

# Examination of the Tunbridge Wells Borough Local Plan

## Tunbridge Wells Borough Council Hearing Statement

### **Matter 5: The Strategy for Hawkhurst Issue 1: Land North of Birchfield Grove – Policy AL/HA5**

**Document Reference: TWLP/128**



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# Matter 5 – The Strategy for Hawkhurst

## Issue 1 – Land North of Birchfield Grove – Policy AL/HA5

### Inspector’s Question 1: [re. Justification for the changes proposed for Policy AL/HA5]

**What is the justification for the suggested changes to Policy AL/HA5? Why are they necessary for soundness?**

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

#### **Introduction**

1. Policy AL/HA 5 – Land north of Birchfield Grove is allocated within the Submission Local Plan ([SLP](#)) for a medical centre and parking to serve the facility.
2. Examination document [TWLP/056](#), the Hearing Statement for Matter 10 : Employment, Economic Development and Infrastructure (Policies STR5, ED1, ED2, ED3, ED4, ED5, ED6, ED7, ED8 and ED12 Issue 4 : Infrastructure, Local Services and Facilities, sets out the planning history for the site up to June 2022 in the Council’s response to Question 5. The site was subsequently discussed at the [afternoon hearing session on the 7<sup>th</sup> July 2022](#). Much of the discussion revolved around whether the allocation was effective based on the deliverability for a standalone medical centre on the site.
3. During the Examination, it became clear that the site for the medical centre was no longer available in isolation from the wider site. The agent promoting the site confirmed at the hearing session that they had an agreement to buy the entire site, conditional on gaining planning permission for residential development on the wider site, in order to facilitate the medical centre. It was therefore evident that the land for the medical centre in isolation was not available without the residential development on the wider site. This was a change from the Council’s previous understanding on this matter as referenced in the Council’s hearing statement - [TWLP/056](#) .

4. Due to this, the Inspector, in his Initial Findings Letter ([ID-012](#)) at paragraphs 72 – 76 sets out the position as understood through the Examination. This can be summarised as follows;

- During the hearing sessions it became evident that a developer has an agreement to purchase the site, which is allocated for a new medical centre. Upon completion the developer would then gift an area of land to the medical practice for the new centre.
- Restrictions on the agreement mean that the developers can only purchase the site with the benefit of planning permission for housing on the remainder of the site to the north. The council considered that suitability of the land for housing was discounted on landscape harm and that no alternative suitable scheme would be suitable due to landscape sensitivity of the site.
- The prospective developer owns a ransom strip running between Birchfield Grove and the proposed medical centre site and access to the site would need to be resolved.
- Both sides clearly have very different views on how the land should be developed, with no evidence to suggest that the situation can be resolved. Therefore, the medical centre is considered to be undeliverable and ineffective and should be removed from the Plan.
- The outcome is that no site is identified for a medical centre and the Council should consider how the facilities can be provided and depending on timescales whether it necessitates a review of this part of the plan.

5. To summarise – it was considered that the medical centre was undeliverable and recommended the site be deleted from the Plan. The Inspector also noted the need for a medical centre in Hawkhurst in order to make the Plan sound, although queried the timescales for the provision of this need and whether it could be considered through a review of the Local Plan.

## Consideration

6. As part of the work following receipt of the Inspector's Initial Findings letter ([ID-012](#)), the previous work that was carried out to assess potential site options for a stand-alone medical centre was reviewed by officers of the Council's planning policy team. A number of sites were considered as part of this exercise, including sites submitted through the Strategic Housing and Employment Land Availability Assessment (SHELAA) process. In total 16 sites were considered in and around Hawkhurst and a number of factors were taken into account, including the current use of the site, any planning constraints, and other relevant matters. A table setting out these sites and the assessment of these is attached at **Appendix 1**.
7. It was concluded that there are limited sites available within the settlement of Hawkhurst to deliver the and the site to the north of Birchfield Grove was still considered to be the most appropriate and suitable. Further liaison also took place between the Council and the CCG (now ICB), to determine the need and timescales for the new medical centre at Hawkhurst. It was confirmed by the CCG, through their discussions with the practice at Hawkhurst, that there was an urgent need for a new medical centre to serve the settlement.
8. Additionally, the Council also liaised with Kent County Council Education, in regard to the future capacity of the Hawkhurst Primary school site, which lies adjacent to the Birchfield Grove site. There is an identified need for future Primary school expansion at Hawkhurst over the Plan period (as set out within the Council's Infrastructure Delivery Plan (IDP) ([CD 3.142](#))). It became clear that although the school could be expanded within the current site, it would be strongly desirable to include additional land to facilitate the required expansion and may mitigate some of the design limitations if the land wasn't available.
9. Due to the lack of alternative sites and the updated information about the availability of the site being dependent on the residential element as part of the site north of Birchfield Grove, as well as the confirmation of the urgent need for the facility, the wider site was re-considered, having regard to changes in circumstances and the updated material considerations.

10. Furthermore, since the Inspector's Initial Findings letter was published, a planning application for the entire site has been submitted to the Council (application reference [22/02664/HYBRID](#)). This application was submitted in September 2022 for;

*'Outline Application (All matters reserved except access), Development of up to 70 homes with associated medical centre, parking and landscaping, Full planning application for creation of new country park'.*

11. Following very detailed consideration, the application was recommended for approval at the 8<sup>th</sup> November 2023 Planning Committee where there was a resolution to grant planning permission subject to the completion of a Section 106 agreement. At the time of writing, the Section 106 agreement is being finalised. This application was assessed on its merits, considering both the need for a medical centre and the absence of a five-year housing land supply at the time of consideration, as well as the provision of other community benefits including the safeguarding of land for expansion of the Hawkhurst Primary school and the creation of a new country park. This was considered alongside key constraints such as the landscape and visual impact as well as impact on the highway network.

