

22 June 2021
210622 Responses to BNDP Examiner



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Dear Deborah,

BENENDEN NEIGHBOURHOOD DEVELOPMENT PLAN (BNDP) - EXAMINERS FURTHER QUESTIONS RESPONSES OF BENENDEN HEALTHCARE SOCIETY

In advance of the formal hearing set for this Friday 25th June 2021 I have pleasure submitting our responses to the further questions raised by the examiner in respect of the proposed site allocations at Benenden Hospital, East End, Benenden. For ease of reference I include below the specific questions in italics with our responses immediately underneath.

Question 1

Are the proposed allocations on the hospital owned land at East End, well located for this level of new housing and will they deliver sustainable development? Do the two allocations meet the criteria which are set out in paragraph 78 of the NPPF, namely that "housing should be located where it will enhance or maintain the viability of rural communities" and is the subsequent NPPF advice that "where there are groups of smaller settlements, development in one village may support services in a village nearby" relevant to the neighbourhood plan strategy? If the NPPF policy, in para 117, is that objectively assessed housing needs should be delivered in a way that makes as much use as possible of previously developed land, does the development of the two hospital allocation sites "cause harm to designated sites of importance for biodiversity or conflict to an overriding extent with other NPPF policies"?

- 1.1. Chapter 11 of the NPPF places a very significant priority on the reuse of Previously Developed Land. This priority was specifically strengthened in National Planning Policy when the update to the NPPF was issued in 2018. Furthermore NPPF Paragraph 172 seeks to focus development outside the AONB wherever possible, the AONB having been given the highest status in national policy. In this instance these allocations seek to make best use of previously developed land which falls outside of the AONB and outside of the Green Belt, designations which cover much of Tunbridge Wells Borough. The suitability of these sites for development is reinforced by the fact that they also have site allocations in the emerging Tunbridge Wells Local Plan (Regulation 19 stage) which closed from public consultation at the end of May 2021. These sites provide a valuable opportunity to deliver sensitive housing growth and aid the geographic distribution of the required new housing. Specifically Benenden Parish has been provided with an indicative minimum level of housing growth which the Neighbourhood Plan should look to deliver in the parish to provide its commensurate contribution towards housing delivery across the borough.
- 1.2. In respect of the locational sustainability of these sites, Paragraph 78 of the NPPF does not mean that all new development in rural areas has to be in or immediately adjoining a settlement. These allocations at Benenden Hospital are still wholly meeting the policy requirements of Para 78. They will clearly enhance the viability of the wider community in this area, as new residents will bring with them local needs and local spending. As such these sites will enhance the vitality of the local community, and will provide desirable benefits including new transport links back into centre of Benenden village, including both minibus connectivity and an active travel link. As such these allocations will deliver exactly what Paragraph 78 is seeking.

