

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 7: Residential Site
Allocations**
**Issue 8: Hawkhurst (Policy
STR/HA1)**

Document Reference: TWLP/042



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Matter 7 – Residential Site Allocations

Issue 8 – Hawkhurst (Policy STR/HA1)

Hawkhurst Neighbourhood Development Plan

1. The Hawkhurst Neighbourhood Development Plan (HNDP) [\[CD 3.123\]](#) covers the period 2016-2033, was made in March 2018 and modified in April 2020. The review that informed the modifications included an initial consultation in late 2018 and then a review of policies. However only minor amendments were made so no referendum was required. For clarity this means that – for the purposes of paragraph 14 of the NPPF – the NDP became part of the development plan in 2018.
2. The HNDP includes a range of policies to guide development within the parish: housing and design; landscape; access and movement; and community infrastructure. The HNDP does not include policies for the allocation of sites.
3. The principal effect of this is that the HNDP is part of the statutory ‘development plan’ for the area (Hawkhurst parish) after a positive referendum pursuant to s38 (3A) of the [Planning and Compulsory Purchase Act](#) 2004. This means it is a material consideration in the determination of planning applications in Hawkhurst parish.
4. Paragraph 1.9 in the Local Plan confirms that for ‘made’ Neighbourhood Plans, “*within these areas, the respective Neighbourhood Plans form part of the Development Plan under which planning applications are assessed*”. Policy STR10 Neighbourhood Plans includes the statement “*for clarity, an up-to-date made neighbourhood plan forms part of the statutory development plan for the borough and, as such, planning applications will be determined in accordance with that plan where a proposal is in its area, as well as the adopted Local Plan*”.
5. Paragraph 5.370 in the Local Plan explains that “*the Council has determined which policies in the made Hawkhurst Neighbourhood Plan (March 2018 modified in April 2020) are outdated by the adoption of the Local Plan. Although many of the*

Neighbourhood Plan's policies are not superseded, those that relate to the pre-existing LBD and the scale of development sites, namely Policies HD1(a) and HD1(b) are. Additionally, Policy HD3 'encourages' rather than requires accessible and water efficient homes, which is a requirement under the Local Plan, so is also superseded. The Local Green Spaces identified under Policy LP3 are recognised by the Local Plan as being already designated and protected under the Neighbourhood Plan and have not been assessed further as part of the preparation of this Local Plan. The Hawkhurst Neighbourhood Plan includes a number of specific goals and reference to a list of projects that indicate how developer contributions could potentially be used".

6. Recent discussions with Hawkhurst Parish Council indicate that a new HNBP will commence preparation in the near future.

AL/HA1 - Land at the White House, Highgate Hill

Inspector's Question 1: [re. Latest position regarding the construction of dwellings]

What is the latest position regarding the construction of dwellings already approved at Land at the White House?

TWBC response to Question 1

Introduction

7. Planning approval for application 19/01271/F – ‘Demolition of existing dwelling and erection of 43 retirement living apartments with associated communal facilities, access, parking and landscaping’ (resubmission of application 18/02767/FULL) was granted on 3 September 2019.

Consideration

8. The development is known locally as Weavers House (The Whitehouse, Highgate Hill, Hawkhurst, TN18 4LB) and is currently being marketed on the developer's website, www.mccarthyandstone.co.uk. Development commenced in August 2021, and a recent enquiry with McCarthy and Stone indicates that first completion will be on 15 October 2022, to be fully completed prior to 31 March 2023.

Inspector's Question 2: [re. Is the site still necessary and justified?]

Is the site still necessary and justified as an allocation in the Plan?

TWBC response to Question 2

Introduction

9. As set out in response to Question 1 of this hearing statement, this development commenced in August 2021.

Consideration

10. As at the publication date of this hearing statement, this site has extant planning consent and is presently being constructed on site. The Inspector sets out in his question as to whether the site is still necessary and justified as an allocation in Plan. In responding to this question, the Council have considered its response based on a set of 'rules' as to whether they should remain as allocations in the Plan. These rules are as follows:
- Does the site have planning permission as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021)?
 - Was the site under construction as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021)?
 - As at 1 April 2021, if the site was under construction, was construction progress substantially sufficient to mean more than just a technical commencement?
11. If any of the responses to the above questions generate a 'no' answer, then the Council is of the view that the site should still continue to be allocated within the Local Plan for the purposes of consistency of approach and ease of future Plan monitoring. The site was not under construction as at the base date of the most recently published full housing land supply monitoring year information available (as at 1 April 2021). As such it is considered that it should be retained as an allocation within the Local Plan. The Council can give a further update to the Inspector as appropriate on the progress of

construction on site at the relevant Examination hearing session, should the Inspector wish.

