

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 7: Residential Site
Allocations**
**Issue 10: Brenchley and Matfield
(Policy PSTR/BM1)**

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Matter 7 – Residential Site Allocations

Issue 10 – Brenchley and Matfield (Policy PSTR/BM1)

Brenchley and Matfield Neighbourhood Development Plan

1. The Brenchley and Matfield Neighbourhood Development Plan (BMNDP) [[PS_016](#)] has been through two rounds for consultation and is currently subject to independent examination which commenced in February 2022. Up to date information about the progress of the independent examination can be found on the [Brenchley and Matfield NDP](#) web page of the Council's website.
2. The BMNDP covers the period 2020-2038 and includes a range of policies to guide development within the parish; housing, design, business and employment, landscape and environment, access and movement, and community, leisure and recreation. The BMNDP does not include policies for the allocation of sites.
3. The BMNDP Regulation 16 took place from 29 November 2021 to 24 January 2022, after the Submission Local Plan had been submitted to the Planning Inspectorate. The [Response Report](#) includes responses made by TWBC; response BM_8 pages 21-26.
4. The Council will provide a further update at the Examination hearings as to any further progress with this NDP.

AL/BM1 – Land at Brenchley Road, Coppers Lane and Maidstone Road

Inspector's Question 1: [re. construction of dwellings]

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

TWBC response to Question 1

Introduction

5. Planning application 19/01099/OUT for up to 45 dwellings, a new access, and off-site highway works was granted permission on 29 May 2020. The Reserved Matters application 20/03306 was approved on 24 March 2021. An application to vary three of the house types, 21/04006/FULL, was approved on 25 March 2022.

Consideration

6. As at the publication date of this hearing statement, this site has extant planning permission, construction at the site has commenced, and is relatively well advanced, however it is not complete.
7. Information from the site promoter received in May 2022 confirms that final completions are scheduled for December 2023.

Inspector's Question 2: [re. is allocation developable during plan period]

Is the allocation developable within the plan period?

TWBC response to Question 2

Introduction

8. Information about the approved planning consent for this site is set out in the response to Question 1 above.

Consideration

9. Development at the site commenced on 24 May 2021. Updated information from the site promoter received on 06 June 2022 confirms that four of the dwellings are now occupied. The site promoter also confirms it is anticipated that the entire site will be completed by the autumn/winter of 2023.
10. There is therefore no reason to doubt that this site is not developable in accordance with the requirements of Policy AL/BM1 during the plan period. Development of the site has commenced, and it is expected to be wholly completed by the end of 2023.

AL/BM2 – Land at Maidstone Road

Inspector’s Question 3: [re. proposed area for development]

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

TWBC response to Question 3

Introduction

11. The site is undeveloped land, located towards the south west of Matfield centre, within the High Weald AONB. The site is adjacent to the Matfield Green Conservation Area. The site is approximately 1.65 hectares in area.
12. The proposed area of residential development for site AL/BM2 has been established following consideration of site constraints, including those contained on the Council’s GIS layers, as well as consideration of relevant evidence base documents (referred to below), informed by officer site visits and discussions with the Council’s specialist Landscape and Biodiversity Officer and Tree Officer. This work informed the proposed areas indicated for residential development set out in the individual site allocation policies and Policy maps.
13. Officers considered responses to the Regulation 18 Draft Local Plan consultation and, following engagement with Natural England and the High Weald AONB Unit, commissioned LVIAs for sites in the AONB considered to be major. The main report [Main Report [\[CD 3.96a\]](#) and Brenchley and Matfield sites appendix [\[CD 3.96g\]](#) (Note: site BM2 is identified as ‘BM4’ in these assessments following the site allocation policy numbering in the Regulation 18 Draft Local Plan).
14. A detailed assessment of site AL/BM2 was not included in the LVIAs Report as it was not considered to represent major development in the AONB.

