

EXAMINATION INTO THE TUNBRIDGE WELLS BOROUGH LOCAL PLAN

Response to the Inspectors Matters, Issue and Questions for Stage 3

Matter 8- Meeting Housing Needs

Site known as 'Land at Tolhurst Road', Tolhurst Road, Five Oak Green, Tunbridge Wells, TN12 6TN

On behalf of Fernham Homes

SHELLA SITE Reference 143

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Matter 8- Meeting Housing Needs

Issue 1 – Housing Requirement and Meeting Housing Needs:

Q1. Does the housing requirement and plan period from the submission Plan remain justified and up-to-date? If not, what changes are required to make the Plan sound?

1. Following the Inspector’s Initial Findings [ID_012], the Council is now proposing a 10 year housing land supply position including the requirement for an immediate review of the Local Plan.
2. Although this position isn’t objected to in principle, we do have concerns that the Council are significantly failing to meet their objectively assessed housing need, and this combined with the shortened plan period, creates concerns relating to plan soundness. Furthermore, the exact details, and how the Council intend to immediately review the plan have not been published. What guarantees would the Council have that this process would not be delayed?
3. The plan, as written, does not provide sufficient numbers to meet the housing requirement for the plan period. The Council identifies that its objectively assessed need for housing, calculated via the Standard Method, equates to 667 dpa over the period 2020 – 2038, which is a minimum total of 12,006 dwellings. However, as confirmed at Appendix C [PS_054, Table 4], the SLP is now proposing to allocate sites that will provide at the upper limit of only 4,595 dwelling units.
4. The Council does not however intend, through the main modifications, to meet, or even get close to this minimum total by way at looking at reasonable alternative sites.
5. We continue to promote a site [Land at Tolhurst Road, SHELAA Ref 143] that has been considered by the background documents [BS_35, 36, 37 and 38] to have a low-harm rating to the Green Belt and suitable for inclusion as a site allocation. However, the recommendation made in the SHELAA [PS_038] is that this site can wait until the early review of the Local Plan. Which we consider to an arbitrary position based on little or no evidence.

6. Surely the position that the Council should be taking is to ensure that the final version of the Submission Local Plan (SLP), is the best and most robust that it can be at adoption, by way of delivering all of the suitable, available and deliverable sites, as identified by their own evidence base. Only then should the Council proceed to an early review.

Q2. What Main Modifications are required to the housing trajectory and projected sources of supply as a consequence of the Council's suggested changes to the Plan? Are the suggested changes based on accurate and up-to-date information?

7. The Housing Trajectory should be updated to include the sites that have been identified in the Council's evidence as having a low-harm rating in Green Belt terms and suitable for allocation in the Local Plan.
8. This includes the site known as 'Land at Tolhurst Road, in Five Oaks Green, which could provide 20-30 units toward the stated housing land supply.

Q3. Does the total housing land supply include an allowance for windfall sites? If so, what is this based on and is it justified?

9. We consider that it is important to maintain an allowance for windfall development as part of the supply, but that that the number should not be over-estimated, as to prevent site allocations coming forward in the SLP.
10. The accuracy regarding the quantity of windfall delivery both stated and expected is queried by us, namely because:
 - a) Table 3 in the Development Strategy Topic Paper [PS_054] sets out that the Housing Need and Supply to 2038 has allowed for windfall development on small and large sites, 1,464 and 360 units respectively. However, what is not clear from this table is that these unit figures have a double-asterisk (**) and there is no detail provided as to what these double-asterisks mean.
 - b) The Development Housing Topping Paper Addendum [PS_054], paragraph 11.14, sets out that the Council has some concerns that their calculations of windfall delivery may have been underestimated or 'too conservative' in the original submission documents.

- c) Furthermore, it is less clear how these windfalls have been reflected in an up-to-date housing trajectory, as there has been no new housing trajectory published since 2023, and nothing since the production of the Inspector's Initial findings and the subsequent work on this.

Q4. Does the Plan identify specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the Plan? If not, how many years' worth of supply does it identify?