12. The planning policy team made the following comments on the planning application:

- The medical centre element of the scheme conformed with the existing emerging SLP Policy AL/HA 5. Reference was also made to the Inspector's Initial Findings and the search for alternative sites for a medical centre.
- Officers broadly accepted the submitted business case report for the medical centre in terms of the assessment of the availability and suitability of the sites considered.
- The housing element of the scheme was considered to be contrary to adopted policy and those in the emerging SLP. However, it was noted there was a shortfall in the Council's five-year housing land supply position.

13. Due to the shortfall in housing land supply, the delivery of up to 70 dwellings including affordable housing, the provision of land for a medical centre, the site not being an isolated location and near to local services all of which attracted significant weight and the moderate benefits of better connectivity, safeguarding land for Hawkhurst Primary School and the contribution towards economic and social vitality of the area, the

application was considered to result in the delivery of sustainable development, and that exceptional circumstances therefore applied. The application was therefore recommended for approval in line with the requirements of the [National Planning Policy Framework \(2023\)](#), as set out in the Committee Report (find under list of documents for [22/02664/HYBRID](#)).

14. To summarise - the SLP ([CD 3.128](#)) allocation as currently drafted, for a standalone medical centre is considered unachievable in isolation. The Council, having reconsidered the site in light of a change in circumstances, including a resolution to grant planning application 22/026664/HYBRID, accepts that some housing development as part of a mixed use scheme is necessary in order to secure the delivery of the medical centre. As referred to above - there is an urgent need for a new medical centre to serve the settlement of Hawkhurst and the site north of Birchfield Grove is still considered to be the most suitable by TWBC officers and the Weald View Medical Practice and is supported by the Kent and Medway CCG (ICB). In light of this and the (at the time) current planning application, further work was carried out to reassess the impacts of housing development in the wider area.
15. This is evidenced in the updated Strategic Housing and Employment Land Availability Assessment, site assessment sheet (see [PS 038](#)) for the site, which assessed the site for 70 residential dwellings, compared to the 100 as previously assessed. The revised site assessment sheet discusses the need for a medical centre and its delivery. The consideration of the planning application was stated to be a material change in circumstance as it would ensure the delivery of the medical centre and provide safeguarded land for future education use. The delivery of a medical centre as part of a mixed-use scheme would therefore make a revised allocation effective. Due to this, the material change in circumstance was given significant weight in the revised site assessment and the site was considered suitable for the type of development set out above.
16. Policy AL/HA 5 is proposed to be subsequently amended for effectiveness so as to ensure the delivery of the medical centre. The amended policy, supporting text and site layout plan are shown as tracked changes in **Appendix 2**.

## **Inspector’s Question 2: [re. Is the modified allocation, justified and consistent with national policy in particular in relation to the AONB and highways]**

**Is the allocation, as suggested to be modified, justified and consistent with national planning policy, having particular regard to the effect of development on the highway network and the High Weald AONB?**

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

#### **Introduction**

17. The entire site was considered unsuitable for allocation at the Regulation 19 stage of the plan making process due to a number of issues including; the impact on the High Weald AONB (now National Landscape), impact on the setting of the settlement, and highway capacity. As set out in the introduction to Question 1 above, the wider site was reassessed (see [PS 038](#)) for allocation and also through consideration of the [22/02664/HYBRID](#) application.

18. In light of a shortfall in housing land supply, the above planning application was assessed on whether it would result in the delivery of sustainable development and whether there were exceptional circumstances for major development in the AONB. The assessment of the application included detailed consideration by the Council’s Landscape and Biodiversity Officer on landscape matters and the High Weald AONB, as well as Kent County Council in relation to highways and education matters.

#### **Consideration**

##### **Issues relating to landscape and visual impact, and the effect of development on the High Weald AONB**

19. During an earlier stage in the plan making process, the Council commissioned a Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB (the Council’s LVIA, see [CD 3.96f](#) for the section on Hawkhurst sites). This was commissioned to assess the sites within the Regulation 18 Draft Local Plan, which included an allocation on the subject site (Policy AL/HA 4 Land at Fowlers Park) for 100 dwellings and a medical centre or community facility on the wider site.



20. The Hawkhurst section of the Council's LVIA ([CD 3.96f](#)) report sets two plans on page 20 for how the site could be developed. The first was as proposed in the Reg. 18 Draft Local Plan, where the potential harm to the AONB was assessed to be medium. The second plan was for the same extent of developable area but with further recommendations regarding landscape mitigation. The potential harm to the AONB for the second plan was assessed to be medium/low. These ratings can be found on page 18 in the Council's LVIA Main Report ([CD 3.96a](#)), which also concludes:

*'The proposed allocation could round off the existing edge to Hawkhurst without significant harm to the wider AONB, however the design of the proposed allocation will be critical. The proposed housing should be designed to sit well with the existing settlement, with a soft edge to break up the massing of the proposals'.*

21. The design of any development on the site is therefore considered to be critical to its acceptability. In assessing the planning application, two key elements were considered - whether the scheme was consistent with the Council's LVIA and what the level of harm is that results from that particular development. The Council's Landscape and Biodiversity Officer provided detailed comments on the scheme in December 2022. For landscape matters, it was considered that the applicants LVIA was fit for purpose with a large degree of agreement with what it contained. There were three differences in the application when compared with Regulation 18 allocation for this site and the advice in the Council's LVIA. These were:

- The developable area extends some 50m to 70m further eastwards.
- The land proposed for school expansion is closer to the school rather than being to the east.
- The application includes a far greater area of land for landscape and ecological mitigation.

22. The first was considered a negative with the other two differences being considered positives in lessening the level of harm. The Council's Landscape and Biodiversity Officer (LBO) commented that the contribution to the AONB Management Plan objectives could be improved, although, it was mostly positive or neutral. Finally, there were a number of concerns relating to design.