Consideration

15. The SHELAA site assessment summary (site reference 401) [\[CD 3.22d\]](#) confirms that the site is part woodland, part green parcel/field, on which there are no existing buildings. The site is adjoined by Matfield Village Hall, some residential properties, and fields, and by public toilets. Part of the site is adjacent to the Matfield Conservation Area – the north-

east part of the site adjacent to Maidstone Road, and part of the north-west part of the site to the rear of the Village Hall.

16. Most of the trees within the site are young and of low quality. There is a small, wooded area south of the village hall comprising mostly young sycamore coppice with some birches, all planted in rows. It is considered that this area could be improved but is of limited value in its present form.
17. The only significant trees are 12 specimens along Maidstone Road, only two to three of which are actually growing on the land proposed for allocation. It is not considered that these trees would pose a significant constraint for development. The amount of tree cover, as described above, is reflected in the relatively low density being proposed by the site allocation policy.
18. Policy wording in criterion (4) requires the retention of hedges/trees along Maidstone Road (except the small part required for visibility splays), as well as a requirement that the layout and design protects trees/hedges with most amenity value
19. The additional parking and play area are to be located within the north/north-west of the site behind the village hall (the village hall building is not included within the red line area), this area considered the most appropriate location for both of these uses, providing good opportunities for delivering pedestrian and vehicular access directly from Maidstone Road to these uses.
20. The Limits to Built Development (LBD) for Matfield [[CD 3.129j\(ii\)](#)] shows that the southern boundary of the LBD for Matfield does not include the southern area of the site indicated on Map 56 Site Layout Plan as open space/landscape buffer, to reflect the tree cover along this boundary and edge-of-settlement location within the High Weald AONB.
21. The area shown on Map 56, the indicative Site Layout Plan, identifies for residential use (coloured orange) an area of approximately 0.85 ha. The remaining areas within the site's red line area are indicated by Map 56 for community uses, open space and landscape buffers. The proposed area for residential development has been informed by the outcome of the site assessment carried out by officers through the SHELAA and detailed in Section 3 of the main report [[CD 3.77a](#)], and the outcome of this assessment in the relevant site assessment sheet [[CD 3.77d](#)] (Site 401), taking account of adjoining uses

and constraints, as well as the significance of existing tree cover within the site and along the site boundaries.

22. Planning Application 22/00757/O seeks Outline Planning Permission (Access Not Reserved) - Erection of 15 No. residential dwellings, including affordable housing provision, additional car parking for Matfield Village Hall, the provision of open and children's play space, sustainable urban drainage systems (SUDs), new vehicular access and associated works. This application was submitted in March 2002 and is currently pending consideration. Any updates will be provided verbally at the hearing session.

Inspector's Question 4: [re. major development in the AONB]

Does site allocation AL/BM2 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?

TWBC response to Question 4

Introduction

23. The Council consider that this allocation does not constitute major development as defined by paragraph 177 of the NPPF. The site assessment was carried out following the methodology set out in the SHEELA [[CD 3.22a](#)].
24. This methodology includes an assessment of the relationship of the site to designations such as the AONB, and the potential impact of the proposed development to these designations. Other factors that would influence a site's development potential or have a potential impact upon how development is delivered, such as general landscape impacts, heritage issues (conservation area/listed building/historic park and garden), environmental matters (Ancient Woodland/SSSI) and flooding were also considered.
25. Particular regard has been had to the advice of the Tree Officer and the Landscape and Biodiversity Officer with regards to the development constraints and the policy for the allocation seeks to protect the key characteristics of the site namely the tree cover to the site frontage and boundaries.
26. The Council's strategic approach to development within the AONB, how it has approached the question of whether sites are major development or not and whether major or other development within the AONB is justified at a strategic level and indeed how impacts on the AONB have been taken into account is set out in response to questions in Matter 2, Questions 5 and 6, Matter 3 Questions 9 and 6 and Matter 5 Question 3 [[TWLP/021](#)]. The response to this question should be read in conjunction with those responses but addresses more directly the site-specific circumstances
27. The Development Strategy Topic Paper [[CD 3.126](#)] Section H sets out the approach to development in the AONB, including the approach to determining whether sites are major or not (paginated page 48, electronic page 52), setting out the factors to be considered in

determining whether sites are major, reflecting footnote 55 (now 60) in the NPPF. The methodology for the assessment of major/not major is set out in Appendix 2, and the assessment of individual site allocations, as well as the cumulative findings, by settlement, are set out at Appendix 3.

