

TUNBRIDGE WELLS BOROUGH LOCAL PLAN – REGULATION 19

On behalf of Dandara Ltd.

Written Representations

June 2021

 **dandara**

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1.0 Introduction

- 1.1 CBRE Limited (CBRE) is instructed by Dandara Ltd. ('Dandara') to prepare written representations to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan (hereafter 'Pre-Submission Local Plan') (March 2021).
- 1.2 Dandara holds specific land interests in respect of the following sites:
 - **STR/PW1 / STR/SS1** – Badsell Farm, Paddock Wood ('Paddock Wood');
 - **STR/HA1 / AL/HA4** – Land off Cophthall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
 - **STR/RTW1 / AL/RTW5** – Land at Speldhurst Road, Southborough ('Southborough');
 - **AL/RTW 16** – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'); and
 - Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');
- 1.3 The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC').
- 1.4 Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at **AL/RTW 16** – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.
- 1.5 Dandara have previously submitted written representations in respect to the Tunbridge Wells Borough Local Plan Issues and Options Consultation in June 2017 and Regulation 18 Draft Local Plan Consultation in November 2019.
- 1.6 These written representations provide comment on the Pre-Submission Local Plan proposed policies and strategic issues, as well as context in relation to the promotion of the four above mentioned sites as housing site allocations. Dandara wishes to achieve favourable site allocations for the above sites and is currently undertaking the relevant technical studies to enable prompt application submissions to be made where feasible and appropriate.
- 1.7 There is sufficient and proportionate evidence to justify the inclusion of the above sites as housing allocations in the Pre-Submission Local Plan'. Each site represents a sustainable and suitable location for growth that is consistent with the preferred spatial strategy. Dandara support the proposed site allocations for Paddock Wood, Hawkhurst and Southborough but object to the omission of the site allocation for their Sissinghurst site which was formally a draft allocation at Draft (Regulation 18) Local Plan stage. Commentary is provided in these representations why this omission site should be included into the Submission version of the Local Plan.
- 1.8 An advisory technical team including CBRE (planning advice), JTP (masterplanning), Define (landscape architects), BWB consulting (flooding/drainage advice), Turleys (heritage advice), PJA (Highways) (highways advice), FPCR Environment and Design (ecology advice) and Lloyd Bore (arboricultural advice) has been appointed to commence supporting technical assessment work, with the purpose of informing the Local Plan process and demonstrating the site suitability for residential-led redevelopment. Each technical consultant has adopted a robust standard methodology and have cross-referred to TWBC's emerging Local Plan evidence base.
- 1.9 For Paddock Wood, the consultant technical team has prepared a concept masterplan (**Appendix A**) for the Badsell Farm site which has been informed by the site's opportunities,

the technical assessment work to mitigate the site’s constraints, the requirements of the draft policy and confirms how this expansion would link to the existing town.

- 1.10 For Southborough, the consultant technical team has prepared a concept masterplan (**Appendix C**) for the site which has been informed by the site’s opportunities, the technical assessment work to mitigate the site’s constraints, the requirements of the draft policy and confirms how this expansion would link to the existing settlement of Southborough.
- 1.11 The Pre-Submission Local Plan proposes to include these sites (with the exception of Sissinghurst) as housing allocations, and as such TWBC has drawn its own conclusions using its evidence base as to the appropriateness of the site for housing development. The assessment work being undertaken by Dandara is independent of this, nevertheless, will be available to TWBC to help inform their plan-making process.
- 1.12 Dandara’s current and emerging technical evidence base will continue to inform Dandara’s Local Plan engagement moving forward, including future Examination hearings stage.
- 1.13 In addition, Dandara is also actively engaging with TWBC, the Paddock Wood Strategic Sites Working Group (stakeholder forum established by TWBC), Paddock Wood Strategic Site Landowners, as well as a variety of other landowners, developers and stakeholders through the emerging Local Plan process, to support the strategic allocation at Paddock Wood, including the release of Dandara’s site from the Green Belt and allocation for residential-led development. This has involved active discussions around DLA’s preparation of the emerging Structure Plan and the Paddock Wood Town Centre Masterplan on behalf of TWBC.
- 1.14 It is assumed that the work undertaken through the Paddock Wood Strategic Sites Working Group will culminate in a Statement of Common Ground signed between the respective landowners and TWBC.
- 1.15 In relation to their land interests at Paddock Wood and Spratsbrook Farm, Dandara’s advisory team has previously engaged in an initial charette process, to establish the key constraints and opportunities from the perspective of several technical disciplines, including flood risk, transport, landscape and masterplanning.
- 1.16 In respect to Sissinghurst, Dandara submitted a full planning application (LPA ref. 19/00308/FUL) for the erection of 42 new residential dwellings in February 2019 which was refused (against Officer’s recommendation for approval) on 20 August 2020 relating to highway safety and absence of affordable housing and other social infrastructure related financial contributions (Section 106) grounds. An appeal was lodged in December 2020 (PINS ref. APP/M2270/W/20/3265584) and has been registered but an Inspector has not yet been assigned the case. Subject to the outcome and timing of this appeal, the site should be included as site allocation in the adopted Local Plan version.
- 1.17 In regard to Hawkhurst, Dandara submitted a full application (LPA ref. 18/01063/FULL) for the erection of 49 new dwellings in March 2018 which was refused on 12 April 2019 against Officer’s recommendation for approval. A subsequent appeal was lodged in December 2019, but since was withdrawn in November 2020. Dandara submitted a new full application (LPA ref. 20/02788/FULL) on 23 September 2020 for 71 new dwellings. The application was subsequently refused at TWBC Planning Committee on 12 May 2021 (against Officer’s recommendation for approval) on highway and AONB impact grounds. Dandara are currently reviewing their options of appeal.
- 1.18 Further details of these applications are set out in Section 4.0 of these written representations.

Representations Structure

- 1.19 These written representations are structured as follows:

- Section 2 provides a brief background to Dandara;
 - Section 3 provides comment in respect to the Council’s Duty to Cooperate;
 - Section 4 provides comment on the Draft Local Plan Vision and Strategic Policies;
 - Spatial Strategy
 - Sustainability Appraisal
 - Exceptional Circumstances
 - Section 5 provides site specific comments relating to allocated sites in the Draft Local Plan in respect of which Dandara has a specific land interest;
 - Section 6 provides comment on other planning policies and development management policies included within the Draft Local Plan;
 - Section 7 considers the requirements of the National Planning Policy Framework (‘NPPF’) (February 2019) regarding Local Plan ‘soundness’, and whether the Draft Local Plan including the proposed site allocations are considered to be capable of being found sound; and
 - Section 8 provides a written representations summary and outlines proposed next steps.
- 1.20 Supporting appendices are enclosed with these written representations.

2.0 Dandara

- 2.1 Dandara is a UK independent property development company established in 1988. Dandara has been at the forefront of commercial and residential property design and development for over three decades, creating award-winning homes and working environments throughout the UK. As detailed below, Dandara has a demonstrable track record in Tunbridge Wells Borough in delivering schemes from planning application to occupation.
- 2.2 Dandara has an established and experienced land and planning team and aims to work collaboratively with local councils, stakeholders and the local community to deliver developments that meet and exceed the aspirations of all involved in the process.
- 2.3 Dandara is passionate about quality, which is why they undertake every aspect of the development process themselves; from land buying and planning, to design, build and sales. It's an approach which has been very successful and popular with their customers.
- 2.4 Dandara prides itself on providing innovative homes and commercial properties, which would offer real value for money without compromising on design, durability or quality.
- 2.5 It is Dandara’s aim for their development sites to create:
 - Attractive new communities;
 - High quality homes;
 - High quality working environments;
 - High quality landscaping, public realm and open spaces;
 - Sounds investments; and
 - Schemes that minimise the impact on the environment.

Knights Wood, Tunbridge Wells

- 2.6 Knights Wood is perhaps Dandara’s most well-recognised development in Tunbridge Wells borough and comprises an award-winning development that supports a new community. The site extends some 220 acres and is located on the eastern edge of Royal Tunbridge Wells. Planning permission (LPA ref. 13/02885/OUT) was granted on 27th January 2014 for up to 550 new homes, shops, community spaces and a two-entry primary school. A subsequent application (LPA ref. 18/00602/FULL) was granted on 24th January 2019 for an additional 86 residential units (Phase 4).
- 2.7 The development also includes the long term management of the surrounding Ancient Woodlands. To-date 450 new homes, primary school and new neighbourhood retail floorspace has been delivered.



Figure 1: Knights Wood (Dandara) CGI

Union House, Tunbridge Wells

2.8 Dandara secured permission (ref: 16/504331/FULL) for the redevelopment of the Union House office building located at the end of The Pantiles in June 2017. This unattractive office building has now been demolished and the construction of 127 apartments along with office and retail space has been completed. The development is of a high quality to reflect its historic location within The Pantiles and includes The Pump House, a not for profit community space, which reflects the historic role of the site as a meeting place for the local community.



Figure 2: Union House, The Pantiles, Tunbridge Wells (Dandara) CGI

3.0 Duty to Cooperate

- 3.1 The Duty to Cooperate (DtC) was introduced by the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. This Act places a legal duty on Local Planning Authorities (LPAs) and County Councils in England, and prescribed public bodies to co-operate with one another and engage constructively, effectively and on an ongoing basis as part of Local Plan and Marine Plan preparation as part of addressing strategic cross-boundary matters.
- 3.2 Paragraph 24 of the NPPF states:

“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries”.
- 3.3 The National Planning Practice Guidance (PPG) on plan-making states:

“Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans”.
- 3.4 The Council’s DtC Statement¹ clearly documents the Council’s approach, actions, and outcomes in relation to undertaking the DtC with neighbouring authorities and other relevant bodies. This documents TWBC’s active and on-going collaboration and constructive engagement in progressing cross boundary strategic matters (including the proposed allocation of Paddock Wood) in the preparation of their Pre-Submission Local Plan. This engagement dates back to circa 2015 and includes proactive efforts by TWBC to establish strategic working groups to ensure that regular updates have been provided to key strategic partners in the delivery of the Pre-Submission Local Plan.
- 3.5 As part of their DtC strategy, the Council have sought to enter into Statements of Common Ground (SoCG) to crystallise key areas of common ground i.e. agreed factual information that is not disputed and can be agreed. The Council have signed a SoCG with Maidstone Borough Council in March 2021. We also understand the Council are also in the process of agreeing a separate SoCG with Tonbridge and Malling Borough Council which is due to go to its Planning and Transportation Advisory Board on 17 May 2021. The Council are also currently discussing a separate SoCG with Sevenoaks and are intending to prepare separate SoCGs to be agreed with other statutory consultees including KCC, Natural England and Environment Agency and the Paddock Wood Strategic Sites landowners to be agreed ahead of Local Plan submission.
- 3.6 Dandara consider the Council’s DtC Statement to be robust, consistent with paragraph 24 of the NPPF and the PPG providing a clear documentation of the ongoing and continuous nature of the engagement that has been held to inform the Pre-Submission Local Plan and key outcomes from meetings. Dandara also endorse the Council’s approach to agreeing SoCGs with adjoining LPAs, other statutory consultees and look forward to SoCG discussions with the Council and other Strategic Sites landowners. Dandara further acknowledge that the Council’s DtC Statement is a live document and will need to be reviewed and updated alongside the on-going Duty and engagement with neighbouring LPAs and other relevant

¹ Tunbridge Wells Borough Council: Duty to Cooperate Statement for Pre-Submission Local Plan (March 2021)

bodies as the Plan progresses to adoption and post-adoption as part of five-year post adoption review.

4.0 Local Plan Vision, Strategic Objectives and Spatial Strategy

Vision and Strategic Objectives

- 4.1 The Pre-Submission Local Plan sets out an overall vision for a prosperous Tunbridge Wells Borough, founded on a sustainable growth strategy which is based on an infrastructure-led approach that will largely be funded by development, and is focused on achieving high quality design standards.
- 4.2 The vision responds to the scale of growth required to meet identified needs. It includes Paddock Wood as a key location for planned strategic growth (including on land in east Capel parish) based on Garden Village² principles, using a comprehensive masterplan-led approach. Alongside housing, it is expected to:
 - Provide a vibrant and regenerated town centre, together with enhanced employment, leisure, and other services/community facilities;
 - Provide significant and strategically planned infrastructure;
 - Reduce (existing) flood risk to areas of Paddock Wood and Capel parish.
- 4.3 Dandara supports the overall vision of the Pre-Submission Local Plan and the specific aspirations for the expansion to Paddock Wood and Royal Tunbridge Wells, and also welcomes the focus on sustainable development and achieving high quality design.
- 4.4 The Council’s strategic objectives are centred around delivering sustainable development, boosting housing supply (including affordable housing), endorsing garden village principles, high quality design, investment and delivery of infrastructure, active and sustainable travel, promoting economic growth, protecting and conserving the historic environment and natural landscapes, controlled release of Green Belt land, commitment to reducing carbon dioxide emissions and addressing climate change and working with local communities as part of the neighbourhood planning process.
- 4.5 The planned expansion of Paddock Wood is identified as being a key component of the Vision and Strategic Objectives.
- 4.6 Dandara supports these strategic objectives but suggests these objectives should be expanded, with further emphasis made on promoting healthy lifestyles, specific reference to tackling poor air quality and the regeneration of town centres in the interests of ensuring the Local Plan is positively prepared and consistent with national policy as set out by Paragraph 35 (a and d) of the NPPF.
- 4.7 Dandara also supports the Council’s aspiration for high quality development at other settlements across the Borough which responds to the distinctive and particular character of their locations. The combination of strategic and smaller allocations form a critical component of the Council’s housing strategy and are capable of being delivered in the short, medium and long-term within the Plan period.

Spatial Strategy and Sustainability Appraisal

- 4.8 Paragraph 32 of the NPPF requires Local Plans and spatial development strategies to be informed throughout their preparation by a Sustainability Appraisal (SA) that meets the relevant legal requirements including a Strategic Environmental Assessment (SEA) Regulations.

² UK Gov.: Ministry of Housing, Communities and Local Government: Garden Communities Prospectus (August 2018).

- 4.9 The Council’s supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.
- 4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of ‘justified’ with the requirement now for ‘an appropriate strategy’ rather than ‘the most appropriate strategy’.
- 4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.
- 4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).
- 4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.
- 4.14 The SA explains the Council’s assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).
- 4.15 The Council’s site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.
- 4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.
- 4.17 Dandara support the Council’s SA subject to the above comments on the Council’s strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

Housing Need

- 4.18 On 16 December 2020, the Government launched its solution to scrap its August proposals and revert back to the original method for calculating indicative local housing needs it introduced in 2018, but with a modification to top up the number in the 20 largest cities (does not include any settlement in Tunbridge Wells Borough) and urban areas by 35%.

- 4.19 The Government’s Indicative Local Housing Need (December 2020) Revised Methodology sets a minimum Local Housing Need in Tunbridge Wells Borough for 11,526 homes over the plan period from 2020-37, equivalent to 678 dwellings per annum, equating to a minimum 12,204 dwellings over the Plan period.
- 4.20 The Council’s Tunbridge Wells Strategic Housing Market Assessment (SHMA) 2015, a key evidence base document, confirms the Council’s objectively assessed need (OAN) for Tunbridge Wells Borough of 648 dpa, equivalent to 12,960 homes.
- 4.21 The Council’s SHMA Update (January 2017) confirms a revised OAN for Tunbridge Wells Borough of 694 dpa for the period 2015-35, equivalent to 13,880 homes and includes an affordability uplift of 10% equivalent to 63 dpa units on top of the demographic need (10 year migration trend) for 631 dpa.
- 4.22 Icenis’s Review of Local Housing Needs (December 2020) prepared on behalf of TWBC, advocates for the application of a cap to ensure deliverability; with the uncapped calculation indicating a need for 12,597 homes (741 dpa).
- 4.23 The Pre-Submission Local Plan has been prepared to reflect the latest Government standard method housing need figure of 678 dpa. Policy STR1 sets out a broad development strategy for Tunbridge Wells Borough over the period 2020-2038 for the delivery of a minimum of 12,204 dwellings. The emerging Draft Local Plan is seeking to provide for a “lower” and “upper” range in the quantum of development, as extending from 13,059 – 13,444 dwellings. This is made up of existing committed sites and proposed allocations as follows:

Table 1: Local Plan Housing Strategy

Housing Strategy	Lower Provision	Upper Provision
Existing commitments/allocations	4,983	4,983
Proposed allocations	8,076	8,461
Total	13,059	13,444
Requirement	12,204	12,204
Buffer	855 (7%)	1,240 (10%)

- 4.24 Dandara support this broad development strategy and that as a minimum the Council seek to meet its own local housing needs within the Borough. However, the use of “lower” and “upper” ranges, as above, provides uncertainty in terms of the quantum of development to be achieved by the Local Plan. In this context, we note that the Local Plan seeks to achieve a 7 – 10% buffer and this range entails a difference of 385 dwellings.
- 4.25 Dandara suggest a higher, 20% buffer should be applied in accordance with Paragraph 73 of the NPPF in the interests of maintaining a sufficient supply of homes, addressing Borough-wide issues of high house prices, affordability and ability of TWBC to deliver unmet needs of adjacent LPAs including Sevenoaks and Wealden. Consistent with Paragraph 16 of the NPPF the provision of the upper range would reflect a plan that was both (1) clear as to its intentions and (2) positively prepared insofar as addressing housing need.

