

Examination of the Tunbridge Wells Borough Local Plan

Tunbridge Wells Borough Council Note Requested by the Inspector

**Local Plan Examination Note for
Inspector in response to Action Point 16
regarding Policy AL/PE4 - Land at
Downingbury Farm, Maidstone Road,
Pembury**

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1.0 Introduction

- 1.1 During the Hearing Sessions on the Tunbridge Wells Borough Local Plan, the Inspector asked the Council to prepare a number of Notes on “Action Points”, essentially to clarify its position on certain matters that were discussed.
- 1.2 This Note relates to Action Point 16 relating to Policy AL/PE 4: Land at Downingbury Farm, Maidstone Road. It follows the hearing session for Matter 7, Issue 2 – Site Allocations – Pembury on Friday 24th June, at which the Inspector queried the purpose of linking both the housing element and the hospice element of the allocation, given that they have no functional links.
- 1.3 At the Examination Hearing Session, the Inspector requested an explanatory note from the Council, the purpose of this being to explain:
- What the proposed allocation Policy AL/PE 4 (Land at Downingbury Farm, Maidstone Road, Pembury) seeks (sought) to do;
 - The justification for the proposed policy;
 - What the Council wishes to achieve through the allocation of the site;
 - Proposed modifications to the site policy wording and why these modifications are necessary;
 - Exceptional circumstances for Green Belt release, and why the land is shown as safeguarded land and not as an allocation (either as part of the wider allocation or a separate allocation in its own right);
 - The context of the farm, including heritage considerations.
- 1.4 This Note reviews the evidence and, as a consequence, proposes amended wording of the policy, as well as presenting an outline of additional supporting text.

2.0 Site AL/PE 4

- 2.1 This site as drafted in the Submission Local is proposed to be allocated for approximately 25 dwellings. An area of the site is also currently proposed to be safeguarded for the potential expansion of the Hospice in the Weald, which adjoins the site to the south.
- 2.2 Following discussion about the allocation at the Pembury Examination Hearing Session (Hearing Session Day 14 – Friday 24th June)), and in particular discussion about whether there was considered to be a realistic functional link between the two uses whilst the Council considers that both elements of AL/PE4 are important land use allocations for the Local Plan, it has concluded that they can be separately allocated independent of each other. Consequently, a main modification to the allocation policy as submitted is proposed. The modification will seek to split the allocation into two parts, AL/PE4A and AL/PE4B, with the effect that the residential use and the hospice use will be separate allocations.
- 2.3 This Note is written in the context of two separate allocations, and the Council's response is provided under the sub-headings set out in paragraph 1.3 above. At the end of this Note, suggested modified policy text is proposed.

What the proposed allocation Policy AL/PE 4 seeks/sought to do

- 2.4 As is currently set out in the policy wording, the site allocation seeks to enable the development of approximately 25 dwellings on land sited on the western side of the site. This is shown indicatively on Map 67 Site Layout Plan, on page 287 of the Submission Local Plan.
- 2.5 In addition to this, the policy currently seeks to provide land to meet the expansion needs of the Hospice in the Weald, which lies immediately south of the area of land indicated as safeguarded land on Map 67. It is noted that the site allocation is under one land ownership.

2.6 The need for extension of the Hospice is explained in the Council's response to Question 25 of the Inspectors Matters, Issues and Questions, and includes a statement on behalf of the Hospice in the Weald at **Appendix 4** of the Council's Pembury Hearing Statement [[Document Reference TWLP/044](#)].

Justification for the proposed policy

- 2.7 As with all sites proposed for allocation in the Submission Local Plan, the site has been assessed through the SHELAA process and found to be available, suitable and achievable.
- 2.8 The site allocation, including the extent of the site and areas indicated for residential development and hospice expansion (the safeguarded land), has been established following consideration of the evidence base that has informed the Local Plan, representations to public consultation on the Plan, and discussion with the site promoter. The Council's response to [Question 22](#) of the Inspectors Matters, Issues and Questions, explains how the proposed area of residential development has been established, what it is based on and whether this is justified.
- 2.9 In terms of the area of land currently indicated as safeguarded land for hospice expansion, the Council's thinking behind this has simply been that this is a way of ensuring the land is not put forward for an alternative use, thereby hindering the ability of the Hospice to expand in this location. The Hospice is significantly constrained by existing built development to the east, west and south, and its current irregular plot size and shape, so the land to the north provides the only realistic prospect for expansion. If the land is permanently developed for an alternative purpose the ability to expand the Hospice at its Pembury site would be lost. As is set out at paragraph 2.6 above, the Council's Hearing Statement clearly sets out the need for hospice expansion, which forms a strong justifying factor for the proposed policy.