28. Appendix 3 Table 10, on page 126 (electronic page 130) gives the assessment for site AL/BM2 (also referred to as 'BM4'), concluding that the site is not major. The site is noted to have a Low impact, the *Landscape much altered with no clear structure*, and confirms that the site is "*well related to village and community facilities*".

29. The Council therefore concludes that the site is not considered as major development in the AONB, given the scale of development proposed by the policy. There is one other site proposed for allocation at the village of Matfield (allocation policy AL/BM1), which is located at some distance from this site on the north-eastern side of Matfield, so there is no associated cumulative impact of development on the AONB.

Inspector’s Question 5: [re. additional car parking for village hall/]

What is the justification for requiring additional car parking for the village hall?

TWBC response to Question 5

Introduction

30. Criterion (6) of Policy AL/BM2 requires the provision of additional public car parking to serve the village hall, to be sited in the area of the site indicated in purple as ‘community use’ on the Map 56 Site Layout Plan for Policy AL/BM2; that is, the area to the rear of the village hall.

Consideration

31. During the early stages in the preparation of the TWBC Local Plan (pre-Regulation 18), discussions were carried out between TWBC planning policy officers and representatives of Brenchley & Matfield Parish Council and the Neighbourhood Plan Group to discuss the sites that had been submitted through the SHELAA located within the parish. These discussions included looking in detail at how sites could be delivered, and any aspirations the Parish Council had in terms of possible types and mixes of development uses, to include the delivery community uses and infrastructure.
32. Policy AL/BM2 in the Draft Local Plan Regulation 18 consultation included criterion (6) for the provision of additional public car parking to serve the village hall, to be sited in the northern area of the site. This reflected information and aspirations provided to planning officers by the Parish Council as a result of the discussions about the requirement for additional parking to serve the Matfield Village Hall.
33. There were no specific objections to the inclusion of criterion (6) in representations made to the Draft Local Plan Regulation 18 consultation. Brenchley & Matfield Parish Council made no comments regarding this issue, and the Matfield Village Hall Management Committee (comment DLP_6813) commented that *“increased and better parking for the use of Village Hall users would be most welcome.”*

34. However, more recently it has become apparent from discussions with Brenchley & Matfield Parish Council, the Brenchley & Matfield Neighbourhood Plan Steering Group, and Matfield Village Hall Management Committee there is no longer an aspiration for increased parking to serve the Matfield Village Hall. Consultation undertaken as part of the Brenchley and Matfield Neighbourhood Development Plan indicates that the need for additional parking spaces to serve the village hall is not required. The Parish Council now consider that a children’s playground area (instead of increased parking to serve the village hall) to serve the wider community better reflects the community’s current priorities. This aspiration is also now reflected in their draft Neighbourhood Plan which is currently at Examination.
35. The area identified as ‘community use’, coloured purple on Map 56 Site Layout Plan for Policy AL/BM2, where criterion (6) requires the provision of additional parking to serve the village hall, should deliver other community uses that are considered to have a higher priority than the parking originally proposed. It should also be noted that this is not included as an infrastructure requirement in the TWBC Infrastructure Delivery Plan [[CD 3.142](#)]. In addition, KCC Highways and Transportation indicate that they do not raise any concerns regarding this change in policy approach.
36. The draft BMNDP (see above for details of the progress of the BMNDP, [Brenchley and Matfield NDP](#)) does not seek to allocate sites for development. However, the draft BMNDP contains a Policy (H11 for site AL/BM2) which sets out , at section 2 - Development Contribution Priorities, “(a) *the provision of an area for community use, including an open space behind Matfield Village Hall, an equipped children’s playground and a minimum of eight associated parking spaces.*”
37. It is therefore proposed that a modification is made to Criterion (6) of Policy AL/BM2, as follows (deleted text is shown ~~struck through~~, additional text is shown underlined):
- “~~Additional public car parking to serve the village hall~~ A fully equipped children’s playground, open space, and associated parking spaces is to be sited in the area of the site indicated in purple as ‘community use’ on the site layout plan”,
38. In addition, the text at paragraph 5.511 will also require amendment to reflect the policy wording change above. Paragraph 5.511 is proposed to be amended as follows (deleted text is shown ~~struck through~~, additional text is shown underlined):

