

# **Benenden Neighbourhood Development Plan Hearing**

**Statement by Tunbridge Wells Borough Council**

Question 1: “Are the proposed allocations on the hospital owned land at East End, well located and will they deliver sustainable development? Do the two allocations meet the criteria which are set out in paragraph 78 of the NPPF, namely that “housing should be located where it will enhance or maintain the viability of rural communities” and is the subsequent NPPF advice that “where there are groups of smaller settlements, development in one village may support services in a village nearby” relevant to the neighbourhood plan strategy? If the NPPF policy, in para 117, is that objectively assessed housing needs should be delivered in a way that makes as much use as possible of previously developed land, does the development of the two hospital allocation sites “cause harm to designated sites of importance for biodiversity or conflict to an overriding extent with other NPPF policies”?

### **Sustainable Development**

TWBC agrees with Benenden PC (BPC) that the proposed allocations at East End would constitute sustainable development as set out at paras 7 and 8 of the NPPF. The overall sustainability of options, sites and alternatives has been assessed through the Sustainability Appraisal (SA) process by both TWBC and by AECOM for BPC separately. Both have found these proposals to be relatively sustainable. The [TWBC SA](#) (Table 58 on Page 165) shows the SA scores for the allocated sites in the TWBC Pre-Submission Local Plan (PSLP) for Benenden Parish, individually and cumulatively, with the Scores for Reasonable Sites in Benenden shown in Appendix L on pages 334 and 335.

At the borough level SA context, the two sites at East End score more favourably than non-allocated sites, particularly with regard to heritage, landscape and travel objectives. Developments of this scale in the PSLP are normally focussed on sites around an existing settlement, and the SA recognises use of the private car associated with these sites, with air, equality and travel objectives scored accordingly. However both of the proposed allocations at East End are PDL sites (furthermore, they are outside of the AONB, with the landscape objective scores reflecting this - please see TWBC response to question 5), and their redevelopment is in accordance with paras 117 and 118 (d) of the NPPF:

Para 117: the allocations promote the effective use of land in meeting the need for homes, without causing harm to designated sites of importance for biodiversity (see TWBC response to question 4).

Para 118: the sites comprise in part under-utilised land and buildings, and their redevelopment would allow them to be used more effectively. Land supply in the parish (and indeed the borough as a whole) is constrained by its location in the AONB, as reflected in the outcome of the SA and SHELAA in the assessment of the individual sites.

In accordance with para 137(a) of the NPPF, the development strategy in the PSLP has demonstrated that before concluding exceptional circumstances exist to justify changes to Green Belt boundaries (ref PSLP Policy STR1 The Development Strategy), it has examined fully all other reasonable options for meeting its identified need for development. This includes making as much use as possible of suitable brownfield sites and underutilised land, and also delivering additional services.

At the parish level, the SA completed by AECOM uses a different methodology compared with the PSLP. A comparison of development location options was undertaken comparing greenfield and PDL sites. The option of development on PDL performed better overall, particularly with regard to climate change, landscape, historic environment, land/soil & water resources, population & community, and health & wellbeing. The remaining two objectives of transportation and bio/geodiversity, were scored either equally or as too uncertain.

### **Enhance/maintain viability of rural areas**

The allocation policies at East End will provide for improved infrastructure. The proposed development will deliver a number of services:

Provision of on-site services to reduce travel: café, retail outlet, community and play facilities

Provision of an active travel link to Benenden

Provision of a minibus to Benenden & Tenterden to coincide with school times plus one on a Saturday

Savills' representations to the TWBC PSLP Reg 19 consultation confirm that the policy requirements of the sites proposed for allocation at East End can be delivered (PSLP Policies AL/BE3 & AL/BE4, ref responses 1383, 1384 and 1388):

In principle Savills support the delivery of an active travel link between East End and Benenden village

They do not object to the proposed delivery of local facilities (café and retail outlet) at East End for the use of the occupants of the proposed dwellings (issues are raised about potential infection control requirements)

They do not object to providing a financial contribution towards the provision of a minibus service to and from the Hospital site to Benenden and Tenterden, commensurate to the quantum of development being brought forward at the site.

There are existing houses at East End, both within the site and other dwellings located in the vicinity. 23 additional dwellings are already permitted. The existing and future community will have the opportunity to use these services, including for purchasing day-to-day goods, and through interacting with a larger community and the social support which that provides, and spaces in which to do so, as set out in the policy requirements.