What the Council wishes to achieve through the allocation of the site

- 2.10 In addition to the above points, the Council wishes to achieve both residential development on part of the site, to contribute to the housing needs of the Borough (and the Parish) and to ensure that the Local Plan is supportive of the needs and aspirations of the Hospice in the Weald. The Council wishes to ensure land is available within the Plan to enable expansion of the Hospice and to ensure appropriate policy wording to support this to assist the Hospice with delivery of its expansion needs over the Plan period.
- 2.11 It is acknowledged that the current retention of the safeguarded land in the Green Belt would require future development proposals to demonstrate ‘*very special circumstances*’, which is a high bar. The now proposed further modification to separate the two uses, and in effect have two separate allocations, both released from the Green Belt, for specific purposes, will set out more clearly to users of the Plan, site expectations in respect of the two uses. This is for the simple reason that allocation of the land for hospice expansion will in effect provide further policy support in principle, removing the need for proposals to demonstrate ‘*very special circumstances*’, and provide a robust policy context which will provide greater certainty for the delivery of the hospice expansion.

Proposed modifications to the site policy wording and why these modifications are necessary

- 2.12 It is noted that as currently included in the Submission Local Plan, only the residential part of the allocation is proposed to be released from the Green Belt. The area of safeguarded land is to be retained in the Green Belt, meaning that any future proposals on this land would need to demonstrate ‘*very special circumstances*’, recognised as a high bar.

- 2.13 In responding to Inspector questions set out in the Matters, Issues and Questions, namely Question numbers 23 (Green Belt boundary), 24 (Green Belt exceptional circumstances), 25 (inclusion of safeguarded land) and 26 (non-removal of safeguarded land from the Green Belt), in its Hearing Statement the Council has sought to modify the current policy by proposing to release the safeguarded land from the Green Belt. Paragraph 177 of the Council's Pembury Hearing Statement [[Document Reference TWLP/044](#)], identifies this proposed modification to the current allocation as drafted in the Submission Local Plan.
- 2.14 As set out in the introduction to this note at paragraph 1.4, the Council has however, since determined (following the hearing session) that it will seek to modify the policy further.
- 2.15 The primary reason behind this more recent modification relates to the lack of a functional link between the two proposed uses (though it is acknowledged that both sites fall under the same landownership), and thus it is not necessary to capture these two uses under a single policy. The proposed modification to split Policy AL/PE4 into two separate site allocations, is set out at paragraphs 2.31 to 2.32 below.

Exceptional circumstances for Green Belt release, and why the land is shown as safeguarded land and not as an allocation

- 2.16 As set out previously, the Council's response to [Question 24](#) of the Inspector's Matters, Issues and Questions, addresses the matter of exceptional circumstances to justify amending the Green Belt boundary in this location.
- 2.17 The response, at paragraphs 184 to 190 addresses this in relation to the site allocation as currently proposed in the Submission Local Plan. From paragraph 191 onwards the response relates to the modification outlined at paragraph 2.13 above, which relates to the now proposed release of the safeguarded land from the Green Belt.

- 2.18 In summary, para 191 sets out that there is a strong locational imperative for this since the expansion of the Hospice can't reasonably be located elsewhere. There is also a reasonable prospect of the hospice expansion coming forward in the plan period (para 192), and it is demonstrated that significant and clear progress has been made by the Hospice, in developing its plans (and as detailed within the statement on behalf of the Hospice in the Weald at Appendix 4 of the Council's Pembury Hearing Statement [[Document Reference TWLP/044](#)]).
- 2.19 In terms of effects on the Green Belt as a consequence of changes to Policy PE4, this is covered in a separate Action point (Action Point 12) on the Green Belt changes. This Action Note should be read alongside the Council's response to that Action point on Green Belt changes.

