

Representor number
PSLP_2048 to PSLP_2052

MATTER 7 – RESIDENTIAL SITE ALLOCATIONS

TUNBRIDGE WELLS LOCAL PLAN

Prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited

MAY 2022

Representor number
PSLP_2048 to PSLP_2052

TUNBRIDGE WELLS LOCAL PLAN

MATTER 7 – RESIDENTIAL SITE ALLOCATIONS
PROJECT NO. 2133

PREPARED BY:

KATHERINE MILES MRTPI
DIRECTOR

CHECKED BY:

JAMES ILES MRTPI
DIRECTOR

DATE:

MAY 2022

PRO VISION

THE LODGE
HIGHCROFT ROAD
WINCHESTER
HAMPSHIRE
SO22 5GU

COPYRIGHT: The contents of this document must not be copied or reproduced in whole or in part without the prior written consent of Pro Vision. Such consent is given to the Inspectors and other parties in respect of relevant extracts for the purposes directly in connection with this examination in public.

CONTENTS

1.0 Introduction..... 1

2.0 Matter 7 Issue 1 – Royal Tunbridge Wells and Southborough (Policies STR/RTW1 and STR/SO1)..... 2

3.0 Matter 7 Issue 2 – Pembury (Policy PSTR/PE1) 12

4.0 Matter 7 Issue 3 onwards 23

APPENDICES

- 1. RTW4 St Johns Road Decision Notice
- 2. RTW4 St Johns Road s106
- 3. RTW9 Beechwood Sacred Heart Decision Notice
- 4. HousingLIN Factsheet 1 – Extra Care Housing – What is it
- 5. RTW9 Beechwood Sacred Heart s106
- 6. Woodsgate Corner Title
- 7. Woodsgate Corner Motor Village Committee Report
- 8. Woodsgate Corner Implemented permission S106
- 9. Cornford Court Decision Notice
- 10. Cornford Court s106
- 11. Kinstanding Way s106
- 12. Owlsnest Wood Decision Notice
- 13. Owlsnest Wood s106
- 14. White Horse Decision Notice
- 15. White Horse s106

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited (“CESL”) who are promoting Land at Sandown Park¹ for a Care Community² within Use Class C2 to provide 108 extra care units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence³ on behalf of CESL, that we have long been concerned that plan-making by Tunbridge Wells Borough Council (“TWBC”, “the LPA” or “the Council”) has failed its legal duties. Our submissions in relation to Matter 1 concluded that the Local Plan Examination should not proceed as the Submission Plan is not legally compliant.
- 1.3 We do not seek to repeat these concerns, but in order to assist the Inspector we provide cross-references to the CESL representations and additional communications previously made where they relate to the specific Stage 2 Examination Questions.
- 1.4 This Representation responds to the Inspector’s questions within Matter 7: Issue 1-3 and has been prepared in the context of the tests of ‘Soundness’ as set out in Paragraph 35 of the National Planning Policy Framework 2021 which requires that a Plan is:
- Positively Prepared
 - Justified
 - Effective
 - Consistent with national policy
- 1.5 This hearing statement has been prepared in consultation with Gregory Jones QC, Francis Taylor Building, Temple.
- 1.6 In summary, we have identified defects in the proposed allocation of sites purported to meet the Council’s identified need for Extra Care accommodation. We find that there are flaws in the Council’s assessment of need for older persons. We conclude that this is not positive nor effective planning for a key and growing part of the community. The plan is therefore unsound.

¹ Regulation 22 version of the SHELAA (Jan 2021) – [Core Document 3.77n - Site 114](#)

² Specifically “Extra Care accommodation” as a category of specialist housing for older people, as defined by the [Planning Practice Guide at Paragraph: 010 Reference ID: 63-010-20190626](#)

³ Representation [PSLP_2048](#), full document at [SI_140](#)

2.0 Matter 7 Issue 1 – Royal Tunbridge Wells and Southborough (Policies STR/RTW1 and STR/SO1)

AL/RTW12 - LAND AT TUNBRIDGE WELLS TELEPHONE ENGINEERING CENTRE

Q1. How has the scale of proposed development been determined and is it appropriate and justified in this location?

