

TUNBRIDGE WELLS BOROUGH LOCAL PLAN EXAMINATION

MATTER 10, ISSUE 4 - INFRASTRUCTURE, LOCAL SERVICES AND FACILITIES

LAND NORTH OF BIRCHFIELD GROVE, HAWKHURST (POLICY AL/HA5)

**HEARING STATEMENT ON BEHALF OF THE MEMBERS OF THE GROVE (HAWKHURST)
MANAGEMENT COMPANY LIMITED (REPRESENTING THE RESIDENT OCCUPIERS OF
BIRCHFIELD GROVE)**

Q5. How will the proposed medical centre be delivered? Is Policy AL/HA5 effective?

In short, Policy AL/HA5 is not effective as it is very difficult to see how it can be delivered over the plan period.

Rydon Homes have made clear on a number of occasions that they “control” the site and have in place contractual arrangements with both the landowner and the doctors that mean that the medical centre cannot be built without additional housing of approximately 100 units. According to Rydon Homes, without the additional housing the medical centre build is not viable (see (i) Paras 2.37 to 2.40 of Rydon Homes’ Stage 1 Hearing Statement, Matter 1; and (ii) Paras 3.2.1 and 3.12 of Rydon Homes’ Stage 2 Hearing Statement, Matter 5).

Notwithstanding the fact, as we understand matters based on the Guidance Notes issued by the Inspector for these hearings, that consideration of additional housing would constitute an ‘omission site’ and is therefore outside the scope of this examination, it is worth pointing out that Tunbridge Wells Borough Council (TWBC) excluded any provision of housing from AL/HA5 after very careful consideration and with particular focus on the results of the Landscape and Visual Impact Assessment (LVIA) conducted in 2020. In fact, site allocation AL/HA5 was excluded in its entirety in the Regulation 19 Pre-Submission Plan and the medical centre was only included at the last minute in the Regulation 19 Submission Plan adopted at the Extraordinary Council meeting on 3 February 2021 after lobbying from the doctors’ surgeries and without any reference to residents.

If an additional 100 houses were the price to pay for a medical centre, the impact would be very concerning – namely:

- Very significant build on AONB, clearly at odds with NPPF172 and entirely disproportionate
- A significant increase in congestion, both in Birchfield Grove (which is not suitable for access to a medical centre let alone 100 homes) and at the village Crossroads
- A very negative impact on air quality, both in Birchfield Grove and its environs and at the Crossroads, where significant problems already exist as evidenced by the Air Quality Management Area (AQMA) recently established there
- Very major access problems at the junction between Birchfield Grove and Rye Road, due to the difficult and restricted access to Birchfield Grove compared with other similar junctions
- A marked increase in sewage, adding to an already very difficult situation in Hawkhurst where trucks are required to relieve capacity problems.

Q6. How have the effects of the proposed allocation on the safe and efficient operation of the highway network, having particular regard to Birchfield Grove, been considered as part of the plan-making process? Are the proposed access arrangements suitable for the use proposed?

It is very difficult to see that any consideration has been given to this.

In terms of the safe and efficient operation of the roads in Hawkhurst, this proposal can only lead to increased congestion and consequent increases in air pollution.

The Site is a good ten minutes’ walk from the Hawkhurst Crossroads and for patients living to the north, south and west of this, car would be the preferred mode of transport. KCC Highways has made the point that the Crossroads it is ‘at capacity’ so increased traffic as a result of patients travelling to the medical centre would simply make the situation worse.

The air quality in Hawkhurst is one of the worst in Kent due to the Crossroads. Bringing both surgeries to the site allocation AL/HA5 is likely to add to the poor air quality as patients to the south of Hawkhurst who previously attended the surgery located in the south of the village (Wish Valley) will now have to drive up Highgate Hill and turn right at the Crossroads. Perhaps more significantly, on their return journeys all visitors to the medical centre would turn right into Rye Road (see below for access and sightline problems) before distributing three ways at the Crossroads.

As for Birchfield Grove itself, the roadway is narrow and twisty and is not suitable for the intensification of use that will inevitably follow if it becomes the access road to the proposed medical centre. The borough council gave reserved matter approval to the current layout apparently unaware (from fair reading of the officer assessment report) of the implications of leaving an aligned road near the northern boundary, which was not part of the presentation layout made by the developer to borough council members when they granted planning permission. Residents and their solicitors were similarly unaware when purchasing their properties in Birchfield Grove of the access agreement to AL/HA5 between Riverdale Developments (the developer of Birchfield Grove) and Rydon Homes.