Inspector’s Question 3: [re. Justification for requiring development proposals to confirm that the highway authority has ‘no objection’ to the development]

What is the justification for requiring development proposals to confirm that the highway authority has ‘no objection’ to the development?

TWBC response to Question 3

Introduction

12. Criterion (3) Policy STR/HA 1 The Strategy for Hawkhurst parish confirms that the development strategy for Hawkhurst parish is to “*Ensure that all development proposals establish an acceptable impact upon the Hawkhurst crossroads junction (the A229/A268) and the Flimwell crossroads (the junction of the A21 and A268)*”.
13. Criterion (3) of Policy AL/HA 1 requires “*Confirmation from the highway authority that there is no objection to the impact of the development at the crossroads at Highgate and on traffic flows along Highgate Hill*”.

As set out above planning approval for application 19/01271/F – ‘Demolition of existing dwelling and erection of 43 retirement living apartments with associated communal facilities, access, parking and landscaping’ (resubmission of application 18/02767/FULL) was granted on 3 September 2019.

Consideration

14. Paragraph 5.359 of the Submission Local Plan confirms that the amount of development being allocated to Hawkhurst in the Submission Local Plan “*represents a substantial reduction on that put forward for consultation at an earlier stage. This reflects the outcome of additional evidence base studies and research including Landscape and Visual Impact assessments, notably in relation to the likely impacts of sites’ development, individually and cumulatively, on the High Weald AONB, as well as in relation to traffic congestion at the crossroads and associated air quality implications (now recognised by the recent declaration of an Air Quality Management Area), as raised by representations to the Draft Local Plan*”.

15. Further information on the Air Quality Management Area, which relates to the north of the Hawkhurst crossroads, is available on the Council's website [Air Quality in Hawkhurst](#). The information on the webpages include a link to the Council's [Planning Position Statement for proposed developments which may impact on air quality in Hawkhurst](#) document.
16. All site allocation policies, as well as relevant planning applications in Hawkhurst, will need to consider the implications of the AQMA. The relevant Local Plan policies to be referred to in addition to the policy criteria included under the policy box for Policy AL/HA 1 include Policies EN 21: Air Quality, and EN 22: Air Quality Management Areas.
17. Paragraph 5.363 of the Submission Local Plan explains that "*Future planning applications will still need to consider their traffic impacts, including upon the junction (crossroads) of the A229 and A268 at the centre of Hawkhurst and demonstrate that they will not have an unacceptable impact on highway safety or result in severe residual cumulative impacts. In relation to the allocated sites, implementation of the identified mitigation measures will be required*".
18. In terms of any impact of development upon the highways, the above policy requirements and approach, (reference criterion (3) Policy STR/HA1 and criterion (3) Policy AL/HA1) reflect concerns raised through consultation that the crossroads at the centre of Hawkhurst are constrained, exacerbated by the existing level of traffic using the routes through Hawkhurst. Through the development of the Local Plan, and the determination of planning applications, a requirement has been identified for the need for mitigation measures at the crossroads to facilitate further growth.
19. The outcomes of a recent appeal in relation to allocated site AL/HA4 Land Off Copthall Avenue and Highgate Hill (20/02788, Appeal Ref: APP/M2270/W/21/3282908) [Appeal Decision](#) have demonstrated that changes can be made to the signalisation arrangements at the Hawkhurst crossroads junction to allow this development to be delivered. These changes were agreed by KCC Highways & Transportation, and the appeal decision for Copthall concluded that the highway modelling demonstrated to a sufficient degree that the residual cumulative impacts of the development on the crossroads would not be severe and there would not be any unacceptable impact to highway safety at the crossroads. Further information in relation to these matters are set out in response to question 12.