2.1 No comment.

Q2. The site is allocated (along with the Turners Pie Factory) for residential development in the adopted Site Allocations Local Plan. Why have the sites not yet come forward for development? Are they developable within the plan period?

2.2 No comment.

Q3. How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

2.3 No comment.

Q4. What is the justification for the proposed pedestrian and cycle link to the north of the site? Will this form part of the development?

2.4 No comment.

AL/RTW13 – TUNERS PIE FACTORY, BROADWATER LANE

Q5. What is the justification for requiring the allocation to provide a remote working/community hub for use by residents of the proposed development?

2.5 No comment.

Q6. Is it clear to users of the Plan who is expected to build and manage the hub thereafter?

2.6 No comment.

Q7. Can the allocation deliver an active frontage onto Broadwater Lane and Underwood Rise and be focused around a new community hub and green space?

2.7 No comment.

Q8. Is it clear to users of the Plan what measures will be expected to provide the necessary noise barrier between the site and the adjacent petrol filling station?

2.8 No comment.

Q9. How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

2.9 No comment.

AL/RTW16 – LAND WEST OF ERIDGE ROAD AND SPRATSBROOK FARM

Q10. What is the site boundary based on? What is the justification for only allocating the eastern ‘half’ of the site for residential development

2.10 Other than noting that this site is a proposed development in the Green Belt (see CESL Matter 4 Statement), CESL have no comment to make in relation to this proposed allocation.

Q11. What will the parcel of land to the south of the existing access road be used for?

2.11 No comment.

Q12. How will the area of open space, to remain in the Green Belt, be managed?

2.12 No comment.

Q13. Do exceptional circumstances exist to alter the Green Belt boundary in this location, having particular regard to paragraphs 140 – 143 of the Framework?

2.13 Yes, exceptional circumstances exist to alter Green Belt boundaries generally to enable the housing need to be met. See CESL Matter 4 Statement. The site selection methodology is unclear and unsound (see CESL Matter 5 Statement).

Q14. What potential impacts will the allocation have on the setting of the High Weald AONB?

2.14 No comment.

Q15. Why is it necessary to provide additional landscaping along the south-west boundary to 'protect the amenity of the adjacent farmhouse'?

2.15 No comment.

Q16. What potential impacts will the allocation have on the significance of the High Rocks Hill Fort Scheduled Monument?

2.16 No comment.

AL/SO1 – SPELDHURST ROAD FORMER ALLOTMENTS

Q17. What is the latest position regarding the construction of dwellings already approved at Speldhurst Road?

2.17 No comment.

Q18. Is the site still necessary and justified as an allocation in the Plan?

2.18 No comment.

AL/SO3 – LAND AT BALDWINS LANE

Q19. What is the latest position regarding the construction of dwellings already approved at Baldwins Lane?

2.19 No comment.

Q20. Is the site still necessary and justified as an allocation in the Plan?

2.20 No comment.

AL/RTW3 – LAND AT LIFESTYLE FORD/MOUNT EPHRAIM/CULVERDEN ST/ROCK VILLA RD

Q21. The site is allocated for residential development in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

2.21 No comment.

Q22. How has the scale of proposed development been determined and is it appropriate and justified in this location?

2.22 No comment.

Q23. Can the scale of development be achieved on site whilst ensuring that future proposals preserve or enhance the character or appearance of the conservation area? How has this been assessed as part of the site allocation process?

2.23 No comment.

Q24. What is the justification for requiring development to avoid a harmful loss of light to the stained-glass window in St Andrew's United Reformed Church? Is the proposed policy requirement justified and effective?

2.24 No comment.

AL/RTW4 – LAND AT 33-46 ST JOHN'S ROAD

Q25. What is the latest position regarding the construction of dwellings already approved at St John's Road?

2.25 Planning permission 17/00731/FULL⁴ was issued 15 Dec 2019, for 89 units of accommodation for older people. This permission has been confirmed as commenced by virtue of 21/01297/LDCEX⁵, issued 11 May 2021. Further, the 2019 permission was minorly altered by 21/03270/NMAMD⁶, issued 15 October 2021.