Context of the farm, including heritage considerations

- 2.20 The site is located on the northern edge of Pembury village, between this and the Pembury bypass (A228) to the north. It forms part of what was once a larger historic farmstead, used for orchards and fruit growing. Similar uses are located east/further east of the site (Pippins Historic Farmstead / Stone Court Historic Farmstead). It forms part of the Pembury/Capel Forested Plateau Landscape Character Area. The site is within the AONB and Green Belt, with Public Rights of Way (PRoW) WT218 running through the site and WT217B running along the northern boundary of the currently safeguarded land. There are other PRoWs near the site, including a Bridleway.
- 2.21 Further information on site context can be found at paras 5.694 to 5.701 of the Submission Local Plan.
- 2.22 With regards to Heritage assets, the requirement of Criteria 3 of AL/PE4 as included in the Submission Local Plan, states:

“The layout and design of the scheme shall take account of the impact on the setting of heritage assets, including adjacent listed buildings and the Downingbury Farm historic farmstead”.

How is this criterion likely to be achieved?

- 2.23 Firstly, it should be noted that the Council has considered the harm likely to arise from the development and in particular effects on the semi-rural setting of the historic farmstead which forms part of its significance. The Council’s view is that the harm will be, subject to good design, less than substantial and at the lower end and furthermore, is of the view that the criteria will help ensure that this is the case.
- 2.24 The existing setting has been compromised to some degree by the bypass, which constrains the extent of setting to the north, and modern housing development that constrains the setting to the south. The farmstead is now approached from Maidstone Road and historically (first edition OS mapping) this has been an important approach. The farmstead sits at a high point overlooking land to the east with which it has a strong visual association.
- 2.25 The land allocated for housing to the west is separated from the farmstead by a strong vegetated boundary, again a feature that can be seen on the 1st Edition OS map, including tree belts, and so has a weaker relationship with the farmstead than land to the east. Any adverse effects can be mitigated through design measures, giving careful consideration to massing and density close to the boundary as well as the considered use of built form and materials, which respect the semi-rural setting of the farmstead.
- 2.26 The land to the south provided for the Hospice does provide a transition zone between agricultural use and urbanisation. The boundary therefore between the extension to the Hospice should reflect this with a carefully detailed landscape scheme and with any built development concentrated in the southern part. In particular, views from Maidstone Road across the northern tip of this parcel towards the farmstead should be retained.

- 2.27 These are matters that would be drawn out in more detail through the required Landscape and Visual Impact Assessment and Heritage Statement.
- 2.28 This response should be read in conjunction with the Council's response to Question 28 of the Inspectors Matters, Issues and Questions, which relates specifically to potential impacts of the proposed allocation on the significance of heritage assets, having particular regard to the Grade II* listed Downingbury Farmhouse and associated buildings.
- 2.29 Criterion 3 of the modified Policy AL/PE4A reflects the wording in the Submission Local Plan. Criterion 3 of Policy AL/PE4B contains similar wording, expanded upon to be more explicit about the particular requirements of this site/new allocation.

Proposed modification to split Policy AL/PE4 into two separate allocations (AL/PE4A and AL/PE4B)

- 2.30 It is proposed that Policy AL/PE4 be split into two separate allocations, reflecting the two uses captured by this existing policy. The modified text of the policies would read as follows (deleted text is shown struck through, additional text is shown underlined):

Land at Downingbury Farm (west), Maidstone Road

This site, as defined on the Pembury Policies Map, is allocated for residential development providing approximately 25 dwellings, of which 40 percent shall be affordable housing.

~~Land is also safeguarded for potential expansion of the Hospice in the Weald, as indicated on the site layout plan.~~

Development on the site shall accord with the following requirements:

1. A single point of vehicular access is to be provided onto Church Road, to be informed by a landscape and visual impact assessment and transport assessment;
2. The layout and design of the scheme shall give full consideration to the site's edge-of-village location, being informed by a landscape and visual impact assessment and heritage assessment, providing a suitable and sensitive urban edge to the settlement, including provision of landscape buffers, as indicated on the site layout plan, to ensure a soft approach to the village and retention of existing hedgerows and mature trees;
3. The layout and design of the scheme shall take account of the impact on the setting of heritage assets, including adjacent listed buildings and the Downingbury Farm historic farmstead;
4. The scheme shall provide suitable pedestrian links to the surrounding footpath network and residential areas so far as possible, including a link to the land to the east allocated for the expansion of the Hospice in the Weald (under Policy AL/PE4B). The scheme shall provide improvements, where necessary to the footpath network, including Public Right of Way numbers WT217B, WT218 and WT219;
- ~~4. The layout and design of the residential scheme shall be restricted to the area shown indicatively on the site layout plan; with the remaining area being safeguarded for the future expansion of the Hospice in the Weald;~~
- ~~5. A suitable legal mechanism shall be put in place to ensure that delivery of the housing is tied with the provision of the land for the Hospice in the Weald expansion;~~
6. The developer shall liaise with Southern Water regarding the development and implications for the easement that runs through the site and regarding capacity to serve the development, and provide details of its treatment of this as part of the application;