23. Subsequent comments were made by the Landscape and Biodiversity Officer in July 2023 following a series of amendments covering landscape (and biodiversity) issues. The Landscaping Strategy was revised, and the scheme was a better fit with the surrounding area. The Landscape and Biodiversity Officer was satisfied the scheme had improved in terms of how it interacts with and supports the objectives in the AONB Management Plan. Many of the design issues were addressed and any remaining concerns could be dealt with through conditions/reserved matters. The Landscape and Biodiversity Officer concluded the high bar for 'major' development in the AONB set by national policy was met in terms of paragraph 177c of the [NPPF September 2023](#), as the application had 'moderated' adverse effects successfully and made the most of recreational (and ecological) opportunities.

24. Whilst considered to be successfully mitigated, the development would still be harmful to the landscape of the AONB, as expected of development of this scale on a greenfield site in a sensitive location. However, *'the need for both the medical centre and the housing outweigh the identified harm to the AONB such that the exceptional circumstances test is considered to be met'*, as set out in the Committee Report (find under list of documents for [22/02664/HYBRID](#)).

### **Issues relating to the effect on the highways network**

25. There were a number of highway issues relating to the submitted proposal. The following subsections summarise each of the concerns raised by KCC Highways and National Highways along with their conclusions, as set out in the Committee Report (find under list of documents for [22/02664/HYBRID](#)).

#### Access from Birchfield Grove

26. KCC Highways initially raised concerns relating to the safety of the access exiting Birchfield Grove due to the visibility splays and speeds along Rye Road (A268). Several attempts were made by the applicant to demonstrate the visibility splays were adequate. KCC Highways were in the end satisfied adequate visibility splays could be achieved subject to the clearance of shrubs. The clearance of shrubs was considered nominal by the applicant and KCC Highways. The impact on trees was queried, however, the Tree Officer raised no objection to the proposed approach for creating and maintaining the visibility splays.

27. Furthermore, the provision of speed reducing measures along Rye Road would be required to complement the cleared splays. This would also enhance the safety of the existing Birchfield Grove users. Four speed reduction measures were recommended; however, the final measures would be subject to agreement with the KCC Highways Improvement Team and be required prior to occupation of the development. Subject to the clearance of shrubs in the visibility splays and speed reduction measures, KCC Highways raised no objections to the access from Birchfield Grove.

#### Impact on the Hawkhurst crossroads

28. Trip generation from the scheme was considered along with extensive modelling on the impact on the Hawkhurst crossroads. The impact of the scheme was considered to be low, but the cumulative impact with other proposals in the area will result in greater traffic movements. In keeping with a number of other large housing schemes in the area, the applicant agreed a MOVA (MOVA software) controlled junction would significantly reduce delays and queues at the Hawkhurst crossroads.

29. KCC Highways acknowledged in their final comments that some of the works proposed by the applicant were similar or the same to those in 20/02788/FULL, Land to the east of Highgate Hill, which was allowed at appeal. Should that scheme not come forward, the highways works would be required under this scheme, secured through S106 and S278 agreements. This includes the installation of the MOVA at the Hawkhurst crossroads (details to be agreed with KCC Highways), a puffin crossing on Rye Road between All Saints Road and Dickens Way, and new bus stops (subject to agreement with the KCC Public Transportation Team).

30. On the scheme as a whole, KCC Highways considered the scheme satisfactory, subject to conditions and a S278 agreement between the applicant and KCC Highways.

#### Impact on the Strategic Road Network (SRN)

31. National Highways raised an initial objection relating to concerns on the potential impact on the safe and efficient operation of the SRN with respect to the impact on Flimwell crossroads (the junction of the A21 and A268). Additional information was

sought regarding vehicular trip generation, the trip distribution and assignment, and the highway safety analysis in relation to the junction.

32. On the basis of existing base line flows, and in the context of the trip rates and distribution agreed with KCC, the applicant concluded overall impact of the development would be within the daily variation of traffic flows at the junction. Additional traffic counts were undertaken and the impact of the development on the A268 approach to the junction was considered to be 1.0% and 1.2% in the AM and PM peaks. Following the submission of the technical note, National Highways were satisfied the proposals would not materially affect the safety, reliability and operation of the SRN and raised no objection to the scheme.

## Summary

33. As set out above, development in the form of the scheme set out in application reference [22/02664/HYBRID](#) was considered to be justified and consistent with national policy, with specific regard to the impact on the highway network and the High Weald AONB. The modified policy aims to set the framework for development on the site following the development principles assessed to be justified and consistent with national policy.

34. In terms of the impact on the High Weald AONB, the considerations for major development in the AONB set out in para 177 of the NPPF September 2023 (para 183 of NPPF December 2023) were considered to be met. The scheme, and modified allocation policy, meets paras 177a and 177b of the NPPF September 2023 due to the need for a medical centre which cannot be delivered without the housing and with the lack of suitable alternative sites. Para 177c is met as the application had 'moderated' adverse effects on the environment and landscape successfully and made the most of recreational (and ecological) opportunities. Modified policy criteria 4-7 supports the environmental and landscape aspect of para 177c, whilst criterion 10 supports the recreational aspect.

35. Regarding the impact on the highway network, para 111 of the NPPF September 2023 (para 115 of the NPPF December 2023) states: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be

severe'. Following extensive dialogue with KCC Highways, and to a lesser extent National Highways, it was agreed neither of these reasons for refusal would apply, subject to conditions and a S278 agreement between the applicant and KCC Highways. Modified policy criteria 1 and 9 require a transport assessment to address the issues raised through those discussions to ensure and to ensure the impact on the highway network is sufficiently mitigated ahead of any development coming forward.

## **Inspector's Question 3: [re. Justification for the Council's change in position on residential development at the site]**

**Land north of Birchfield Grove was identified for residential development in an earlier iteration of the Plan but was subsequently removed ahead of the Regulation 19 version. At the Stage 2 hearing sessions the Council's position was that residential development on the site would not be justified. What are the reasons for the Council's change in position and where is this evidenced?**

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

#### **Introduction**

36. As set out in examination document [TWLP/056](#), the Hearing Statement for Matter 10 : Employment, Economic Development and Infrastructure (Policies STR5, ED1, ED2, ED3, ED4, ED5, ED6, ED7, ED8 and ED12 Issue 4 : Infrastructure, Local Services and Facilities, the wider site at the land north of Birchfield Grove was previously allocated at Regulation 18 for residential development of approximately 100 dwellings. However, the allocation was reviewed following the Regulation 18 consultation and the allocation was deleted apart from the area proposed for the medical centre. The background to this is set out in the above statement – [TWLP/056](#), but to summarise it was due to further work carried out in relation to the AONB and highways, and it was concluded that housing needs could be met on other more suitable and deliverable sites elsewhere in Hawkhurst.