2.26 In approving the application, the Council determined the use of this development as C3 rather than C2 or Sui Generis as proposed by the applicant. No conditions have been imposed restricting the use to Extra Care, through the definition of a "dwelling" within the s106 is stated to be "any of the individual extra care units...". Condition 22 on the 17/00731/FULL decision⁷

⁴ See [17/00731/FULL](#) for online record

⁵ See [21/01297/LDCEX](#) for online record

⁶ See [21/03270/NMAMD](#) for online record

⁷ Appendix 1 to this Hearing Statement

Representor number
PSLP_2048 to PSLP_2052

limits occupation of the units to the over 60s and the S106 agreement⁸ indicates that this proposal includes “extra care”.

2.27 This proposed allocation is carried over from the 2016 Site Allocations Plan⁹, linked to the 2010 Core Strategy¹⁰. The latter document covers the period to 2026. This development is therefore contributing to mitigating the historic shortfall in older persons housing, rather than meeting future identified needs.

2.28 It is accepted that this site is likely to come forward within the next few years. It is understood that the site is being developed by “Elysian Residences”, and likely to be operating by 2026, but does nothing to address the ongoing needs for Extra Care beyond 2026, during which period the proportion of older persons within the Borough is expected to rise significantly¹¹.

Q26. Is the site developable within the plan period?

2.29 Yes.

AL/RTW5 – LAND SOUTH OF SPELDHURST ROAD AND WEST OF REYNOLDS LANE

Q27. How has the scale of proposed development been determined and is it appropriate and justified in this location?

2.30 No comment.

Q28. What is the site boundary based on? Is it sufficiently clear to users of the Plan where residential development is expected to be located?

2.31 No comment.

Q29. Is it necessary to widen Speldhurst Road in order to facilitate the proposed development? Is it sufficiently clear to users of the Plan what highway improvement works are required?

2.32 No comment.

⁸ Appendix 2 to this Hearing Statement

⁹ This site was RTW5 in that document (See [Exam document 3.119, page 47](#))

¹⁰ Exam document [3.118](#)

¹¹ from 11.9% of the borough population in 2026 to 14.8% of the population according to [ONS 2014 projections](#), which NPPG should be used to calculate need

Representor number
PSLP_2048 to PSLP_2052

Q30. Will it be possible to widen Speldhurst Road and retain trees along the site frontage?

2.33 No comment.

Q31. Do exceptional circumstances exist to alter the Green Belt boundary in this location, having particular regard to paragraphs 140 – 143 of the Framework?

2.34 No comment.

AL/RTW6 – LAND AT 202 AND 230 UPPER GROSVENOR ROAD

Q32. The site is allocated for residential development in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

2.35 No comment.

Q33. What impact will the proposed development have on the wastewater network? Is it necessary, for the effectiveness of the Plan, to require development to be limited until necessary upgrades are delivered?

2.36 No comment.

AL/RTW9 – LAND AT BEECHWOOD SACRED HEART SCHOOL

Q34. What is the latest position regarding the construction of dwellings already approved on the site?

2.37 Planning permission 16/07697¹² was issued 05 Sept 2017. As far as CESL are aware all the pre-commencement conditions have been discharged, and development is under construction. However, Condition 3 of the permission¹³ indicates this scheme is a Residential Care Home,

¹² See [16/07697](#) for online record

¹³ Appendix 3 to this Hearing Statement

Representor number
PSLP_2048 to PSLP_2052

rather than an Extra Care scheme¹⁴, and the S106 agreement¹⁵ makes no reference to the provision of care.

2.38 In any event, this proposed allocation is carried over from the 2016 Site Allocations Plan¹⁶, linked to the 2010 Core Strategy¹⁷. The latter document covers the period to 2026.

2.39 It is accepted that this site is likely to come forward within the next few years, and likely to be operating by 2026, but in common with AL/RTW4 – LAND AT 33-46 ST JOHN'S ROAD, discussed above, it does nothing to address the significant unmet need for Extra Care units acknowledged by the Council nor assist with addressing future needs for extra care as evidenced by the expected significant rise in elderly population within the Borough¹⁸.

Q35. Is the site developable within the plan period?

2.40 Yes.

Q36. What is the justification for the proposed Limits to Built Development in this location?

2.41 No comment.

AL/RTW10 – MONTACUTE GARDENS

Q37. How has the scale of proposed development been determined and is it achievable given the identified constraints in Policy AL/RWT10?