11. Paragraph 13.4 of the Development Strategy Topic Paper [PS_054] confirms that the approach taken, through the suggested modified development strategy, (no Tudeley Village and housing at Paddock Wood scaled back to flood zone 1 land only, would generate a supply of 4,150 – 4,595 dwellings. This would generate a shortfall of 900-1,345 dwellings, where compared to the local housing need at 2038, of 5,495 dwellings.
12. This approach would not provide a 15-year' housing land supply and this is confirmed in writing by the Council at Paragraph 13.4 Development Strategy Topic Paper [PS_054].
13. It seems from the evidence base that TWBC are promoting a position with up to 10 years of developable sites available. We are promoting a development site that would be delivered in the first 5 years of the plan period, namely 'Land at Tolhurst Road' that would both boost the supply in the Local Plan period (allowing for an increased buffer if other sites were to not come forward/and be delayed) and reducing the deficit in supply years 11-15.

Q5. As modified, would the Plan be positively prepared? Would it provide a strategy, which, as a minimum, seeks to meet the area's objectively assessed needs?

14. Paragraph 99 of the Inspector's Initial Findings Report [ID_012], clearly highlighted and advised that *"One of the main consequences of deleting Tudeley Village is the impact on housing provision. The Plan envisages 2,100 dwellings coming forward over the plan period. In deciding how to proceed, the Council will therefore need to give further consideration to how best the Plan can still meet housing needs, having particular regard to the requirements in paragraph 68 of the Framework. It may be, for example, that needs could be catered for over a shorter timeframe without the need for any specific additional sites to be identified at this stage"*.

15. The Council themselves confirm that the objectively assessed housing need of the area would not be met by the Local Plan and on this basis are proposing to proceed to an immediate review on its adoption.
16. We consider that the plan has not been positively prepared, because they have not taken forward suitable and available site opportunities as allocations in the SLP, but have taken a negative stance by not proactively engaging and bringing forward more sites as site allocations, that have been deemed acceptable by their own evidence base. This could be addressed through the allocation of sites such as Tolhurst Road, Five Oak Green.

Q6. If not, how could the Plan be modified to make it sound?

17. It is our understanding of the evidence base that the Need and Supply has been calculated with the end date of 2038, and then the latter years of the plan period have been deleted.
18. However, arguably a more robust approach would be to look at all of the figures from scratch and assess the need based on the shortened time-scale of the 10 year plan period.
19. The sites that have been identified as having the lowest harm rating to the Green Belt and which have been identified as suitable for allocation in the Sustainability Appraisal/SHELAA work should be brought forward for allocation.
20. This includes the site known as 'Land at Tolhurst Road'. A draft policy has been prepared and submitted as part of Matter 9, in order to rectify our concerns in this regard.

Issue 2 – Five-Year Housing Land Supply:

Q1. What will be the five-year housing land requirement upon adoption of the Plan?

21. It is understood that the longer it takes to finalise and adopt a Local Plan, the older the evidence becomes that the plan is based on. Ultimately, the five-year housing land requirement may have changed by the time the plan is ready for adoption.

22. PPG [Paragraph: 008 Reference ID: 2a-008-20190220], sets out that “Strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate...local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination”.
23. Paragraph 11.5 of the Development Strategy Topic Paper Addendum [PS_054] sets out that *“Given that the Local Plan was submitted in November 2021, essentially just 2 years ago, this suggests that the housing need may be reviewed and be based on household projections for 10 years starting with the current year, that is April 2023. This shows a housing need that has fallen slightly to 667 dpa”*.
24. We consider that there is the potential that the level of housing need, including particularly that for affordable housing, has increased significantly in the last year, due to the passage of time and due to changes in the housing market. The evidence base on which the TWBC plan has been based is getting older.
25. Due to the potential increase in housing need, and especially affordable housing need, it is important that all the suitable sites identified by the Sustainability Appraisal/SHELAA work are then made available as site allocations in the SLP, to ensure that there is as robust a 5 year Housing Land Supply position as possible.

Q3. Where sites have been identified in the Plan, but do not yet have planning permission, or where major sites have only outline planning permission, is there clear evidence that housing completions will begin within five years?