#### **Consideration**

37. It is important to set out why the residential development proposed as part of the wider site at Regulation 18 was removed at the Regulation 19 stage (along with the other associated uses – safeguarded land for education and open space), followed by the change in circumstances since the end of the stage 2 Hearing sessions.

38. As referred to above, the residential element of the site was removed from the Plan following additional work carried out in relation to the impact on the AONB and highways matters, as explained in [TWLP/056](#), and set out in the SHELAA site assessment sheet for the site at Regulation 19 (see [CD 3.77i](#)).

39. In terms of consideration of the AONB, this further work was the Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB commissioned by the Council (see [CD 3.96a](#) for the main report, and [CD 3.96f](#) for the section on Hawkhurst sites). As set out in the response to question 2 above, this was commissioned to assess the sites within the Regulation 18 Draft Local Plan, which included an allocation for the site (Policy AL/HA 4 Land at Fowlers Park) for 100 dwellings and a medical centre and/or a community facility on the wider site. The main report concluded the potential harm to the AONB was medium/low, if the recommendations in the report were met, and stated the following:

*‘The proposed allocation could round off the existing edge to Hawkhurst without significant harm to the wider AONB, however the design of the proposed allocation will be critical. The proposed housing should be designed to sit well with the existing settlement, with a soft edge to break up the massing of the proposals’.*

40. This conclusion does not entirely dismiss the prospect of residential development on the site in terms of the AONB, rather noting the importance of good design which responds to the landscape and the existing settlement edge of Hawkhurst. However, the residential aspect of the allocation was ultimately removed from the Local Plan in combination with the highways issues raised at the time, as housing needs could be met at other suitable sites in Hawkhurst. Following this, the Council liaised with the landowner, who confirmed at that time, that the part of the site identified for the medical centre, could be delivered in isolation of the residential development and that they would gift the land for this use.

41. In terms of highways, the key issues related to concerns of the capacity of the Hawkhurst crossroads (junction of the A229 and A268) and the Flimwell crossroads (junction of the A21 and A268). The history of these highways concerns is complicated with the positions of KCC Highways (in relation to Hawkhurst crossroads) and National Highways (in relation to Flimwell crossroads) changing in the context of different proposals within the Hawkhurst area as they came forward, in regard to the impact on the Hawkhurst and Flimwell crossroads. However, with Birchfield Grove leading on to the A268 and the potential impact of more traffic leading to both junctions, the residential aspect of the allocation was removed in combination with the potential harm

to the AONB and as the housing needs could be met at more suitable sites in Hawkhurst.

42. Discussions were also held with KCC Education, who confirmed at the time that the primary school (which was identified for expansion during the Plan period) could expand within the current site and additional land which could be provided as part of the wider Birchfield Site, would not be required.
43. Finally, it is important to reiterate that the allocation for a standalone medical centre at the site was considered deliverable with the information provided by the landowners/agents at the time of the preparation of the Regulation 19 Local Plan and its subsequent submission and therefore the allocation of part of the site for a medical centre was considered to be both justified and effective.
44. Since the submission of the Local Plan, several circumstances have changed, which has changed the Council's position on the residential aspect of the allocation. Firstly, it became evident that the allocation for a medical centre on the site was undeliverable without a residential aspect to the scheme and that the landowner had signed up to a legal agreement in this regard. Following discussions with the ICB, it is evident that there is still an urgent need for a medical centre in Hawkhurst, and as set out in the response to Question 1 above, further work was undertaken which showed the site north of Birchfield Grove is still the most appropriate site for this use and that there is an evident lack of suitable alternative sites within the settlement to accommodate this use.
45. The impacts of residential development on the site were subsequently reassessed as part of the ongoing Local Plan work and in the context of the [22/02664/HYBRID](#) planning application. The updated SHELAA site assessment sheet (see [PS\\_038](#)) sets out this was a material change in circumstance and was given significant weight. The application, and thus the reassessment of the site, was for 70 dwellings compared to the previous assessment of 100. More notably, the AONB and highways issues for residential development on the site were resolved through lengthy and detailed consideration of the planning application.
46. The response to question 2 above elaborates on the consideration involved in resolving these issues. In summary, the following were considered;



- The exceptional circumstances test for major development in the AONB, as per para 177 of the NPPF September 2023 (para 183 of the NPPF December 2023), was met.
  - The impact on the environment and landscape are sufficiently moderated as per para 177c.
  - The need for a medical centre and housing were considered to outweigh the residual identified harm such that the exceptional circumstances test was met
- The Council's position at the time of the hearing sessions was that the developer's proposal for major residential development in the AONB would be unlikely to succeed, given the strategy being adopted for the purposes in the SLP.
- As the Local Plan has not yet been adopted, the circumstances under which the planning application was assessed were different. Instead, the Council faced a shortfall in its five-year housing land supply position.
- The applications contribution to meeting the housing need, along with enabling the delivery of the medical centre was considered to meet the exceptional circumstances test for major development in the AONB.
- The Council therefore now consider residential development on the site to be justified in this context.

47. As previously set out, the other main consideration for residential development on the site were the highways issues. Through the discussions with KCC Highways and National Highways on the planning application, it was considered that these issues were sufficiently addressed, as set out in the answer to question 2. Therefore, following the work and discussions on highways issues for the planning application, the Council, in-line with KCC Highways and National Highways, now consider residential development on the site to also be justified in this context.