2.42 No comment.

Q38. Can the scale of development be achieved on site whilst ensuring that future proposals preserve or enhance the character or appearance of the conservation area? How has this been assessed as part of the site allocation process?

¹⁴ See Appendix 4 to this Hearing Statement - HousingLin define "Extra Care" in their Factsheet 1 as accommodation "primarily for older people where occupants have specific tenure rights to occupy self-contained dwellings and where they have agreements that cover the provision of care, support, domestic, social, community or other services". In other words, "purpose-built, accessible building design that promotes independent living" rather than the support offered within a Residential Care Home, where residency is communal.

¹⁵ Appendix 5 to this Hearing Statement

¹⁶ This site was RTW16 in that document (See [Exam document 3.119, page 51](#))

¹⁷ Exam document [3.118](#)

¹⁸ from 11.9% of the borough population in 2026 to 14.8% of the population according to [ONS 2014 projections](#), which NPPG should be used to calculate need

Representor number
PSLP_2048 to PSLP_2052

2.43 No comment.

AL/RTW11 – FORMER PLANT & TOOL HIRE, ERIDGE ROAD

Q39. The site is allocated for residential development and/or mixed-use development in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

2.44 No comment.

AL/RTW19 – LAND NORTH OF HAWKENBURY RECREATION GROUND; AND

AL/RTW20 – LAND AT CULVERDEN STADIUM

Q40. What is the purpose and justification for the allocation? Is it sufficiently clear to users of the Plan?

2.45 No comment.

Q41. How does the scheme approved under planning permission Ref 21/00300/FULL relate to the proposed allocation, which is dependent upon the relocation of Tunbridge Wells Football Club from the Culverden Stadium (site allocation AL/RTW20)?

2.46 No comment.

Q42. How will the relocation of Tunbridge Wells Football Club be achieved? Are the allocations deliverable, and thus, is the Plan effective?

2.47 No comment.

Q43. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

2.48 No comment.

Q44. Does site allocation AL/RTW19 represent major development in the AONB, and if so, is it justified? How have the effects of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

2.49 No comment.

Q45. What 'localised widening and highway improvements' will be required to facilitate the proposed new stadium? Is High Woods Lane suitable for a new football stadium and sports hub?

2.50 No comment.

Q46. What level of car parking will be required to serve the proposed new stadium and where will this be provided?

2.51 No comment.

Q47. Can approximately 30 dwellings be achieved on the site of the existing football ground, having particular regard to the presence of protected trees and wildlife habitats?

2.52 No comment.

AL/RTW21 – COLEBROOK SPORTS FIELD, LIPTRAPS LANE

Q48. Policy AL/RTW21 requires the provision of a replacement playing pitch before development can commence. Where will the replacement pitch be provided and how will it be delivered?

2.53 No comment.

Q49. How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

2.54 No comment.

AL/RTW22 – LAND AT BAYHAM SPORTS FIELD

Q50. How will the site be accessed and how will the allocation promote the use of sustainable modes of transport such as walking and cycling?

2.55 No comment.

Q51. Policy AL/RTW22 requires the provision of a replacement playing pitch before development can commence. Where will the replacement pitch be provided and how will it be delivered?

2.56 No comment.

AL/SP2 – LAND ADJACENT TO THE RUSTHALL RECREATION GROUND, SOUTHWOOD ROAD

Q52. How has the scale of proposed development been determined and is it appropriate and justified in this location?

2.57 No comment.

Q53. How will the facilities be delivered? Is the Plan effective?

2.58 No comment.

Q54. The supporting text states that the agricultural part of the site is allocated in the adopted Site Allocations Local Plan. Why has it not yet come forward for development? Is the site developable within the plan period?

2.59 No comment.

Q55. How have the potential impacts of the allocation on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

2.60 No comment.

AL/RTW7 – LAND AT FORMER GAS WORKS, SANDHURST ROAD

Q56. What is the current position regarding the development of this site, is it developable within the plan period??

2.61 No comment.

Q57. Is the proposed scale of residential development sufficiently clear to users of the Plan? Is the policy effective??

2.62 No comment.

3.0 Matter 7 Issue 2 – Pembury (Policy PSTR/PE1)

AL/PE1 - LAND REAR OF HIGH STREET AND WEST OF CHALKET LANE

Q1. How has the proposed area of residential development been established? What is it based on and is it justified?