26. The site, ‘Land at Tolhurst Road’, would be deliverable within the first five-years of the plan period. Fernham Homes has a strong track record of delivering high quality developments in the south east, within short time periods. Furthermore, early-stage viability and design work has already started on bringing forward development proposals for the site.
27. Paragraph 69 of the National Planning Policy Framework (‘NPPF’) requires that local planning authorities (‘LPAs’) ‘should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption; and
 - b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period’.
28. The Glossary of the NPPF defines deliverable and developable as following:
29. *“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.*
30. *To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged”.*
31. Availability: - Fernham Homes, have confirmed that the site is under its control and that there are no financial or legal restrictions that would impact on the viability or delivery of homes on the site. On this basis, the site could become available in the first 5 years of the Local Plan period. Furthermore, Fernham Homes has undertaken considerable preparatory work for the site, and is actively promoting it through the emerging TWBC Local Plan.
32. Suitability: - The site is located directly adjacent to what is considered the existing built-up area of Five Oak Green. It is served by good public transport services (to Tonbridge and Paddock Wood) and has close links to the larger settlement of Paddock Wood and the wide range of services/facilities that are provided there.
33. The site would be suitable for housing development, as a highly sustainable and logical extension to the settlement of Five Oak Green. The SHELAA identifies the site could accommodate 21 residential units. Fernham Homes consider that it could accommodate between 20-30 homes, with the upper ranges reflecting smaller properties to meet needs identified through the evidence base for the Capel neighbourhood development plan.
34. Achievability: - Subject to the grant of necessary planning permission, the site is realistically capable of delivering housing development in the early phases of the Plan period. At this stage, there is no indication to suggest that there will be any viability issues for housing development on the site.

35. Fernham Homes, as a local regional house builder, has a strong track record of rapidly starting on site post the grant of planning permission, and delivering housing at pace.

Q4. What allowance has been made for windfall sites as part of the anticipated five-year housing land supply? Is there compelling evidence to suggest that windfall sites will come forward as expected in the first five years?

36. The NPPF acknowledges at paragraph 70 that small and medium-sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. These sites could be allocated sites or windfalls.
37. The allowance for windfalls in the SLP has been discussed in Issue 1, Q3 and although it seems the SLP does include sites as part of its five-year housing land supply, it is difficult to understand how the figures and windfall numbers have been derived.
38. This representation promotes a site of less than 1ha Land at Tolhurst Road, in Five Oak Green, as a residential site allocation in the final version of the SLP for Tunbridge Wells that could be delivered within the first five years of the Local Plan period.
39. Following the proposed removal of the large residential site allocation at Tudeley Village and the proposed revised masterplan at Paddock Wood, an updated assessment of impact of release of sites in the Green Belt has been considered by the Council [PS_035]. This concludes that the site known as Land at Tolhurst Road (SHELAA reference 143), would have a 'low' harm rating to the Green Belt if bought forward for development. In addition to this assessment, an updated Sustainability Assessment of the site has been undertaken which confirms that the site would be suitable for allocation in the Local Plan. The site is in Flood Zone 1.

Q5. Will there be a five-year supply upon adoption of the Plan? If not, is the Plan sound?

40. The key benefit of allocating sites in a Local Plan, is to ensure that sites are bought forward in a sustainable and planned manner, and thus, contributing to boosting housing delivery.
41. If a five-year supply of housing cannot not be provided on adoption of the Plan, it is difficult to see how the plan could be found sound.

42. Equally, if a 5 year supply of affordable homes cannot come forward there could be concerns that the plan would not contribute to sustainable development.
43. There is strong historical evidence that TWBC has a poor record of Affordable Housing (AH) delivery, despite a significant need for this type of housing in the Borough. In accordance with the Housing Need Assessment Topic Paper [Document No.371, paragraph 3.18] it is evident that there is a need for 323 affordable homes per annum, nearly half of the overall annual housing need.
44. It had previously been proposed that Tudeley Village would provide for 40% AH (840 affordable units). Now that Tudeley Village is proposed for removal, and the residential numbers at Paddock Wood will also be reduced, there is no alternative approach to deliver the AH shortfall. The Council is purely relying on the early review of the Local Plan to deal with the requirement to provide sites.
45. In order for the SLP to be as a robust as possible, now more than ever there is a requirement to allocate more deliverable sites within the SLP to meet the identified housing need, including that for affordable homes.