Housing Supply and Delivery

- 4.26 The Council has not been able to demonstrate a 5-year housing land supply (5YHLS) for circa 5+ years. The Council’s Housing Supply and Trajectory Topic Paper (February 2021) submitted in support of the Pre-Submission Local Plan confirms the Council cannot demonstrate a 5YHLS for 2019/2020 (as of 1 April 2020), with only 4.83 years supply.

- 4.27 The Government’s Housing Delivery Test (HDT) measurement is an annual measurement of housing delivery. The HDT 2020 confirms a requirement for TWBC to deliver 1,807 homes between 2017/18 – 2019/20. TWBC only delivered 1,540 homes between 2017/18 – 2019/20 and thus had a HDT score of 85% meaning the requirement for an Action Plan. Indeed, since November 2018, TWBC has received past HDT measurements of 88% in 2018 and 86% in 2019.
- 4.28 Whilst, Footnote 39 to Paragraph 73 of the NPPF sets the requirement of 20% buffer where delivery falls below 85%. In the case of TWBC, the Council are on the cusp of this threshold and given the uncertainty of supply and rationale of an lower and upper provision, it would be prudent and consistent with the NPPF in ensuring that plans contain sufficient flexibility to response to change for the Council to apply a larger, 20% buffer as risk assurance for achieving the planned level of housing supply as part of the strategic scale growth envisioned by the Draft Local Plan as well as ensuring a 5YHLS and HDT can be maintained.
- 4.29 Therefore, Dandara broadly support the Council’s housing needs evidence base and consider this to be robust in relation to requirements of Paragraph 35 of the NPPF. However, Dandara advocate the inclusion of 20% buffer either through identifying and allocating additional sites in the Draft Local Plan with regard for the previous Draft (Regulation 18) Local Plan omission sites including Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road and where feasible, increasing the development quantum on allocated sites to deliver more homes on suitable sites. We have provided further commentary on this in Section 5: Site Specific Representations.

‘Plan Wide’ Exceptional Circumstances

- 4.30 The Pre-Submission Local Plan confirms there are exceptional circumstances to alter the boundaries of the Green Belt to remove land from the designation for the proposed development at Tudeley Village, Paddock Wood (including land at east Capel), at a few sites around Royal Tunbridge Wells (particularly at North Farm/Kingstanding Way), and at Pembury.
- 4.31 The approach taken in Pages 58 – 60 of the Development Strategy (2021) is consistent with the well-established process that has been established through the Courts (notably Calverton³) in the application of Exceptional Circumstances.
- 4.32 More recently, the case of Compton Parish Council⁴ is also relevant with Sir Duncan Ousley commenting (*inter alia*):
 1. “Exceptional circumstances” is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires “very special circumstances”.
 2. The phrase does not require at least more than one individual “exceptional circumstance”. The “exceptional circumstances” can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary.
 3. General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgment that “exceptional

³ Calverton Parish Council v Greater Nottingham Council’s 2015 High Court Judgment

⁴ R (Compton Parish Council & Others) v Guildford Borough Council & others [2019] EWHC 3242 (Admin).

circumstances" exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of need.

- 4.33 Fundamentally, the borough is heavily constrained – aside from the 22% of the borough designated as Green Belt, 69% is AONB, with 5,321 ha of Green Belt land (out of 7,134 ha) also being within the AONB. This means that 74.5% of the Green Belt land is also within the AONB. Moreover, the majority of the Green Belt wraps around the main urban area of Royal Tunbridge Wells and Southborough, around Pembury and the area to the east of Tonbridge/west of Paddock Wood (located within Capel parish), the eastern boundary immediately adjoining the existing western developed boundary of Paddock Wood.
- 4.34 With the clear need in the NPPF (2019) to promote sustainable development, to do this without the release of land from the Green Belt would result in significant development being inappropriately located in lower tier settlements (such as Frittenden, Goudhurst) which either do not have the necessary infrastructure to support such growth and/or are located in sensitive landscape contexts.
- 4.35 The need to ensure that sustainable development is encouraged as part of the review and consideration of Green Belt release is firmly established in Paragraph 138 of the NPPF which states:

“When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary”.
- 4.36 Through the Development Strategy Topic Paper (Feb 2021) TWBC has clearly articulated what the consequences for sustainable development would be if it was to not include Green Belt release as part of its proposed released.
- 4.37 At the Plan Wide level, the case for Exceptional Circumstances is fully justified. In the next section we have provided comment on what the relevant Local Exceptional Circumstances are to support the proposed release of allocated sites to which Dandara has an interest in.

5.0 Site Specific Representations

- 5.1 Dandara has specific land interests in the following sites listed below, all of which are proposed as either site allocations or as part of wider site allocations within the Draft Local Plan:
 1. Badsell Farm, Paddock Wood ('Paddock Wood');
 2. Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');
 3. Land off Copthall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst'); and
 4. Land at Speldhurst Road, Southborough ('Southborough').
- 5.2 Site location plans for each site are included below.
- 5.3 All four of the sites would contribute significantly to the overall vision and strategy of the Plan, particularly in terms of helping to meet the OAN for housing in the Borough.

(1) Badsell Farm, Paddock Wood (Policy STR/SS1)

- 5.4 Dandara’s interest at Paddock Wood is circa 45 hectares in extent and is contiguous with the western edge of the settlement of Paddock Wood. It is bound to the east by existing residential areas, to the south by Badsell Road, to the west by the A228 and to the north by an existing railway line in part (nearest the settlement to the east), and existing hedgerows. A Site Location Plan is provided in **Figure 3** below.

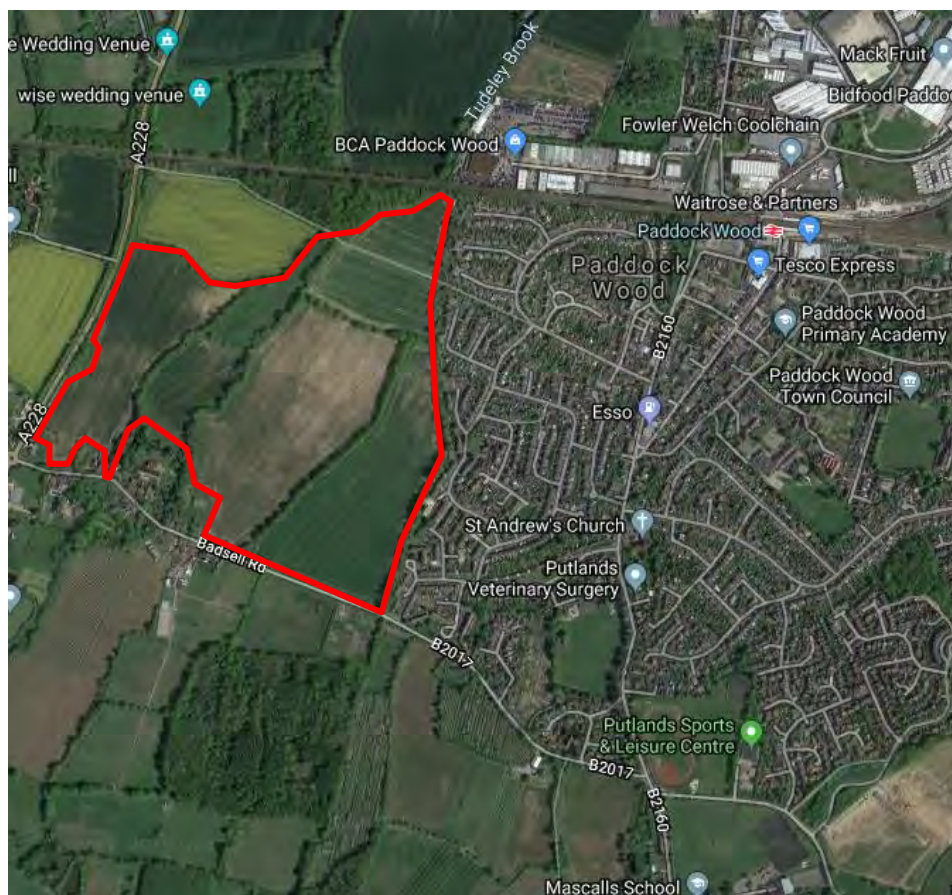


Figure 3: Land at Badsell Farm Site Location Plan (Indicative Site Boundary shown in red) (Source: Google Maps)

- 5.5 The site, which Dandara refers to as Badsell Farm, forms part of a wider parcel of land and Draft Local Plan site allocation, known as 'Land at Capel and Paddock Wood' (Policy AL/CA

3), as shown in **Figure 4** below. The site comprises the majority of land parcel 'PW1_1'. The north-west section of PW 1_1 does not form part of Dandara’s land interest and is being promoted by Crest Nicholson.

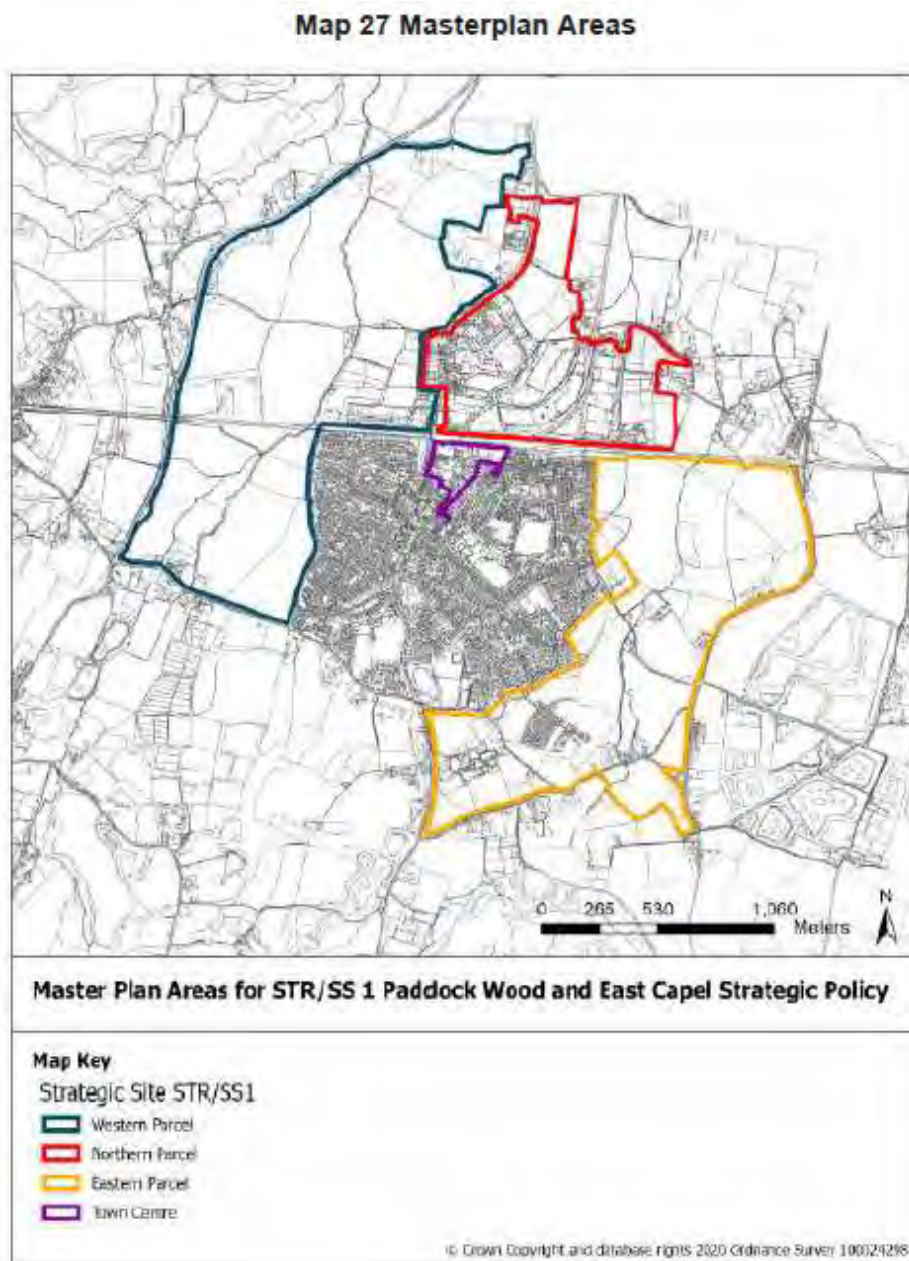


Figure 4: Pre-Submission Local Plan: Policy STR/SS 1: The Strategy for Paddock Wood, including land at east Capel Masterplan Areas Extract

- 5.6 Pre-Submission Local Plan Policy STR/PW1 sets out the strategy for delivery of strategic housing allocations, Policy STR/SS 1: The Strategy for land at Paddock Wood, including land at east Capel and Policy STR/SS 2: Paddock Wood Town Centre. This includes the delivery of approximately 3,933 – 4,033 new dwellings at Paddock Wood comprising:
- Approximately 3,490 – 3,590 dwellings at Paddock Wood, including land at east Capel (Policy STR/SS1);
 - At least 30 dwellings as part of the revitalisation of Paddock Wood Town Centre and east Capel (Policy STR/SS2);

- Approximately 413 dwellings at Land at Mascalls Farm (Policy AL/PW1); this includes 313 dwellings which already benefit from planning permission.
- 5.7 Dandara support the key overarching principles of Policy STR/PW1 including the requirement to contribute towards flood storage/attenuation/mitigation measures and flood defence works to reduce local flood risk and assess the impact of development on the setting of the High Weald Area of Outstanding Natural Beauty (AONB).
- 5.8 However, Dandara suggest that the word “approximately” 3,490 – 3,590 dwellings is replaced with “between 3,490 – 3,590 dwellings” as this is intended to be a quantum range and should be updated in the interests of ensuring “effective” policies in accordance with Paragraph 35(c) of the NPPF.
- 5.9 **Appendix A** provides a clear conceptual approach to how the requirements of Policy STR/PW1 can effectively be integrated to deliver upon the allocation. This work has been produced to evidence how our own technical assessment work broadly supports the proposed approach that is presented in the Structure Plan. The detail of how this will be progressed will clearly be part of further consideration with key local and statutory stakeholders as part of the SPD process, however, should provide the confidence of deliverability and that the draft policy provides an appropriate basis from which to progress the masterplanning of the site.
- 5.10 Policy STR/SS1 allocates a series of land parcels at Paddock Wood and east Capel, including PW1_1 for approximately 3,490 – 3,590 new dwellings and for it to adhere to Garden Village principles. Dandara support the key overarching principles of Policy STR/PW1 and site allocation STR/SS1 and the need for new housing and delivering mixed communities. Dandara support the Council’s approach to produce four Framework Masterplan SPDs that are informed by the overarching Structure Plan.
- 5.11 Dandara specifically support the provision of new homes on the Western Parcel (see **Figure 4** above) which includes Land at Badsell Farm (SHELAA Site ref. 142) for the delivery of new homes, a new neighbourhood centre and the Council’s promoted new sports/leisure hub and health centre which part comprises adjacent land to the north (SHELAA Site ref. 309) within the site allocation. **Figure 5** below identifies land parcel 142. We have further comments with regards to the approach to the new sports/leisure hub which are addressed in Paragraphs 5.56 – 5.71 below but have no issue with the principle of the land being used for this use, subject to the Council satisfying themselves that there proposals are acceptable with respect to landscape, highways, heritage considerations etc. It should be noted that whilst located in part on Dandara’s land interest, the sports/leisure provision if not being promoted or delivered by Dandara. Dandara can confirm the land as available to be safeguarded for such future use.
- 5.12 Dandara is committed to working with the other strategic site landowners to prepare the masterplan for the Western parcel, which includes the entirety of their land interest at Badsell Farm, Paddock Wood. Dandara also wish to work collaboratively with the strategic site landowners developing masterplans for the other Northern and Eastern parcels and Paddock Wood Town Centre to ensure that strategic growth at Paddock Wood is of a high quality, delivers the requirements of Policy STR/SS1 and is fully coordinated.

