

TWBC Response to Examiner's Initial Remarks on Benenden Neighbourhood Plan

Examiner's Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Benenden Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I have visited Benenden Parish on two occasions. I drove around the parish to familiarise myself with the 3 settlements and the location of the allocation sites on Saturday 27th February and I returned to make a more detailed site visit on Monday 22nd March, where I was able to gain access to two of the residential allocation sites - the south west quadrant of Benenden Hospital site and Uphill. I saw the proposed local open spaces and I walked across Hilly Fields.
2. I also ventured across the parish boundary into the neighbouring Biddenham Parish and noted the location of properties in Mockbeggar Lane.
3. I have not yet come to a view as to whether it will be necessary for me to call a public hearing to assist my examination. To some extent that will depend on the responses I receive to the matters which I raise in this note. Most of the questions are seeking either clarification or further comments / information from the Parish Council or in some cases from Tunbridge Wells Borough Council. Such requests are quite normal during the examination process.
4. I am somewhat unusually at this stage, also seeking the views of a number of parties who submitted comments at the Regulation 16 stage which will help me understand their perspectives a little better.

Strategic Policies

4. Can the Borough Council confirm which Local Plan policies are, for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general

conformity with? Please note that draft local plan policies in the Pre-Submission version of the Local Plan cannot be treated as strategic policies for the purpose of meeting the basic conditions test, as these are still subject to consultation and examination.

TWBC Response

The Benenden Neighbourhood Plan needs to be in general conformity with strategic policies contained in the development plan for Tunbridge Wells Borough. At this time, this requirement relates to strategic policies contained in the following planning documents adopted by Tunbridge Wells Borough Council (i.e. in the adopted, rather than emerging Development Plan):

Tunbridge Wells Core Strategy Development Plan Document 2010;

Tunbridge Wells Borough Council Site Allocations Local Plan 2016;

Saved policies in the Tunbridge Wells Borough Council Local Plan 2006;

Kent Minerals and Waste Local Plan 2013 to 2030.

Core Strategy 2010: The Core Strategy provides the overarching principles by which the essential development needs of the Borough for the period 2010 – 2026 are to be delivered. The key decisions about how much development would happen in the Borough and where and when it will take place for this period are made in the Core Strategy.

The Core Strategy provides:

- A spatial vision of how the Borough should develop strategic objectives for development in the Borough, setting out the main issues to be addressed;
- A delivery strategy setting out how much development will take place and where, when and by what means it will be delivered.

The Core Strategy policies that are considered to be relevant for consideration by TWBC when making representations to the Benenden Neighbourhood Plan Regulation 16 consultation are:-

- Core Policy 1: Delivery of Development
- Core Policy 3: Transport Infrastructure
- Core Policy 4: Environment
- Core Policy 5: Sustainable Design and Construction
- Core Policy 6: Housing Provision
- Core Policy 7: Employment Provision
- Core Policy 8: Retail, Leisure and Community Facilities Provision
- Core Policy 14: Development in the Villages and Rural Areas.

Core Policy 14 Development in the Villages and Rural Areas (within which the parish of Benenden falls) sets out a strategy for the villages that promotes a sustainable economy while maintaining and enhancing their distinctive character and environment and also that of the surrounding countryside. The main aims and objectives of Core Policy 14 are:

- To generally restrict development to sites within the LBD of the villages;
- To enhance village centres to provide a focus for communities, to resist the loss of local services and encourage the development of community facilities;
- To meet local needs for affordable housing;
- To strengthen the rural economy, including opportunities for re-use of redundant rural buildings for employment uses. Also encouragement of land-based uses and tourism;
- To conserve and enhance buildings and areas of historic and environmental importance, and to maintain the distinctive landscape character and quality of the countryside;
- To encourage the use of non-motorised modes of transport between rural settlements and with rural areas.

Core Strategy Core Policy 14 identified that approximately 360 net additional dwellings would be delivered in the villages and rural areas on sites for the period 2006 to 2026, to be allocated and released in the Site Allocations Local Plan.

The Site Allocations Local Plan 2016 sets out the specific sites that the Council believes should be developed in order to meet the levels of growth set out in the adopted Core Strategy.

The Site Allocations Local Plan did not include any site allocation for Benenden Parish.