20. It is worth noting that the other residential sites AL/HA1 Land at the White House, AL/HA2 Brook House, AL/HA3 Former Springfield Nurseries all have outline or full planning permission, and any additional movements from these sites were taken into account in KCC Highways and Transportation's consideration when agreeing that they can mitigate the impact from Land Off Copthall Avenue and Highgate Hill. Similarly, it has also been agreed that these changes can accommodate additional movements from AL/CRS3 Turnden Farm (located at Cranbrook, on the A229, to the north of the crossroads).
21. KCC Highways & Transportation has agreed in the SoCG at paragraphs 3.20 and 3.21 that the mitigations which have been identified – which includes at the Hawkhurst crossroads – that these can effectively mitigate any significant impacts from the development on the transport network in terms of capacity and congestion, or on highway safety, to an acceptable degree. However, paragraph 3.21 also sets out:
- “Both TWBC and KCC recognise that the transport impacts of each of the Local Plan developments will still have to be assessed through the relevant transport assessments accompanying planning applications, in accordance with the NPPF”.*
22. Therefore, whilst the highways authority is satisfied at the Local Plan stage that the mitigations identified for the crossroads are acceptable, it will still be necessary for this to be assessed at a finer grain of detail at planning application stage. Given what is set out above, it is clear that any development should not have an adverse impact on the highway junction at the Hawkhurst crossroads and criterion (3) of Policy AL/HA1 reflects this requirement for development proposals to demonstrate this.

AL/HA2 – Brook House, Cranbrook Road

Inspector's Question 4: [re. Current position regarding planning permission]

What is the current position regarding planning permission Ref 17/03780/OUT? Does the permission remain extant?

TWBC response to Question 4

Introduction

23. 17/03780/O Outline (Access not reserved) - Demolition of existing building and erection of 25 apartments with affordable housing, parking provision, new highway access and other ancillary works. Approval was granted (appeal decision) on 1 April 2019.
24. Condition 2 of the appeal decision dated requires that the "*Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission*", therefore by 31 March 2022.
25. A Reserved matters application 22/01017/REM 'Submission of Reserved Matters (Appearance, Landscaping, Layout, Scale) - Erection of 25 apartments including details of the layout, scale, appearance, internal access roads and landscaping of the development and associated infrastructure and earthworks' was received on 30 March 2022. It is being considered by the Council and has a target for determination of 01 July 2022.

Consideration

26. It is the case, therefore, that the outline application 17/03780/O remains extant. The Council will update the Inspector as appropriate on the progress of the determination of this planning application at the relevant Examination hearing session.

Inspector's Question 5: [re. Is the allocation developable within the plan period?]

Is the allocation developable within the plan period?

TWBC response to Question 5

Introduction

27. As set out above in the response to Question 4 in the hearing statement, the outline permission remains extant and a reserved matters application was received on 30 March 2022, with a target for determination of 01 July 2022.

Consideration

28. This site formed part of Policy AL/HA 1 in the Site Allocations Local Plan 2016 [[CD 3.119](#)] and is located inside the LBD for Hawkhurst. It is acknowledged that this site has taken some time to come forward through the planning application process, but it does remain available for development as reflected in its continued promotion, most recently for the submission of Reserved Matters in March 2022. The applicant is a local, established SME housebuilder.
29. Following the granting of approval of planning application 17/03780/O Outline (Access not reserved) - Demolition of existing building and erection of 25 apartments with affordable housing, parking provision, new highway access and other ancillary works, through an appeal decision dated 1 April 2019, one of site owners died and it has taken until early 2022 for the legal probate issues associated with this to be resolved to enable the reserved matters application to be submitted.
30. It is therefore considered to be a valid assumption that the site will continue to be promoted supported by the recent submission of a Reserved Matters application, and therefore the allocation will be delivered during the plan period. The Council will update the Inspector as appropriate on the progress of the determination of this planning application at the relevant Examination hearing session.

AL/HA3 – Former Springfield Nurseries, Cranbrook Road

Inspector’s Question 6: [re. What is the current position regarding planning permission?]

What is the current position regarding planning permission Ref 17/02192/OUT? Does the permission remain extant?

TWBC response to Question 6

Introduction

31. Planning application 17/02192/OUT Outline (Access not reserved) – ‘Proposed erection of up to 24 dwellings to include garaging, parking provision, improvements to existing vehicular access, landscaping and other ancillary works’ was allowed on appeal on 30 November 2020.