Benenden parish comprises a group of smaller settlements. [The Settlement Role and Function Study](#) sets out how housing in Iden Green helps to support services in Benenden and development at East End would similarly do so.

### **Impact of development on Local Wildlife Site (LWS)**

The allocations at East End do not cause harm to the LWS with more detail presented in the TWBC response to question 4. The positive management of the LWS is required by conditions of the approved scheme for the redevelopment of the wider hospital site, that includes the LWS areas within the south-east and north-east quadrants. In terms of conflict with other policies such as net gain and landscape protection there is not an overriding conflict, and in some cases benefits may be achieved whilst still delivering much needed development on previously developed land.

The impact of the proposed development upon the landscape is discussed under the TWBC response to question 5.

Question 2: “Are the requirements that the social infrastructure needed to mitigate the impact of the development and enhance the sustainability of the location, for example, in terms of requiring a contribution to the provision of a community café/shop, sports facilities, community building and minibuss links as well as the provision of an active travel link to Benenden village, as proposed in Policies SSP3 and SSP4, sufficient to meet the reasonable day to day needs of future, as well as existing residents, in this location? Is it appropriate that these facilities should be required, for a residential development of this scale in this location and is it reasonable that they should be expected to be fully funded by the developer, rather than by a proportionate contribution?”

The following paragraphs in the NPPF are relevant when considering this question: para 34 (setting out contributions expected from development), para 84 (recognition that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport), and para 102 (promoting sustainable transport).

The Vision set out in the Bendenden Neighbourhood Plan supports infrastructure enhancements, to include managing traffic growth and improving connectivity.

### **Is the social infrastructure required by policy sufficient to meet the reasonable day to day needs of future, as well as existing residents, in this location?**

It is considered that the requirements are sufficient: the policy will allow for the purchasing of “day-to-day” goods, active travel/transport links to other services (such as education) and a range of community facilities, including play, sport and opportunities for social interaction. It is recognised in the borough that in the smaller villages and settlements there is an expectation that many (i.e. more than daily) services will need to be accessed from other larger settlements, which is reflective of living within a predominantly rural area.

### **Is it appropriate that these facilities should be required, for a residential development of this scale in this location**

Yes – the NPPF at paras 91, 92 and 96 and the [PPG](#) emphasises the need for healthy places, supporting community engagement, inclusivity and social interaction. It is considered that these facilities represent what is necessary to provide for day-to-day needs, with wider needs provided for in nearby villages. Whilst the number of houses proposed is relatively low, the wider site includes the hospital with visitors and employees who will also make use of the facilities, and in so doing will promote interaction and engagement with the residential community.

The viability work carried out to support the TWBC Pre-Submission Local Plan has concluded that (in addition to policy compliant levels of affordable housing, 30% for PDL sites and 40% for greenfield) that development across the borough would be viable with contributions of £13,000 - £18,000 based on an average house size of 100 sqm.

### **Is it reasonable that they should be expected to be fully funded by the developer, rather than by a proportionate contribution?**

For the reasons set out above, the facilities are considered to be necessary to make the development acceptable in planning terms, and they are directly related to the development. It is also considered that for the on-site provision they are fairly and reasonably related in scale and kind to the development.

However, for the active travel route, it is considered that a proportionate contribution would be appropriate: as this will be used by other residents and users it would be appropriate for development at Uphill to potentially contribute to this, and other suitable windfall developments.

The policy requirement for the provision of a minibuss service is not prescriptive and could be provided/funded in a number of ways. As examples, Kent County Council (KCC) Public Transport advise

- that there may be grants to assist with the purchase of a minibuss
- alternatively a minibuss service could be run in conjunction with one of the local coach companies whose main income comes from the provision of school services
- that usually when KCC are requesting s106s from planning developments, they would base this on £1,000 per property in the proposed development

And in relation to the provision/funding of a Hopper bus service, KCC advise that

- the Hopper bus trial stopped during 2020 due to Covid; recommenced Spring 2021 for 12 months
- the introduction of the National Bus Strategy (NBS) - KCC will be running projects to look at alternative ways of providing public transport, including in villages across the County. KCC advise that this policy requirement

should be included within the BNP as it will facilitate bids to carry out a local trial. As part of the NBS, Enhanced Partnerships is a key part, the Local Highway Authority being required to regularly engage with districts and community groups.