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- 1.3. The BNDP Group have undertaken a thorough assessment of available housing sites within the parish and recognised the opportunity provided by the vacant brownfield/PDL land at the hospital. Clearly housing growth in the hamlet of East End will still be reliant on facilities and services in Benenden village (Primary School, Shop, Post Office etc.) but also more widely on facilities and services available at Biddenden, Iden Green, Headcorn, Tenterden and Royal Tunbridge Wells.
- 1.4. The BNDP, in proposing these allocations, is responding to the opportunity for development in this local area to support services and facilities in these nearby settlements. It should also be noted that these sites are not virgin sites with no lawful status. SEQ contains a significant volume of built form associated with its lawful use as a hospital, and whilst now reluctant due to significant investment in new buildings elsewhere on the hospital site, this lawful use still has the capacity to generate very significant activity and traffic movements. Furthermore the southern part of SEQ site already has an extant outline planning permission for 24 dwellings which includes the demolition of the Garland Wing. Condition 10 of the most up to date planning permission (17/000951/FULL, following a Section 73 Minor Material Amendment of the original planning permission 12/03130/EIAMJ) provides a firm timescale for reserved matters to be submitted by 30th May 2026. As such not only is this a brownfield site but the principle of redevelopment has already been established on a significant portion of the site. Accordingly the site allocation on SEQ is seeking to expand the development site area to the north up to Goddards Green Road, to take account of further redundant hospital buildings, notably Peek Lodge, which provide additional previously developed land which is now also available for redevelopment.
- 1.5. Collectively these two site allocations provide the opportunity to create a new focus at the hamlet of East End. The unique opportunity here is to provide residential development in close proximity to two major employment generators, one of which is the hospital, which has been the subject of very recent significant recent expenditure and the other Benenden School (a leading independent girls school). These allocations present a real opportunity for staff employed locally to live closer to their place of work. It is also an opportunity for additional investment into local infrastructure to enhance connectivity with nearby settlements and for an injection of funding towards wider public transport connectivity. Prior to the Coronavirus pandemic KCC were already trialling a new bus route which linking to Benenden Hospital and such routes can only become more viable with significant additional custom on the doorstep.
- 1.6. In terms of the respective sites' of importance for biodiversity, the Local Wildlife Site designation is a local designation covering a much larger area at East End all of which is within the ownership of the Society. These allocations present the opportunity for environmental enhancements and greater management of the LWS which falls outside of both the NEQ and SEQ development areas.
- 1.7. Savills has met Kent Wildlife Trust officers on site to discuss the LWS designation and the implications this may have on the end development scheme for SEQ in particular. The LWS is designated due to the presence in this local area of a rare fungi which, rather ironically, has flourished in the wider hospital grounds due to the regular management of the gardens and in particular the grass lawns. This active management, in combination with the soils and the aspect, seems to be ideal for these fungi to establish. As such the LWS area immediately south of Peek Lodge whilst being important enough to be included as part of the designation is by no means unique. Furthermore the KWT officer acknowledged on site that there is no statutory protection for a LWS and where these abut existing buildings there is little control over, for example, demolition works and the driving of machinery over these areas to facilitate such work.
- 1.8. As it stands there is a significant mature tree in the centre of the SEQ site immediately south of Peek Lodge which could be readily retained as part of a proposed housing layout for this site. Clearly a tree of this scale will have a very significant root protection area which will be fenced off during the construction phase of development, this in itself will provide firm protection to part of this location in any event. As such the percentage area of the LWS is modest when balanced against the long term

management of the wider LWS, and the social and economic benefits derived from delivering much needed housing.

- 1.9. Overall the control and ongoing management of the wider LWS away from the developed part of SEQ has the potential to provide guaranteed and specialist long management of the LWS and so add longevity to the presence of this rare fungi in this local area.

Question 2

Are the requirements that the social infrastructure needed to mitigate the impact of the development and enhance the sustainability of the location, for example, in terms of requiring a contribution to the provision of a community café/shop, sports facilities, community building and minibuss links as well as the provision of an active travel link to Benenden village, as proposed in Policies SSP3 and SSP4, sufficient to meet the reasonable day to day needs of future, as well as existing residents, in this location? Is it appropriate that these facilities should be required, for a residential development of this scale, in this location and is it reasonable that they should be expected to be fully funded by the developer, rather than by a proportionate contribution?

- 2.1. In this location the proposed allocations will clearly comprise sustainable development. The additional measures will in our view contribute further to locational sustainability of these sites. The travel links would enhance the locational sustainability of the location, and given the scale of development proposed they are sufficient to meet day to day needs of residents. It is considered that there is nothing inappropriate about the provision of a minibuss and active travel link in this location.

Question 3

Is it appropriate that affordable housing should be provided on site in this location?