48. In terms of the suitability of the site for a residential allocation in the Local Plan, the change in position is evidenced in the updated SHELAA site assessment sheet for the site ([PS 038](#)), and section 7.1 of the Local Plan Development Strategy Topic Paper Addendum ([PS 054](#)). This is, as set out above, based on the re-consideration of the

site and [22/02664/HYBRID](#) planning application which is explained through the Committee Report (find under list of documents for [22/02664/HYBRID](#)).

## **Inspector's Question 4: [re. Delivery of the medical centre and allocation as a whole]**

**How will the allocation be delivered as a whole and how will the Council ensure that the medical centre is provided?**

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

#### **Introduction**

49. As referred to in response to Questions 1-3 above, planning application [22/02644/HYBRID](#), was recommended to grant planning permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), in a form to be agreed by the Head of Legal Partnership Mid Kent Legal services by 08.01.24 (unless a later date be agreed by the head of Planning Services) to secure a number of legal agreements.

50. This recommendation was issued on the 8 November 2023.

#### **Consideration**

51. The above legal agreement is currently the subject of negotiation between the Council and the developer and has yet to be completed. This is primarily due to ongoing discussions around affordable housing provision as part of the proposed scheme. Both parties are working to reach agreement on this matter. However, the draft Section 106 currently in preparation follows the same recommendations as set out within the Council's Committee Report for application [22/02664/HYBRID](#).

52. Regarding the terms which are proposed to be included within the Section 106 legal agreement, there will be a requirement for the transfer of the land to the Weald View Medical Practice for the medical centre and associated car parking area. A number of clauses are also proposed to ensure the phased implementation of the scheme, including the phasing of the construction of the development and a timetable for the development of the entire site including dwellings, the provision of the medical centre and country park to be submitted to and approved in writing by the Local Planning Authority. This is to ensure the proper planning of the development and are required before commencement of the development on site.

53. Once the land is transferred to the Weald View Medical Practice it would be for them in conjunction with the ICB to deliver the site for the urgent facilities. The Legal agreement associated with the planning consent will control when and how the development comes forward, including requisite triggers within it meaning that the site would be transferred upon commencement, for a nominal land charge, and with access to utilities. The NHS Kent and Medway CCG confirm that the Weald View Medical Practice in Hawkhurst has obtained approval in principle from the former West Kent Clinical CCG to develop plans for a new medical centre, a site options appraisal was submitted for the preferred site, Land North of Birchfield Grove.10.58 of Committee Report.

54. A representation (dated 12 June 2023) submitted by the NHS in response to the application [22/02664/HYBRID](#) is also of assistance. It is attached at **Appendix 3**. It identifies that:

*“The practice has since appointed a third-party developer to take the development forward and is in the process of developing a detailed outline business case for the next stage of the premises development process”.*

55. Furthermore, the final paragraph of the letter identifies that:

*“The need for new GP premises has been identified for many years (and prior to the 2019 approval referred to above) and operational challenges with delivering primary medical services have continued to increase. With continued growth in the practice area (circa 1,000 list growth expected in the next 5 years) any further delay to the premises development scheme will continue to impact access to primary care medical services and create further challenges for the practice.”*

56. This demonstrates that progress has already been made in the delivery of the medical centre and that delivery is unlikely to be delayed, given the clear need for the facility set out by the NHS, and the operational challenges currently faced.

57. Additionally, a further agreement is proposed to ensure the transfer of school safeguarded land to Kent County Council. The Section 106 agreement thus provides the appropriate mechanism for ensuring delivery of both the medical centre and the transfer of the safeguarded land for education provision.

58. A number of other benefits are detailed - these include the provision of a range of benefits and financial contribution related to the scheme, including contributions towards education (including special educational need and disabilities), children's and youth services, highways (bus services), youth and adult recreation, waste services and the Cranbrook Hub. It also makes reference to the provision of bus shelters, off site highways works and car club membership.

59. The Council has continued to engage with the developer on the above and both parties are working on producing a Statement of Common Ground in this regard. An update on this will be provided at the Stage 3 Hearing session to be held on 20 June. Additionally, the Council has received an update from the Kent and Medway ICB confirming that the Hawkhurst practice is continuing to work with 'Medical Centres Developments' to develop an outline business case for stage 2 (detailed approval) of the ICB premises development process.

## Conclusion

60. To conclude, the above responses to the Inspectors questions, provide the background, the detailed consideration of this site at various stages of the plan preparation process and an update on the circumstances since the end of the Stage 2 Hearing sessions and publication of the Inspectors Initial Findings Letter. This is primarily in relation to the Council's consideration of planning application [22/02664/HYBRID](#).
61. To summarise, the Council consider that the allocation of this site is justified and the proposed amendments set out are necessary in order to make then plan sound. It is considered that the allocation, as proposed to be modified is justified and consistent with national policy, in particular, in relation to the highway network and the High Weald AONB.
62. Additionally, The Council has set out within Question 4 above, how the allocation and uses proposed can be delivered as a whole and how the Section 106 relating to this site, which is currently being prepared can ensure this via the appropriate legal agreement.

# Appendices

# Appendix 1: Site options for a stand-alone medical centre

No	SITE <a href="#">Hawkhurst SHELAA Sites</a> where relevant	CURRENT USE	PLANNING CONSTRAINTS	OVERALL CONCLUSION (PREVIOUS)	OTHER MATTERS TO CONSIDER	POSITION UPDATE – NOVEMBER 2023
1	Fowlers Park/Birchfield  (SHELAA site 413 and SLP Policy AL/HA5)	Agricultural land	AONB/Landscape/outside LBD although adjacent/Greenfield site/Access/Highways	Good location, close to primary school and new development at Birchfield.	Supported by the West Kent CCG following submission of an Option Appraisal in 2019. Is at Stage 2 of the CCG's governance process.	Planning application submitted for residential, GP Practice, land for expansion of primary school and open space
2	Hawkhurst Cottage Hospital	NHS Cottage Hospital	AONB/Landscape/pdl site/outside LBD and remote from settlement boundary	Opportunities for co-location of services. Too far from the village centre. GP's assessed suitability and concluded not suitable (see supporting statement)	NHS/CCG longer term plans for the site are uncertain. Site could lend itself to co-location of health services but not currently available and future uses for the site uncertain at the current time.	Still in use as a cottage hospital. Discussions in May 2023 with Philip Griffiths – Kent Community Health NHS Foundation Trust indicate that long term future for the hospital is uncertain but NHS Estates are reviewing all sites/properties and no certainty of outcome. Not considered suitable due to location outside of settlement (1 mile from the