Consideration

32. Schedule (2) of the appeal decision includes a condition which states that the “*Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission*”. Based on the appeal decision date of 30 November 2020, this would require an application for reserved matters to be made by 29 November 2023.
33. It is the case therefore that the outline permission 17/02192/O remains extant and will do so for approximately 18 months.
34. To date, no application for Reserved Matters has been submitted to the Borough Council. The site promotor is continuing to consider options and there is no firm indication at present for when the reserved matters application is likely to be submitted.
35. The response to Question 7 provides further details about why the promotion of this site has taken a relatively long time.

Inspector's Question 7: [re. Is the allocation developable within the plan period?]

Is the allocation developable within the plan period?

TWBC response to Question 7

Introduction

36. Planning application 17/02192/OUT Outline (Access not reserved) - Proposed erection of up to 24 dwellings to include garaging, parking provision, improvements to existing vehicular access, landscaping and other ancillary works was allowed on appeal on 30 November 2020.
37. To date, no application for Reserved Matters has been submitted to the Borough Council.

Consideration

38. There is no reason to conclude that this site will not be delivered within the plan period. The outline application remains extant until 29 November 2023. The site promotor is continuing to consider options and there is no firm indication at present for when the reserved matters application is likely to be submitted.
39. This site is within the same ownership as the Hawkhurst Golf Club that has been promoted through both the Local Plan and planning application process.
40. Planning application 19/02025 for the Hawkhurst Golf Club was validated on 17 July 2019 (this followed an extensive period of pre-application advice and discussions) and determined (refused) on 19 April 2021. The subsequent appeal decision was issued on 2 February 2022. It has therefore taken over 2.5 years for this planning application to be determined, plus the period prior to the submission of the planning application. The proposals for development included within 19/02025 envisaged the inclusion of the area covered by the former Springfield Nurseries site area. The site promoters are satisfied that the area included within Policy AL/HA3 can be delivered independently to the Golf Course without the inclusion of adjacent land.
41. The above timeline for the promotion of both Springfield Nurseries, and for the Hawkhurst Golf Club, that have taken from June 2017 to February 2022 to resolve (it

now being confirmed that the Springfield Nurseries site will have to be delivered without any expectation that the adjacent land within the same ownership can be developed through the scheme applied for under 19/02025 at the Golf Course) explains why there has not been further planning activity at the former Springfield Nurseries.

42. Although it is accepted that this site is unlikely to be delivered within the next 5 years, and therefore its development potential is not included in the Council's Five Year Housing Supply calculations, there is full confidence that the site will be delivered within the Plan period, and this has been confirmed by the site promoters and accepted by appeal Inspectors (for example, paragraph 86 of the appeal decision for [Land off Copthall Avenue and Highgate Hill](#)).

AL/HA4 – Land off Cophall Avenue and Highgate Hill

Inspector’s Question 8: [re. What is the current position regarding planning application]

What is the current position regarding planning application Ref 20/02788/FULL?¹

TWBC response to Question 8

Introduction

43. Application 20/02788/F Development of the site to provide 71 dwellings, alongside car parking, cycle parking, sustainable drainage, internal road network, public open space and associated landscaping and including the demolition of existing agricultural barn and garage and alterations to the existing access from Highgate Hill, was allowed on appeal on 22 March 2022.

Consideration

44. This application was allowed on appeal on 22 March 2022, Appeal Ref: APP/M2270/W/21/3282908 [Appeal Decision](#). The Council will update the Inspector as appropriate on any further news regarding this site, i.e., any discharge of conditions applications, for example, at the relevant Examination hearing session.

¹ Inspector’s Note – The answer to this question may change during the course of the examination. Where this occurs, the Council should provide an update note for publication on the examination website.

Inspector's Question 9: [re. Area of residential development]

***How has the proposed area of residential development been established?
What is it based on and is it justified?***

TWBC response to Question 9

Introduction

45. As set out in the response to Question 8 of this hearing statement, the planning appeal on this site was allowed on 22 March 2022.