Paragraph 8.6 in Chapter 8 Villages and Rural Areas explains that monitoring of housing completions, carried out regularly by the Borough Council, had indicated that the overall target for the villages and rural areas in the Core Strategy of 360 net additional dwellings to 2026 had been met. The Council would continue to actively promote the delivery of local needs housing and the affordable housing delivered would therefore be in addition to the target set for the rural areas. Rural exception housing would only be delivered when a specific local need has been identified.

Site Allocations Local Plan Policy AL/STR 1 Limits to Built Development sits within Chapter 2 (Methodology and Strategy), under the Heading Strategic Policies (page 23). It states that 'the extent of the Limits to Built Development is defined on the saved Local Plan Proposals Map for the villages and defined spatially on the individual settlement Proposals Maps accompanying this Site Allocations Local Plan in relation to Royal Tunbridge Wells and Southborough, Paddock Wood, Cranbrook and Hawkhurst. The saved policies of the Local Plan will continue to be relevant in considering details of the appropriate uses inside, and outside of, these defined areas until such time as they are updated and superseded by the Core Strategy Review (Local Plan)'. i.e. this is a strategic policy confirming the extent of the LBD for Benenden and Iden Green.

Local Plan 2006: since its adoption some changes have been made to the Local Plan as a result of the 'saving' of policies in March 2009, the adoption of the Core Strategy in June 2010 and the adoption of the Site Allocations Local Plan in July 2016. As a result, some

policies have been removed from the Local Plan as they are no longer valid. See the [Local Plan 2006 saved policies](#).

It is therefore the case that Local Plan (2006) Policy LBD1 remains a saved policy for Benenden Parish, being relevant for the borough's villages and rural settlements (not including Cranbrook or Hawkhurst), and linked to strategic policy AL/STR1 in the Site Allocations Local Plan 2016: i.e. it is relevant for consideration by TWBC when making representations to the Benenden Neighbourhood Plan Regulation 16 consultation. Policy LBD1 states that 'Outside the Limits to Built Development, as defined on the Proposals Map, development will only be permitted where it would be in accordance with all relevant policies contained in this Local Plan and the Kent Structure Plan 1996 and the Kent & Medway Structure Plan 2006 rural settlement and countryside policies'.

The Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 was originally adopted by Kent County Council (KCC) in July 2016 and has been subject to an Early Partial Review of certain waste management capacity requirement and mineral and waste safeguarding policies. The plan was adopted in its modified form in September 2020. There are no strategic policies in this plan that affect the site allocations proposed by Benenden Neighbourhood Plan.

Timeframe for the Neighbourhood Plan

5. I note that the plan period for the neighbourhood plan is 2020 to 2036, whilst the emerging Local Plan runs until 2038. Does the Parish Council wish me to consider extending the plan period to coincide with the local plan and can the Borough Council and the Parish Council offer a view as to whether, by extending the plan period by 2 years, this will change the housing requirement the neighbourhood plan needs to be making provision for.

TWBC Comment

Extending the plan period to 2038 would not change the housing requirement the neighbourhood plan needs to be making provision for: this is reflective of the manner in which the housing requirement has been derived – please see the responses to questions 6 and 7.

Overall Housing Numbers

6. Can the Parish Council expand on how it has arrived at the number of new homes to be built within the plan period? Is it based on the sum of the site capacities, on the sites it is seeking to allocate for residential development or is there some other basis, perhaps related to housing need or where has then been a proportional distribution by relating the population of the parish to the amount of housing that Tunbridge Wells needs to be delivering? To what extent has the Borough Council identified the amount of housing the parish needs to be making provision for and to what extent is it driven by the Parish's own aspirations? I note the reference to the Benenden Parish Plan 2015, which refers to housing growth equating to 1%

per year but I do not know why that figure was arrived at or what status that plan had– is there some assessment of local housing need that is driving that figure? I am aware that the Parish has been very alert to the affordable housing need through the setting up of a Community Land Trust?

7. Has the Borough Council set out its views as to the amount of housing the neighbourhood plan needs to be providing for, as set out in Paragraph 65 of the NPPF?

TWBC Response to Questions 6 & 7

(See APPENDIX at end for background to response to Questions 6 & 7. This provides a summary of the Development Strategy Topic Paper and also the Sustainability Appraisal, setting the background for the Strategic Policies in the TWBC PSLP).