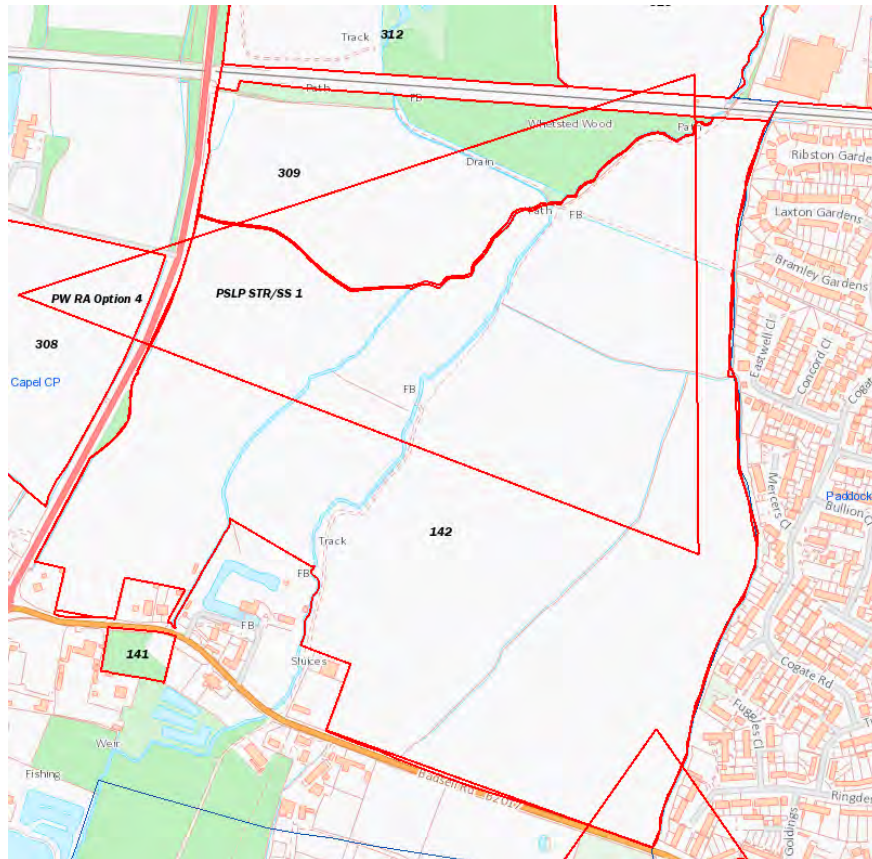


Figure 5: Pre-Submission Local Plan SHELAA (January 2021) Interactive Map Extract

Emerging Concept Masterplan and Landscape Framework – Dandara

- 5.13 The enclosed Land at Badsell Farm, Paddock Wood Landscape Concept Document (June 2021) prepared by Define with input from JTP has been prepared in support of the site’s residential allocation and includes an initial assessment of site capacity and land budget factoring in the above identified site constraints.
- 5.14 The Landscape Concept Document includes a remodelled emerging concept masterplan and landscape framework for the Land at Badsell Farm site shown in **Figure 6** below which is based on a remodelled floodplain using detailed flood modelling to maximise the site’s development potential and make an efficient use of land while including necessary flood management and open space/sport provision in accordance with Paragraphs 96, 122 and 157 of the NPPF and crucially, to satisfy the requirements of draft Policy STR/SS1. Importantly the emerging concept masterplan has been underpinned by the site technical evidence base collated to date (flood modelling, baseline heritage advice, landscape visual impact analysis) to test the robustness of the masterplan and to ensure it responds to the site setting and its constraints.
- 5.15 Dandara’s emerging concept masterplan therefore differs to the Council’s Structure Plan (Map 28 of the Pre-Submission Local Plan) which is understood to be based on existing Flood Zones (EA Flood Map which sets out high level food zones and does not identify Flood Zones 3a/3b) and excludes any development in Flood zones 3a. Dandara’s indicative site masterplan is benefited by, and based on, more-detailed flood modelling and realigned floodplain to maximise site development potential and making an efficient use of land while including appropriate flood management and mitigation as part of achieving necessary “betterment”.

- 5.16 Dandara note that a similar and successful approach to remodelling the floodplain to achieve betterment and maximise the developable areas in the interests of efficient use of land in accordance with the NPPF was taken as part of the Phase 2 Northstowe redevelopment (3,500 new homes) in Cambridgeshire (South Cambridgeshire District Council) LPA ref. S/2011/14/OL, dated 9 January 2017, as amended) in accordance with the Northstowe Area Action Plan (adopted July 2007). It is noted that the EA / Council were fully supportive of approach to floodplain remodelling and this strategy was found to be sound.
- 5.17 The level of technical input that has informed the Structure Plan on Page 149 is appropriate in the context of informing a strategic policy and is consistent with Paragraph 156 of the NPPF as it relates to considering flood risk. To ensure that the Structure Plan on Page 149 does not intentionally pre-determine the production of the more detailed SPDs (and accompanying more detailed evidence) the status of the Structure Plan (and its strategic, conceptual nature) should be included in the policy to avoid it being seen as a 'fix' and provide transparency as to its intentions.
- 5.18 The technical work undertaken by Dandara in respect of detailed flood modelling confirms that there is more than one way to achieve the outcome of the established masterplan and good place-making principles under the Policy STR/SS1 and the Structure Plan and accordingly, there should be sufficient flexibility at this stage as long as principles align. Such flexibility will allow detailed discussions with the Council and key stakeholders through the masterplanning, SPD and future development management process.
- 5.19 Dandara propose that detailed flood modelling undertaken will be shared with the Council and the Environment Agency as part of future masterplanning and pre-application discussions to ensure the flood strategy and necessary mitigation to achieve betterment is agreed prior to future planning application submission. However, Policy STR/SS1 and the associated future Framework Masterplans (SPDs) should be flexible to allow for alternative approaches, whilst still achieving the objectives of the policy.



Figure 6: Emerging Landscape Masterplan (Dandara) - Indicative layout based on effective use of land, maximising site potential while including necessary flood management and open space / sport provision.

Quantum

- 5.20 Dandara accept that the quantum and scale of residential development for each strategic land parcel within site allocation STR/SS1 will be informed by a detailed masterplanning exercise factoring the individual site constraints and will draw down from the approximately 3,490 – 3,590 new dwellings. This figure is marginally below the quantum tested by the Council in their latest SHELAA (January 2021) which confirmed site allocation Policy STR/SS1 is suitable for delivering circa 3,600 homes. In this context, the reference to ‘approximately’ in the policy is not appropriate and instead should read **“between 3,490 – 3,590 dwellings”**. This would allow for the further detailed masterplanning work to appropriately test and refine the development capacities associated with individual sites within the artificial cap.
- 5.21 Dandara suggest additional flexibility is built into Policy STR/SS1 to account for the distribution and quantum of development and specific parcel layout to be determined by detailed masterplanning process and to form part of the Framework Masterplan SPDs to be adopted by TWBC to guide future development.
- 5.22 The enclosed Land at Badsell Farm, Paddock Wood Landscape Concept Document (June 2021) prepared by Define and JTP has been prepared in support of the site’s residential allocation and includes an initial assessment of site capacity and land budget based on remodelled floodplain layout and factoring all other constraints set out above.
- 5.23 This site capacity assessment confirms the site has an indicative potential capacity of between 500 – 600 dwellings based on a total 17 ha net deliverable residential area including roads and an average density of 35 - 38 dwellings per hectare. This housing range is indicative and is subject to detailed masterplanning and design feasibility work.
- 5.24 The delivery of circa 500 – 600 homes on Land at Badsell Farm represents between 14-17% of the total 3,490 – 3,590 dwellings to be delivered and therefore represents a significant proportion of homes and key site within the wider strategic allocation Policy STR/SS1.

Heritage

- 5.25 Supporting Paragraph 5.166 to Site allocation Policy STR/SS1 notes that whilst there are no listed buildings within the allocated sites, there are clusters of listed buildings adjacent to the site boundaries, including Badsell Manor Farm and the settings of the settings of these buildings form an important part of the heritage of the town.
- 5.26 Accordingly, Dandara have undertaken a Heritage Baseline study (Turley, August 2020) which concludes that appropriate mitigation and separation distances will ensure that any adverse impacts on the setting of the Mill House Group is avoided.
- 5.27 The heritage impact on the Badsell Manor Group is likely to be more sensitive due to its historic, functional and visual connection with the surrounding agricultural lands (including the site). However, confirms the following mitigation is proposed to the emerging landscape framework in response to the site’s heritage sensitivities:
 - *Retention of a planted buffer to the sides of Badsell Manor Farm;*
 - *Enhancement of existing rows of trees along boundaries adjacent to Badsell Manor Farm and along the field to the north of Badsell Manor Farm;*
 - *Retention of the existing field patterns within the site and/or reflection of these patterns within the development through landscaping and arrangement of landscaping, built form, transport routes, amenity, etc.*
- 5.28 The Heritage Baseline study concludes that any perceived adverse impact on the significance of the listed buildings arising from development of the Site and the associated change in part of its landscape setting, would be towards the *“lower end of the scale of less-than-substantial*

harm, identified by NPPF paragraph 196”. In that context, that less-than-substantial harm should be weighed against the significant public benefits of the proposed development, having regard to the considerable weight and importance to be placed on the desirability of preserving their special interest and setting (i.e. sustaining their heritage significance) in considering the overall acceptability of development on-site.

5.29 Therefore, the emerging concept masterplan for Land at Badsell Farm incorporates appropriate mitigation to demonstrate how the character, setting and significance of adjacent heritage assets associated with the Mill House and Badsell Manor identified groups of listed buildings can be preserved in accordance with paragraph 196 of the NPPF. Dandara note that sufficient flexibility should be included in the site allocation Policy STR/SS1 as to the specific design approach through the masterplanning process but provides confidence that heritage won’t be a constraint to deliverability of the established principles.

Local Exceptional Circumstances

5.30 Site allocation Policy STR/SS1 results in the strategic release of Green Belt land at Paddock Wood. This includes the release of the Western Parcel from the Green Belt.

5.31 As set out in the previous Chapter, there are clear Plan-Wide Exceptional Circumstances that support the release of Green Belt to deliver the objectives of the Plan.

5.32 The site is included in the Council’s Green Belt Study Stage Three: Assessment of Green Belt Allocations (November 2020) prepared by LUC. Former Draft Allocations AL/CA3 and AL/PW1 (herein referred to as AL/PW1) includes an area of land of approximately 148 ha to the west and north-west and north of Paddock Wood that will be released from the Green Belt to deliver the vision for Paddock Wood. This is part of a larger allocation that also includes areas of non-Green Belt land to the north and east of Paddock Wood. This allocation includes two whole parcels - PW1_1 (southwest parcel) which comprises the entirety of Land at Badsell Farm, Dandara’s land interest and PW_1_2 (north-west parcel) - and small parts of PW1_3 (north central parcel) and PW1_4 (north-west central parcel) as shown in **Figure 7** below.

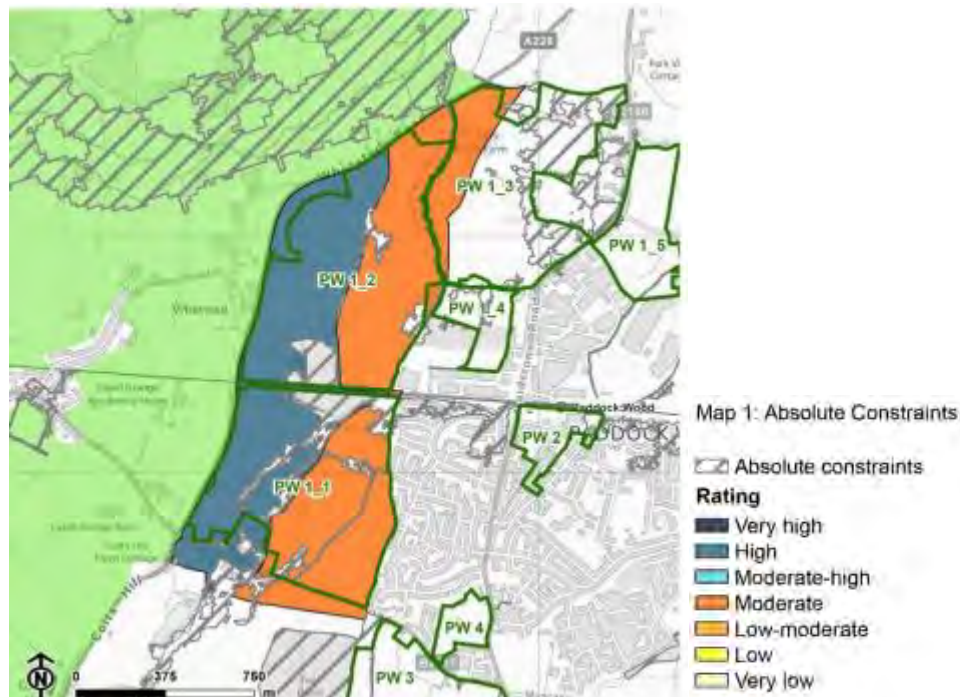


Figure 7: Green Belt Study Stage Three: Assessment of Green Belt Allocations: AL/CA3 and AL/PW1: Land at Capel and Paddock Wood: Map 2: Harm ratings extract

- 5.33 The Green Belt Study Stage Three assessment confirms that overall, AL/PW1 makes a “strong” contribution to the prevention of encroachment on the countryside and a “relatively weak” contribution to prevent coalescence of neighbouring towns; and the impact of its release on the adjacent Green Belt is “moderate”.
- 5.34 That said, Green Belt Study Stage Three assessment correctly references variations in harm for sub-Green Belt parcels. The western (blue) portion of Dandara’s land interest (defined on its western edge by Tudeley Brook and on its eastern edge by the hedgerow lying between the inset edge and Tudeley Brook as show in **Figure 7** above) makes a “relatively strong” contribution to Green Belt Purpose Test 3, but is considered to “contribute less to the impact on the perceived separation between Tudeley Village and Paddock Wood and will cause less impact on the distinction of adjacent Green Belt land to the south-west, west, north-west and north”. Accordingly, the impact associated with the release of this area is “minor-moderate” and the harm rating is “moderate”.
- 5.35 Dandara consider the Council’s Green Belt Studies (Stages 1-3) to be detailed, robust and in accordance with Paragraph 35(d) of the NPPF. The Green Belt assessment appropriately captures the assessment of the site and, in turn, the policy appropriately responds (through the Structure Plan) to ensuring that residential development is contained to the east of the site with the western boundary kept more open through the indication of sports use on this part of the site.
- 5.36 The existing boundary between the Green Belt and Paddock Wood on the western approach into the town is abrupt, characterised by a dense housing area. The release of the site from the Green Belt offers the potential for a more logical boundary to be established to the Green Belt which is capable of enduring in the longer term using strong features (in the tree belt and road) which are physical and likely to be permanent.
- 5.37 The enclosed Landscape Concept Document (June 2021) (**Appendix A**) includes Define’s independent study of the role of the Land at Badsell Farm site in delivering the purposes of the Green Belt. This study concurs with the findings of the Stage Three Green Belt Study. The existing belt of mature trees along the A228 provides a robust and easily identifiable new Green Belt boundary, and there is the potential to make this more robust, with the planting of additional vegetation as part of the masterplan.
- 5.38 All of the mitigation measures proposed by the Stage Three Green Belt Study are included within Dandara’s emerging concept masterplan and landscape framework.
- 5.39 The Council’s Development Strategy Topic Paper (February 2021) at Page 60 sets out the Local Exceptional Circumstances case for the release of Land at Paddock Wood (including land in east Capel). This is summarised as follows:
 1. the land proposed to be released from the Green Belt here is part of a wider release of non-Green Belt land to deliver development in a sustainable location, around an existing settlement, with the potential to rejuvenate and revitalise the town centre: approximately 48% of the total area of land included for the comprehensive urban extension is currently designated as Green Belt;
 2. through the comprehensive development of this site, and particularly the land to the west of Paddock Wood (i.e. that which would be released from the Green Belt), it has been identified through the Strategic Flood Risk Assessment that there is the potential for the flood mitigation required in association with this development to deliver “betterment” through reduced flood risk to existing areas of Paddock Wood and its surrounds. This requirement is specifically included in the policy, and is considered to make a significant contribution to the exceptional circumstances for the release of this land from the Green Belt;

3. Expansion of the town offers opportunities both within the new development and existing development to increase the use of alternative modes of transport (to cars) for local journeys, improve Green Infrastructure and taken together with land at Tudeley there are opportunities to provide significant new highway infrastructure and localised highways improvements.
- 5.40 We fully support the identification of the 3 points raised above. In developing point (1) further, in promoting the sustainable development on Paddock Wood it is clear that the benefits to sustainable development would be significantly less if further expansion of Paddock Wood was prioritised on 'non-Green Belt' land. Given the way that the Green Belt boundary is drawn to avoid Green Belt land would result in greater travel distances to the train station and key services in the High Street and would be inconsistent with Paragraph 138 of the NPPF.
 - 5.41 Furthermore, in respect of (2) it is important to state that the betterment that would result is a product of the site being allocated for housing development which in effect acts as enabling works to the proposed remodelling. It would not be feasible for the remodelling work to be undertaken in isolation from the site being allocated for development.
 - 5.42 As set out in Chapter 6 of the Landscape Concept Document (June 2021), Dandara's emerging concept masterplan has been informed by the requirement for land to the south-west of Paddock Wood to provide flood mitigation which is central to the 'exceptional circumstances' as outlined above and in support of release of the land from the Green Belt. BWB have undertaken detailed flood modelling for the Site to understand the flood mitigation potential of Land at Badsell Farm to make the development more flood resistant and resilient to manage residual flood risk and achieve flood betterment for existing dwellings to the south-west side of Paddock Wood as required by draft Policy STR/SS1. BWB have identified the opportunity to remodel the floodplain and, in doing so, provide flood mitigation alongside additional developable area.
 - 5.43 The emerging concept masterplan demonstrates that the remodelling of the floodplain and development parcels could in our view result in a better urban design response which can be tested through masterplanning and pre-application process, hence the need for the site allocation to provide sufficient flexibility.
 - 5.44 Dandara therefore suggest the Council provide greater flexibility in Policy STR/SS1 and the emerging Structure Plan to reflect alternative options for the distribution of development and remodelling the floodplain in the interests of maximising the site's development potential and ensuring an efficient use of land, while including necessary flood management and betterment to Paddock Wood required as part of the Local Exceptional Circumstances case in accordance with Paragraph 122 of the NPPF. The provision of a larger developable area would boost housing capacity on site and would help address the Council's housing need and maximise sustainable development at allocated strategic sites in accordance with Paragraphs 73, 122 and 157 of the NPPF and crucially, to satisfy the requirements of draft Policy STR/SS1.

