

# Examination of the Tunbridge Wells Borough Local Plan

## Tunbridge Wells Borough Council Hearing Statement

### **Matter 7: Residential Site Allocations Issue 12: Goudhurst (Policy PSTR/GO1)**

Document Reference: TWLP/047



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# Matter 7 – Residential Site Allocations

## Issue 12 – Goudhurst (Policy PSTR/GO1)

### Goudhurst Neighbourhood Development Plan

1. The Goudhurst Neighbourhood Development Plan (GNDP) [[PS 015](#)] covers the period 2013-2037, and was ‘made’ on 23 February 2022, and after the Tunbridge Wells Borough Local Plan (Submission Version [[CD 3.128](#)]) (SLP) was submitted to the Planning Inspectorate. The GNDP includes a range of policies to guide development within the parish – landscape and environment, community and wellbeing, housing, business and employment, design, and traffic and transport. The GNDP does not include policies for the allocation of sites.
2. The principal effect of this is that the GNDP is now part of the statutory ‘development plan’ for the area (Goudhurst parish) after a positive referendum pursuant to s38 (3A) of the [Planning and Compulsory Purchase Act](#) 2004. This means it is now a material consideration in the determination of planning applications in Goudhurst parish.
3. Paragraph 1.9 of the SLP confirms that for ‘made’ Neighbourhood Plans, “*within these areas, the respective Neighbourhood Plans form part of the Development Plan under which planning applications are assessed*”. Policy STR10: Neighbourhood Plans includes the statement “*for clarity, an up-to-date made neighbourhood plan forms part of the statutory development plan for the borough and, as such, planning applications will be determined in accordance with that plan where a proposal is in its area, as well as the adopted Local Plan.*”
4. The [Examiner's Final Report](#) dated 2 September 2021 in section (5) considers how the GNDP complies with the Development Plan. Paragraphs 5.4-5.7 of the Final Report reference policies in the Core Strategy and Local Plan 2006 (saved policies only). With reference to the emerging new Local Plan, paragraph 5.8 confirms that “*TWBC has*

*made good progress in its review of the Core Strategy<sup>1</sup>. It will guide new development in the Borough up to 2038. Consultation on the pre-submission Plan took place between March and June 2021”, and further confirms that “whilst the basic conditions assessment of the neighbourhood plan is against the adopted development plan, I have sought to ensure that the submitted Plan has an appropriate relationship with the emerging Core Strategy Review. This reflects national policy as set out in paragraph ID: 41-009-20190509 of Planning Practice Guidance. It also reflects the approach taken by GPC in assessing the policies in the submitted Plan both against the policies in the adopted development plan and those in the emerging Core Strategy Review (Submission Local Plan).”*

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<sup>1</sup> Officer Note: reference in Examiner’s Final Report to ‘review of Core Strategy’ should read ‘review of saved policies in Local Plan 2006, Core Strategy 2010, and Site Allocations Local Plan 2016’

## **AL/GO1 – Land east of Balcombes Hill/Adjacent to Tiddymotts Lane**

### **Inspector's Question 1: [re. latest position regarding the construction of the site]**

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

### **TWBC response to Question 1**

#### **Introduction**

5. Full planning approval for the erection of 14 dwellings with associated infrastructure and landscaping was granted on 20 December 2019 by planning application 19/00280/F.
6. The submission of details in relation to the conditions included in the full planning approval have been submitted during February 2022, these include:
  - a. 22/00521/SUB Submission of details in relation condition 3 (Code of Construction Practice) approved 18 May 2022,
  - b. 22/00522/SUB Submission of details in relation to conditions 25 and 26 (Visibility and pedestrian crossing (pending consideration at 10/6),
  - c. 22/00523/SUB Submission of details in relation condition 2 (Biodiversity Strategy) approved 9 June 2022
  - d. 22/00524/SUB Submission of details in relation to clause 28 (Archaeology) approved 24 May 2022
  - e. 22/00646/SUB Submission of details in relation to condition 8 (Sewage) and 9 (Surface Water Drainage) (pending consideration at 10/6), and
  - f. 22/00657Submission of details in relation to conditions 4 (Schedule of Works), 5 (Window, Timbers, Stair Details), 7 (Fireplace) Approved 24 May 2022.
7. The agent representing the promoter of the site is working actively to ensure that all of the submission of details applications are discharged.

## Consideration

8. An allocation for residential development providing approximately 14 dwellings, of which 40 percent shall be affordable housing is still considered to be appropriate, as the consented planning approval has not yet been implemented.
9. As at the publication date of this hearing statement, this site has extant planning permission. The Council has been instructed to discharge the pre-commencement conditions; it is understood that construction is planned to start in autumn 2022.

## **Inspector's Question 2: [re. is the allocation developable?]**

*Is the allocation developable within the plan period?*

### **TWBC response to Question 2**

#### **Introduction**

10. Details of the full planning approval granted for this site, together with information about submission of details applications are set out in the response to Question 1 above.

#### **Consideration**

11. The submission of details 22/00521/SUB Submission of details in relation condition 3 (Code of Construction Practice) with application 21/02435/FULL includes a Code of Construction Practice statement which itself includes Section 2, Programme of Works. Within this it is stated that "*works are proposed to commence on-site in Autumn 2022, with an 'estimated duration of the construction of the project being approximately 18 months.'*"
12. Based on the information included in the Code of Construction Practice statement submitted as part of the submission of details application referred to above, completion of the scheme is anticipated to be during Spring 2024, i.e., within the TWBC housing monitoring period 2024/25.

