

EXAMINATION INTO THE TUNBRIDGE WELLS BOROUGH LOCAL PLAN

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

Matter 9- Other Matters and Main Modifications Necessary for Soundness

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

On behalf of Fernham Homes

SHELAA SITE Reference 143

Prepared by:

Danielle Dunn BSc (Hons) MSc. MRTPI

ISSUE DATE / REVISION	COPY REVIEWED BY	DATE COPY HAS BEEN REVIEWED
19 th June 2024	Client	28 th June 2024

Date: 28th June 2024
Job Ref: P.06.015.3354



Hillhurst Farm, Stone Street, Westenhanger, Hythe CT21 4HU
Tel: 01303 814444
Danielle.Dunn@bloomfieldsltd.co.uk www.bloomfieldsltd.co.uk

Matter 9- Other Matters and Main Modifications Necessary for Soundness

Issue 1- Material Changes in Circumstances since Stage 2 Hearings:

Q1. Has there been any material changes in circumstances since the Stage 2 hearings, either at a site-specific level, where the supporting evidence is concerned or in relation to national planning policy and guidance which is relevant to the examination? If so, do any of these changes make the Plan unsound and/or require modification?

1. Since the Stage 2 hearings, the Council has produced several new pieces of evidence to support the ongoing plan creation. These documents are included in the background documents list as 'Post-Initial Findings Evidence Base Documents'.
2. In accordance with paragraph 1.10 of the Stage 3 Addendum [PS_035] a comparative assessment of the proposed allocation sites against all reasonable alternatives has been undertaken. This new addendum study looked at "*likely impacts when compared with other site options*" on the Green Belt, in accordance with the Inspector's recommendation (ID-012 – paragraph 7).
3. The omission site, Land at Tolhurst Road, Five Oak Green, also known as Site 143, has been subject to a material change in circumstance since the Stage 2 hearings, because the new Green Belt Stage 3 Addendum report [PS_035] has identified that the harm rating of Site 143 is now 'low harm'. As such the circumstances – through the more accurate and detailed evidence base - now differs markedly to that which informed the Submission Local Plan. The [PS_3.93b(i)] Stage 2 Tunbridge Wells Green Belt Study and particularly [PS_3.93b(iii)] Stage 2 Appendix A Pembury Five Oak Green Paddock Wood identified that the site fell within (the much larger) Assessment Parcel FG3 which was considered to cause 'moderate harm'.
4. In the 'harm' summary for the site, [PS_035- appendix A35] it states "*The parcel makes a Relatively Weak contribution to safeguarding the countryside from encroachment. The impact of its release on the adjacent Green Belt will be Minor. Harm resulting from the release of the parcel will be Low*".

5. The consequential changes, resulting from the Stage 3 Addendum study [PS_035], have meant that the SHELAA sheets for all reviewed Green Belt sites [PS_036] have also been updated. The SHELAA site appraisal sheet for site 143 has now confirmed that ***“The site is considered suitable as a potential site allocation”***.
6. Furthermore, the Sustainability Appraisal Addendum [PS_037] has confirmed in Table 7 (page 15) that the implications for the Sustainability Appraisal findings of the Stage 3 Green Belt Study ***“have the potential to be significant”***.
7. It is considered that in order for the Submission Local Plan (SLP) to be sound, and in accordance with the NPPF, the site at Tolhurst Road should be included in the Local Plan as a site allocation. The site at Tolhurst Road, Five Oak Green, could bring forward much-needed market and affordable housing and it would help to meet some of the identified shortfall in housing delivery.
8. As detailed previously, included in Appendix A to the representations made by Fernham Homes to the consultation on the Inspector’s Initial Findings [PIFC_153], the site is suitable, available for development and achievable. Positive pre-application discussions have been held with Kent County Council Highways & Transportation and the site is in Flood Zone 1. Fernham Homes are a local regional homebuilder with a strong track record of rapid delivery of high quality private or affordable homes: if allocated houses will be delivered on site within the very early years after the adoption of the Local Plan.
9. By ignoring the new evidence base that has been created since the Stage 2 hearings, the Council could be considered to not be producing the plan in a positive manner, in accordance with Section 3 of the NPPF.

Q2. Does the evidence-base supporting the Plan remain up-to-date?

10. It is considered that the original evidence base remains relevant, and the new evidence that has been produced since the Stage 2 hearings has updated the original evidence where necessary and where, perhaps, it has become dated due to the passage of time.

11. As set out in our previous response to matters, and at our attendance during the week one hearings, we do not object in principle to the evidence base, we consider the findings to be robust and relevant. However, concerns continue to be raised regarding the use of the evidence base, especially where it seems that its conclusions and recommendations have not been adhered to and in some respects ignored.
12. The Stage 3 Addendum study [PS_035] and the resultant updated SHELAA sheets [PS_037], have both confirmed that Site 143 'Land at Tolhurst Road', Five Oak Green is suitable for an allocation in the SLP.

Issue 4 – Main Modifications Necessary for Soundness

Q1. At the Stage 2 hearing sessions the Council suggested that other changes are necessary to the submitted Plan to make it sound. Except for those policies referred to above, what other Main Modifications do the Council consider are necessary to rectify any soundness matters?