Therefore, if there was alternative provision for the minibus and/or Hopper Bus then it may (subject to the circumstances at that time) be appropriate for a proportionate contribution.

### Question 3: “Is it appropriate that affordable housing should be provided on site in this location?”

In accordance with paragraph 62 of the NPPF, affordable housing is expected to be met on-site, and this approach is reflected in the requirements of Core Strategy Policy 6 Housing Provision, proposed to be superseded by Policy H3 Affordable Housing of the TWBC Pre-Submission Local Plan (PSLP).

The Benenden Neighbourhood Plan (BNP) recognises the benefits of mixed and balanced communities. Delivering affordable housing for the parish was a priority outcome from the workshops held in the early stages of the preparation of the BNP. The BNP Policy HS2 Delivering a Balanced Community provides the policy approach to deliver a mix of housing, requiring affordable housing to be delivered in line with TWBC policy, and for each site to include well-integrated affordable and market housing. There is a need for affordable housing in the parish, and the borough. Affordability is worsening, as demonstrated in the [Review of Housing Needs](#) carried out by TWBC in December 2020, which does not go down to parish level but shows that affordability has worsened over the last few years, such that the need for affordable housing can reasonably be expected to be somewhat higher now than in 2015 or 2018.

The proposed site allocations in the BNP and PSLP not located at East End will deliver approximately an additional 20 affordable housing at Benenden village (note: this includes the four affordable dwellings at the recently completed site in Walkhurst Road).

The proposed development at East End (including the extant scheme not yet delivered) will deliver a further approximately 20 affordable dwellings.

It is considered appropriate that affordable housing be provided on-site at East End. It would make for a mixed and balanced community, together with the provision of new dwellings and the existing housing in the immediate area.

Historically it has been suggested by some that small settlements away from main services are not appropriate locations for affordable housing, partly due to lower perceived car ownership levels. However:

- affordable housing provision at settlements such as Iden Green (see Appendix 1) works well in a relatively small settlement containing minimal services (this shows the affordable housing provision in 2011 against total housing numbers in 2011). Of the 123 houses in Iden Green it is identified that 17% of the 123 dwellings are affordable houses, with 9% of total houses in the parish being affordable.
- in terms of concerns which have, in the past, been expressed that occupiers of affordable housing are less likely to own cars: census data 2011 shows that car ownership amongst occupants of social rented housing is substantially higher in Benenden parish compared with the rate across the borough, with 79% of social rented households in Benenden having access to a car. This compares to a borough-wide level of car ownership (all tenures) of 83% and for social rented, 56% of households. KCC have confirmed they would not differentiate parking standards on housing tenure.
- Registered Providers at times express concern about the management of very small numbers of affordable houses on a site (c.3 – 6). However, the amount of affordable housing that would be provided on site at the two allocations would be substantially higher than these figures.

Overall, it is considered that there is a need for affordable housing in the parish and borough, and that on-site provision is appropriate.

Question 4: “Can I be satisfied that the two allocation sites at East End can accommodate the necessary quantum of proposed development without adversely impacting on the Local Wildlife Site?”

The Local Wildlife Site (LWS) in question is known as LWS 57 and is important for grassland fungi in the unimproved neutral grassland. This includes a number of separate patches over both of the areas proposed for development at East End (the ‘south-east’ and north-east’ quadrants) as well as within the area to the west of Green Lane (the ‘south-west quadrant’). The citation and map for LWS TW 57 is included at Appendix 1 and Appendix 2 for your reference.

The LWS does not receive, and may have never received, treatment with weed-killer or artificial fertilizers. The grassland supports at least ten indicator plant species of unimproved neutral grassland and large numbers of orchids, it also has an exceptional fungus flora. It is considered, in expert opinion, to be of county importance for its wax-cap fungi alone. It should be noted that the attached citation states that for ease of mapping, some areas of hard paving and some small, built structures may have been included within the boundary of the LWS, but should not be considered as being part of the LWS.

The fungi depend upon continuance of the historical management regime and would be vulnerable to changes in this management, such as use of fertilisers or cutting of the areas at the wrong time of year.