No	SITE <a href="#">Hawkhurst SHELAA Sites</a> where relevant	CURRENT USE	PLANNING CONSTRAINTS	OVERALL CONCLUSION (PREVIOUS)	OTHER MATTERS TO CONSIDER	POSITION UPDATE – NOVEMBER 2023
						crossroads) and not currently available.
4	The Hawkhurst Golf Course  (SHELAA Site 115)	Golf Course	AONB/Landscape/High ways	Good location, but risk of being able to secure an early planning permission too great.	Significant previous planning history – refused on appeal for housing development on the site, due to landscape impact and impact on highways network. A far reduced area of the whole golf course site is potentially considered suitable for development and assumed that the site owners will want to maximise the developable area for housing development.	Part of site could be considered suitable for development – however timelines and developer aspirations unknown
3	Copthall site (Current Hall and land in vicinity)  (SHELAA Site 78 and Site 419 (Site is part of Local	Current hall in use for community events and wider site -Permitted scheme for housing development	AONB/Landscape/acces s/community use	Hall building currently in use as a community building and wouldn't lend itself for use as GP surgery and site would be too small for redevelopment		Hall not available and wider site no longer available due to permitted scheme for residential development

No	SITE <a href="#">Hawkhurst SHELAA Sites</a> where relevant	CURRENT USE	PLANNING CONSTRAINTS	OVERALL CONCLUSION (PREVIOUS)	OTHER MATTERS TO CONSIDER	POSITION UPDATE – NOVEMBER 2023
	Plan allocation AL/HA4)					
5	King George V Playing Field  (SLP Policy AL/HA6)	Recreation ground, pitches and open space	AONB/Landscape/recreation land	Good location close to the existing Wish Valley Surgery and patients but not as accessible to Highgate.	Land was originally gifted to the Parish Council in order to resist built development on the site and retain it in community use. Suitable for enhanced community use as per scheme for community hall but not intensification of use which would result from GP Surgery.	Planning permission has been granted on site for community facilities. Site not considered large enough to accommodate GP surgery in addition to community hall.
6	Chittenden Fields, adjacent to High Street and Slip Mill Road (Opposite Marlborough House School) (SHELAA Site 2)	Agricultural land/greenfield site	AONB/Landscape/Historic/Outside LBD/settlement pattern	Site not suitable for development due to site constraints and landscape/historic impact as well as the settlement character and pattern.	Significant planning history on the site and previous appeal decisions refusing development on the site due to landscape impact.	Site is not considered to be suitable for GP Practice.
7	All Saints Church	Site has been converted to residential	AONB/Heritage. PDL site within the LBD	Very high conversion costs, not certain if site would be available. Site		Site no longer available

No	SITE <a href="#">Hawkhurst SHELAA Sites</a> where relevant	CURRENT USE	PLANNING CONSTRAINTS	OVERALL CONCLUSION (PREVIOUS)	OTHER MATTERS TO CONSIDER	POSITION UPDATE – NOVEMBER 2023
			and centre of the settlement.	too small and planning permission secured for residential use. Limited availability for medical centre parking spaces.		
8	Waitrose Store	Retail use as supermarket	AONB/PdI site currently in retail use within the centre of the settlement within the LBD.	Central location, however occupied by Waitrose Supermarket with no immediate release for other uses. Not likely for owners to release the land in the required timeframe.	In terms of best use of land, the site is in existing retail use and is well located for that use.	Site is not available
9	Woodham Hall and land to the south (SHELAA Site 33)	Northern part of the site has been redeveloped for residential use	AONB/Landscape/ Access in regard to the land at the rear	Northern part would be a Good location. Planning permission granted for residential development which has been completed – site not available.	The northern part of the site was considered to be potentially suitable but the land to the rear is very sensitive in landscape terms due to site topography and visibility	Northern part of the site is no longer available as it has been redeveloped for residential. Southern part of the site is not suitable for GP practice.
10	Slip Mill Road (Philpotts Cross)	Agricultural land and a designated Local Green Space under SLP Policy EN15.	AONB/Landscape/outside LBD	Location not ideal but benefits from good access. Remote from the village centre.	Land has potential to be gifted to the NHS/GP's	Site not considered to be suitable for a GP practice

No	SITE <a href="#">Hawkhurst SHELAA Sites</a> where relevant	CURRENT USE	PLANNING CONSTRAINTS	OVERALL CONCLUSION (PREVIOUS)	OTHER MATTERS TO CONSIDER	POSITION UPDATE – NOVEMBER 2023
11	Heartenoak South  (SHELAA Site 432)	Site is now in residential use.	AONB/Landscape, access and highways/Rural lanes	Good location but with poor access due to rural lane. Site unavailable as planning permission has been granted for housing which has now been completed.		Site is no longer available
12	Heartenoak North  (SHELAA Site 167)	Recreation land that is designated under SLP policy OSSR1 – Retention of Open Space, Sport and Recreation.	AONB/Landscape/High ways and access/Rural lanes	Location not ideal. Site is considered unsuitable due to traffic and highways issues. Too far from the centre of the village. Landscape issues means planning permission unlikely		Site not considered to be either suitable or available for a GP practice.
13	Gills Green Park  (SHELAA Site 102 and SLP Policy AL/HA7)	Business/employment use as a business park	AONB/Landscape	Location not acceptable. Not viable as too far from the centre of the catchment area.		Site is remote from Hawkhurst centre on the Cranbrook Road heading towards Cranbrook – not considered suitable or accessible for GP practice
14	Marches Field (Limes Grove)  (SHELAA Site 55 and SLP	Vacant Pdl site, formerly used as a wood yard	AONB/Landscape/High ways. Site is adjacent to existing employment uses and the designated	Location not acceptable and not a viable option.	Site owner is promoting the site for future employment use through the Local Plan process. KCC also raised concerns about increased traffic movement	Allocated for longer term economic use in the Submission Local Plan – not accessible or suitable for GP Practice in this location.