Consideration

46. The proposed developable area has been informed by a number of detailed site and area assessments carried out by the developer (and submitted as part of the approved planning application) and also those of the Council including the Landscape Sensitivity Assessment [[CD 3.40a](#)], [[CD 3.40c](#)] and the Landscape and Visual Impact Assessment (LVIA) 2020 [[CD 3.96a](#)], [[CD 3.96f](#)] (see Appendix 3) which form part of the evidence base for the Local Plan. The Site is sensitive due to its location within the AONB and setting within the landscape immediately to the south of the settlement. However, it has a close-knit relationship to the settlement boundary with defined landscape boundaries, particularly to the south. There are areas of woodland (not ancient woodland) as well as established groups of planting and trees, mainly around the borders of the site which form a natural boundary to the countryside to the south and west. The site also sits on the downward slope of the valley and as a result, is generally well contained from publicly accessible viewpoints. Whilst some intermittent views of the site would be possible within the locality, far reaching views (particularly to the south) would be minimised by this position and extent of existing established planting and would be seen in the context of the settlement beyond to the north.
47. The Landscape and Visual Impact Assessment that supports the Submission Local Plan identifies the site as HA6, which is assessed as having a lower landscape sensitivity than much of the rest of the landscape surrounding the village. However, it is noted as an important buffer between the settlement and wider rural countryside and outlying rural settlements. The sensitivity is identified as moderate – high for small scale residential development on the immediate settlement edges, provided that this is

aligned with opportunities for further planting and boundary restoration to create and maintain a wooded settlement and a well-integrated urban edge.

48. The LVIA highlights that this area is typical of the AONB landscape. The northern and western parts of the site have stronger associations with the settlement than the southern and eastern areas. It is acknowledged that the condition of the site could be improved. It is recommended that any proposed development should be concentrated to the north and west as shown on the draft allocations map, the small northern copse of woodland should be included within the open space provision for the site, and the design of any proposed housing development would be critical in determining whether the site is suitable for development. The LVIA also concludes “*A sensitive and well designed housing development would be acceptable in this location, providing that it creates a positive edge to settlement and respects the separation between Highgate and The Moor*”. It is also concluded that the site is small-scale and semi-enclosed landscape, with many features and characteristics typical of the High Weald AONB.
49. The layout of the proposed development to be delivered by the consented scheme, application 20/02788, has been directly informed by the detailed landscape and character evaluations carried out by the applicant, and is reflected in the Local Plan Indicative Map 46 Site Layout Plan in the Submission Local Plan. Further information on how the scheme which was allowed at appeal is set out in Appendix 1.

Conclusion

50. The proposed area of residential development has been established through considerable landscape assessment work, and a detailed understanding of the site through consideration of planning applications. It is noteworthy that an appeal for the residential development of the site which follows this area has been recently granted.

Inspector's Question 10: [re. Does site allocation AL/HA4 represent major development in the AONB?]

Does site allocation AL/HA4 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?

TWBC response to Question 10

Introduction

51. The Council's strategic approach to development within the AONB, how it has approached the question of whether sites are major development or not and whether major or other development within the AONB is justified at a strategic level and indeed how impacts on the AONB have been taken into account is set out in response to questions in Matter 2 Issue 1, Questions 5 and 6 [TWLP/011], Matter 3 Issue 2 Questions 9 and 6 [TWLP/015] and Matter 5 Issue 1 Question 3 [TWLP/021]. The response to this question should be read in conjunction with those responses but addresses more directly the site-specific circumstances.
52. The overarching consideration of 'exceptional circumstances' is set out in Development Strategy Topic Paper [[CD 3.126](#)] Section H para 6.150 and some of the site specific matters that contribute to exceptional circumstances are set out in appendix 3 table 10 and further site specific measures are set out in the response below.
53. The response to this question is ordered under the following headings to address the specific points raised:
- Major Development
 - Landscape/AONB assessment and considerations
 - Sustainability of the settlement of Hawkhurst
 - Housing need
 - Other benefits
 - AONB exceptional circumstances summary and conclusion

Major Development

54. The Development Strategy Topic Paper [[CD 3.126](#)] Section H sets out the approach to development in the AONB, including the approach to determining whether sites are major or not (paginated page 48, electronic page 52), setting out the factors to be considered in determining whether sites are major, reflecting footnote 55 (now 60) in the NPPF. The methodology for the assessment of major/not major is set out in Appendix 2, and the assessment of individual site allocations, as well as the cumulative findings, by settlement, are set out at Appendix 3.
55. Appendix 3 Table 10, on page 119 (electronic page 123) gives the assessment for site AL/HA4, concluding that the site is major. The site is noted to be 'not substantial' in terms of an increase to the settlement (4.4% and less than 100 dwellings), reasonably related and to have a Moderate impact on AONB/landscape components.
56. The Appendix 3 table notes:
- Development should result in improvements to existing poor edge of settlement and improved connectivity to rural landscape.
 - Development has the potential to be well integrated with existing settlement and to demonstrate a landscape led approach with appropriate AONB design response, green space provision, landscape protection and enhancements.