As part of the original application for the redevelopment of the hospital ([12/03130/EIAMJ](#)) development occurred on the south west quadrant and there remains an extant permission for redevelopment of the south east quadrant to deliver 23 dwellings. The approved scheme not only retained the LWS in its entirety (including that area within the north-east quadrant which was included in the legal agreement) but also secured its long-term future management through a Landscape and Ecology Management Plan (LEMP) by legal agreement/S106. There is no reason to suspect that any future application would treat the matter any differently.

### **Overview of the Landscape and Ecology Management Plan (LEMP)**

It is the Borough Council’s view that without development, the LWS would be vulnerable and that the LEMP provides long-term protection.

The LEMP has been drawn up to function as an effective ‘working’ document to cover all of the LWS. The main objectives of the LWS management plan are to outline the proposed management strategy for retaining and enhancing the ecological value of the LWS, to outline the proposed management strategy for improving the ecological value of grassland outside the boundary of the LWS as part of a compensation package for disturbance caused during the development, and to outline proposals to reduce impacts on the LWS from human activity once construction works approved by 12/03130 are delivered. An annual review and update of the LEMP is written into the LEMP to ensure it addresses and responds to the continued effectiveness of the requirements of the LWS.

The proposed allocation requirements for both sites require contributions to the long-term management of the LWS to ensure that the development now being proposed in the south-east and north-east quadrants can be accommodated without a negative impact on the LWS.

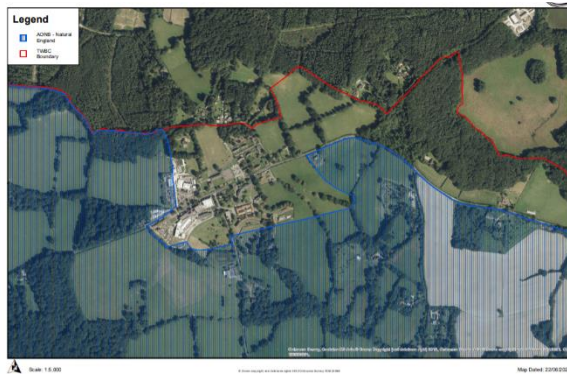
It is also relevant to note that the representation made by Natural England to the BNP Regulation 16 consultation stated that ‘*Natural England does not have any specific comments on the Benenden Neighbourhood Development Plan*’. For the Regulation 19 on the TWBC PSLP, no comments were received from Natural England relating to allocations at East End.

In conclusion, TWBC are of the view that the two allocation sites at East End can accommodate the necessary quantum of proposed development without adversely impacting the Local Wildlife Site.



Question 5: “Will the residential development proposed on the two sites, individually or collectively, have an adverse impact on the adjacent AONB and, if it does, specifically in what ways will that harm be manifested, having regard to the existing levels of development, currently on site, or as already permitted?”

The two sites lie outside the High Weald AONB, the south-east quadrant being surrounded by the AONB landscape immediately to the south, and (at a further distance) to the west. The north-east quadrant is further removed from the AONB. The existing landscape character of the proposed allocations is noticeably different to the land within the nearby AONB, as they already contain a considerable amount of development, including the hospital complex, which has a different building style, massing and height to the surrounding village settlements.



In accordance with para 137(a) of the NPPF, the development strategy set out in the PSLP has demonstrated that before concluding exceptional circumstances exist to justify changes to Green Belt boundaries (ref [PSLP Policy STR1 The Development Strategy](#) page 35), it has examined fully all other reasonable options for meeting its identified need for development. This includes making as much use as possible of suitable brownfield (previously developed land – PDL) sites and underutilised land. The proposed developments at East End, are on PDL, are not located within AONB, and as such para 172 of the NPPF is therefore not of direct relevance except for the consideration of any

impact upon the setting of the AONB.

### Impact on the setting of the AONB

To address the specific question raised by the examiner concerning any adverse impact upon the adjacent AONB and, if it does, in what ways will that harm be manifested, having regard to the existing levels of development, currently on site or as already permitted, it is important to note that outline planning permission for the south-east quadrant is extant. Therefore, the basis for any assessment should be to assume that this scheme is constructed. Any assessment of potential harm or benefit should use the extant scheme as the baseline (the hospital redevelopment and residential scheme on the south-east quadrant) and therefore it is only that which is different between this baseline and what is being now being proposed (additional development within the south-east quadrant, and development in the north-east quadrant) that should be considered in response to this question.