No	SITE <a href="#">Hawkhurst SHELAA Sites</a> where relevant	CURRENT USE	PLANNING CONSTRAINTS	OVERALL CONCLUSION (PREVIOUS)	OTHER MATTERS TO CONSIDER	POSITION UPDATE – NOVEMBER 2023
	allocation AL/HA8)		Hawkhurst Station Key Employment Area.		at this site if allocated for employment – location along narrow rural lane without passing places and impact on junction of Limes Grove and the main road.	
15	Land at Highgate Hill  (SHELAA Site 86)	Agricultural land	AONB/Landscape/Access/impact on landscape character and settlement pattern	Not previously considered	Not previously considered but assessed as part of Local Plan SHELAA work. Site is in multiple ownership	Site is not considered to be suitable for GP practice - impact on AONB/Landscape character/settlement pattern
16	Hawkhurst Place Farm, Rye Road  (SHELAA Site 107)	Agricultural land	AONB/Landscape/imp act on landscape character and settlement pattern/historic field	Not previously considered	Not previously considered but assessed as part of Local Plan SHELAA work.	Site is not considered to be suitable – impact on AONB/Landscape character/settlement pattern and historic character

# Appendix 2: Changes to Policy AL/HA 5 Land to the north of Birchfield Grove

Note: text proposed to be deleted appears *struck through*, new text proposed to be added appears underlined.

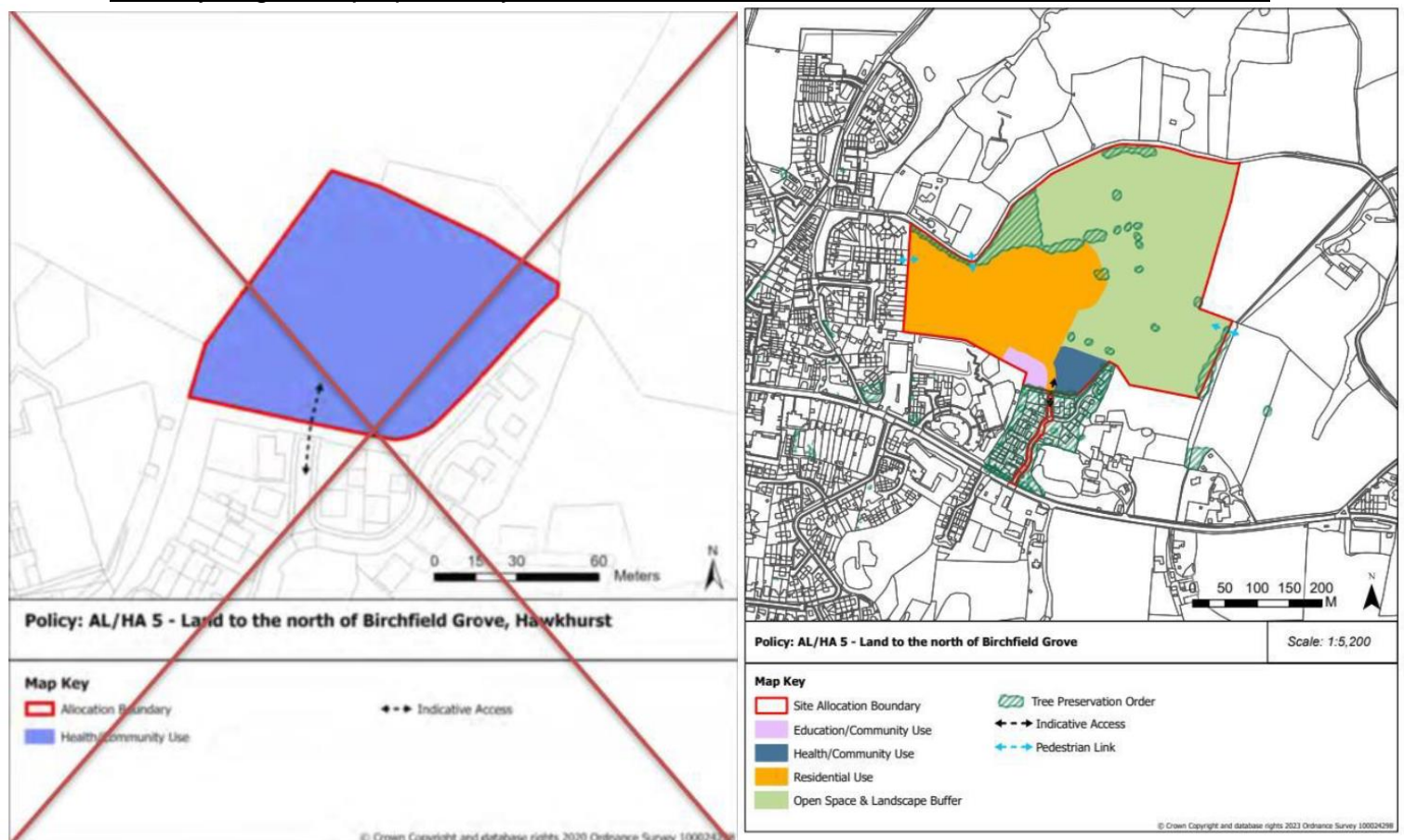
## Land to the north of Birchfield Grove

The site comprises ~~0.79~~ 13.91 hectares of undeveloped land located immediately north of Birchfield Grove, to the east of the settlement centre and within the High Weald AONB. Hawkhurst Primary School is located to the west of the site.

Vehicular and pedestrian access into the site from Birchfield Grove is provided at the southern boundary of the site.

There are a number of veteran trees located outside of the site, to the north.