AONB Considerations

- 5.45 The Badsell Farm site and wider Paddock Wood masterplan (Policy STR/SS1) are not located within the High Weald AONB.
- 5.46 The key published document for understanding the relationship between the High Weald AONB and the site is the Council's AONB Setting Analysis Report⁵. This document recognises that development to the west of Paddock Wood (western parcels of draft allocation STR/SS1,

⁵ Hankinson Duckett Associates: AONB Setting Analysis Report (November 2020)

including PW1_1) are “unlikely to have an adverse effects on the setting of the High Weald AONB”. However, to ensure a positive scheme is developed, a series of specific mitigation measures are proposed as summarised below:

- Promote a landscape led approach to masterplanning that creates a structure to contain the allocation sites which is consistent with the character of the adjacent High Weald AONB.
 - Test the visibility of proposed development including preparation of LVIA with viewpoint analysis from the ‘Millennium Viewing Point’, a critical viewpoint location, using wireframes or photomontages in order to fully assess the potential effects on the setting to the AONB.
 - Any masterplan should adhere to relevant guidance including the National Design Guide⁶ (January 2021) and should take inspiration from the High Weald Design Guide and Management Plan.
 - Give careful consideration to the views and rural setting of listed buildings and historic farmstead, which are visible within the landscape from the High Weald AONB.
- 5.47 Dandara support the conclusions of AONB Setting Analysis Report and consider this to be a robust evidence base document.
- 5.48 The enclosed Landscape Concept Development Report (June 2021) includes an assessment of key viewpoints and assesses the response to the AONB.
- 5.49 Therefore, as set out in the enclosed Landscape Concept Development Report (June 2021), Dandara consider the emerging concept masterplan to positively include and respond to the Council’s suggested AONB mitigation requirements and therefore is unlikely to have an adverse effect on the setting of the High Weald AONB as concluded by the AONB Setting Analysis Report.

Minerals Safeguarding

- 5.50 It is acknowledged that the adopted Kent Minerals and Waste Local Plan 2013-2030 (September 2020) confirms that Land at Badsell Farm is located within a designated area of sandstone as part of the Upper Tunbridge Wells Sand Formation.
- 5.51 Site allocation Policy STR/SS1 (Part 11) requires consideration for potential mineral deposits on the Western and Eastern land parcels of site allocation Policy STR/SS1 and for any viably workable minerals should be extracted prior to development commencing on the site.
- 5.52 As currently drafted the policy is unsound as the requirement for prior extraction of mineral before development can commence would affect the delivery of key strategic infrastructure at Paddock Wood and, in turn, delay when benefits (including regeneration benefits associated with Paddock Wood Town Centre) could be realised. As such, Dandara objects to the current wording of the policy.
- 5.53 This approach has recently been considered through the examination of the South Oxfordshire Local Plan in a similar context where, at Paragraph 295 of the Inspector Letter⁷, it was confirmed that a similar policy to STR/SS1 (Part 11) would not be consistent with Paragraph 204 (D) of the NPPF (2019). In that case, and as advocated here, we suggest that the policy is amended to include reference to “encouraging developers to extract minerals

⁶ Ministry of Housing Communities & Local Government: National Design Guide: Planning practice guidance for beautiful, enduring and successful places (January 2021)

⁷ <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2020/11/Inspectors-Report-November-2020.pdf>

prior to non-mineral development taking place where this is **practical, viable and environmentally feasible**”.

Housing Delivery

- 5.54 The Council’s Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) that allocation STR/SS1 is to deliver between 3,490 – 3,590 new homes with an average delivery of 300 dwellings per annum (dpa) in the medium - long term; 2025/26 – 2036/37.
- 5.55 Dandara support the planned growth and quantum of homes at Paddock Wood. Dandara also strongly endorse Policy STR/PW1 which suggests the western land parcel of Paddock Wood should be delivered in two parts referring to Dandara’s and Crest Nicholson’s separate land interests.
- 5.56 Dandara note that Draft Policy STR4 (Ensuring Comprehensive Development) promotes comprehensive site development. Whilst Dandara support the thrust of this policy, it should be amended to reflect a more flexible approach to housing delivery in the strategic allocations. For example, where land parcels that are not inter-dependent one another to come forward, as in the case of the Western Parcel of Paddock Wood (Policy STR/SS1) this will allow two parcels to be delivered independently in the interests of the timely delivery of new homes and to ensure that any delivery issues with one land parcel do not unnecessarily delay and fetter development elsewhere. Dandara suggest the detail and phasing of the strategic sites could be worked through the Framework Masterplan SPD process and would ensure that Policy STR/SS1 is “effective” in accordance with Paragraph 35(c) of the NPPF.
- 5.57 Land at Badsell Farm is suitable and has capacity for circa 500-600 dwellings. However, Dandara suggest the average delivery figure of 300 dpa is overly conservative when factoring this is a strategic allocation and this delivery figure is shared across principally four strategic sites. Dandara recognise the need to demonstrate a regular and achievable rate of supply to an Inspector but, suggest a delivery rate of circa 350-390 dpa is more suitable and realistic.
- 5.58 Dandara wish to draw the Council to their Knights Park scheme were 70-100 dwellings were delivered per annum.
- 5.59 On the Badsell Farm site alone, the site is available and there is nothing preventing the site being delivered in the medium – long term i.e. 2025/26 – 2032/333/34. Dandara expect to deliver circa 75-100 dpa as part of a multi-phased development. The Council’s trajectory should be revised accordingly in the interests of being “justified” and found to be “sound” by an Inspector in accordance with the NPPF. Development of the site will secure appropriate “green”, “grey” and “blue” infrastructure, as including open space and landscape provision, as well as access and on-site drainage infrastructure.

Neighbourhood Centres

- 5.60 Site allocation Policy STR/SS1 (part 2b) identifies Land at Badsell Farm as having potential for one of three new neighbourhood centres with an overall, combined floorspace cap of 2,000 sqm commercial floorspace (Class E). Dandara welcomes this neighbourhood centre allocation in the interests of good placemaking, providing complimentary services and local facilities to support new housing and creating sustainable communities in accordance with the NPPF, PPG and the Government’s recent Living with Beauty publication (January 2020).
- 5.61 However, Dandara would like to understand who is delivering the neighbourhood centre and what are the timescales envisaged for its delivery.

Infrastructure

5.62 We are continuing to work with TWBC through the strategic working group to consider the information presented in the Infrastructure Delivery Plan and reserve the right to comment further on this during the formal examination process as necessary. Below we have set out principal comments in respect of the ‘headline’ infrastructure provision.

Sports Provision

5.63 Site allocation Policy STR/SS1 (parts 2d and e) proposes the creation of a new sports/leisure hub and possible health centre which have been promoted by the Council on Dandara’s land (some also extends to the land of Crest Nicholson). The Policy STR/SS1 states:

“...a new sports and leisure hub, which could incorporate an indoor 25m swimming pool and indoor and outdoor sports facilities. Around 10 hectares of land should be safeguarded within the western parcel (edged in blue on Map 27), to the south of the railway line and to the east of the A228 for this purpose”.

5.64 The reference in the policy to ‘could’ creates ambiguity as what is required to be delivered as part of the policy vs what TWBC has aspirations to deliver on the site (i.e. beyond the requirements of CIL 122). As set out further below, there is no justification for a swimming pool to be delivered based on the evidence base and scale of the allocation, however, we appreciate that TWBC may have its own aspirations to deliver more transformational infrastructure benefits alongside the allocation to seek to address existing deficiencies in Paddock Wood that are highlighted in the evidence.

5.65 Dandara’s position of open space and sports provision is summarised as follows:

- 1) The land for the Council promoted sports/leisure hub area is available if it is considered appropriate/necessary and based on local sports / open space needs;
- 2) Dandara can in any event meet the open space / play space needs of major residential-led mixed use development on-site own site and is not reliant on other sites coming forward or not;
- 3) It is therefore for the Council to provide robust evidence as to why the amount / type of sport/leisure provision and location, what layout is required, as well as to ensure appropriate access, including necessary public transport connections.

5.66 The Council’s Tunbridge Wells Retail and Leisure Study (April 2017) indicates the existing need for a new swimming pool in Paddock Wood, independent of the allocation. The Council’s Indoor/Built Sports Facility Needs Assessment (June 2018) indicates the requirement for a new 25m swimming pool in Paddock Wood, to meet current and future growth (our emphasis) as part of the new Local Plan but is not specific to the strategic allocation at Paddock Wood and does not specify where. Dandara note that the emerging evidence base suggests a need for half a new swimming pool in Paddock Wood based on the proposed strategic allocation only.

5.67 The Council’s Playing Pitch Strategy 2017-2033 (November 2017) states that the urban expansion of Paddock Wood generates a demand for a series of play pitches including 5 x adult 11 vs 11 pitches, 2 x junior 11 vs 11 pitches, 2 x junior 9 vs 9 pitches, 3 mini soccer 7 vs 7 pitches and 2 mini soccer 5 vs 5 pitches. The strategy includes a new sports hub with grass and 3G runner crumb pitches.

5.68 The Council’s Tunbridge Wells Borough Council Open Space, Sport and Recreation Study (June 2018) confirms that Paddock Wood currently has a sufficient supply of all typologies except for youth play space. The study confirms there are ‘gaps’ in access to children’s play space in the north west of Paddock Wood.

- 5.69 The study highlights the potential for additional youth facilities (or expanding existing ones) within parks and recreation grounds. The study was based on the planned growth at Issues and Options stage and the need for 7,928 dwellings and to accommodate 17,600 new dwellings. This evidence base has not been updated to reflect the Draft Local Plan and the open space and play space requirements specific to Paddock Wood.
- 5.70 Dandara’s emerging concept masterplan (see **Figure 6** above) includes the 10Ha of safeguarded land for the Council’s new sports/leisure and health hub in accordance with Site allocation Policy STR/SS1 (parts 2d and e). An initial open space assessment has been undertaken which confirms the following quantities of open space in **Table 2** below which are considered likely to be needed on the basis of delivery of between 500 and 600 new homes.

Table 2: Proposed Open Space Requirements – Extract from Landscape Concept Development (June 2021)

Typology	Quantity (ha)	Existing Deficiency
Allotments	0.4	N
Amenity Green Space	1.08	Y
Parks and Recreation	1.48	Y
Play (youth)	0.054	Y
Play (child)	0.054	Y

- 5.71 Dandara’s emerging concept masterplan currently shows the quantities of play and allotment typologies, and in addition provides significantly more amenity and parks and recreation space to better reflect the site’s landscape setting and character.
- 5.72 The above review of the open space requirements of Capel Parish and Paddock Wood indicates that the use of Land at Badsell Farm for the provision of sporting facilities and youth play space would help to address a deficiency. Analysis of walking distances also indicated that a sports hub in this part of the site may be best suited to provision of some, but not all, of the sporting and leisure needs of Paddock Wood, raising the potential that the Site could deliver the sports fields use, with the built form elements (e.g. a swimming pool or leisure centre) being located elsewhere.
- 5.73 Dandara fully acknowledges the need for appropriate sports and leisure provision to be provided as part of the package of infrastructure that is delivered with the allocation. Whilst Dandara would not be responsible for building the facility proposed, Dandara supports the principle of safeguarding land on the site to ensure that, through the masterplanning process, this need is met, if the location/type is considered to be appropriate and necessary.
- 5.74 As part of the masterplanning process ahead of the submission of planning applications on the site, it is prudent to consider what implications the proposed sports hub allocation would have for the existing Putlands Sports & Leisure Centre. The existing sports and leisure centre are arguably better placed, geographically, to benefit both the emerging and existing population of Paddock Wood and, as such, it may be a better opportunity for financial contributions to support the improvement and expansion of this facility. In addition, what are the implications of a new sports/leisure hub at Land at Badsell Farm, Western Paddock Wood on this facility, can the two sports/leisure hubs operationally work together and will they have a different sports offering?
- 5.75 Therefore, Dandara supports the approach to safeguarding land in the Structure Plan for a proposed leisure, sports and recreation use so allow this to be considered further through the masterplanning process to determine exact open space / sports provision requirements, which are viable and both appropriate and necessary in this location.

- 5.76 Dandara seek additional clarity from TWBC on the type and quantum of sports provision they are looking accommodate on Land at Badsell Farm, Western Paddock Wood. It is acknowledged this will be informed by the masterplanning process and preparation of Framework Masterplans but it is not clear how much of the above identified sports pitch and other facility demands can be met on site, timescales for delivery and who will deliver this major sports and leisure infrastructure.
- 5.77 Dandara also suggest Draft Policy STR/SS1 is amended to clarify that the delivery of a sports/leisure hub will be a matter to be specifically dealt with through an equalisation agreement / pooled planning obligations, and crucially, that the provision of land will be counted as part of Dandara’s share of these contributions.

Highways Approach

- 5.78 Proposed strategic growth at Paddock Wood is supported by new highway and transport infrastructure requirements. Site allocation Policy STR/SS1 (part 7) seeks to secure the phased delivery of highway and transport infrastructure, including on- and off-line improvements to the A228 around Colts Hill and the provision of a new highway to bypass Five Oak Green.
- 5.79 The Council’s Infrastructure Delivery Plan (March 2021) confirms this new A228 Colts Hill bypass is of critical importance and is required in the medium term. Dandara however note that the Council’s evidence base (including the Transport Assessment Report Update, March 2021 and Strategic Sites and Infrastructure Study 2021) confirm that the provision of a new highway which bypasses Five Oak Green is only required for the development of Tudeley Village. As stated at Paragraph 6.34 of the Strategic Sites and Infrastructure Study (2021):

“Therefore, it is recommended that should Tudeley Village come forward, a link road is needed to reduce highway trips through Five Oak Green. The link road would need to join the A228 near Colts Hill”.

- 5.80 Furthermore, under the Paddock Wood ‘only scenario’ it is confirmed at Paragraph 6.76 that this would result in the removal of the need for the Five Oak Green Bypass.
- 5.81 In this context, as drafted Policy STR/SS1 (part 7) is not justified in requiring contributions to be made by Paddock Wood allocations to the provision of the Five Oak Green bypass. Whilst we acknowledge that as a result of the cumulative nature of the schemes they may be a requirement to make a proportional contribution, this is not currently reflected in the wording of the policy which reads as if the bypass is a pre-requisite for the development of Paddock Wood, when the evidence suggest to the contrary, that it is not necessary.
- 5.82 Accordingly, Dandara object to Policy STR 6 (Transport and Parking) part c) ‘Highway Network’ on the basis that the provision of the Five Oak Green bypass and measures along the A228 do not relate to the Western Parcel and therefore are not directly related. This policy should be amended accordingly so it is consistent with Paragraph 56(b) of the NPPF.
- 5.83 In addition, and in a similar vein, Policy STR/SS1 (part 15) should be amended to distinguish between the development of Paddock Wood and Tudeley. The reference to ‘or a version of this document as amended’ should be replaced with the reference to the document upon which the viability assessment to inform the allocation has been undertaken. Without this the policy is left unclear and unambiguous as to its intentions.
- 5.84 In light of the above, Dandara seek assurance from TWBC that all such infrastructure contributions are strictly necessary to Land at Badsell Farm to make the development acceptable in planning terms; are directly related to the development; and are proportionate and therefore, fairly and reasonably related in scale and kind to the development in accordance with the planning obligation tests set out at Paragraph 56 of the NPPF.

- 5.85 Dandara also note that the emerging Paddock Wood and East Capel Structure Plan shows an indicative bus route through the Western parcel connecting to the proposed sports/leisure hub with access from Badsell Road. Dandara note that the detailed bus route will need to be determined as part of the masterplanning process and agreed with KCC Highways. Dandara can confirm that the development of Land at Badsell Farm is deliverable from independent access to the south, from Badsell Road based on the technical work undertaken.
- 5.86 Accordingly, Dandara suggest that sufficient flexibility is shown in the Council’s revised Structure Plan and Policy STR/SS1 specifically mentions that internal road layout and access will be determined by the masterplanning process and negotiation with KCC Highways.

Pedestrian and Cycling Approach

- 5.87 As set out in the enclosed Landscape Concept Development report (June 2021), Dandara’s emerging concept masterplan for Land at Badsell Farm has been informed by the Tunbridge Wells Strategic Masterplanning and Infrastructure Study Design Principles. In respect to highways and pedestrian and cycling principles, the emerging concept masterplan proposes east to west connecting paths/cycle paths which connect the site (including the proposed sports/leisure / health hub) to existing and proposed crossing points over Gravelly Steams, to existing paths within the south-west of Paddock Wood. Dandara consider the emerging concept masterplan to satisfy the pedestrian and cycling design principle.

Rail Crossing

- 5.88 Site allocation Policy STR/SS1 (part 2i) seeks the requirement for a new north-south pedestrian and cycle link over the railway line (within the western parcel). Whilst Dandara support this infrastructure, it is considered this should be an aspiration rather than a requirement. Further detail is required on how this will be delivered and funded. It is also acknowledged that it may not be possible to deliver the railway crossing as this will require agreement with Network Rail who will undertake the relevant works.
- 5.89 Dandara are mindful that there are already significant infrastructure costs to be secured via S106 financial obligations and the new pedestrian/cycle bridge is not necessary to facilitate access from Land at Badsell Farm site to primary connections of Paddock Wood Town Centre and Paddock Wood Railway Station as part of ensuring sustainable development and ensuring planning obligations requested by the Council are necessary; directly relate to the development; and fairly and reasonably related in scale and kind to the proposed development in accordance with the key planning obligation tests set out under Paragraph 56 of the NPPF.

