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**Response to Proposed Changes to the Tunbridge Wells
Borough Local Plan (2020 - 2038): Response to Examination
Inspector's Initial Findings, Received November 2022 and
Supporting Documents, including Sustainability Appraisal on
behalf of Axiom Development Ltd**

February 2024

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1 INTRODUCTION

1.1 PURPOSE OF THIS STATEMENT

- 1.1.1 This representation has been prepared by DHA Planning on behalf of Axiom Developments Limited (Axiom) in respect of the "Proposed Changes to the Tunbridge Wells Borough Local Plan (2020 - 2038): Response to Examination Inspector's Initial Findings, Received November 2022 and Supporting Documents, including Sustainability Appraisal" (Revised Strategy).
- 1.1.2 Axiom have been promoting land at Colebrooke Park, Tunbridge Wells through the Local Plan and have appeared at the Examination Hearings in relation to this.

1.2 BACKGROUND

- 1.2.1 Following the Local Plan examination hearing sessions (March to July 2022) for the Tunbridge Wells Submission Local Plan (SLP), the Inspector wrote to the Council setting out his Initial Findings in November 2022. Having considered the Inspector's Initial Findings, the Council is proposing that the examination of the Local Plan be progressed through a Revised Strategy, which is set out in the Development Strategy Topic Paper Addendum [PS_054] to the SLP.
- 1.2.2 In due course, the examination Inspector will consider, amongst other matters, whether the Council's Revised Strategy for the SLP meet the four tests for soundness within paragraph 35 of the National Planning Policy Framework 2023, namely, that the revised Plan is:
- **Positively prepared** – providing 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 it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

- 1.2.3 This submission comments on the Revised Strategy having regard to these tests of soundness.

1.3 LEGAL COMPLIANCE

- 1.3.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- Planning for community engagement;
- The sustainability appraisal (including consultation with the statutory environment consultation bodies);
- Identifying significant cross boundary and inter-authority issues; and
- Ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

- 1.3.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4 ASSESSMENT OF SOUNDNESS

- 1.4.1 Having considered the Initial Findings of the Local Plan Inspector, the Council is proposing that the examination of the Local Plan be progressed through a Revised Strategy to the Tunbridge Wells SLP.

- 1.4.2 Amongst other things, the Revised Strategy proposes a reduction in the employment land proposed for development in Paddock Wood. Whilst Axiom's interests at Colebrooke Park are located on the edge of Tunbridge Wells, rather than Paddock Wood, the changes to the strategy are nonetheless relevant to Axiom as Colebrooke Park is also being promoted for employment uses.

STR/SS1 - Revised Growth Strategy for Paddock Wood

- 1.4.3 The background to the scale and distribution of employment land allocations in the SLP is contained in the Economic Development Topic Paper (CD3.84). This drew on the Economic Needs Study (ENS) (CD3.25) as well as other evidence base documents in relation to economic development and commercial floorspace in the borough.

- 1.4.4 The ENS identified an Objectively Assessed Need (OAN) for a minimum 14 ha of employment land and this target is referred to throughout the SLP and in the

Development Strategy Topic Paper Addendum. However, the ENS goes on to recommend identifying a greater quantum of land in recognition of market interest and to provide a sufficient choice of sites for prospective occupiers and investors. [our underlining for emphasis]. As such, the ENS recommends that 20 ha of new employment land should be allocated.