3.1 Other than noting that this site represents a proposed development in the Green Belt (see CESL Matter 4 Statement), which indicates that such development can be accepted by this Council and clarifies that there is a need for development in the Green Belt, CESL have no comment to make in relation to this proposed allocation.

Q2. What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?

3.2 No comment.

Q3. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

3.3 Yes, exceptional circumstances exist for amending the Green Belt boundaries generally to accommodate future development needs in sustainable locations. (See CESL Matter 4 Statement). Though the site selection methodology is unclear and unsound (see CESL Matter 5 Statement).

Q4. What is the justification for the proposed car park? Why is a public car park in this location necessary?

3.4 No comment.

Q5. Does site allocation AL/PE1 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

3.5 No comment.

Q6. Where will the main access to the site be taken from?

3.6 No comment.

Q7. Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network? What is required of development proposals?

3.7 No comment.

Q8. Policy AL/PE1(11) requires a legal mechanism to be put in place to ensure that the provision of the additional parking for the adjacent village hall and the public is tied to the delivery of the housing, at a suitable stage of the development. What is the justification for this requirement, and will it be effective?

3.8 No comment.

AL/PE2 - LAND AT HUBBLES FARM AND SOUTH OF HASTINGS ROAD

Q9. How has the proposed area of residential development been established? What is it based on and is it justified?

3.9 Other than noting that this site represents a proposed development in the Green Belt (see CESL Matter 4 Statement), CESL have no comment to make in relation to this proposed allocation.

Q10. What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?

3.10 No comment

Q11. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

3.11 Yes, exceptional circumstances exist generally to accommodate the housing need in sustainable locations (See CESL Matter 4 Statement) though the site selection methodology is unclear and unsound (see CESL Matter 5 Statement).

Q12. What is the justification for the inclusion of an area of safeguarded land? Is an extension to the cemetery needed and how and when will it be provided?

3.12 No comment.

Q13. Does site allocation AL/PE2 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

3.13 No comment.

Q14. Where will the main access to the site be taken from?

3.14 No comment.

Q15. Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network? What is required of development proposals?

3.15 No comment.

AL/PE3 - LAND NORTH OF THE A21, SOUTH AND WEST OF HASTINGS ROAD

Q16. How has the proposed area of residential development been established? What is it based on and is it justified?

3.16 Other than noting that this site represents a proposed development in the Green Belt (see CESL Matter 4 Statement), CESL have no comment to make in relation to this proposed allocation.

Q17. What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?

3.17 No comment.

Q18. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

3.18 Yes, exceptional circumstances exist generally to meet the housing need in sustainable locations (See CESL Matter 4 Statement) though the site selection methodology is unclear and unsound (see CESL Matter 5 Statement).

Q19. Does site allocation AL/PE3 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

3.19 No comment.

Q20. Where will the main access to the site be taken from?

3.20 No comment.

Q21. Is it clear to decision-makers, developers and local communities how applications for planning permission should 'consider' improvements to the cycle and bridleway network? What is required of development proposals?

3.21 No comment.

AL/PE4 – LAND AT DOWNINGBURY FARM, MAIDSTONE ROAD

Q22. How has the proposed area of residential development been established? What is it based on and is it justified?

3.22 Other than noting that this site represents a proposed development in the Green Belt (see CESL Matter 4 Statement), CESL have no comment to make in relation to this proposed allocation.

Q23. What is the justification for the proposed Green Belt boundary? Will the revised boundary be clearly defined, as required by paragraph 143 of the Framework?

3.23 No comment.

Q24. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

3.24 Yes, exceptional circumstances exist generally to meet the housing need in sustainable locations (See CESL Matter 4 Statement) though the site selection methodology is unclear and unsound (see CESL Matter 5 Statement).

Q25. What is the justification for the inclusion of an area of safeguarded land? Is an extension to the Hospice in the Weald needed and how and when will it be provided?

Representor number
PSLP_2048 to PSLP_2052

3.25 No comment.

Q26. What is the justification for not removing the area for possible future expansion of the hospice from the Green Belt?

3.26 No comment.

Q27. Does site allocation AL/PE4 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

3.27 No comment.

Q28. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Grade II* listed Downingbury Farmhouse and associated buildings? How have heritage assets been taken into account in the preparation of the Plan?