Community Infrastructure Levy

- 5.90 The Council do not currently have an adopted Community Infrastructure Levy (CIL) Charging Schedule. However, the Council are expected to prepare a CIL Charging Schedule in parallel to the submission and Examination of the emerging Local Plan. Dandara seek clarity on the Council’s approach to CIL and associated timing. Dandara also seek further clarity on the role CIL will have for strategic allocations such as Paddock Wood.
- 5.91 Given the exhaustive list of new infrastructure requirements and 40% affordable housing requirements, it is strongly advocated that the strategic allocations including Policy STR/SS1 have a zero CIL rating for all development uses as part of encouraging the delivery of these major-scale and complicated sites. The development of Land at Badsell Farm will be able to deliver any necessary infrastructure provision on-site through S106 contributions as necessary and therefore will not burden existing infrastructure, which could justify a CIL contribution.
- 5.92 Dandara suggest TWBC review Policy STR 5 (Infrastructure and Connectivity) in light of the soundness tests set out at Paragraph 35 (a-d) of the NPPF to ensure the approach to

infrastructure contributions is positively prepared; justified; effective and consistent with national policy, specifically, Paragraph 56 of the NPPF and the CIL Regulations 2010⁸ (as amended).

Ensuring Clarity in the Policy STR/SS1

- 5.93 Dandara support the Council’s approach to the requirement for the production of four Framework Masterplan SPDs that are governed by the overarching Structure Plan.
- 5.94 However, Dandara are mindful that Paragraph 16 (Part d) of the NPPF requires Plans to:
 - “d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.
- 5.95 With reference to Paragraph 16 of the NPPF, and as stated in Dandara’s previous Draft Local Plan (Regulation 18) representations (dated November 2019), Policy STR/SS1 should be restructured to provide individual policies or ‘sub policies’ with specific criteria for each of the four strategic land parcels and in doing so reduce the length of, and simplify, the wording of this site allocation policy. This would allow specific design and policy criteria to be tailored to the individual land parcels, and make it clear what is to be delivered for each of the four strategic parcel areas and include some general criteria that applies to the entire strategic allocation.
- 5.96 The revised policy wording set about above would also assist Applicant’s with future masterplanning and progression to pre-application and planning application stage as well as assisting Council Officers in applying the policy as part of the determination of future applications. We also consider that it would be of benefit to ensuring that the policy is easily understood by members of the public and the local community. We look forward to working with TWBC and the other land promoters at Paddock Wood through a Statement of Common Ground to achieve the necessary changes.
- 5.97 This approach would also allow the specific infrastructure items in the Council’s Infrastructure Delivery Plan to be assigned to the four strategic land parcels or masterplan areas thus making it clear who is paying for what and also to ensure there is no double counting.
- 5.98 Dandara also suggest additional flexibility is built into masterplanning approach to Policy STR/SS1 to recognise that the distribution and quantum of development and specific parcel layout will be progressed by the next master planning SPD stage and then future planning applications for each parcel that are submitted in general accordance with the adopted Framework Masterplan SPD, again allowing for flexibility within the detailed scheme design.
- 5.99 To be clear, Dandara is supportive of site allocation Policy STR/SS1 subject to the proposed policy amendments in the interests of soundness as summarised in **Appendix B**. The proposed restructure of the Policy STR/SS1 would make the policy more targeted and succinct and importantly, more robust in relation to the key policy tests set out at Paragraph 35 of the NPPF. It is acknowledged that the proposed amendments to Policy STR/SS1 will be refined through the SoCG with TWBC.

⁸ UK Government: UK Draft Statutory Instruments: Community Infrastructure Levy, England and Wales: The Community Infrastructure Levy Regulations 2010

(2) Land off Copthall Avenue and Highgate Hill, Hawkhurst (AL/HA4)

5.100 The majority of the site is a green field, comprised of open agricultural fields, hedgerow field boundaries and wooded areas, located to the south of Hawkhurst. The site is adjoined to the north and west by residential properties, and to the east and south by fields and paddocks. The site is located within the High Weald AONB. The site includes previously developed land (PDL) associated with the existing dwelling located off Highgate Hill. The primary site access is via an existing access off Highgate Hill. A Site Location Plan is included in **Figure 8** below.



Figure 8: Land off Copthall Avenue and Highgate Hill, Hawkhurst Site Location (Indicative Site Boundary shown in red) (Source: Google Maps)

5.101 The site comprises primarily flat agricultural land, located in Flood Zone 1 and within the High Weald AONB. The site is well situated close to Hawkhurst and is a sound location for a sustainable extension. The site itself is suitable for residential development (as concluded by TWBC in their SHELAA (January 2021), factoring in its flat topography, sustainable location and good access off Highgate Hill.

5.102 Hawkhurst is identified as a rural service centre as part of the proposed settlement hierarchy in the Pre-Submission Local Plan (Policy ED8). New development is directed to primary regional town centres (Royal Tunbridge Wells) first, then town centres (Cranbrook, Paddock Wood and Southborough) before rural service centres. Hawkhurst as a key rural service centre is identified in the Pre-Submission Local Plan (Paragraph 6.508) as being suitable for “day-to-day facilities” including town and rural centre uses.

5.103 Hawkhurst is consistent with the settlement hierarchy identified above, and a suitable, accessible and sustainable location for growth. Paragraph 3.9 of Pre-Submission Local Plan identifies future growth at Hawkhurst in-line with its rural service centre role and to ensure such growth is sensitive to its setting within the High Weald AONB.

- 5.104 Site allocation AL/HA4 was included in the Council’s SHELAA (January 2021). The assessment for the Site covered the 5.28ha central and eastern parcel (Site refs. 78) and the separate adjacent parcel to the north-west (Site ref. 419). The SHELAA concluded that both sites 78 and 419 are suitable as potential Local Plan allocations on the basis they are sustainable locations for development, given it is located within/mostly adjacent to the LBD and there is pedestrian access to the centre of Hawkhurst. In addition, the assessment noted that both sites are available and are both deliverable within the Plan period. Dandara support the findings of the SHELAA and proposed site allocation AL/HA4.
- 5.105 Pre-Submission Local Plan Policy STR/HA1: ‘The Strategy for Hawkhurst parish’ sets out the development strategy for Hawkhurst parish and the requirement for “circa” 161-170 net new dwellings, including affordable housing. Dandara support this policy and Set Limits to Built Development (LBD) for Hawkhurst, factoring in the amendments as a result of the proposed site allocations.
- 5.106 The site is allocated in the Pre-Submission Local Plan AL/HA4: ‘Land at Copthall Avenue and Highgate Hill, Hawkhurst (Highgate)’ for 70-79 dwellings, including 40% affordable housing, and significant areas of publicly accessible open space. A Policy Plan is included at **Figure 9** below.

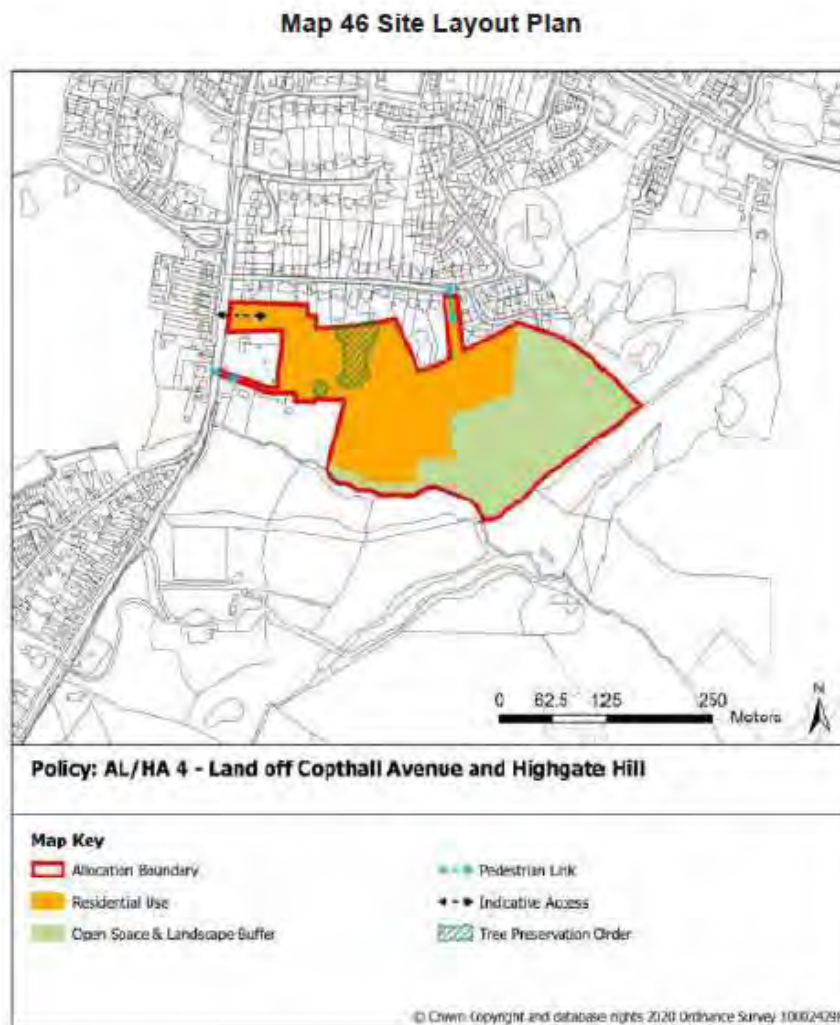


Figure 9: Pre-Submission Local Plan: Policy AL/HA4: Land off Copthall Avenue and Highgate Hill Site Layout Plan Extract

Planning Applications

- 5.107 Dandara has undertaken architectural and feasibility work for the identified western/central development parcel for the site.
- 5.108 Dandara submitted a full application (LPA ref. 18/01063/FUL) in March 2018 for the redevelopment of the majority of site allocation AL/HA4 (see application site location plan in **Figure 10** below) for a total 49 residential unit scheme. This application was refused in April 2019 despite an Officer recommendation for approval. The scheme was refused by Members at committee for one sole reason based on the design of the access via Copthall Avenue despite KCC Highways Authority agreement that the proposed access was acceptable.
- 5.109 An appeal was subsequently submitted but was since withdrawn on 23 September 2020 in light of a fresh application for the entirety of the site allocation was sought.

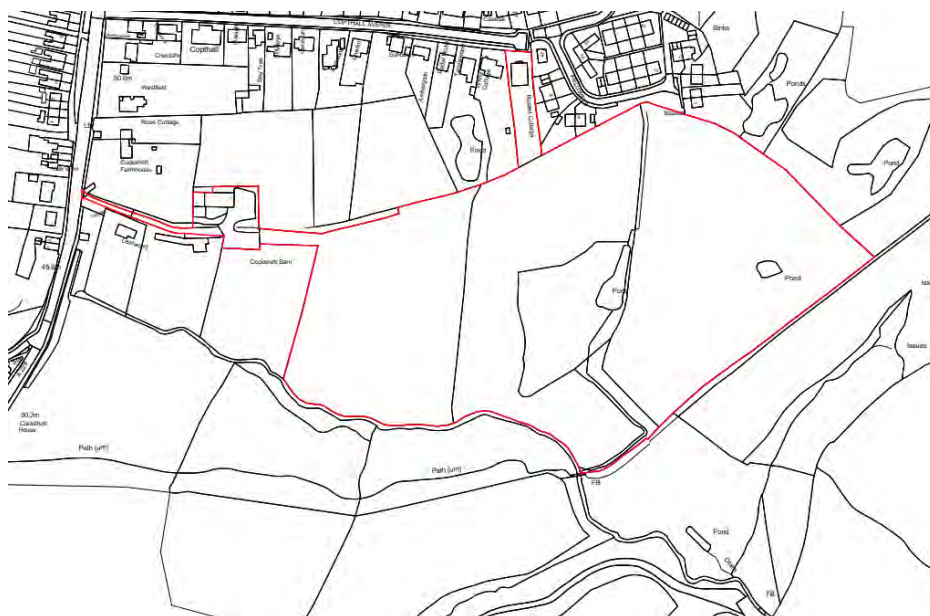


Figure 10: Site Location Plan Extract For Planning Application LPA ref. 18/01063/FULL

Latest Application

- 5.110 An EIA Screening Opinion request (LPA ref. 20/03901/ENVSCR) was made on 23 September 2020 for a 71 unit residential scheme. The Council’s EIA Screening Opinion decision dated 12 March 2021 confirmed the development did not constitute EIA Development and therefore an Environmental Impact Assessment was not required in support of a planning application.
- 5.111 Dandara submitted a new full application (LPA ref. 20/02788/FULL) on 23 September 2020 for the larger land parcel, containing the entirety of the Draft Allocation AL/HA4 (see A site location plan extract is provided in **Figure 11** below) for a 71 residential unit scheme:

“Development of the site to provide 71 dwellings, alongside car parking, cycle parking, sustainable drainage, internal road network, public open space and associated landscaping and including the demolition of existing agricultural barn and garage and alterations to the existing access from Highgate Hill”.



Figure 11: Site Location Plan Extract For Planning Application LPA ref. 20/02788/FULL

- 5.112 The application removed the previous proposed site access from Copthall Avenue which was not supported by KCC Highways.
- 5.113 The application was subsequently refused (against Officer recommendation for approval) at TWBC Planning Committee on 12 May 2021 despite Officer recommendation for approval. The reasons for refusal on the decision notice dated 19 May 2021 are as follows:
 - 1. **AONB:** the proposal would not conserve and enhance the landscape or scenic beauty of the AONB, and exceptional circumstances have not been sufficiently demonstrated to demonstrate the proposals outweigh the adverse impacts and are in the public interest.
 - 2. **Impact on highway network:** development would result in a quantum of traffic that would have a significant adverse effect on capacity and congestion of the crossroads in Hawkhurst and the wider transport network.
- 5.114 Considering the principle of Development and taking each reason for refusal below, Dandara refute the reasons for refusal.

Principle of Development

- 5.115 The Council’s Committee Report for ref. 20/02788/FULL confirms that the majority of the site lies outside the LBD, wherein the adopted Local Plan directs new residential development in sustainable locations, within the LBD of existing settlements. However, it is recognised that the Council cannot currently demonstrate a 5-year housing land supply (4.83 years) which forms an important material consideration in applying the presumption in favour of sustainable development and determining applications without delay in accordance with Paragraph 11 of the NPPF.
- 5.116 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that in the absence of any relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - “i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”.

5.117 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in Paragraph 73. Footnote 6 states these policies include AONBs, irreplaceable habitats and heritage assets.

1. Impact on the High Weald AONB

5.118 The site (formerly Policy AL/HA6 now Policy AL/HA4) was included as part of the Council’s Landscape and Visual Impact Assessment (LVIA) (November 2020), a supporting evidence base document to the Pre-Submission Local Plan. The site was identified as being small scale and comprising semi-enclosed landscape, with features and characteristics that are typical of the High Weald AONB. It was recommended that any proposed development should be concentrated to the north and west of the site and it was concluded that *“a sensitive and well designed housing development would be acceptable in this location, providing that it creates a positive edge to settlement and respects the separation between Highgate and The Moor”*.

5.119 Moreover, under the heading ‘potential to avoid or reduce adverse effects’ within the Council’s LVIA for site HA 6, the Council’s LVIA identifies the following five practical measures that identify how effects on the AONB can be reduced and moderated:

1. *The inclusion of the eastern and southern parts of the site within open space would protect existing landscape features and would limit the potential for new development to affect the character of the wider rural landscape.*
2. *The open space has the potential to include the enhancement of existing features and new complementary habitats, which could link existing habitats within and around the site. The space would maintain the rural edge to the site and the retention of existing trees and woodland would filter and screen views of the proposed development.*
3. *The inclusion of an appropriate new landscape buffer to the western site boundary would assist in protecting the significance of adjacent heritage assets.*
4. *The proposed allocation would be consistent with the existing settlement pattern to the south of Hawkhurst. It would provide opportunities to create new recreational routes and facilities for existing and new residents.*
5. *The introduction of a long term management plan for the site would maintain the quality and condition of the AONB landscape within the site.*

5.120 Overall, the LVIA concluded that site has a medium potential for harm to the AONB if developed and medium – low potential for harm to the AONB if recommendations within the report are met. Dandara support the findings and recommendations of the LVIA and consider this to be a detailed and robust assessment.

5.121 The LVIA (August 2020) submitted as part of application ref. 20/02788/FULL confirms that the proposed development approach is sensitive to the local landscape character and visual impact through the incorporation of suitable primary mitigation measures, including using a low density, informal layout which builds on the characteristics of local farmstead typologies, and retaining large areas of open space and woodland to the south and east, creating a ‘soft’, informal edge to Hawkhurst, which is visually contained within its existing and strengthened woodland setting. This approach would link habitats, create landscape buffers to heritage assets, and would be consistent with the existing settlement pattern, with minimal impact on the separation of Hawkhurst from the Moor. This sensitive approach would be managed in perpetuity through a long term management plan, to be agreed with the Council.