There is an identified need for a new medical centre at Hawkhurst, which will replace the two existing GP practices. There is also an identified need to provide land for the expansion of Hawkhurst Church of England Primary School located adjacent to the site, to enable the delivery of growth proposed by the Local Plan within Hawkhurst and the surround areas.



## Policy AL/HA 5

### Land to the north of Birchfield Grove

~~This site, as defined on the Hawkhurst Policies Map, is allocated for a medical centre and parking to serve this facility. approximately 70 dwellings, of which 40 percent shall be affordable housing, a medical centre and associated parking, an area of land to be safeguarded for future educational use, and open spaces and landscape buffers, as indicated on the site layout plan.~~

Development on the site shall accord with the following requirements:

- ~~1. The p~~Provision of vehicular and pedestrian access into serving the site shall be from Rye Road via Birchfield Grove; Birchfield Grove located to the south of the site, as supported by a Transport Assessment;
- ~~2. The layout and design of the scheme to give full consideration to the location of the site on the edge of the settlement, and to provide a scheme that is sensitively designed and provides a suitable edge to the settlement;~~
- ~~3. Regard will 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 a landscape and visual impact assessment;~~
- ~~4. Proposals to take account of, and respond to, the veteran trees situated north of the site through appropriate surveys and mitigation.~~
2. Proposals for the site shall include the provision of pedestrian links, linking the site to surrounding footways and Public Right of Way number WC187;
3. Proposals for the site shall include the provision of a pedestrian, cycle and emergency connection from the site into Whites Lane;
4. The design, layout and scale of development shall provide a suitable edge to the settlement, informed by a Landscape and Visual Impact Assessment (taking account of the AONB location of the site), which shall include details of height parameters and wireframe visualisations from a selected number of key viewpoints, ecological studies, and a heritage assessment (including archaeology and landscape heritage);
5. Regard shall 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 the Landscape and Visual Impact Assessment;
6. Proposals to take account of, and respond to, ancient woodland, Tree Preservation Orders and existing ponds on site, with the layout and design of the development protecting these as informed by an ecological survey. If it is justified that any protected trees are to be removed, these must be replaced by semi-mature specimens;
7. Proposals for the site shall include provision of, and adherence to, a Landscape and Ecological Management Plan to cover public spaces, retained and restored habitats, and if applicable, any retained agricultural land;
8. The spatial distribution of the different uses for which this site is allocated, shall reflect that shown indicatively on the site layout plan, and include a serviced plot for the medical centre;

9. Development proposals shall be informed by a Transport Assessment and ensure that impact upon the Hawkhurst crossroads junction (the A229/A268) and the Flimwell crossroads (the junction of the A21 and A268) shall not be severe. The Transport Assessment shall identify any highway mitigation measures needed to support development of the site;

10. Proposals for development of the site shall include the provision of significant amenity/natural green space, parks and recreation grounds, children's play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation;

11. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/HA 1.

In addition to the criteria in the above Policy, the relevant Policies that should be referred to in the Local Plan include: Policies ~~Policies~~ EN 1: Sustainable Design; EN 4: Historic Environment; EN 12: Trees, Woodland, Hedges, and Development; EN 13: Ancient Woodland and Veteran Trees; EN 18: Rural Landscape; EN 19: The High Weald National Landscape ~~Area of Outstanding Natural Beauty~~; EN 21: Air Quality; ~~and~~ EN 22: Air Quality Management Areas; EN 24: Water Supply, Quality, and Conservation; H 3: Affordable Housing; and OSSR 2: The Provision of Publicly Accessible Open Space and Recreation



# Appendix 3: NHS Letter Dated June 2023

Date: 12 June 2023

Marie Bolton  
Tunbridge Wells Borough Council  
Planning Services  
Town Hall  
Tunbridge Wells

## Primary Care Estates Team

Gail House  
2<sup>nd</sup> floor, Lower Stone Street  
Maidstone  
Kent  
ME15 6NB

Email: [kmicb.pcestates@nhs.net](mailto:kmicb.pcestates@nhs.net)

Our Ref: 22/02664/HYBRID

Dear Marie,

### **Letter reference: Land North of Birchfield Grove, Hawkhurst, Cranbrook, Kent**

This letter provides additional information to the response submitted on 21 September 2022 regarding the above application of up to 70 homes with associated medical centre.

In 2019, Weald View Medical Practice in Hawkhurst (previously known as North Ridge Medical Practice and Wish Valley Surgery) obtained approval in principle from the former West Kent Clinical Commissioning Group to develop plans for a new medical centre. After this a site options appraisal was submitted and support was provided for the preferred site, Land North of Birchfield Grove. This site was detailed in the revised Local Plan Policy AL/HA5 as being an acceptable location for a medical centre.

The practice has since appointed a third-party developer to take the development forward and is in the process of developing a detailed outline business case for the next stage of the premises development process.

Practice premises surveys carried out in 2017 reported that the premises have limited capacity to accommodate growth and are not suitable for long-term use. Attempts to explore alternative interim solutions for expansion and improvement of the facilities have been unsuccessful.

Weald View Medical Practice faces challenges expanding the workforce to cope with the growing service demand and population growth in Hawkhurst due to the space constraints in the existing premises. The practice is a member of Weald Primary Care Network (PCN) set up to build on existing primary medical care services, the practice has been unable to fully utilise the workforce employed within the PCN and increase appointment capacity for the registered population at their own sites due to capacity constraints. Additional capacity is currently offered in Staplehurst.

The need for new GP premises has been identified for many years (and prior to the 2019 approval referred to above) and operational challenges with delivering primary medical services have continued to increase. With continued growth in the practice area (circa 1000 list growth expected in the next 5 years) any further delay to the premises development scheme will continue to impact access to primary care medical services and create further challenges for the practice.

I would be grateful if you could advise me of the Council's decision in due course, should you require any further information, or points of clarification in the meantime please contact me using the above email address.

Yours sincerely

*Sent via email*

**Funmi Owolabi**

**Senior Programme Manager - Strategic Planning and Primary Care Estates**