3.28 No comment.

AL/PE5 – LAND AT STURGEONS FRONTING HENWOOD ROAD

Q29. What is the latest position regarding the construction of dwellings already approved on the site?

3.29 Other than noting that this site represents a proposed development in the Green Belt (see CESL Matter 4 Statement), CESL have no comment to make in relation to this proposed allocation.

Q30. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

3.30 Yes, exceptional circumstances exist generally to meet the housing need in sustainable locations (See CESL Matter 4 Statement) though the site selection methodology is unclear and unsound (see CESL Matter 5 Statement).

AL/PE6 – WOODSGATE CORNER

Q31. How have the mix of uses and scale of the proposed development been established? Are they deliverable given the identified constraints?

- 3.31 It is entirely unclear how the scale of this proposed Extra Care development has been established by the Council. The entirety of the Woodsgate Corner allocation is within land owned by Tesco Stores Ltd¹⁹, and the Land Registry entry for the allocation confirms registered Agreements for Leases (dated 19 February 2019) with Hendy Group Ltd as the beneficiary. Neither Tesco Stores Ltd nor Hendy Group²⁰ have a record of providing Extra Care accommodation for older people.
- 3.32 The proposed site was formerly allocated as a Park and Ride facility, and has planning permission for this use under 09/01265/FULMJ²¹, issued 12 Jan 2012, as part of a wider scheme for a replacement Tesco store. Subsequently, an application for change of use of the land to car sales was submitted by Hendy Group Ltd²². That application was refused in November 2020, as the Council considered the development failed to achieve sustainable development, and failed to demonstrate that exceptional circumstances exist for major development in the AONB. The development was therefore considered to result in an unacceptable level of harm to the AONB.
- 3.33 The Officer Report to that application²³ confirms that the 2012 permission for a park and ride has been implemented. Accordingly, the s106 attached to the 2012 permission²⁴ is therefore in effect²⁵ and this requires the compliance with the Woodland Management Plan (WMP) that is appended to the S106 (as Schedule 5 to that document).
- 3.34 Paragraph 4.1.1 of the WMP states that the plan is effective for “a period of fifteen years from its initiation”²⁶, whilst Paragraph 4.1.2 allows for the extension of the management plan period for a further ten to fifteen years as required²⁷. The WMP affects significant parts of the land proposed for allocation by the Council with a large part of it being almost exclusively

¹⁹ Appendix 6 to this Hearing Statement - Land Registry entry K788399

²⁰ a motor dealership – see [Companies House records for company number 00192872](#)

²¹ See [09/01265/FULMJ](#) for online record

²² See [19/00884/FULL](#) for online record

²³ Appendix 7 to this Hearing Statement

²⁴ Appendix 8 to this Hearing Statement

²⁵ understood to be active from the commencement date of the permission (unknown)

²⁶ ie at least until 12 Jan 2027; fifteen years from the date of the permission.

²⁷ ie potentially until either 12 Jan 2037 or 12 Jan 2042

- treed/vegetated. That part would require significant re-profiling were it to be redeveloped. Thus, given the constraints imposed by the management plan²⁸, it is considered that only approximately 1.65ha of the site would be developable. This would inevitably necessitate a high density of development to achieve the yield the Council is anticipating through the policy.
- 3.35 In addition to these physical constraints to the allocation, CESL are aware that MRPP have made representations to the Regulation 19 consultation on behalf of Tesco Stores Ltd²⁹ seeking to amend the wording of the policy and add emphasis to the general needs housing (C3) referred to within AL/PE6. MRPP appear to be indicating that general C3 housing is necessary to optimise the development potential of the site. This indicates that the development of a C2 Care Home or a C3 Extra Care (using the Council's definition) if not viable without some general needs market housing.
- 3.36 Such a change would, at the very least, further reduce the area of the site available for an Extra Care scheme, but in any event, given the comments of MRPP and the changes requested, it appears Tesco would be seeking to deliver a C2 Care Home scheme of up to 80 units, with a proportion of C3 general needs housing.
- 3.37 In any event, even if the suggested change to the policy is not accepted by the Council, it is by no means certain that AL/PE6 would deliver Extra Care accommodation at all, as the draft site allocation indicates the site may instead deliver upto 120 residential care beds.
- 3.38 Taken together, these elements strongly indicate there are legal and operational impediments to the deliverability of the site in the medium term (over 10 years), in whole or in part, for the use proposed by the allocation.
- 3.39 We note that TWBC appear to share our concerns regarding the likelihood of the deliverability of the site for any residential care or extra care use. The supply trajectory in the February 2021 Housing Supply and Trajectory Topic Paper³⁰ suggests (at page 32) that this site is not expected to start to provide units until Year 13 of the plan, 2032/33³¹.
- 3.40 CESL do not dispute that the AL/PE6 site may indeed be suitable for some general needs housing or even a care home. However, the Extra Care accommodation is unlikely to be