## AL/GO2 – Land at Triggs Farm, Cranbrook Road

### **Inspector’s Question 3: [re. latest position regarding the construction of the site]**

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

### **TWBC response to Question 3**

13. Outline planning permission for the erection of 11 (net) dwellings and new access road was granted on appeal (17/02765/OUT) on 18 January 2019, and was amended by a further planning application (21/02855/FULL) *Variation of Condition (4) (Internal Road Configuration Drawings) of 17/02765/OUT - To amend condition (4) to read: 'The development hereby permitted shall be carried out in accordance with the following approved plans: 15679 H-01 Rev P2 & DHA/11357/21'* (approval granted on 24 November 2021).
14. The permission involves the demolition of the modern dwelling adjacent to Cranbrook Road known as ‘Kestrel’ to provide the new access road, replacing the existing farm track to access the development, and facilitating adequate visibility splays.
15. A reserved matters application 22/00159/REM was approved on 31 March 2022: demolition of the property known as Kestral, Cranbrook Road, and erection of a new access road and 12 detached dwellings.
16. Within the Council’s Five-Year housing trajectory, completion of dwellings is expected to be during 2023/24 (11 net dwellings), subject to revisions following the monitoring to be undertaken April/May 2022. An updated five-year housing trajectory is due to be finalised late June/early July, and any available update will be provided verbally at the hearing session.



## **Inspector's Question 4: [re. Are the policy requirements justified and effective?]**

***Are the policy requirements justified and effective? Can the allocation be delivered in the manner proposed?***

### **TWBC response to Question 4**

#### **Introduction**

18. Policy AL/GO2 requires that development on the site shall accord with the following requirements:
  1. Provide a new vehicular access onto Cranbrook Road, to include the demolition of the dwelling 'Kestrel'
  2. Development to be focused towards the flatter northern part of the site, on the area identified for residential use on the site layout plan
  3. Regard to be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment
  4. The development shall take account of landscaping on-site and ensure provision of landscape buffers as indicated on the site layout plan
  5. An archaeological desk-based assessment is required for the site;
  6. The development to be informed by an ecology assessment, to be submitted with the planning application;
  7. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/GO 1.
19. Each of the policy criterion is considered below, a brief commentary is also provided to confirm that the consented scheme for Policy AL/GO2 (ref 17/0276/O, 21/02855/F, 22/00159/REM) meets each policy requirement. The [Delegated Report 22/00159](#) also sets out officer appraisal of the site in consideration of that reserved matters application.
20. Criterion (1) *Provide a new vehicular access onto Cranbrook Road, to include the demolition of the dwelling 'Kestrel'*: The policy requires a new access to the site from

Cranbrook Road that includes the demolition of the dwelling 'Kestral'. A comprehensive Transport Assessment was submitted as part of the reserved matters application which considered the overall impact of the proposals on the highway network. The proposed development is acceptable from a highways perspective.

21. Criterion (2) *Development to be focused towards the flatter northern part of the site, on the area identified for residential use on the site layout plan:* The Reserved Matters application follows the approach set out in the Submission Local Plan Map 59 Site Layout Plan, and required by criterion (2). The proposed layout is landscape-led, and reflective of the sensitive Area of Outstanding Natural Beauty (AONB) context.
22. Criterion (3) *Regard to be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment AND* Criterion (4) *The development shall take account of landscaping on-site and ensure provision of landscape buffers as indicated on the site layout plan.* The policy criteria 3 and 4 requires a landscape strategy which has been informed following a review of the landscape context of the site, to include the retention and enhancement of existing hedging on the site, provision of well-designed areas of open space and incorporation of drainage and ecology within the site. The Reserved Matters application follows that approach.
23. Criterion (5) *An archaeological desk-based assessment is required for the site.* This highlights the need for the assessment to inform any planning application on the site. The planning approval 21/02855/FULL includes a condition (27) for the submission of a full Archaeological Watching Brief.
24. Criterion (6) *The development to be informed by an ecology assessment, to be submitted with the planning application.* An Ecological Assessment is required to inform development of the site to ensure protected species are appropriately considered.
25. Criterion (7) *Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/GO 1.* Policy PSTR/GO 1 requires the delivery of 40% affordable housing at criterion (2); permission 17/02765 (*Outline (Access not reserved) - Demolition of property known as Kestral and erection of a new access road and twelve dwellings, including provision of 35% affordable housing*), was approved on the 18

January 2019 prior to the Regulation 19 consultation on the TWBC Local Plan. The outline approval secures 4 of the 12 dwellings to be delivered as affordable, that is at the rate of 33.33% (gross) and 36% (net, if the demolished dwelling Kestral is discounted). In the circumstances that the current approved scheme 17/02765 is not implemented or a new planning application was submitted, it would need to comply with all of the policy requirements of Policy AL/GO2, including the requirement to deliver 40% affordable housing.

26. In addition, the developer contributions sought under criteria 3 of SPTR/GO 1 are informed by consultation with the infrastructure providers and informed by the Infrastructure Delivery Plan (IDP). It is noted that the Section 106 for the extant outline planning application was signed and dated 14 November 2018 prior to the publication of the TWBC Submission Local Plan when it was in an early stage of preparation. It therefore does not secure contributions identical to those set out in the overarching strategic policy for Goudhurst.