~~7. Regard to be given to the~~ The developer shall liaise with the Environment Agency in respect of the Groundwater Source Protection Zone affecting the site, and shall demonstrate how this has been taken into account in the design of the proposals in consultation with the Environment Agency;

~~8. A suitable legal mechanism shall be put in place to ensure that the provision of the safeguarded land for the expansion of the Hospice in the Weald is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage;~~

9. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/PE 1, including contributions to be used towards a Corridor Study with a view to improving active travel infrastructure, including bus journey times along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the Study.

2.32 **Policy AL/PE 4B**

Land at Downingbury Farm (east), Maidstone Road

This site, as defined on the Pembury Policies Map, is allocated for residential development providing approximately 25 dwellings, of which 40 percent shall be affordable housing. Land is also safeguarded for potential expansion of the Hospice in the Weald, as indicated on the site layout plan.

Development on the site shall accord with the following requirements:

1. ~~A single point of~~ Vehicular access is to be provided from Maidstone onto Church Road, to be informed by a landscape and visual impact assessment and transport assessment;
2. The layout and design of the scheme shall give full consideration to the site's edge-of-village location, being informed by a landscape and visual impact assessment and heritage assessment, providing a suitable and sensitive urban edge to the settlement, including provision of landscape buffers, ~~as indicated on the site layout plan,~~ to ensure a soft approach to the village and retention of existing hedgerows and mature trees;
3. The layout and design of the scheme shall take account of the impact on the setting of heritage assets, including adjacent listed buildings and the Downingbury Farm historic farmstead, locating built development towards the south part of the site and retaining views across the northern part between Maidstone Road and Downingbury Farm;
4. The scheme shall provide suitable pedestrian links to the surrounding

footpath network and residential areas so far as possible, including a link to the land to the west allocated for residential use (under Policy AL/PE4A). The scheme shall provide improvements, where necessary to the footpath network, including Public Right of Way numbers WT217B, WT218 and WT219;

~~4. The layout and design of the residential scheme shall be restricted to the area shown indicatively on the site layout plan, with the remaining area being safeguarded for the future expansion of the Hospice in the Weald;~~

~~5. A suitable legal mechanism shall be put in place to ensure that delivery of the housing is tied with the provision of the land for the Hospice in the Weald expansion;~~

6. The developer shall liaise with Southern Water regarding the development and implications for the easement that runs through the site and regarding capacity to serve the development, and provide details of its treatment of this as part of the application;

~~7. Regard to be given to the~~ The developer shall liaise with the Environment Agency in respect of the Groundwater Source Protection Zone affecting the site, and shall demonstrate how this has been taken into account in the design of the proposals consultation with the Environment Agency;

~~8. A suitable legal mechanism shall be put in place to ensure that the provision of the safeguarded land for the expansion of the Hospice in the Weald is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage;~~

9. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/PE 1, including contributions to be used towards a Corridor Study with a view to improving active travel infrastructure, including bus journey times along the A264 Pembury Road. Once the Corridor Study is complete, contributions shall be used to fund improvements arising from the outcomes/findings of the Study.

3.0 Summary and Conclusion

3.1 This Action Note provides further information to the Local Plan Examination Inspector to support the allocation of the site, which is the subject of the allocation Policy AL/PE4 in the Submission Local Plan.

3.2 The Note explains what the allocation of the site seeks/sought to do, and sets out the justification for the policy. The Council's response explains what the Council

wishes to achieve through allocation of the site, and sets out a modification to the Submission Local Plan policy, to split the policy into two separate policies relating to residential development and hospice expansion respectively. It is explained that both sites would be released from the Green Belt and there are exceptional circumstances for doing so.

- 3.3 The context of the site is also explained, with particular reference to heritage considerations, which is captured through proposed policy wording.
- 3.4 There is cross reference within the Action Note to the Council's Matter 7, Issue 2 (Pembury) Hearing Statement and the separate Action Note (Action Point 12) on Green Belt changes, which should be read in conjunction with this Note.
- 3.5 Subject to any further consideration, the above policy amendment, together with new supporting text that highlights the basis for the criterion and its application, will be put forward as a main modification.