Tunbridge Wells to consider the amount of abnormal costs, they have faced in bringing sites forward. Evidence submitted by the HBF to the County Durham Local Plan showed that evidence from 14 sites the average level of abnormal costs for a Greenfield site was £495,000 per hectare and £711,000 per hectare for brownfield sites. Whilst we appreciate that these costs will vary between areas it provides an indication that these costs can be substantial and should be considered in more detail.
- Other policy costs. The Assessment appears to have considered the impact of its policies for affordable housing and accessibility standards. However, we could not find any consideration of the higher energy standards in EN4 and the requirement to achieve a net gain in biodiversity as set out in EN11. In particular achieving biodiversity net gain could have a significant impact on development. The Government's Impact Assessment on its proposals for biodiversity net gain published alongside its response to the consultation indicates that it will cost an average of around £20,000 per hectare to achieve a 10% net gain in biodiversity through a 75:25 split between onsite mitigation and offsite contributions. However, the study also recognises that should higher levels of off-site contribution be required the costs will increase substantially.

#### H9 – Housing for older people

Whilst we welcome the recognition of the need to ensure a supply of accommodation for older people, we consider it necessary to identify within the plan sites that will meet the specialist needs of older people. In particular it will be important to identify C3 retirement accommodation to increase the choice for older people that will potentially free up larger family homes within the Borough.

#### *Contributions from older persons housing*

This policy will require affordable housing to be provided on-site and as such provides insufficient flexibility. Such affordable housing provision has proven to be incompatible with managed sheltered housing developments. This matter has been accepted in many areas and tested at length at appeals. RSL's have also been found to be unwilling to take on any such units. The effect of this Policy would stifle delivery of sheltered housing accommodation. Such an approach conflicts with the positive approach towards housing delivery contained within the NPPF and as such is unsound. We would suggest that accommodation for older people not be required to provide onsite provision for affordable housing and instead be required to provide a commuted sum in lieu of provision.

#### H11 – Self-Build and Custom Housebuilding

Whilst we support the encouragement of self-build housing through the local plan, we do not consider the requirement for sites of over 100 to provide at least 5% service plots for self and custom house building to be justified or consistent with national policy. Whilst we recognise that Local Planning Authorities now have a duty to promote self-build housing, we do not consider the Council to have looked at sufficient options with regard to how it can provide plots to support self-builders. Paragraph 57-024 of the PPG sets out a variety of approaches that need to be considered – including the use of their own land. This is reiterated in para 57-14 of the PPG which sets out the need for Council's to consider how they can support the delivery of self-build plots through their housing strategy, land disposal and regeneration functions. The Council must investigate other means by which to promote self-build custom house-building opportunities, including the use of its own land, it has not been able to bring this forward in the Local Plan. We would suggest that it should conclude these investigations before requiring the provision of service plots on larger sites.

Finally, the Council will also need to carefully consider their evidence to ensure that it is sufficiently robust to support the proposed requirement. Paragraph 67-003 of PPG requires Council's to review their registers to ensure that those who are on the list are still interested and that there is no double counting with other registers. Where lists have been reviewed elsewhere the number of self-build plots to be planned for have dropped significantly. In Runnymede for example more stringent registration requirements were applied in line with national policy and saw the numbers of interested parties on the register fall from 155 to just 3.

## **6. Summary and Conclusion**

These representations have been prepared by Persimmon Homes in respect of the Land West of Freight Lane, Cranbrook, Kent.

These representation have demonstrated that the Site is a situated in a sustainable location on the edge of Cranbrook which is the most sustainable settlement in the Borough outside of the Main Urban Area.

These representation have shown that, whilst the Site is subject to some limited environmental constraints, these can be mitigated through careful design and the delivery of a comprehensive green infrastructure scheme.

Whilst the Council have taken a proactive approach to accommodating the housing requirement over the plan period, the development strategy as current conceived is subject to several shortfalls which make is 'unsound'. These representations have highlighted that, these issues can be addressed by directing additional growth toward sustainable locations around Cranbrook, most notably toward the Site.

In light of the preceding analysis, these representations have demonstrated that, whilst the Site is situated within the AONB, directing major development toward the Site would be entirely in accordance with the NPPF Paragraph 172 tests. There is a clear need for the development which cannot be accommodated in locations outside of the AONB and furthermore the limited detrimental environmental impacts of the development can be mitigated through sensitive design.

In summary, these representations have demonstrated that the Site can deliver sustainable development and we respectfully request that the Site is allocated in the emerging Plan.