- 5.122 As a result, the LVIA concludes the proposed development will result in “very limited harm”, and the “character and value of the AONB are protected and the proposed development will assimilate successfully into its context”. After a 15 year establishment period, the residual effects are minimal and there will be no significant effects to the AONB or Local Landscape Character.
- 5.123 As contained in the Council’s Committee Report, the TWBC Landscape and Biodiversity Officer supported the findings of the Applicant’s LVIA for the site which concludes a “Medium-High value” and “Medium-High sensitivity” with “Medium magnitude of change resulting in a Moderate adverse effect”. Whilst these effects will lessen overtime it was further concluded that the landscape the effect of development on a greenfield site is predicted to remain “Moderate” overall. The Council’s Landscape and Biodiversity Officer (Paragraph 181) states:
- “I do not disagree with the final conclusion although the initial harm may be higher and the mitigation more effective than suggested such that the final result is the same. Whilst noting that such a level of harm is almost inevitable for a greenfield site in a similarly sensitive landscape it must be remembered that this is still an impact on the AONB and must be given great weight”.*
- 5.124 The TWBC Landscape and Biodiversity Officer and Planning Environmental Officer both were fully supportive of the proposed scheme and raised no objection and it was confirmed that the “Council considers this would provide a benchmark for other developments who wish to develop in the High Weald AONB in the future” (Paragraph 10.66 of the Council’s Committee Report for ref. 20/02788/FULL).
- 5.125 This statement leaves a very clear impression of the quality of the design approach to the site, and its long term potential in enhancing the quality of development locally.
- 5.126 Furthermore, Paragraph 10.66 of Council’s Committee Report for ref. 20/02788/FULL states:
- “overall there is likely to be significant localised harm to the AONB but this can be reduced through a sensitive approach, detailed design and securing long term management of the landscape areas. The AONB and landscape harm would be as a result of the introduction of additional residential dwellings into an open Greenfield area. The proposal offers opportunities to improve some aspects of the site in terms of landscape character and appearance as well as ecological enhancements”.*
- 5.127 It is further concluded at Paragraphs 10.90-10.91 of the Council’s Committee Report that:
- “The overall conclusion when assessed against the requirements of para 172 of the NPPF, and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the 5 year housing land supply, is that the proposal will have a moderate positive impact overall.*
- As such, it is considered that principally due to the housing delivery benefits outweighing the identified harm to the landscape and environment, there are exceptional circumstances where the development is in the public interest in this instance to depart from the NPPF presumption against major development in the AONB”.*
- 5.128 The proposed development would conserve the landscape and scenic beauty of the AONB and the proposed landscape scheme mitigation is sufficient to mitigate against any impact. The proposed development includes robust local exceptional circumstances case which would outweigh the adverse impacts of the development and that delivery of 71 much need homes is in the public interest given the Council’s housing shortage in accordance with Paragraph

172 of the NPPF, the provisions of the PPG, Policy EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Core Strategy 2010, Policy LP2 of the Hawkhurst Neighbourhood Plan and aligns with the Council’s own policy evidence base.

2. Highways Impact

- 5.129 In respect to the site location and whether the proposed development constitutes sustainable development, Paragraphs 10.29 and 10.90 of the Council’s Committee Report (dated 12 May 2021) confirms the development would satisfy the social and economic objectives and despite having some environmental impact as set out above, on balance the proposed development is considered to support sustainable development and contribute to the Council’s 5YHLS in accordance with paragraph 175 of the NPPF.
- 5.130 In regards to highway impact, the Council’s Committee Report (Paragraph 10.114) concludes that the Council and KCC Highways (as Highway Authority and technical experts), that the despite the proposed scheme having an adverse impact upon the highway network and on overall planning balance, the scale of development and associated trip generation will not have a “severe impact” and TWBC were supportive of the scheme.
- 5.131 In light of the above, if the proposed development is found to constitute sustainable development, provides sufficient, safe and suitable access and would not result in unacceptable impact on highway safety the application should not be refused in accordance with Paragraphs 108 and 109 of the NPPF.
- 5.132 Therefore, Dandara argue that the proposed development would not have a significant adverse impact on the highway network and includes safe and suitable access on accordance with Paragraphs 108 and 109 of the NPPF, the provisions of the PPG, Core Strategy Policy 3 and Policy AM1 of the Hawkhurst Neighbourhood Plan.

Summary

- 5.133 Dandara therefore refute the Council’s reasons for refusal for planning application ref. 20/02788/FULL which was refused despite Officer recommendation for approval including the Council’s Landscape and Biodiversity Officer and Planning Environmental Officer.
- 5.134 Dandara are currently considering their options for appeal.
- 5.135 Fundamentally, in the context of these local plan representations, the suggested reasons for refusal do not affect the principle of developing/allocating the site and are matters that are associated with the development management process. On the basis of the evidence that has been collated for the site and has been independently prepared by TWBC the proposed allocation of the site for residential development remains sound.

Draft Site Allocation AL/HA4

- 5.136 The site is allocated in the Pre-Submission Local Plan AL/HA4: ‘Land at Copthall Avenue and Highgate Hill, Hawkhurst (Highgate)’ for 70-79 dwellings, including 40% affordable housing, and significant areas of publicly accessible open space. Dandara broadly support this allocation.
- 5.137 That said, Dandara have made some specific comments below in respect to specific requirements of site allocation Policy AL/HA4:

Quantum of Development

- 5.138 Dandara support Policy AL/HA4 and the allocation of the Hawkhurst site for comprehensive development. The Site is capable of accommodating at least 71 residential units as part of high-quality scheme as per refused application ref. 20/02788/FULL. Dandara have undertaken an array of technical/background work which formed part of the previous

applications and consider the site to have potential to accommodate additional dwellings and therefore support the proposed quantum of 70-79 dwellings as set out under draft allocation Policy AL/HA4 in the interest of securing the efficient and effective use of the Land at Cophall Avenue and Highgate Hill, Hawkhurst (Highgate) in line with Paragraph 122 of the NPPF.

- 5.139 However, Dandara suggest the word “circa” is added so revised site allocation Policy AL/HA4 reads “circa 70-79 dwellings” in the interest of completeness, consistency with other site allocation policies and in order for the new Plan and its policies to be found sound in accordance with paragraph 35 of the NPPF.

Land Uses / Layout

- 5.140 Part 5 of Policy AL/HA4 identifies specific areas of the site for residential use. Dandara support this requirement. It is noted that refused scheme ref. 20/02788/FULL, was consistent with this requirement and proposed residential on the western and central development parcel areas and open space / landscape buffer on the eastern land parcel.
- 5.141 Part 7 of Policy AL/HA4 requires the layout and design of the scheme to factor in the location of the site on the edge of the settlement and the setting of listed buildings, and to provide a scheme that is sensitively designed and provides a suitable edge to the settlement. Dandara support this policy requirement in the interest of achieving a high design quality and in the interests of good place making.
- 5.142 Dandara further note that the refused scheme provided as a suitable edge to the settlement as concluded in the Council’s Committee Report (Paragraph 10.80):

“The sensitive design of the development, particularly in its exploration of using a high quality agricultural courtyard / barn typology which acts as the new settlement edge and interface with the AONB beyond the site”.

Highways

- 5.143 Part 2 of Policy AL/HA4 seeks the provision of the main vehicular access into the site to be from Highgate Hill. Dandara support this main vehicular access requirement and highlight that main vehicular access was proposed from Highgate Hill as part of refused application ref. 20/02788/FULL which was supported by the Council and KCC Highways.

Trees / Ancient Woodland

- 5.144 Part 8 of Policy AL/HA4 requires proposals to assess and respond to, ancient woodland and TPOs on-site through the development layout and design to be informed by an ecological survey. Dandara support this policy requirement.
- 5.145 Dandara further note that in respect to the refused scheme ref. 20/02788/FULL, no objection was raised by the Council’s Tree Officer. Paragraph 10.45 of the Council’s Committee Report for ref. 20/02788/FULL concludes that:

“(…) whilst there are some impacts upon trees and landscaping, this is not considered to be significant or to a level which would warrant refusal of consent”.

- 5.146 Similarly, no objection was raised from the Council’s Landscape and Biodiversity Officer in respect to the conclusions and proposed mitigation set out in the accompanying detailed ecological assessment.

Open Space / Play Space / Green Infrastructure

- 5.147 Dandara support Part 9 of Policy AL/HA4 which requires the provision of on-site amenity/natural green space and children’s and youth place space. Dandara are committed to delivering a high quality residential scheme including the provision of appropriate play

space and natural greenspace in the interests of good placemaking in accordance with the PPG.

Housing Delivery

- 5.148 The Council’s Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) confirms that site allocation AL/HA4 is included in the Council’s trajectory for the short term delivery of 75 new homes (mid-range) in two tranches: 44 homes in 2023/24 and 31 homes in 2024/25.
- 5.149 Dandara support the planned growth for the site and then proposed quantum range of 70-79 homes is appropriate. Dandara however do not support the trajectory for the site on the basis, new homes could be delivered sooner in the first five years of the Plan period i.e. from 2021/22 as the site is available now; and there are no site constraints to development. Dandara suggest 2 year delivery period is reasonable given the size of the site.
- 5.150 The site is therefore available now, is suitable for residential development and deliverable now in the short term i.e. first 5 years of the new Plan Period (2020/21 – 2024/25). The Council’s trajectory should be amended accordingly.

Site Allocation AL/HA4 Proposed Amendment

- 5.151 Dandara broadly support site allocation Policy AL/HA4, however require an amendment to the allocation to reflect the proposed access as part of refused scheme ref. 20/02788/FULL.
- 5.152 Draft site allocation Policy AL/HA4 (part 3) includes a requirement for a new pedestrian link to Copthall Avenue. The proposed scheme for ref. 20/02788/FULL included this requirement to reflect the proposals at the time which sought demolition of an existing property, replacement with another and creation of the new pedestrian link. However, the Applicant subsequently removed this and proposed an alternative pedestrian link from the public open space to Fieldways which was agreed as acceptable with KCC and TWBC Officers.
- 5.153 Dandara suggest the location of future pedestrian access is less prescriptive to reflect the multiple access options either to Copthall Avenue or Fieldways in the interests of allowing sufficient flexibility, not pre-determining a masterplan process and not compromising future site delivery. Dandara recognise there would always be a pedestrian and vehicular route onto Highgate Hill. Part 3 of Policy AL/HA4 should be reworded to include the option of securing emergency vehicle and pedestrian access to be provided **“either to Copthall Avenue, Highgate Hill and/or Fieldways”**.
- 5.154 For the reasons set out above and in the interest of ensuring robust and sound policies / site allocations, Dandara suggest the Council amend site allocation Policy AL/HA4 in accordance with Paragraph 35 of the NPPF.

(3) Land at Speldhurst Road, Southborough – AL/RTW 5

5.155 The site forms part of a wider land parcel and comprises fields and wooded areas, located to the south of Southborough, off Speldhurst Road. The site is adjoined to the north and east by residential properties. In terms of access, the site is accessed off Speldhurst Road to the north and Reynolds Lane to the south, albeit it has no existing formal access. A Site Location Plan is included in **Figure 12** below.



Figure 12: Land at Speldhurst Road, Southborough Site Location (Indicative Site Boundary shown in red) (Source: Google Maps)

- 5.156 Pre-Submission Local Plan Policy STR/RTW1: ‘The Strategy for Royal Tunbridge Wells’ sets out the development strategy for Royal Tunbridge Wells including the provision of between 1,416-1,536 new dwellings, including affordable housing on 18 sites including the Southborough site (site allocation Policy AL/RTW5). Dandara support Policy STR/SO1 and consider growth at Southborough to form a logical and sustainable small urban extension to Tunbridge Wells, consistent with the assessed spatial strategy
- 5.157 The site is allocated in the Pre-Submission Local Plan by Policy AL/RTW 5: ‘Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road’ as part of a wider site allocation comprising adjacent land to the west and south at Caenwood Farm for a total 100 new dwellings, including 40% affordable housing and 5% serviced self-build and custom housebuilding plots (see **Figure 13** below). Dandara support site allocation Policy AL/RTW5 but a set out a series of detailed comments below.

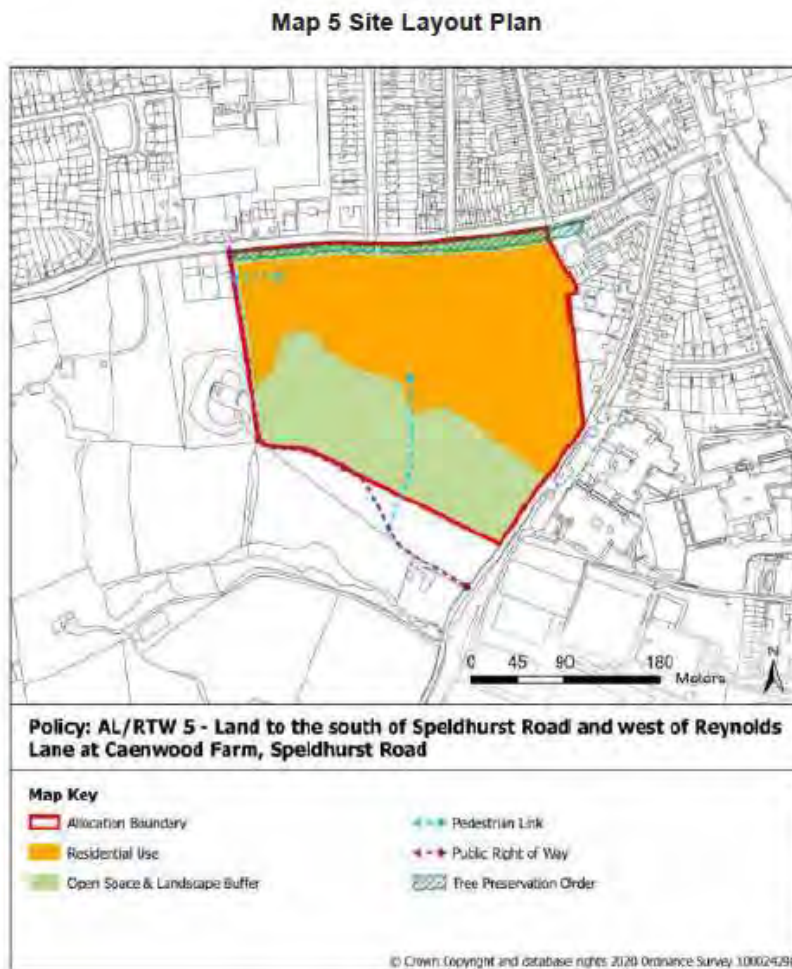


Figure 13: Pre-Submission Local Plan: Policy AL/RTW5: Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road Site Layout Plan Extract

Green Belt Release

- 5.158 The site was included in the Council’s Green Belt Study Stage Three (November 2020) as part of the wider site allocation AL/RTWXX: ‘Land to the north of Caenwood Farm, Speldhurst Road’. This assessment concluded that wider parcel AL/RTWXX makes a “Relatively Strong” contribution to preventing neighbouring towns merging, and a “Moderate” contribution to checking the sprawl of the large built up area and the prevention of encroachment on the countryside as shown in **Figure 14** below. The impact of its release on the adjacent Green Belt is deemed “Negligible” and overall, the harm resulting from the release of AL/RTWXX is “Low-Moderate”.
- 5.159 The redrawing of the Green Belt boundary in this location will follow strong, defensible boundaries that are permanent and can endure beyond the plan period.
- 5.160 The Council’s Green Belt Study Stage Three concludes that while release of land within AL/RTW 5 will breach the Green Belt boundary formed by Speldhurst Road, it will be replaced by an equally strong boundary formed by existing woodland blocks to the south and by proposed supplementary mitigation planting.
- 5.161 Dandara support the above findings from the Council’s Green Belt Study Stage Three and fundamentally agree with the nature and extent of harm to this Green Belt as identified by TWBC. The redrawing of the Green Belt boundary in this location will follow strong, defensible

boundaries that are permanent and can endure beyond the plan period in accordance with Paragraphs 136-139 and 141 of the NPPF.

- 5.162 Dandara agree with the findings and conclusions of the SHELAA in respect to Site ref. 100 and the Council’s Green Belt Study Stage Three and consider the Council’s Local Exceptional Circumstances case for the release of this to be robust and sound.



Figure 14: Green Belt Study Stage Three: Assessment of Green Belt Allocations: AL/RTWXX: Land to the north of Caenwood Farm, Speldhurst Road Map 2: Harm ratings extract

Landscape Sensitivity

- 5.163 The site was not included in the Council’s LVIA (November 2020) as it does not fall within or immediately close to the High Weald AONB.
- 5.164 The Tunbridge Wells Landscape Assessment (2017) classifies the site as lying within the Speldhurst Wooded Farmland Landscape Character Area (LCA). This area is characterised by: *“A topographically distinct landscape of high ridges intersected by a complex network of valleys and steep sided ghylls extending west from Royal Tunbridge wells. The landscape is distinguished by weathered outcrops of sandstone, lush deep ravine woodlands, sunken lanes running between high banks of sandstone, beech and holly hedgerows, Commons which permeate into the centre of RTW and an important swathe of remnant unimproved pasture”.*
- 5.165 As set out in Define’s commentary in the Southborough Vision Document (June 2021), whilst the site is considered to share some of the above identified landscape characteristics, it is highly constrained by vegetation blocks, with limited intervisibility to the wider LCA. There is equally some separation from settlement immediately to the north due to a thick belt of trees along Speldhurst Road, but its proximity to this urban fringe, and significant exposure to the rear of properties along Reynolds Lane along the western boundary, does result in the majority of the site having a strong relationship with the existing settlement.
- 5.166 Define also note that due to the screening provided by existing built form and dense vegetation, there are few views into the site, other than glimpsed views from along the western boundary (Public Right of Way WB1 (see Figure 8 of the Southborough Vision Document)). However, views from this public footpath area already influenced by settlement through a small row of properties and their rear gardens to the west.

5.167 Due to the complex intervening landform and vegetation pattern no views further afield are considered likely, but it is acknowledged this will need to be tested through appropriate LVIA to accompany any future detailed planning application(s).