- 1.4.5 The majority of the employment provision is at one site: 'Land adjacent to Longfield Road', being 13.4 ha. The allocation (Policy AL/RTW 17), which now has planning permission, lies close to the A21, and is seen as a strategic provision for the entire borough.
- 1.4.6 At Paddock Wood, the ENS recommended the expansion of the Key Employment Area (KEA) at Maidstone Road, Paddock Wood. Having assessed available sites, the SLP took this recommendation forward, with allocations totalling some 11.2 hectares of employment land at Land east of Maidstone Road and Land east of Transfesa Road.
- 1.4.7 However, the August 2022 updates to the Planning Practice Guidance (PPG) introduced a requirement to consider climate change impacts as part of the Sequential Test. The Council agreed that further modelling should be carried out in order to assess the impact of this upon the flood extents for the Strategic Sites including the allocations contained in draft policy STR/SS1.
- 1.4.8 This updated flood risk modelling has significantly affected the employment allocations at Paddock Wood by revising upward the flood zones for sites or parts of sites. The Inspector concluded in his Initial Findings that he does not consider the location of new employment uses in areas at higher risk of flooding to be justified which has necessitated changes to the strategy for Paddock Wood.
- 1.4.9 The Revised Strategy now proposes to revise the employment allocations in Paddock Wood and would result in the expanded KEA being drawn back to accommodate some 2.68 ha less employment land i.e. a total of 23.12 ha for the whole borough, compared to 25.8 previously.

Our Response to the Revised Strategy and Wider Implications for Economic Development

- 1.4.10 Whilst the employment land allocations set out in the Revised Strategy would still exceed the 20 ha ENS target, the reduction in allocations around Paddock Wood will inevitably weaken market choice for businesses looking to expand or relocate to the borough.
- 1.4.11 Axiom is sympathetic as to why the Council have needed to revise the allocations at Paddock Wood. However, the Colebrooke Park site has been identified by both the local planning authority and my clients as being suitable for employment uses. The current position, as set out in the Council's note in response to Action Point 12 at the Local Plan Examination, is set out at para 5.2 of that note:

"Following discussion at the Examination, the Council has concluded that as the site has been identified for the longer-term economic needs of the Borough but not sought for specific allocation at this time, that it cannot justify its removal from the Green Belt."

1.4.12 Paragraph 5.3 then states:

"The Council proposes that the text at 4.127 in the SLP is amended to identify the site as suitable for meeting longer term future needs for economic development beyond the Plan period and subject to future review, but for this plan it is to be retained in the Green Belt."

1.4.13 The reduction in employment land provision at Paddock Wood, together with further information in relation to the site (set out later in these representations) means the decision not to remove Colebrooke Park from the Green Belt should be reconsidered.

1.4.14 The Council has not sought to address the reduction in available employment land as part of its Revised Strategy, other than to propose a shortening of the plan period.

1.4.15 Even if the overall quantum of provision may still be sufficient in purely quantitative terms, it does not change Axiom's previously stated view that the new Local Plan does not offer a proper choice of sites to the market. Indeed, there is now even less choice than was previously the case.

1.4.16 NPPF paragraph 86d requires planning policies *"to be flexible enough to accommodate needs not anticipated in the plan... and to enable a rapid response to changes in economic circumstances."*

1.4.17 As we have set out in previous representations, where residential developers and future occupiers often benefit from a wide range of sites and locations, commercial developers and occupiers are often constrained to a much more limited range. If one or more large sites do not come forward as expected, or if allocated sites do not meet the commercial needs of potential occupiers and existing companies looking to expand locally, they can often find themselves without suitable options. As a result, they can either miss the opportunity to grow, by staying where they are, or they choose to relocate further afield. Rarely will they compromise by investing significant sums of money in sites which do not meet their needs.

1.4.18 This is recognised in the Council's Economic Development Strategy, which concludes amongst other things that a shortage of sites is a major constraint for local businesses and is a barrier to inward investment. Whilst the permission and allocation at Longfield Road will, if developed as planned, provide opportunities for companies to invest and grow, the Council should not rely so heavily on a single site – indeed, NPPF paragraph 87 encourages variety in the scale and location of employment allocations.