.....5.511 Although a greenfield site, its situation relatively close to the core of the village and its services, together with areas within the site having limited constraints, suggest some development potential to contribute to development needs. This will include the provision of ~~additional car parking to serve the village hall~~ a fully equipped children's playground, open space, and associated parking spaces.

Inspector's Question 6: [re. pedestrian access]

How will pedestrian access to the site be achieved?

TWBC response to Question 6

Introduction

40. Criterion (2) of Policy AL/BM2 requires the provision of a pedestrian access to Maidstone Road, including assessment and provision of pedestrian crossing points.

Consideration

41. The site is located adjacent to, and to the west of, Maidstone Road, with good opportunities for a pedestrian access to be provided from the site onto this road. There is pavement outside the site along Maidstone Road, providing pedestrian links northwards to the facilities provided in the centre of Matfield village, as well as to bus stops. A residential road, Oakfield Road, is located opposite the site on the eastern side of Maidstone Road.
42. The Representation to the Regulation 18 consultation from KCC Highways, DLP_3355, stated "Vehicular access into the site to be informed by Transport Assessment, to include assessment of junction of Maidstone Road/Oakfield Road, including assessment/construction of pedestrian crossing points".
43. The policy requirement in criterion (2) for the provision of pedestrian crossing points along Maidstone Road was supported by Brenchley & Matfield Parish Council when officers discussed with them how this site could best be delivered at the pre-Regulation 18 stage of the Local Plan. Chapter 7 of the BMNDP [Brenchley and Matfield NDP](#) Community Action Projects, has as a priority project the delivery of Traffic Calming and Road Safety, which includes (paragraph 7.4) the provision of pedestrian crossings to improve safety on crossing roads, especially on Maidstone Road in Matfield.

Inspector's Question 7: [re. deliverability of site]

Is the site deliverable, having particular regard to land ownership?

TWBC response to Question 7

Introduction

44. The SHELAA methodology [\[CD3.22a\]](#) at paragraph 3.26 states that *"To be suitable for allocation, as well as meeting planning policy requirements, in line with the NPPF, a site also needs to be 'deliverable' and 'developable'. These tests have been applied when assessing the suitability of a site for allocation in the new Local Plan."*

45. Land registry searches carried out in October 2021 by TWBC confirm that all of the site is in the ownership of one individual.

Consideration

46. Submissions to the Regulation 19 consultation state that the requirements of Policy AL/BM2 do not comply with existing covenants over the land, restricting locations where built development can take place, as well as the type of housing development.

47. It is contested that the requirements of the covenants could reduce the area identified for built development by approximately 50%, as well as possibly restricting the amount of social, low cost housing.

48. The site promoter has confirmed that the area subject to the covenant forms a 'no-build' area, therefore presently preventing the siting of houses at this location. The promoter has confirmed, however, that the covenant does allow for hardstanding, paths, garden fixtures, and other items including children's play equipment within these areas subject to the covenant. The Council is of the view that the covenant does not impact on the quantum of development that the site can accommodate.

49. Consequently, the Council considers that the site is available and deliverable, which is confirmed by the developer's promotion of the site, although it is recognised that the covenant may have an effect on the layout of development and this will be fully explored and determined through a planning application.