Emerging Concept Masterplan – Dandara

5.168 The enclosed Southborough Vision Document (June 2021) prepared by Define on behalf of Dandara provides an overview of how Land to the south of Speldhurst Road at Caenwood Farm, site allocation policy AL/RTW could be developed in a way that responds positively to its context, and the opportunities and constraints of the site, in order to deliver residential development alongside substantial green and blue infrastructure. The Vision Document includes a conceptual (indicative) masterplan for Dandara’s land interest including the wider AL/RTW5 site allocation as shown in **Figure 15** below as part of delivering comprehensive development and the entire site allocation.



Figure 15: Land to the north of Caenwood Farm, Speldhurst Road (Southborough) Emerging Conceptual Masterplan – Dandara

5.169 The conceptual masterplan identifies a potential small residential urban extension to Southborough that blends into this sensitive landscape/settlement edge and which adds positively to the recreation and amenity value of the local settlement through the provision of significant and accessible green/blue infrastructure that flows through the site, providing connections to focal points of natural open space on the southern and western boundaries.

5.170 This approach will facilitate the positive enhancement of the beneficial use of the wider Green Belt with retained woodland, a key landscape feature, improved public access and potential opportunities for new habitat creation as well as new outdoor sport and recreation in accordance with Paragraph 141 of the NPPF.

- 5.171 The conceptual masterplan identifies a total development area of circa 2.80 Ha which comprises circa 1.05Ha within Dandara’s land ownership to the north-east of the wider Caenwood Farm site.
- 5.172 The indicative and high-level development layout is informed by the site’s constraints set out above and in particular its landscape context, in which the conceptual masterplan seeks to retain all existing vegetation (with the exception of access points only), and keep development away from the southern and western edges.
- 5.173 In accordance with the Council’s Stage Three Green Belt Study (November 2020) the conceptual masterplan seeks to retain woodland to the south and reinforce this with additional tree planting to create a robust new Green Belt boundary.
- 5.174 In terms of initial design and layout considerations for the entire site allocation, the conceptual masterplan demonstrates it is possible and appropriate to achieve higher density residential development of circa 3-5 storeys along the main access street from Speldhurst Road with a more formal character framing the street and long-views to St Johns Church of England; more medium density development in the central spine of the site with residential dwellings of circa 2-2.5 storeys; and remainder of the site, particularly closer to the green buffer and woodland to the south (more sensitive landscape areas) residential dwellings of circa 2 storeys, with further scope for higher density, circa 1.5-2 storey muse dwellings in the heart of two larger residential parcels in the northern-eastern area of the site.
- 5.175 Dandara agree with the findings and conclusions of the SHELAA in respect to Site ref. 100 and the Council’s Green Belt Study Stage Three and consider the Council’s Local Exceptional Circumstances case for the release of this to be robust and sound.

Suitability of Residential Use / Quantum

- 5.176 The entirety of the site was included as part of the Council’s SHELAA (January 2021) referred to as Land to the south of Speldhurst Road, adjacent to Whitegate Close, Tunbridge Wells (SHELAA site ref. 100). A Site Location Plan extract is included in **Figure 16** below. The adjacent land at Caenwood Farm is also included in the SHELAA (Site ref. 30) and is also a proposed housing allocation (Policy AL/RTW5) in the Pre-Submission Local Plan.



Figure 16: Pre-Submission Local Plan SHELAA (January 2021) Site Reference 100 (Local Plan Allocation AL/RTW 5 in part) Site Location Plan Extract

- 5.177 The SHELAA assessment confirms that the existing site is a greenfield site in agricultural use with a series of TPO trees along Speldhurst Road. The site was deemed suitable for residential development on the basis it is adjacent to the LBD of Royal Tunbridge Wells and is well situated in respect to existing services at Royal Tunbridge Wells and Southborough. Moreover, the release of the site from the Green Belt would result in “Low to Moderate” harm.
- 5.178 The SHELAA concludes that Site ref. 100 is a suitable site falling adjacent to the existing LBD of Royal Tunbridge Wells. It is considered that it is a sustainable site as confirmed through the SA. The SHELAA did however confirm it is unsuitable to release adjacent Site ref. 30 from the Green Belt due the harm it would cause.
- 5.179 Site allocation Policy AL/RTW 5 seeks the provision of a total 100 homes on the site, including 40% affordable housing. Dandara support site allocation Policy AL/RTW5 and the allocation of the site for housing. However, Dandara suggest the quantum of housing should be uplifted to 110 no. homes.
- 5.180 Technical evidence and initial feasibility work undertaken by Dandara confirms that Dandara’s land parcel which is allocated for residential use is suitable for residential development and has sufficient capacity and is able to deliver circa 30-40 new dwellings at a density of circa 30-40 dpa which is considered appropriate for the site, factoring in its location, wider context and site constraints and ensuring appropriate provision for encompassing suitable and accessible “green” and “blue” infrastructure as part of a comprehensive and sensitive design approach that respects the site’s sensitive landscape/settlement edge location. Accordingly, this will ensure that the allocation secures the efficient and effective use of the Land to the south of Speldhurst Road, adjacent to Whitegate Close in line with Paragraph 122 of the NPPF.

Self Build and Custom Housing

- 5.181 Site allocation Policy AL/RTW5 seeks to secure 5% of the development proposals for self/custom build provision. Dandara does not support this element of the Policy AL/RTW5.
- 5.182 Paragraph 6.381 of the Local Plan notes that since 1 April 2016, there has been an average of 1.96 registrations for a self/custom build property per month. Utilising this data, TWBC has therefore projected a need for 518 self/custom build dwellings over the Plan period (up to 2038). This is considered to be too simplistic a forecast and does not reflect actual demand.
- 5.183 Paragraph 6.381 goes on to (correctly) note that self/custom build predominantly comes forward via windfall schemes, mainly as single dwelling schemes. Accordingly, TWBC considers that 77% of provision (401 dwellings) will come forward via windfall, leaving 115 – 120 dwellings to be identified in the Plan.
- 5.184 Draft Policy H8 (‘Self and Custom Build Housing’) seeks to secure the residual self/custom build provision at 3no. allocated sites – Caenwood Farm (AL/RTW5), Spratsbrook Farm (AL/RTW16), and Tudeley Village (STR/SS3). However, the Draft Local Plan (including Sustainability Appraisal) does not set out the rationale as to why these sites were identified for self-building housing over other sites in the Local Plan and there is no supporting evidence to support a need for self build housing in these locations.
- 5.185 Ultimately, the selection of self/custom build sites will depend on consumer choice on where individual households seek to build their own home. As above, this predominantly occurs on single dwelling/windfall schemes and can also be locationally dependent including village and countryside settings. The sites identified above all have policy constraints that need to be addressed as part of any application and would make self/custom homes challenging to deliver on site factoring in the necessary highway / landscape mitigation amongst other social infrastructure requirements that would be required to accommodate new residential development.

- 5.186 Dandara therefore consider the threshold applied and the inclusion of self-build housing at the Southborough site is not appropriate when factoring in the site’s location and specific constraints. The site allocation as proposed already includes a requirement for the provision of ‘extensive green infrastructure’ which would be in excess of that required to support the delivery of approximately 100 homes. Factoring in the above outlined site constraints and factoring the size of the site, it is not suitable for self-build housing as this could threaten the viability and deliverability of this site for housing.
- 5.187 Dandara suggest flexibility in the policy provision below to cater for the demand at the time the scheme is at the planning application stage. Dandara suggest it would be prudent to insert a policy caveat for an early review mechanism into Draft Policy AL/RTW5 to assess whether this local demand self/custom build housing in this locality and whether this need has already been met elsewhere in the Borough in-line with the proposed housing trajectory. Meeting the demand will largely be based on consumer choice at the time as well as the locational options for those on the Council’s self/custom build register. Any such review should regard to other viability considerations for the scheme.
- 5.188 Dandara also recommend that the provisions/sites in Policy H8 are deleted in that self/custom build can come forward as based on the demand for suitable locations at build out.
- 5.189 Accordingly, in light of the above comments, Dandara suggest Policy AL/RTW16 is amended as follows:

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for circa 110 residential dwellings, of which 40 percent shall be affordable housing, and if required (subject to TWBC evidence base confirming need), a minimum of five percent to be available as serviced self-build and custom housebuilding plots.

Highways / Access

- 5.190 Site allocation Policy AL/RTW5 (part 1) rightly requires the new vehicular access to be provided from Speldhurst Road, with the exact location to be determined by detailed transport assessment work. There is a further requirement to consider appropriate widening of the section of Speldhurst Road that runs adjacent to the site and the provision of an appropriate level of parking on-site. Dandara support this requirement and the policy approach to requiring a detailed transport assessment.
- 5.191 Dandara also support the requirement under site allocation Policy AL/RTW5 for the creation of a new access subject to detailed transport assessment work.
- 5.192 Policy AL/RTW5 (part 3) further requires the possibility of alterations to Reynolds Lane with restricted access for non-residents as appropriate or necessary. This land falls outside Dandara’s land ownership but they would welcome discussions on the access option with the Promoters of the wider allocation at Caenwood Farm.
- 5.193 PJA Highways have undertaken initial highway technical work on behalf of Dandara including technical review of the Site, its constraints and the key highway considerations, including the requirement for a new access from Speldhurst Road as part of a 100 unit residential scheme (including 30-40 dwellings on Dandara’s land interest).
- 5.194 This technical assessment work confirms that the site is well located to local amenities, and has good access to public transport services and is considered to constitute a sustainable location.
- 5.195 An initial highway safety review using Personal Injury Collision (PIC) data confirms that overall, the number of PICs in the vicinity of the site is low, with no fatal collisions or collisions resulting in serious injury recorded. Therefore, there is no evidence to suggest that the proposed development would exacerbate any existing highway safety concerns.

- 5.196 The technical assessment work to date has sought to prepare a preliminary access strategy which recommends the creation of a new bell-mouth junction from Speldhurst Road within the site, located between Edward Street and Taylor Road. Initial vehicle tracking confirms this access would provide safe and efficient access and egress to the site and would be fully compliant with the requirements of the Kent Design Guide⁹.
- 5.197 It is acknowledged that further transport assessment work including traffic volume counts and detailed highway modelling will be required at application stage. It is also accepted that early detailed discussions with KCC Highway will be required to agree the location and type of access from Speldhurst Road.
- 5.198 In respect to car parking, it is noted that an appropriate level of parking will need to be achieved on-site, factoring in the site’s constraints and need for a safe and efficient site layout and internal access. Dandara further support the requirement of a Low Traffic Neighbourhood as required by Part 5 of Policy AL/RTW5.
- 5.199 At the appropriate stage, Dandara will engage in pre-application discussions with the Council and KCC Highways to agree the site access strategy and necessary highway mitigation measures to be delivered as part of the proposed residential development. Dandara also note that any such application will be informed by a detailed transport assessment.
- 5.200 Policy AL/RTW5 (part 4) which seeks enhanced footpath links to be provided from the existing route to the west of the site to connect to other footpaths and the surrounding area. Dandara support the policy approach but recognise the extension of footpaths will require the necessary permission and will require agreement with adjacent landowner.

Trees

- 5.201 Policy AL/RTW5 (part 9) requires future development to secure the long-term management of the pasture and woodland retained for landscape and ecological mitigation. Dandara support this policy requirement and despite the proposed retained woodland and pasture falling on the wider site allocation (not Dandara’s land interest) it is recognised the retention of these green features is key to the design and landscape quality and overall placemaking of the future housing schemes on both development parcels.
- 5.202 Policy AL/RTW5 (part 10) requires regard for the existing hedgerows and mature trees on-site, with the layout and design of the development and to be informed by an arboricultural survey and landscape and visual impact assessment. Dandara broadly supports this requirement, however there is likely to be a need for an element of tree clearance to occur along Speldhurst Road to accommodate the access provision, with mitigation provided for loss of any trees elsewhere on the site. Accordingly, it is recommended that the text **“Where feasible”** is introduced at the beginning of the second sentence.
- 5.203 Lloyd Bore on behalf of Dandara have undertaken an Arboricultural Report (April 2021) which comprises a detailed tree survey. This confirms the absence of Category A Trees with the majority of trees either categorised as either ‘C’ or ‘U’.
- 5.204 The emerging concept masterplan for Southborough has been informed by the access strategy and findings of the Arboricultural Report. The proposed access from Speldhurst Road is sought between Edward Street and Taylor Road and would result in some loss of primarily low (Grade C) trees. The higher quality, Grade B trees will be retained where possible and a tree-lined frontage and green buffer to Speldhurst Road will be retained to ensure the site remains well-screened to the existing residential properties on the north (opposite) side of Speldhurst Road in accordance with the Council’s SHELAA.

⁹ Kent County Council: The Kent Design Guide (2005)

- 5.205 As set out above, it is acknowledged that the proposed access strategy and precise location of the site access will be informed by highway modelling and technical conversations with KCC Highways and will also be informed by discussions with the Council’s Tree Officer to agree necessary tree removal and any necessary mitigation / additional tree planting. It is apparent that the proposed site access is proposed further down Speldhurst Road, beyond Prospect Road, there is a likely requirement for further tree removal to create larger visibility splays.
- 5.206 The emerging concept masterplan for the site and wider allocation seeks to retain the existing woodland to the south, reinforce this boundary and green buffer with additional tree and hedgerow planting to help screen views out.
- 5.207 Therefore, given these trees of limited amenity value, a degree of tree loss is considered to be acceptable in principle subject to all other relevant policy considerations.
- 5.208 It is acknowledged that the soft landscape scheme as part of any future application should introduce new tree and boundary planting on-site as part of mitigating any tree loss, ensuring the development is appropriately screened from the existing residential properties along Speldhurst Road as well as enhancing biodiversity and in the interests of achieving a high quality development. It is also acknowledged that an arboricultural assessment will be required in support of any future application.

Open Space / Play Space / Green Infrastructure

- 5.209 Policy AL/RTW5 (part 8) requires extensive green infrastructure to be provided, shown in both the green areas shown indicatively on the site layout plan (see **Figure 14** above) and through the non-green areas where relevant. Policy AL/RTW5 (part 6) seeks improved access to existing and new open green space areas.
- 5.210 Whilst Dandara support the policy approach to securing new open space and improving public access to it, it is however noted, as set out above, that the provision of ‘extensive green infrastructure’ would be in excess of that required to support the delivery of approximately 100 homes. Despite this, Dandara support the unique nature of the site, the relationship to the existing adjacent ancient woodland and the value of green infrastructure for this site.
- 5.211 Dandara support Part 9 of Policy AL/RTW5 which seeks to secure the long-term management of the pasture and woodland retained for landscape and ecological mitigation to be secured by the development. Dandara would expect a Site-wide Landscape Management Plan to be prepared under a condition on any future planning permission and this could be linked to any legal agreement requiring the landowners / management companies to ensure the long term management of the site.
- 5.212 In a similar vein, Dandara support Part 11 of Policy AL/RTW5 which requires a suitable legal mechanism to secure the provision of open space as part of the entire site allocation.
- 5.213 Dandara further support Part 12 of Policy AL/RTW5 which requires the provision of on-site amenity/natural green space and children’s and youth place space. Dandara are committed to delivering a high quality residential scheme including the provision of appropriate play space and natural greenspace in the interests of good placemaking in accordance with the PPG.

Housing Delivery

- 5.214 The Council’s Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) confirms that site allocation AL/RTW5 is included in the Council’s trajectory for the long term delivery of 100 new homes in two tranches: 70 homes in 2031/32 and 30 homes in 2032/33.

- 5.215 Dandara support the planned growth for the site, however we consider that quantum of development at the site should be uplifted 110 no. homes for the reasons set out above and to account for the delivery of 30-40 dwellings on Dandara’s land interest and the remaining 70 dwellings on the wider site allocation (not Dandara’s land interest). The proposed annual delivery rates (average 50dpa) are broadly supported, and in this context, Dandara is able to achieve 30-40 dpa in a single phase.
- 5.216 Dandara has undertaken an array of technical/background work for the site including that appended to these representations. Matters to have been addressed include landscape, heritage, ecology, highways, access, drainage and infrastructure. Furthermore, TWBC’s Infrastructure Delivery Plan (March 2021) does not identify wider infrastructure schemes as a prerequisite to development at the site.
- 5.217 The above information confirmed that there are no site constraints to development and accordingly the development could commence from 2023/24.
- 5.218 The Site is therefore available now, is suitable for residential development and deliverable now in the short term i.e. first 5 years of the new Plan Period (2020/21 – 2024/25). The Council’s trajectory should be amended accordingly.

(4) Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road – Omission Site

5.219 The site comprises undeveloped land, in close proximity to the existing Sissinghurst Limits to Built Development. The site is adjoined by residential properties to the north and west, Sissinghurst Road (the A262) runs along its southern boundary, beyond which lies fields, and Mill Lane (narrow, with no pavement) runs along its eastern boundary, beyond which lies residential properties and fields including Sissinghurst Court Historic Park and Garden to the south-east. Access is currently via an existing field gate in the south-east corner of the site. A Site Location Plan is included in **Figure 17** below.