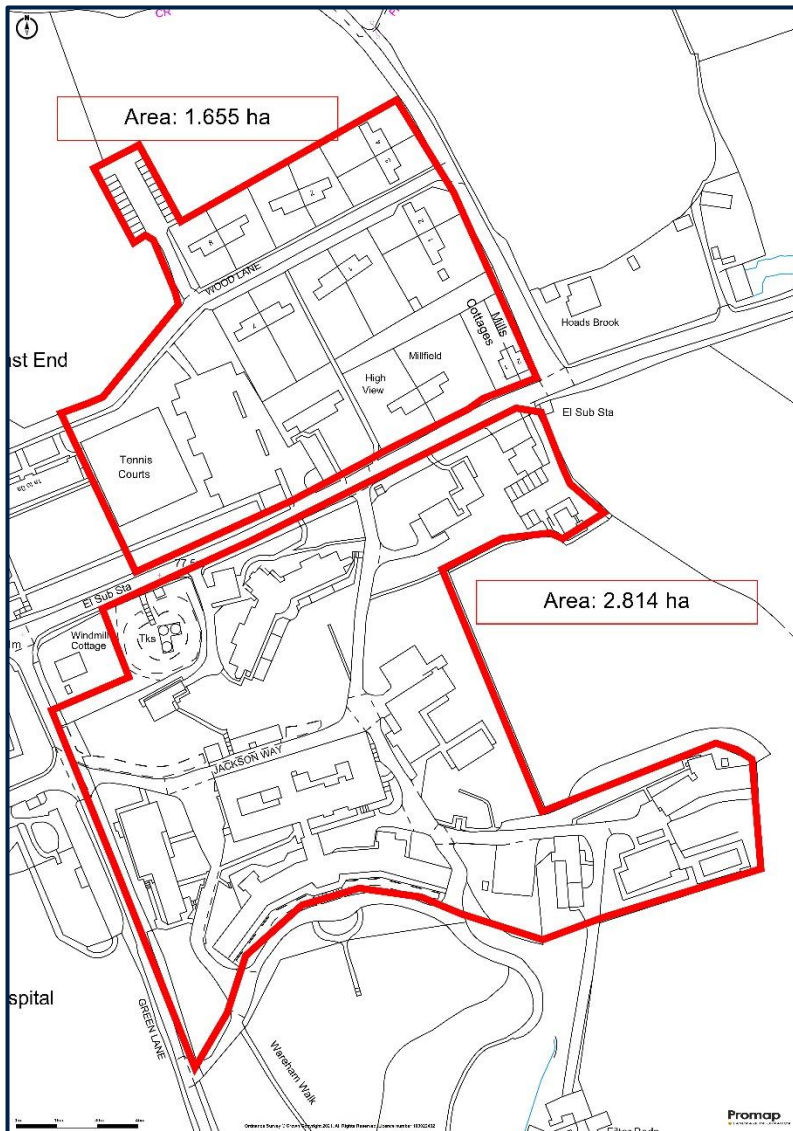
- 3.1. Subject to viability the Society has no objection to the provision of affordable housing on site.

Question 4

Can I be satisfied that the two allocation sites at East End can accommodate the necessary quantum of proposed development without adversely impacting on the Local Wildlife Site?

- 4.1. Further master planning work is still required to demonstrate the final quantum of development which is achievable on the two sites. However the SEQ site has been through a pre-application exchange with TWBC and KCC Highways officers and a high level masterplan has been refined based on their initial comments. This updated masterplan is appended to these responses for the examiner's information (see **Appendix 1**).
- 4.2. Based on the net developable area of the SEQ site being 2.8 hectares (excluding the open land south of the Garland Wing and excluding Windmill Cottage) this provides 46 new dwellings which equates to a modest density of 16.4 dwellings per hectare. This demonstrates that the allocated quantum (22 dwellings in addition to the 24 dwellings which already benefit from the extant outline planning permission) is readily achievable across the SEQ site and that there is sufficient flexibility in terms of the overall density to focus development away from the LWS areas which are most sensitive.
- 4.3. The proposed developable area on the NEQ site only encroaches into the LWS designation on the north west corner. The area of the site allocation which falls outside of the LWS designation is 1.66ha. This site is partly occupied by a series of very low density semi-detached 1950's properties of limited quality, totalling 18 dwellings in all. Policy SSP4 seeks the provision of an additional 22-25 dwellings at NEQ. 18 existing dwellings plus 22 proposed dwellings makes 40 dwellings in total on this site, which equates to a density of 24 dwellings per hectare on the area of the site which is outside of the LWS. As such this is again a very achievable density and provides sufficient flexibility on land outside of the LWS.

4.4. A site plan produced on Promap which corroborates these area measurements for both NEQ and SEQ can be seen below.



Question 5

Will the residential development proposed on the two sites, individually or collectively, have an adverse impact on the adjacent AONB and, if it does, specifically in what ways will that harm be manifested, having regard to the existing levels of development, currently on site, or as already permitted?