In answering this question, it would assist the examination if the Council could produce a composite schedule of “suggested” Main Modifications for the upcoming Stage 3 hearing sessions. This should include the suggested changes proposed in response to the Inspector’s Initial Findings, and any other changes considered necessary by the Council, either as a result of discussions in previous hearings or changes in circumstances since Stage 2.

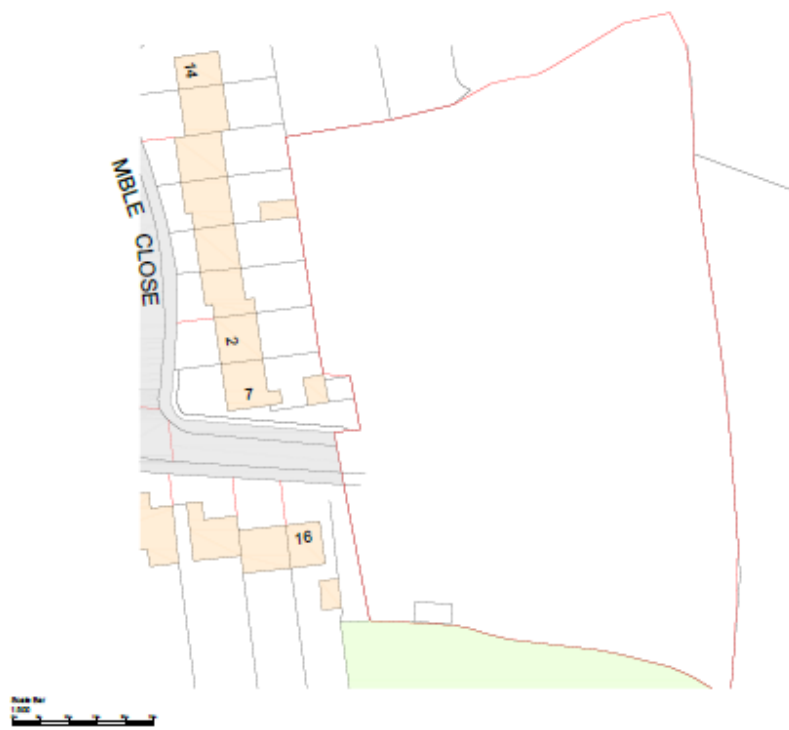
13. In order to make the Local Plan Sound, we are proposing that a new site policy is inserted into the plan, which provides for residential development at Tolhurst Road, with an indicative capacity of 25-30 units, with Policy STR/CA1 The Strategy for Capel Parish updated accordingly.
14. The proposed policy is attached at Appendix 1 to this response.

Appendix 1:

The recommended wording for a site allocation policy for 'Land at Tolhurst Road, Five Oak Green', is set out below. It will also be necessary for Policy STR/CA1 The Strategy for Capel Parish to be updated accordingly.

Land at Tolhurst Road, Five Oak Green

Map XX Policy AL/FOG 1



This site:

- Is an undeveloped flat area of grassland that is directly adjacent to the existing built development of Five Oak Green, on the southern side of the village.
- It is accessed directly off of Tolhurst Road via an established existing gated entrance.
- The site lies outside of the High Weald Area of Outstanding Natural Beauty (AONB) and doesn't contain or adjoin any Ancient Woodland, it is well bounded by mature vegetation to the south, east and partly the north.
- The site is bounded to the north and west by the rear gardens of existing houses.
- There are no Public Rights of Way (PRoW) or heritage assets within the site.

- The only Listed building (Grade II Stream Cottage) is distinct from the site and set within its own curtilage within the existing linear development to the north: its setting would not be impacted by the development of the site.
- The site is outside Flood Zones 2 and 3.
- Part of the site is safeguarded for Sandstone- Tunbridge Wells Sand Formation.

Policy AL/FOG 1

Land at Tolhurst Road, Five Oak Green (SHELAA reference: Sites 143)

This site, as defined on the Five Oak Green draft Policies Map, is allocated for a residential development scheme (C3) providing approximately 25-30 residential dwellings, of which at least 40 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

1. Vehicular access to the residential units to be accessed from Tolhurst Road;
2. The layout, form, and mass of built development on site to have regard to existing hedgerows and mature trees on the boundary, and the need for appropriate surface water drainage within the development;
3. The site layout should be informed by an arboricultural survey and a landscape and visual impact assessment. Development should reinforce the boundaries of the site through an appropriate landscape and planting strategy (see Policies EN 1: Design and other development management criteria and EN 14: Trees, Woodlands, Hedges, and development);
4. Ecological mitigation to include a scheme for the enhancement of biodiversity on the site (see Policy EN 11: Net Gains for Nature: biodiversity);

It is expected that contributions will be required towards the following if necessary, to mitigate the impact of the development:

- a. Other highways related works, including a potential pedestrian crossing or island over Five Oak Green Road
- b. Other necessary mitigation measures which are directly related to the development and fairly and reasonably related in scale and kind, including potentially those identified or referenced in the Capel Neighbourhood Plan