There is also the matter of the junction from Birchfield Grove to Rye Road. This junction has restricted entry and exit sightlines and would struggle to handle the increased volume of traffic. In this context, a planning application to build six bungalows on the other side of the Rye Road (virtually opposite Birchfield Grove) was turned down recently mainly because of concerns around access to the Rye Road – see 19/01299 FULL.

Finally, in terms of access arrangements, it is worth noting that the Birchfield Grove development is surrounded by an Ecological Mitigation Area (approximately 2-3m wide). Not only will this strip of land be breached to allow access to the Site but in addition any protection for wildlife, fauna and flora that the strip was meant to offer will be undermined by building a medical centre next to it.

Q7. What effect will the proposed allocation have on the living conditions of existing residents on Birchfield Grove, having particular regard to noise and disturbance?

The impact on the residents will be very deleterious indeed.

During the build period, residents would be subjected to very significant noise, dust, vibration and general disturbance. Access for lorries to the build site will be difficult given the twisty and narrow configuration of Birchfield Grove and residents' visitors will be unable to park cars in Birchfield Grove as this will completely block access to the site.

If built, the disturbance to residents from a 1000 square metre building plus 50 plus space car park would also be very considerable. The significant escalation in traffic movement alone would lead to noise, fumes, vibration and disturbance to what is otherwise currently a quiet cul-de-sac. In addition, residents would have to suffer, throughout the day, the noise and disturbance from the slamming of car doors in the car park as well as the light pollution from whatever lighting and security arrangements a medical centre of this size would presumably require. The lighting required in the car park would also undermine the 'dark skies' policy currently adopted for Birchfield Grove and Hawkhurst generally.

All in all, the medical centre would constitute a material harm to residents' amenities.

Q8. Does site allocation AL/HA5 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

Site allocation AL/HA5 does represent major development in the AONB and is not justified. We will not repeat in detail the arguments made within the submission from Kingsley Smith LLP on our behalf as part of the consultation process on the Regulation 19 Submission Plan, which makes the case that this allocation would indeed be a major development in the AONB. Suffice to say that given the likely scale and height of the medical centre, it would be a major alien protuberance on a ridge line, visible from various public vantage points, and would be seen as an urban extension to Hawkhurst, out of keeping with the character of the settlement and an encroachment into the countryside. The tranquillity of the area would be adversely impacted and the noise and activity associated with a medical centre would negatively impact bio-diversity and contradict the 'dark skies' policy adopted for Birchfield Grove.

It is also worth remembering that a previous application from Ward Homes to build 120 houses on this site (a very similar number to the 100 houses currently proposed by Rydon Homes) was rejected on appeal in 2014, with the Inspector attaching very considerable weight to the protection of AONB in reaching a decision.

We do not believe that major development on this scale is justified, not least because there is a viable alternative, and one put forward by TWBC in the Regulation 19 Pre-Submission Plan, when it was proposed that the medical centre should be co-located with a new Community Centre at another site in Hawkhurst (The King George V (KGV) playing fields at the Moor ['KGV']). KGV has considerable advantages over site allocation AL/HA5 – notably, it is already developed (there is a Sports Pavilion; parking; tennis courts; playing fields and a playground) so would not damage or undermine the AONB. KGV can meet the doctors' requirements for the new medical centre, including parking. Access would not be an issue given that KGV already accommodates the traffic associated with its existing facilities. In this context, it is worth noting that the 2021 Sustainability Appraisal of the Local Plan stated that KGV was "a largely neutral site that scored positively for health and services objectives reflecting the opportunity to make improvements to the existing leisure facilities and the provision of an improved GP surgery for the settlement". This is a considerably more positive assessment than that given for AL/HA5 (then described as Site 413).

It is also worth noting that there is another potential site for the medical centre at the local Community Hospital which lies on the outskirts of the village. The recent planning application at the Golf Course in Hawkhurst (albeit rejected on appeal) also included provision for a new medical centre.

We have seen no evidence of how the potential impacts of development on the character and appearance of the area have been taken into account in the plan-making process. While TWBC have confirmed that the results of the 2020 LVIA resulted in the removal of the housing element of the original proposal, it is difficult to see how a development of this scale and size to be built on a ridge line can be justified. This is, of course, made worse as Rydon Homes state that without the reinstatement of the houses the medical centre itself cannot proceed. If this were to occur the results of the LVIA would then be overturned.

In summary, this proposed site allocation would result in significant erosion of the landscape character of the AONB with major adverse impact on the character and appearance of the area and

would not conserve or enhance the landscape and intrinsic scenic beauty of the AONB and the purposes for which the area has been designated, in particular when there are alternative and better sites available.