5.1. In response to this question landscape consultants Huskisson Brown Associates (HBA) have been commissioned to prepare an update to the LVIA work they undertook previously for the EIA as part of the wider hybrid planning application for the hospital development which granted outline planning permission for the 24 dwellings on the SEQ site. Their report and appendices are appended to this response (see **Appendix 2**). This focuses on the SEQ site which is allocated under policy SSP3 as this is closest to the AONB boundary and therefore the part of the site which is likely to have the greatest impact on the setting of the AONB.

- 5.2. The HBA report notes in particular (at para 3.22) that the landscape condition of the South East Quadrant site can only be regarded as overall 'poor' as it is largely comprised of redundant buildings, with extensive concrete roads and hardstandings. Whilst it is noted that the Old Garland Wing forms a locally striking crescent shape building in an attractive setting, the balance of the buildings are of little aesthetic appeal and many are in a poor state of repair. Overall the SEQ site has a disjointed appearance reflecting its seemingly haphazard development over a long time.
- 5.3. At para 3.33 the landscape of the site is assessed to be of medium landscape value but it lies largely surrounded by a landscape that is generally highly valued and designated as an AONB. It is noted at Para 5.7 that the proposal would be read in the context of built form on the north side of Goddards Green Road and with the balance of the hospital site west of Green Lane. As such it would not introduce development into the landscape where none already exists, neither would built form be more widespread across the site. The new built form would likely to be softer than the harsh forms of some of the flat topped institutional buildings currently present on site. It is further considered that the proposed redevelopment would be in scale and in character with its current setting and would not materially alter the balance of built form in the wider landscape.
- 5.4. Overall (para 5.9) the report notes that redevelopment should represent an improvement compared to the present situation in terms of the appropriateness of built form, set in a managed landscape framework, parts of which already exist in a mature form.

Paragraph 5.16 assesses, using GLVIA3, that a low change magnitude of landscape effect in a landscape of medium low landscape sensitivity would give rise to an Importance of Effect, that would be a *slight adverse* at Day 1 (i.e. the proposal would cause a perceptible but small deterioration in the landscape resource.) However it is then concluded at paragraph 5.18 that given the context of the site and its existing built form, it would be a disappointment if a beneficial effect is not ultimately achieved over time. In particular the likely adverse visual effects (Para 5.32) will reduce over time as planting becomes established so that by Year 10, effects should be neutral or beneficial.

- 5.5. The final conclusions reached are as follows:

- **Importance of Landscape effect** - slight adverse, however the objective should be to deliver a proposal that could become at least neutral, if not beneficial, in terms of how it embeds in the High Weald landscape. Given the context of the site and its existing built form, it would be a disappointment if a beneficial effect is not achieved.
- **Visual effects** – moderate adverse at Day 1, however in time beneficial effects should accrue.

Question 6

Will the net increase in the number of homes on the two East End allocation sites, beyond those already committed, have a significant impact on the transport network, either in terms of capacity and congestion or highway safety and if it does, can these be cost-effectively mitigated?

In particular, will the allocation of the two sites via Policies SSP 3 and SSP4 have a severe impact on key junctions in the neighbouring Biddenden Parish specifically at Castletons Oak Crossroads and at Woolpack Corner?

- 6.1. There is no technical highways evidence submitted (including from KCC) to support the assertion that development of these sites would amount to severe harm on the highways network or unacceptable impacts on highways safety, as noted at paragraph 109 of the NPPF. Further assessment of this is matter for the detailed Transport Assessment at the planning application stage, but there is no suggestion that there is an in principle issue which is incapable of mitigation.
- 6.2. Appended to our responses to the examiners initial queries we provided the copies of Kent County Council Highways pre-application response to the initial proposals for the SEQ site. Whilst they do raise a requirement for wider analysis within the Transport Assessment accompanying any future

planning application they nowhere state that the resultant net highways impact is considered likely to be severe. It should be noted that the lawful use of the existing hospital buildings and dwellings on both the NEQ and SEQ sites have the ability to generate a significant base level of traffic movement. As such it is only any net increase in traffic movement above the lawful use and consented uses which should be taken into consideration when assessing the wider highways impact of the proposals.

I trust these further responses are of assistance and we look forward to answering any further queries which you may have at the virtual examination on 25th June 2021.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Guy Dixon", written in a cursive style.

Guy Dixon MRTPI
Director