- 1.4.19 In addition to considering providing a variety of site locations and sizes, it is also necessary to ensure that a suitable range of sites is provided to meet all types of employment requirements.
- 1.4.20 The Council has jointly commissioned, with Sport England, a Strategic Outcomes Planning Guidance (SOPG) report which provides a position statement for TWBC to plan for leisure provision over the next 5-10 years. The report clearly identifies the benefits of health and wellbeing, and a need to improve sports facilities in the Borough.
- 1.4.21 The Council's Sports and Active Recreation Strategy 2016-21 also states that the Council is keen to promote participation in sport and healthy activities.³ However, it recognises that ongoing reductions in central government grant funding have made it more difficult for local authorities to maintain levels of provision for non-statutory services such as sport and leisure. It therefore recognises a need for the Council to work with the private sector, and other partners, to help provide new facilities.
- 1.4.22 Longfield Road and the remaining employment allocations at Paddock Wood are probably best suited to help meet the pressing need for manufacturing, storage and distribution uses. The opportunity at Colebrooke Park (as explained later in this representation) offers a different nature of employment that would help to meet the commercial needs of other types of potential occupiers to that which would be provided at Longfield Road and Paddock Wood. As set out below, the current proposals at Colebrooke Park are for leisure-based employment, which would be less well suited to general industrial estate locations, and for which there is a need for improved provision.
- 1.4.23 As such, Axiom **object to** the Revised Strategy in that there has been no reconsideration of other suitable employment sites to provide market choice which will further undermine the overall employment strategy of the Local Plan to meet the needs of the Borough. This Revised Strategy approach is not justified, effective, or positively prepared and is therefore currently **unsound**.

1.5 SUGGESTED MODIFICATIONS - COLEBROOKE PARK

Background to the Proposals at Colebrooke Park

- 1.5.1 As set out in previous representations, our client has been promoting land at Colebrooke Park for employment uses. As this has been set out in detail previously, we will not repeat the full background again, but in summary:

³ Examination Core Document 3.121

- The site was considered originally for a hotel/leisure development, and then, following encouragement from the Borough Council, promoted through the Local Plan as an office park within an attractive parkland campus setting, based around the existing 19th century Colebrooke House.
- The Council identified the site as a future employment site within the Local Plan and proposed its removal from the Green Belt. As noted above, following the Examination, it is now proposed to be retained in the Green Belt but identified for future employment use, to be considered in a future Local Plan.
- Due to the effects of Covid, a weakening office market, and permission having been granted on the adjacent site for mixed employment, the demand for the type of office campus originally envisaged was since waned. In the meantime, as discussed at the Examination, interest in the site for leisure uses has re-emerged and detailed plans have been drawn up and discussed with the Council. At Examination, the Council specifically expressed their in-principle support for development at Colebrooke Park for leisure purposes.

1.5.2 The decision to retain the site within the Green Belt should now be revisited in light of not only the Revised Strategy and the reduction in employment allocations at Paddock Wood, but also in light of the fact that there is a realistic prospect of a different form of employment development coming forward in the short term.

Current Position of Colebrooke Park – David Lloyd Leisure

- 1.5.3 Whilst the office market has been challenging over the last couple of years, there remains to be strong interest in the site for other employment generating uses, including the originally intended hotel and/or leisure uses to which the site would be very well suited for.
- 1.5.4 David Lloyd Leisure (DLL), the leading European operator of family health, racquets, and wellness clubs has drawn up plans to create a bespoke facility designed to make the most of the parkland setting of Colebrooke House and grounds.
- 1.5.5 The format would be one of the first of its kind for the operator and bring to Tunbridge Wells world class facilities and expertise to encourage and promote the benefits of healthy lifestyles, taking care of both physical and mental wellbeing. DLL and we consider that this would make excellent use of a unique site, providing 80-100 full-time equivalent jobs across a broad skill set in a way which both complements the site, and would not take space away from the more traditional employment uses that have been permitted at the adjacent Longfield Road allocated site (AL/RTW17).
- 1.5.6 This serious interest demonstrates the potential of the site to be developed for a different type of employment generating purpose than is currently offered by the

Local Plan and its Revised Strategy, which would benefit the local economy and help to produce a sound approach to employment over the plan period.