Landscape/AONB assessment and considerations

57. The Council's Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells, July 2018 [[CD 3.102c](#)] provides an assessment of the extent to which the character and quality of the landscape within the study area is, in principle, susceptible to change as a result of introducing particular types of development into certain landscape character areas. Allocation AL/HA4 is included within Sub-area HA4 (pages 110 to 112) which concludes that overall sensitivity is high. However, it is acknowledged that some very small areas of the immediate southern/western settlement edges of Hawkhurst (south of Copthall Avenue and Rye Road) may have lower i.e. moderate-high sensitivity.
58. The Sensitivity Assessment provides guidance on mitigation and enhancement in the last text box on page 112:

“While there may be limited potential for very small extensions of residential development on the upper slopes to the south of Hawkhurst this would need to respect the natural limits defined by the minor valley and footpath in this area and aligned with restoration and planting of boundaries and woodland buffers to provide integration of the settlement and create a defined and contained urban edge.”

59. The policy wording for these sites incorporates these recommendations.
60. To assist with the Council’s assessment as to the suitability of the sites for inclusion in the Local Plan, all sites considered to be major in the AONB have been subject to an independent Landscape and Visual Impact Assessment (LVIA), which also considered any cumulative effects on the host settlement [[CD 3.96](#)].
61. The executive summary in the main report [[CD 3.96a](#) page 1] sets out the assessment process which includes:
- Background information (baseline).
 - Description of the proposed development.
 - Description of the likely effects on landscape and views.
 - Advice on mitigation.
 - A conclusion which advises whether the site with mitigation is suitable for development and whether additional policy wording needed.
 - An assessment of any cumulative effects on the AONB.
62. The work includes a study of the settlement context and settlement evolution, review of landscape character, historic landscape characterisation and landscape sensitivity and specifically identifies within each site the components of natural beauty and the likely effects upon them.
63. Both Natural England and the High Weald AONB Unit were consulted on the development of this methodology.
64. The Report concluded that *“...any proposed development should be concentrated to the north and west of the site as shown on the draft allocations map. The small, northern copse of woodland should be included within the open space provision for the site. The design of the proposed housing development will be critical in determining whether the*

site is suitable for development. A sensitive and well designed housing development would be acceptable in this location, providing that it creates a positive edge to settlement and respects the separation between Highgate and The Moor”.

65. In summary, the key recommendations and conclusions reached in the site-specific assessments [[CD 3.96f](#)] include:

AL/HA6

- Include a requirement for a long-term management plan for the site.
 - Within the policy promoting design, include wording to consider the separation between settlement as part of the design process.
 - Development should consider the policies set out within the Hawkhurst Neighbourhood Plan.
66. Both the Landscape Sensitivity and the LVIA work has informed the allocations and their policy wording, including the provision of open space and landscape buffers and the scale of development proposed by the allocation.

Sustainability of the settlement of Hawkhurst

67. This is an important consideration in establishing whether there are ‘exceptional circumstances’ for this cumulative major development in the AONB has been the sustainability credentials of these sites.
68. The findings of the Settlement Role and Function Study [[CD 3.72](#)] relating to Hawkhurst, find it a settlement suitable for further growth in terms of access it provides to services and facilities that support its sustainability. The site lies adjacent to the existing established Limits to Built Development of Hawkhurst and would form logical extension to this already well established and sustainable settlement.

Housing Need

69. The Council’s response to Matter 2, Issue 1 [TWLP/011] deals with the matter of housing needs and the housing requirement. The sits will make a valued contribution towards meeting the housing needs of the constrained borough, some 70-79 dwellings (71 permitted on appeal), of which 40% will be affordable homes, located in a

sustainable location. This housing need is an important factor in establishing whether there are 'exceptional circumstances', both in terms of general housing needs and affordable housing provision.

Other Site-Specific Benefits

70. There are site-specific public benefits arising from the allocation of this site, specifically the provision of on-site amenity/natural greenspace and children's play space, as well as protection and enhancement of the Site of Nature Conservation Value to the north and wildflower meadows to the south.