²⁸ Particularly the "Woodland Compartments Plan", within Schedule 5

²⁹ Comment ID [PSLP_1924](#), full document at [SI_125](#)

³⁰ Exam Document [3.74](#)

³¹ the LPA suggest this is 2032/33, but as the 2020/2021 year is now complete this year will become Yr 12.

Representor number
PSLP_2048 to PSLP_2052

realised and should be reassigned to another location, such as the CESL Sandown Park site on the diagonally opposite site of the A21 (outside of the AONB) to ensure that the identified need for Extra Care (which we regard as a minimum and a significant underestimate, see CESL Matter 2) is met. This allocation is at present unclear and unsound.

Q32. What is the justification for specifying a 10m landscaping strip?

3.41 It is unclear, but potentially this requirement might relate to or derive from the WMP within the S106 to the 2012 permission.

Q33. Does site allocation AL/PE6 represent major development in the AONB, and if so, is it justified? How have the effects of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

3.42 Yes, the proposed AL/PE6 allocation would constitute major development in the AONB. Natural England and the AONB Unit have outstanding objections to the approach to major development in the designated landscape and we are not clear where the justification is in the evidence base to set aside the significant concerns of these organisations.

3.43 The Inspector is reminded that the Council has already refused a development on this site, albeit for a differing type of development, but due to that development being major development which the Council concluded would harm the AONB.

3.44 Paragraph 177 of the Framework is clear that planning permission should be refused for major development in the AONB other than in exceptional circumstances, and Paragraph 176 which precedes this is clear that the scale and extent of development within designated areas should be limited. The CESL site at Sandown Park is not within the AONB. By straightline distance, the CESL is less than 500m from the Woodsgate Corner site. We consider that the Council has failed to evidence how criteria (b) of NPPF Para 177 has been addressed particularly when there is a suitable and available site within close proximity and importantly outside the AONB, that could deliver the proposed Extra Care allocation to assist the Council in meeting the older persons need it has identified. As such, the allocation is not justified and is unsound.

3.45 Further commentary on this point is provided in the CESL Matter 4 and 5 Statements.

AL/PE7 – LAND AT CORNFORD COURT, CORNFORD LANE

Q34. What is the latest position regarding the construction of the integrated community healthcare facility already approved on the site?

3.46 Planning permission 17/01151/FULL was issued 14 Sep 2018³². All the pre-commencement conditions have been discharged, and a subsequent Certificate of Lawfulness 21/04097/LDCEX³³, issued 11 Feb 2022 has confirmed that 17/01151/FULL has commenced.

3.47 Condition 29 of the permission for a 68-suite integrated community health centre³⁴ confirms the proposal would be a C2 use, however neither the decision, nor the S106 agreement to that permission³⁵ refer to the provision of care, support, domestic, social, community or other services to self-contained units within the scheme where the occupants have specific rights of tenure.

3.48 Accordingly, this approval, and proposed allocation, relates to a Care Home and is not an Extra Care scheme. This is relevant to our concerns regarding the Council's lack of understanding of, and inadequate response to, the need for extra care over the plan period (See CESL Matter 2 statement).

Q35. Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

3.49 Although not the same test, the Council has accepted that Very Special Circumstances (VSC) exist through the granting of planning permission in 2018. The Council attributed significant weight to the SHMA which estimates a need for 1,400 specialist dwellings for older persons in the plan period and was satisfied therefore that VSC existing to grant planning permission.

3.50 The significant need for specialist older persons accommodation provides exceptional circumstances for releasing land from the Green Belt and consider that this can equally be applied to the land at Sandown Park promoted by CESL, approximately 500m from this site.