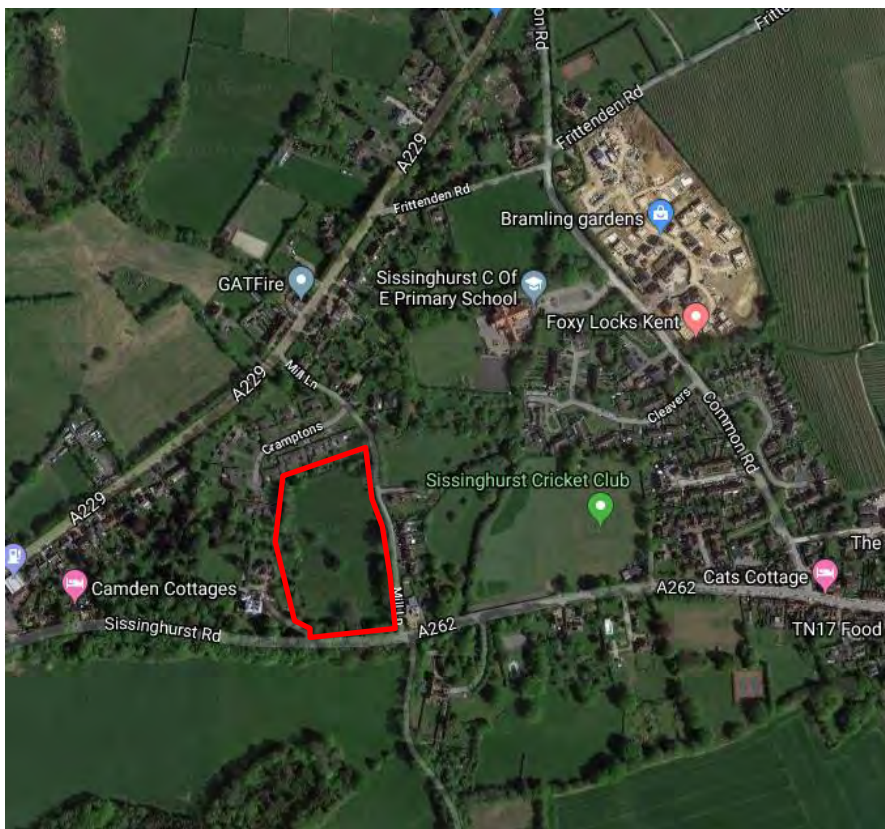


Figure 17 Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road Site Location (Indicative Site Boundary shown in red) (Source: Google Maps)

5.220 In the current Development Plan, the site borders the LBD of Sissinghurst to the north and east. There is a Tree Preservation Order (TPO) along the part of the western boundary of the site. The site is located opposite (opposite side of A262) the High Weald Area AONB.

Omission Site

5.221 The Site is not allocated in the Pre-Submission Local Plan. The site has been omitted from the previous Draft (Regulation 18) Local Plan (site ref. AL/CRS13 / SHELAA ref. 120) version and was formerly allocated for approximately 40 residential dwellings with the development of the site requiring a highways assessment and works, in terms of access.

5.222 The Council’s previous iteration of their SHELAA (July 2019) which was prepared in support of the Draft (Regulation 18) Local Plan confirmed that the site is likely to be sustainable, due to its proximity to the Limits to Built Development (LBD) and adjoining existing built development. The assessment also noted the availability of the site and its ability to be delivered within the Plan period.

5.223 The Council’s updated SHELAA (2021) includes the site (SHELAA ref. 120) (see **Figure 18** below) for 40 dwellings but despite being considered available, the site was deemed unsuitable on the basis:

“Site is in proximity Site is in proximity to the Limits to Built Development and is adjoined by existing built development. The site is likely to be sustainable in this context. However, it has not been possible to demonstrate that a safe, suitable and sustainable access for both vehicles and pedestrians can be achieved. There are traffic safety issues at the junction of Mill Lane and Sissinghurst Road (A262) that are unlikely to be overcome (ref planning refusal 19/00308)”.

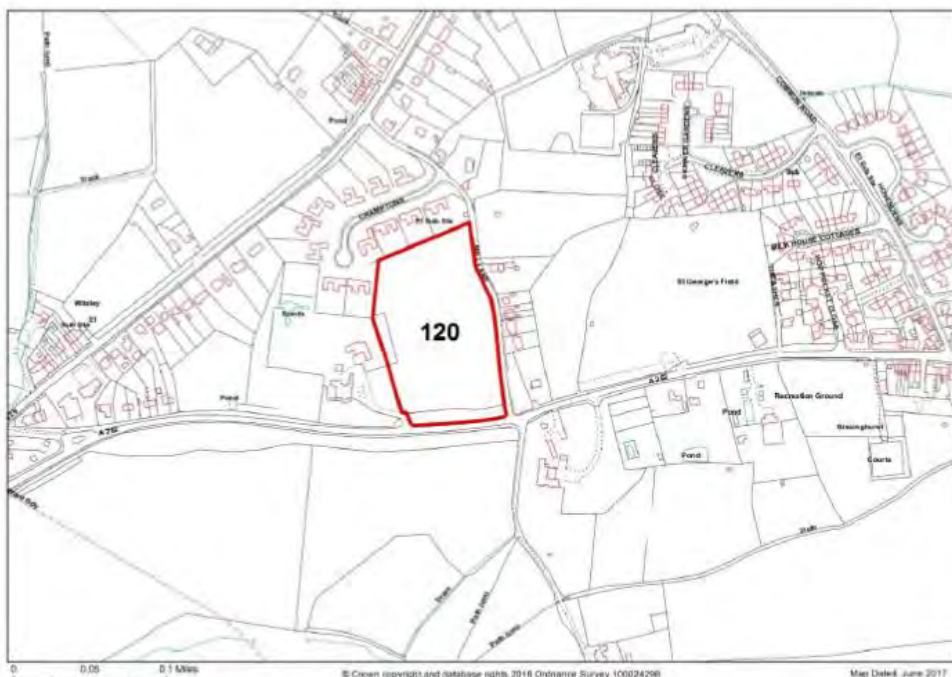


Figure 18: TWBC Strategic Housing and Economic Land Availability Assessment (January 2021) Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road, Sissinghurst (SHELAA Site Reference: 120) (Draft (Regulation 18) Local Plan Allocation AL/CRS13)

5.224 The SA undertaken to inform the SHELAA site appraisal confirmed the “loss of greenfield land and potential boundary issues with the AONB contribute to the negative scores for Land Use and Landscape”. However, Paragraph 10.15 of the Committee Report for ref. 19/00308 (dated 12 August 2020) reaches a different conclusion. On the basis the site lies outside the AONB, the Council’s Landscape Officer considers the proposed development is “not considered to Council’s Landscape Officer advise that it is not considered to cause significant harm to the landscape character of the area or indeed the setting of the AONB”.

5.225 However, the Council’s Landscape Sensitivity Assessment (July 2018)¹⁰ confirms that “tree cover alongside the road precludes any significant intervisibility between town and countryside”.

5.226 In addition, the Council’s AONB Setting Analysis Report (November 2020)¹¹ confirms that the existing “hedgerow and tree belt on the southern boundary of the site lines the road, screening the site from view. The existing land use within the site is consistent with the AONB to the south, however the site is surrounded by housing on three sides and development of the site

¹⁰ LUC: Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells (July 2018) pg. 152.

¹¹ HDA: AONB Setting Analysis Report (November 2020) pg. 35, para. 4.5.10.

would be consistent with the emerging settlement pattern”. Similarly, the Paragraph 10.17 of the Committee Report for ref. 19/00308 states:

“Whilst there would clearly be some landscape harm by virtue of the introduction of the residential development, this harm would be reduced by virtue of the layout proposed and the retention of the majority of the boundary trees which would reduce views”.

- 5.227 Overall, the Committee Report for ref. 19/00308 (Paragraph 10.38) concludes that the “wider character here is unlikely to be significantly impacted as a result of the proposed development”.
- 5.228 Dandara note that site CRS13 was not included as part of the Council’s LVIA (November 2020), a supporting evidence base document to the Pre-submission Local Plan.
- 5.229 Therefore, the Council’s evidence base does not provide landscape sensitivity grounds to support the omission of the site as a potential housing allocation.

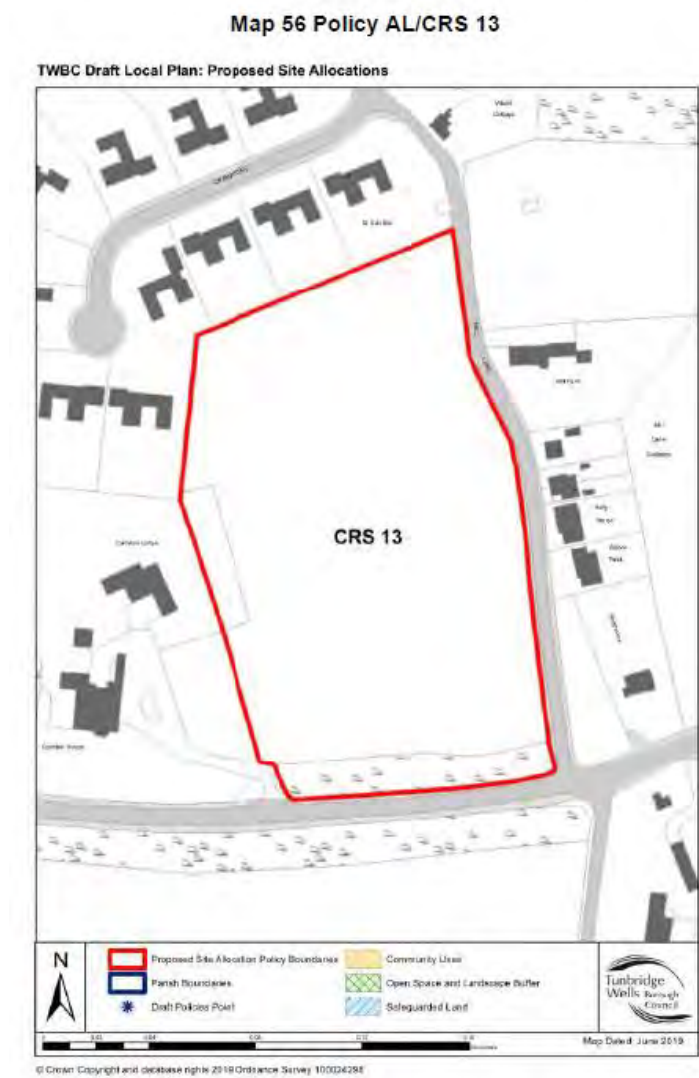


Figure 19: Draft Local Plan (Regulation 18) (August 2019) Map 56 Policy AL/CRS13 Extract

Quantum

- 5.230 Dandara has undertaken architectural and feasibility work for the site. This work informed a recent planning application for site for 42 new dwellings as detailed below.

- 5.231 The site is suitable for residential development as concluded in the Council’s previous SHELAA and has capacity to delivery 40-45 dwellings. This is deliverable whilst securing appropriate densities at the site as well as encompassing suitable “green” and “blue” infrastructure and a sensitive design response in an AONB setting.
- 5.232 The proposed uplift in the development of the site can contribute towards achieving a secure buffer in the Local Plan and as set out in the earlier section, we consider that an uplifted buffer (to up to 20%) should be pursued in the Local Plan accordance with Paragraph 73 of the NPPF and Footnote 39.

Planning Application

- 5.233 *“Erection of 42 new dwellings, alongside car parking, cycle parking, drainage, internal road network and the creation of a principal access off Sissinghurst Road (A262), plus public open space, a play area and associated landscaping”* which refused on 20 August 2020 (LPA ref. 19/00308/FUL).
- 5.234 Planning application ref. 19/00308/FUL was refused for three reasons summarised below:
 - 1) Site access; it was not demonstrated that the scheme would achieve for safe, suitable and sustainable access for all, including appropriate visibility splays on Sissinghurst Road. The development would therefore lead to an unacceptable impact upon highway safety;
 - 2) No completed legal agreement to secure provision of affordable housing; and
 - 3) No completed legal agreement to secure contributions towards community facilities including education, libraries, social care, community learning, youth provision, waste provision, NHS, open space and biodiversity offsetting.
- 5.235 It is therefore noted that the impact of the landscape setting and AONB did not form one of the Council’s reasons for refusal contrary to the findings of the SA summarised in the Council’s SHELAA 2021. As confirmed in the Committee Report for application ref. 19/00308/FULL, dated 12 August 2020, the principal reason for refusal was due to highway access concerns, hence the site’s omission in the Pre-Submission Local Plan.
- 5.236 Refused application ref. 19/00308/FUL is now subject to a live appeal which was lodged in December 2020 (PINS ref. APP/M2270/W/20/3265584) and is now registered, valid and awaiting assignment of an Inspector.
- 5.237 The Appellant’s (Dandara’s) appeal case confirms the principal matters at issue are whether the proposed site access junction with the A262 provides adequate visibility splays and is, therefore, considered to be safe.
- 5.238 The Committee Report for application ref. 19/00308/FULL, dated 12 August 2020, of 12 August 2020 states (Paragraph 10.10) that there *“would be good connectivity and it would be possible to walk/cycle to the village centre...”* and there *“are a number of local services within the village which would be comfortably accessed”*. The Committee Report concludes that the proposal would achieve sustainable development (Paragraph 10.24) in accordance with the NPPF.
- 5.239 Dandara’s appeal case demonstrates that proposed scheme includes suitable and safe access and is consistent with the NPPF (paragraphs 108 and 109 of the NPPF).
- 5.240 In respect to contributions towards affordable housing and community facilities (reasons for refusal no. 2 and 3), the Appellant’s Statement of Case seeks to agree a Statement of Common Ground with the Council which will include any financial contributions required by the proposed development and such contributions will be secured through appropriate Section 106 legal agreement.

- 5.241 The Appellant’s Affordable Housing Statement sets out a robust case for why the proposed delivery of 15 affordable dwellings on-site (36% of total housing proposed) will make an important contribution to the affordable housing needs of Tunbridge Wells and should be afforded substantial weight in the determination of this appeal.
- 5.242 Therefore, Dandara object to the removal of the site allocation which is unfounded. Whilst it is accepted the site was recently subject to a refused application ref. 19/00308/FUL, there is no indication from the KCC Highway response the access objection cannot be overcome and therefore, it is unreasonable to preclude this site for a housing allocation. The matters that are the subject of the appeal relate to the development management process and do not principally affect the allocation of the site.
- 5.243 Accordingly, Dandara suggest the Council reinstate site allocation AL/CRS13 and allocate the site for circa 40-45 new dwellings as part of 20% buffer the Council should be applying to its deliverable sites as part of maintaining supply and delivery in accordance with Paragraph 73 of the NPPF (including Footnote 39) and the PPG.

Housing Delivery

- 5.244 Subject to the outcome of the above planning appeal, TBC should reinstate housing allocation AL/CRS13 in the submission version of the emerging Local Plan and include the site in the Council’s revised housing trajectory.
- 5.245 The site comprises a underutilised greenfield site, within the settlement boundary, outside the AONB and is capable of delivering 42 new homes and thus forming a valuable contribution to meeting the Council’s small and medium sized sites housing requirement and constituting windfall development in accordance with Paragraph 68 of the NPPF. The Site is suitable for housing and can suitably accommodate a high quality development for circa 40-45 dwellings, the site is available; and deliverable within the first 5 years of the Plan period.

6.0 Development Management Policies

- 6.1 Dandara has reviewed the Pre-Submission Local Plan Development Management Policies to ensure they are consistent with the NPPF. Please refer to the Policy Review Matrix included at Appendix D.

7.0 Summary

- 7.1 Dandara supports the overall strategic objectives of the Council’s Regulation 19 Pre-Submission Local Plan and in particular the focus on the delivery of new homes in the borough.
- 7.2 Dandara has land interests in the below sites which are identified as site allocations (with the exception of Sissinghurst) for significant new growth and primarily the delivery of new homes in the Pre-Submission Local Plan:
- **STR/PW1 / STR/SS1** – Badsell Farm, Paddock Wood (‘Paddock Wood’)
 - **STR/HA1 / AL/HA4** – Land off Copthall Avenue and Highgate Hill, Hawkhurst (‘Hawkhurst’);
 - **STR/RTW1 / AL/RTW5** – Land at Speldhurst Road, Southborough (‘Southborough’);
 - **AL/RTW 16** – Land to the west edge of Eridge Road at Spratsbrook Farm (‘Spratsbrook Farm’); and
 - **Omission Site** – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (‘Sissinghurst’).
- 7.3 The above three site allocations and the omission site at Sissinghurst all constitute suitable sites for housing and are all available and deliverable now. It is suggested that the above sites at Hawkhurst and Southborough and Sissinghurst are all deliverable in the short term and within the first five years of the Plan period. Given the scale of the proposed residential development at Badsell Farm, this site would be deliverable in the short-medium term. Early delivery of these sites will help to redress the Housing Delivery Test (HDT) and the Council’s 5-year Housing Land Supply and this is considered important given the potential for delays at other site allocations (due to infrastructure/landownership and other site issues).
- 7.4 To-date Dandara has extensively engaged with TWBC Officers, members of the Paddock Wood Strategic Sites Working Group and Strategic Sites landowners in the promotion of the strategic extension to Paddock Wood and in the allocation the above-mentioned sites at Hawkhurst, Southborough and Sissinghurst.
- 7.5 Dandara has also been working to collate their own evidence base for the above mentioned sites in order to further demonstrate their suitability for housing and to assist with the Local Plan process.
- 7.6 Dandara will continue their collaborative approach by continuing to engage with TWBC as well as key stakeholders, to feed into and inform later stages in the plan-making process. Dandara will look to submit further representations and technical evidence where required as part of the future hearing sessions as part of the Local Plan Examination stage.
- 7.7 We would be grateful for confirmation that these representations have been received, and that they have been registered as duly made. We trust this submission is clear and helpful but, should there be any queries please let us know.