Exceptional Circumstances Summary and conclusions

71. As explained above, the Council considers site HA4 to be major development and as such justification (exceptional circumstances) for development of this site is needed. The response above sets out site-specific matters that contribute to 'exceptional circumstances'. These include AONB landscape sensitivity, sustainability credentials of the settlement, and the public benefits arising from development of the sites, which would be in the public interest.
72. The Council considers that the factors set out and explained above together amount to a package of 'exceptional circumstances' to justify the cumulative impact of these sites on the AONB. There are significant public benefits arising from development of these sites that are in the wider public interest.

Inspector's Question 11: [re. proposed secondary pedestrian access]

What is the justification for the proposed secondary, pedestrian access?

TWBC response to Question 11

Introduction

Criterion (3) of Policy AL/HA4 requires “*Emergency vehicle and pedestrian access to be provided to Copthall Avenue to the north and Highgate Hill through the southerly point, as indicated on the site layout plan. Any application shall demonstrate how these accesses will only be usable by emergency vehicles*”.

Consideration

73. The requirements for emergency vehicle access from the site are to ensure that there is an alternative route into and out of the site if the primary one is blocked for any reason. The need for a pedestrian access to the north is to allow walking from this location through All Saints Road to Rye Road, to access the primary school and other services in this vicinity.
74. Whilst the criterion required emergency access to both the north and west, KCC Highways and Transportation have been satisfied through approved scheme (20/02788/F) that an emergency vehicular access and pedestrian/cycle route linking to Highgate Hill to the west of the site, plus the main vehicular access with footways into the site from Highgate Hill would satisfy the need for a secondary emergency vehicular access. The secondary access to Highgate Hill would not be used by day-to-day traffic and measures are incorporated to prevent this. A condition on the approved scheme is imposed to secure the details to ensure this is appropriate and retains pedestrian connectivity. The main and secondary access routes between the site and Highgate Hill are included on the indicative site layout Map 46 of the Submission Local Plan.
75. Whilst KCC Highways & Transportation were satisfied that a further emergency access was not required to the north, however, pedestrian/cycling access is still required to the north as this is the most direct route to the primary school (rather than via Highgate Hill). The approved scheme provides a further pedestrian connection at the northern access

to Fieldways (rather than to Copthall Avenue) to allow a direct walking route to the north. Pedestrian access can be taken from Fieldways to Copthall Avenue to the west, although vehicular traffic cannot move between the two. As such the approved scheme would positively cater for walking/cycling to the centre of Hawkhurst from the site, which is approximately 0.4 miles to the north and the range of services that are provided.

76. There will also be connections to the existing Public Right of Way (PRoW) WC 189 which traverses the site to link the undeveloped areas to the east and south of the site known locally as 'Little Switzerland'.
77. With this in mind and based on the approved scheme, it is considered that Criterion (3) of the policy and Map 46 should be updated via a modification to reflect this:.

“Pedestrian access to be provided to Copthall Avenue, or to Fieldways to the north and Highgate Hill through the southerly point, and emergency vehicle access to be provided to Highgate Hill or Copthall Avenue. Any application shall demonstrate how these accesses will only be usable by emergency vehicles”

78. Policy HD1 (B) of the HNBP requires that proposals can demonstrate effective physical integration with the existing settlement patterns found in and around Hawkhurst. Whilst the site is positioned on the outskirts of the existing developed area, it allows good connection to the existing settlement.

Inspector's Question 12: [re. Impact on highway network]

What impact will the proposed allocation have on the safe and efficient operation of the highway network?