[The AONB Setting Report](#) (an evidence document supporting the TWBC PSLP)

concludes that in respect of the proposed development at the north-east and south-east quadrants (para 4.4.18) ‘... the potential for the proposals to harm the setting of the AONB is lower than the potential for the proposals to improve upon the existing situation. It is unlikely that the proposals would have a significant adverse effect of the setting to the High Weald AONB’.

As such, it is TWBC’s view that it is unlikely that there would be a significant departure from the baseline situation, providing that the design of the proposals follows local policy and relevant design guidance (including that produced by the High Weald AONB Unit – the [Housing Design Guide](#). This would include control over light emissions, with potential to reduce overall emissions from that which is already existing. Furthermore, development of this site provides potential to improve the landscaped edge of the site, and tree/woodland connectivity through the site.

In relation to the Garland Wing, a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The approved extant scheme includes permission for its demolition, whilst TWBC PSLP Policy AL/BE3 (9) requires ‘Proposals to include an assessment of the feasibility for retaining the Garland Wing as part of the redevelopment of the site, which could include refurbishment and conversion of this building to provide separate residential units’. It should be remembered that Historic England assessed the building under a request to “spot list” it in April 2020, but considered that the claims to historic interest are not sufficient to overcome the alteration which has undermined the integrity of West’s design to a great extent, the surviving building has either lost or had replaced many of its most distinctive features.



In conclusion the potential for the proposals to harm the setting of the AONB is lower than the opportunities for the proposals to improve upon the existing situation. It is unlikely that the proposals would have a significant adverse effect of the setting to the High Weald AONB, as concluded by the AONB Setting Report.

Question 6: “Will the net increase in the number of homes on the two East End allocation sites, beyond those already committed, have a significant impact on the transport network, either in terms of capacity and congestion or highway safety and if it does, can these be cost-effectively mitigated? In particular, will the allocation of the two sites via Policies SSP 3 and SSP4 have a severe impact on key junctions in the neighbouring Biddenden Parish specifically at Castletons Oak Crossroads and at Woolpack Corner?”

Para 109 of the National Planning Policy Framework (NPPF 2019) is of relevance when responding to this question ‘*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’.

Kent County Council (KCC) Highways advise that based on the low number of additional trips that will be introduced by the proposed developments, it will not have a ‘severe’ impact, in line with the policy wording set out in para 109 of the NPPF. As such it is not considered that the proposed developments will result in an unacceptable highway impact in terms of capacity, congestion or highway safety. This resulted in KCC Highways having no comments to add to the Regulation 16 consultation on the Benenden Neighbourhood Plan in November 2020.

KCC Highways are aware of a reoccurring crash problem at the Castleton’s Oak crossroads and is proposing to implement a Casualty Reduction Scheme in the 2021/22 financial year (anticipated to be delivered in summer 2021). The scheme will involve improvements and alterations to the surfacing, signing and lining, and if approved, a reduction in the national speed limit to 40mph on all four approaches to the crossroads junction (subject to the Traffic Regulation Orders (TRO) process). The scheme aims to encourage reduced approach speeds and provide better junction awareness particularly on the Benenden Road (coming from Benenden).

The TRO has been out to public consultation, the deadline for responses was 14th June 2021. KCC have received a few objections and we have been informed that they are currently reviewing the proposed scheme. Appendices 1 (plan showing general arrangements), 2 (plan showing detailed design, crossroads surfacing, signing and road markings) and 3 (speed limit detail) provide further information relating to the TRO process.

To conclude, KCC Highways have confirmed that they have raised no concerns regarding the potential allocation of the sites at East End in the TWBC Draft Local Plan Regulation 18. KCC Highways have provided comments to the TWBC Pre-Submission Local Plan (PSLP) Regulation 19 consultation where they have highlighted that some further sensitivity testing will be needed relating to junction capacity in parts of the Borough, largely in relation to strategic and/or major sites within the PSLP. Further work is underway, with TWBC’s transport consultants in liaison with KCC Highways, to undertake this sensitivity testing. This work will inform the forthcoming Statement of Common Ground between both parties in support of the PSLP.

In any event, KCC Highways have confirmed that it is highly unlikely that KCC Highways would raise objection to the allocation of these sites (AL/BE3 and AL/BE4).