Q36. What is the justification for requiring a financial contribution towards a 'corridor study' with a view to relieving congestion? Is the requirement for a planning obligation consistent with paragraph 57 of the Framework and the Community Infrastructure Levy Regulations?

³² See [17/01151/FULL](#) for online record

³³ See [21/04097/LDCEX](#) for online record

³⁴ Appendix 9 to this Hearing Statement

³⁵ Appendix 10 to this Hearing Statement

Representor number
PSLP_2048 to PSLP_2052

3.51 No comment other than we note the contribution was secured via s106 in 2018 and we understand the study referred to is now Exam Document 3.167³⁶.

AL/PE8 – OWLSNEST, TONBRIDGE ROAD

Q37. What is the current position regarding planning application Ref 19/01600/FULL?

3.52 Application 19/01600/FULL³⁷ for a 76 bed health and wellbeing facility to supply private nursing care and step down care to adjacent hospital was granted permission on 05 May 2022.

3.53 CESL note that the description of development clearly refers to the proposal being a step-down facility intended to serve patients being discharged from hospital³⁸. This would mean the proposal within 19/01600/FULL would be a C2 Care Home, and the officers report makes repeated references to a proposed care home. The S106 agreement³⁹ makes no reference to care being provided to self-contained units within the scheme where the occupants have specific rights of tenure, however does define the use as a Care Home.

3.54 In contrast however, Extra Care represents a step-up facility as it seeks to provide care, support, domestic, social, community or other services to self-contained units within the scheme where the occupants have specific rights of tenure.

3.55 Accordingly, this permission and proposed allocation relates to a Care Home and is not an Extra Care scheme. Again, this is relevant to our concerns about the Council's lack of understanding of, and inadequate response to, the need for extra care over the plan period.

Q38. What are the reasons for (unlike other allocations in Pembury), not amending the Green Belt boundary in this location?

³⁶ [Exam Document 3.167](#)

³⁷ See [19/01600/FULL](#) for online record

³⁸ Appendix 12 to this Hearing Statement

³⁹ Appendix 13 to this Hearing Statement

Representor number
PSLP_2048 to PSLP_2052

3.56 CESL are unable to answer this question from the available evidence. We reserve the right to respond reserve the right to respond to the Council's answer either orally or in writing if necessary.

3.57 However, the question itself highlights the Council's inconsistent approach to sites within Green Belt. We refer the Inspector also to our Matters 4 and 5 Statements.

Q39. What is the justification for the proposed site boundary, which extends beyond the area identified for new development?

3.58 No comment.

Q40. What is the justification for requiring a financial contribution towards a 'corridor study' with a view to relieving congestion? Is the requirement for a planning obligation consistent with paragraph 57 of the Framework and the Community Infrastructure Levy Regulations?

3.59 This question is for the Council or the site promoters (or both) to answer, but we note a contribution was secured through the s106 agreement signed 4 May 2022 in respect of the Owsnest application.

4.0 Matter 7 Issue 3 onwards

ISSUE 8 – HAWKHURST

AL/HA1 - LAND AT THE WHITE HOUSE, HIGHGATE HILL

Q1. What is the latest position regarding the construction of dwellings already approved at [The White House]?

4.1 Planning permission 19/01271/FULL⁴⁰ was issued 23 Dec 2019 for 43 retirement living apartments with associated communal facilities. Following this, the decision of TWBC was subject to a Judicial Review which concluded on 11 Nov 2020. The majority of the pre-commencement conditions on the permission have been discharged, with only verification of the drainage design remaining (at the time of writing). CESL agrees this development is likely to be completed within 5 years.

4.2 Condition 22 of the permission limits occupancy to the over-55s, however neither the decision⁴¹ nor the S106 agreement⁴² refer to the provision of care services to the occupants. Thus, this permission, and proposed allocation, relates to retirement housing, and is not an Extra Care scheme.

Q2. Is the site still necessary and justified as an allocation in the Plan?

4.3 No comment.

Q3. What is the justification for requiring development proposals to confirm that the highway authority has ‘no objection’ to the development?

4.4 No comment.

⁴⁰ See [19/01271/FULL](#) for online record

⁴¹ Appendix 14 to this Hearing Statement

⁴² Appendix 15 to this Hearing Statement