- 1.5.7 Proposals of this nature would not be so well suited to the AL/RTW17 site, where the use would not sit so well alongside distribution warehouses and light industrial units. Indeed, due to the land take required for tennis courts and buildings, such a use would significantly reduce the land available for more traditional employment uses on that site. It is understood that the Council have indeed advised DLL in similar terms.
- 1.5.8 By contrast, the unique circumstances of Colebrooke Park are such that it would be eminently well suited to accommodate a bespoke leisure facility of this nature. As well as being sustainably located and adjacent to the urban area, its parkland setting would be ideal to enable this high value, high quality job creation without detracting from the landscape, or reducing the availability of more traditional employment land.

The Unique Circumstances of Colebrooke Park

- 1.5.9 As set out in greater detail in our Regulation 19 representations, Colebrooke Park is not an open green field on the edge of town – it is a self-contained, well-screened, partly previously-developed land parcel with a set of unique circumstances which make it suitable for the forms of development proposed. We believe that the unique circumstances of Colebrooke Park mean that the benefits of allocating the site for development outweigh any disbenefits. These circumstances include:
- Development would provide a secure future use for a non-designated heritage asset and its setting, which is attractive but in decline;
 - Development would make best use of previously-developed land, in accordance with NPPF paragraph 89;
 - The site enjoys its own, almost private access onto the A21, rather than via the busier Longfield Road junction;
 - The site provides direct access to the Non-Motorised Route (NMR) between Pembury, Longfield Road and Tonbridge which was constructed as part of the A21 works to enhance pedestrian and cycle links locally. There is also a public right of way into the neighbouring AL/RTW17 site and the North Farm Industrial Estate beyond, which could be enhanced to provide a better link between the NMR and AL/RTW17;
 - The site is barely visible from outside its boundaries. It is surrounded by well-established and mature trees which means that despite being adjacent to the busy A21, many people passing the site do not even realise that the existing house is there. The Landscape Study we submitted with our Regulation 18 representations confirms that if three storey buildings were

developed on the site, these would not be visible from beyond the site boundaries.

- 1.5.10 TWBC should also be making the most of the opportunities presented by the A21 dualling improvements in terms of making Tunbridge Wells a more attractive business location and, therefore, attracting businesses currently based outside the Borough.
- 1.5.11 The Council's ENS recognises that the A21 dualling as well as other recent highway infrastructure improvements in the North Farm area could further unlock potential future allocations for employment growth. We strongly support this view and urge the Council to get best value from these infrastructure improvements by allowing well-designed development in what is a clearly attractive and accessible location for businesses, such as at Colebrooke Park.
- 1.5.12 As a result, Colebrooke Park should be allocated for leisure-related employment development.

Why the site should be removed from the Green Belt

- 1.5.13 We have set out in detail in our Examination response to Matter 10 the reasons why the site should be removed from the Green Belt. As this remains in front of the Council and the Inspector, we do not repeat that all again here. It is clear however that the Council originally considered that the site should be removed from the Green Belt, and our response to the Examination provides compelling evidence as to why that should continue to the case.

Conclusion

- 1.5.14 Although there has been a reduction in the quantum of employment land allocated in the Local Plan, there has been no consideration of other suitable employment sites to make up for this shortfall.
- 1.5.15 A proper choice of sites must be provided and this is only exacerbated in light of the Revised Strategy. Axiom **object** to the Revised Strategy for the reasons set out in this representation.
- 1.5.16 The Council should be actively reconsidering suitable sites across the borough for allocation and we remain of the view that Colebrooke Park should be allocated for leisure-related employment development in the Local Plan for the reasons set out in this representation. It is clear from the analysis above that the site is a suitable and very well-located opportunity for employment generating development and in particular for David Lloyd Leisure's plans to create a bespoke facility designed to make the most of the parkland setting of Colebrooke House and its grounds.
- 1.5.17 Such an allocation would widen the choice of employment land and address our concerns.