TWBC response to Question 12

Consideration

79. The Transport Strategy [CD 3.51], Transport Assessment Evidence Modelling Report, [CD 3.114], Infrastructure Delivery Plan [CD 3.142] assesses the potential highways impacts of the proposed allocations which are reviewed in detail in collaboration with the Highways Authority and National Highways.
80. With regard to this site specifically, the appeal scheme was accompanied by a detailed Transport Assessment which was discussed in detail with the Highways Authority. The proposal comprises the provision of a new vehicular access on to Highgate Hill (with associated highways works to facilitate visibility splays and turning) to serve the proposed residential development removing the need to connect to Copthall Avenue as previously proposed and refused by the Planning Committee.
81. The Transport Assessment submitted with the appeal outlined that the scheme would generate 33 two-way vehicle trips through Hawkhurst crossroads in the AM peak and 32 two-way vehicle trips through Hawkhurst crossroads in the PM peak. This equates to an increase in total junction flows of approximately 2% in each peak hour.
82. In terms of mitigating any impacts, the TA discusses different potential options for the Hawkhurst crossroads junction and were discussed in detail within the Planning Committee Report. At the appeal, the appellant undertook further work and dialogue with the Highway Authority, Kent County Council, which resulted in the appellant proposing a scheme of mitigation at the crossroads. A Statement of Common Ground has been signed by KCC that concludes following assessment work by the developer, the impacts of the proposed development are negligible on the improved junction layout. The proposed mitigation scheme also takes into account the residential allocations at Hawkhurst which have already been permitted and the proposed development at Turnden, Cranbrook.

83. The Inspector draws the following conclusions in the appeal decision regarding the highways impacts of the appeal scheme: -

“(Paragraph 76) Drawing all of this together, it is worthy to note that the scheme is not required to address existing capacity issues on the surrounding highway network, nor does the mitigation need to achieve a betterment relative to the baseline situation. There will continue to be congestion at the crossroads as can be seen from the appellant’s modelling. However, whilst there are some uncertainties about post pandemic traffic flows and the absolute benefit of the mitigation scheme, I consider that the modelling demonstrates to a sufficient degree that the residual cumulative impacts of the development on the crossroads would not be severe and there would not be any unacceptable impact to highway safety at the crossroads. This is a view shared by the highway authority. I consider the scheme therefore complies with Core Policy 3 of the CS, Policy AM1 of the NP and the NPPF.”

(Paragraph 78) “Concern has been raised about the suitability of the site access onto Highgate Hill and the introduction of the parking bays, where it is suggested the removal of on-street parked cars may increase vehicle speeds leading to safety concerns. The proposed site access arrangement, including the parking bays has been subject to a significant level of technical assessment including a Stage 1 Road Safety Audit. The Highways SOCG confirms that KCC are content with the proposed access arrangement. In addition, no substantive evidence to the contrary has been provided. I consider that the proposed access arrangements are suitable. I also consider that the scheme makes suitable on-site parking provision”.

Appendices

Appendix 1: Additional information on the consented scheme allowed at appeal for Policy AL/HA4

1. This site now has planning approval as detailed above. The layout and design of the approved scheme 20/02788 gives full consideration to the location of the site on the edge of the settlement and the setting of listed buildings, and to provide a scheme that is sensitively designed and provides a suitable edge to the settlement. This is clearly evidenced within the submitted Design and Access Statement and Heritage Statement and is discussed within the proposal section of this report (TWBC Committee report). The scheme is sensitive to its edge of LBD siting and responsive to its immediate context
2. The scheme focuses the development within part of the site for a number of important reasons. Firstly, this retains a large open area to the eastern side of the site to be retained as a landscaped space incorporating grassland and wildflower meadows. This would provide a significant and important landscape buffer to the development and would also retain an extensive area forming the transition into the countryside. This is considered to be a significant benefit of the scheme. Another aim of focusing the development in the manner shown is that this best reflects the development pattern of Hawkhurst, as highlighted within the conclusions of the LVIA.
3. The proposed development also incorporates characteristics of an AONB farmstead to the southern part of the scheme with a lower density focusing on a central space and careful arrangement of buildings. The road layout has been carefully considered so as to provide a link between the two areas of the application site (the main area of the site to the south west of Fieldways and the area to the rear of Westfield). The design allows the retention of an area of woodland as well as two mature Oak trees as well as providing appropriate development space. This is intended to integrate with the existing settlement edge and create an appropriate transition into the countryside and respecting the location within the AONB.

4. The level of design rationale of the appeal scheme is considered to be important in the consideration of this scheme which would deliver a residential development highly responsive to its AONB setting and context adjacent to the LBD. The retention of the vast majority of the existing hedgerows and trees within the site, together with the areas of open space, would help to mitigate the impact of the development. In addition to this, a landscape and ecological management plan (LEMP) would be secured by condition providing a framework for the long-term maintenance and preservation of the green areas within the site, which also helps to mitigate the impact of the development.
5. Whilst there would clearly be landscape harm by virtue of the introduction of the residential development, this harm would be reduced by virtue of the rational and quality of the design together with the landscape mitigation secured within this scheme.