Planning Practice Guidance (PPG) provides guidance about the relationship of the Local Plan and Neighbourhood Plan.

Paragraph: 009 Reference ID: 41-009-20190509 of the PPG ‘Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?’ provides guidance on the role of the Local Planning Authority in providing housing requirement figures for a Neighbourhood Plan in the circumstances where a Local Plan is still emerging, and has not been adopted:

Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an [indicative figure, if requested to do so by the neighbourhood planning body](#), which [will need to be tested](#) at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.

And Paragraph: 101 Reference ID: 41-101-20190509 ‘How should a housing requirement figure be set for designated neighbourhood areas?’ explains that The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the [Housing and Economic Land Availability Assessment](#), and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular importance (as set out in [paragraph 11, footnote 6](#)), which may restrict the scale, type or distribution of development in a neighbourhood plan area.

The emerging Local Plan, at the Regulation 18 and (current) Regulation 19 stages sets out at the borough and parish level (Benenden Parish) the scale of development being proposed. As explained in detail in the Appendix below, the Local Plan has been prepared through an

iterative process that has included liaison with Parish and Town Councils and, where relevant, the individual Neighbourhood Plan development groups. The preparation of the Benenden Neighbourhood Plan has been carried out alongside the preparation of the emerging TWBC Local Plan. The local planning authority and neighbourhood plan development group have been able to discuss all issues arising including those from the Regulation 18 consultation (Local Plan) and Regulation 14 consultation (NP), and where at all possible, identify common approaches and solutions.

The amount of development proposed for Benenden Parish in the emerging TWBC Plan reflects this process, taking account of the development opportunities and constraints within the parish and the availability of suitable, available, and achievable sites. In summary, the level of development and the development strategy included in the TWBC PSLP (PSLP Policy STR1 The Development Strategy (the distribution of housing allocations being summarised in Table 4)) has been prepared through an iterative process, informed by a range of evidence documents and taking account of representations made to consultations on the Issues and Options document and the Draft Local Plan (the process being explained in full in the Development Strategy Topic Paper), and the outcomes of the Sustainability Appraisal that has been carried out at a borough level, settlement level and site level (see Appendix below for a more comprehensive summary of this process). The amount of development proposed within Benenden Parish reflects this, and the discussions between the Benenden Parish Council and Borough Council as the Local and Neighbourhood Plans were being drafted, taking account of responses made to consultations carried out on the respective plans, as well as the availability of sites to deliver this development and the advice in the PPG.

8. Can I be provided with a copy of the 2015 Parish Plan.

Limits to Built Development

9. There appears to be a minor disparity between the boundary where it crosses the land adjacent to the Feoffee Cottages allocation site, which is shown as a straight line in the neighbourhood plan whilst the draft local plan has a slight angled boundary. Should the two plans be identical or is there a reason for the slightly larger site in the neighbourhood plan?

TWBC Response

The Limits to Built Development shown on Fig 2 in the BNP does not reflect subsequent changes made to the detailed LBD boundary around the site proposed to be allocated by draft Policy SSP1 in the BNP and Policy AL/BE 2 in the TWBC PSLP.

[PSLP Proposals Map](#)

The proposed LBD boundary in the PSLP reflects the approach to the allocation of this site that includes an area of landscaping within the southern part of the site.

The LBD methodology provides further details about the drawing of the LBD boundary around site allocations that include areas of landscaping buffers around the boundary. See the [Limited to Built Development Topic Paper](#) here.

(Note: planning application 19/00822, approved 23rd March 2021, follows the approach set out in the allocation policies) main documents attached to accompanying email

It is understood that amendments are proposed to the LBD boundary in the Benenden Neighbourhood Plan to reflect the approach being proposed by the PSLP.

10. Policy LE1 refers to the Limits to Built development “as defined in the Local Plan” – the version of the new local plan needs to be inserted into the policy – Could TWBC advise how that could be dealt with?

TWBC Response

This query refers to the second paragraph in the BNP Policy LE1 Protect and enhance the countryside

‘Outside the Limits to Built Development, as defined in the Local Plan, priority will be given to protecting and enhancing the countryside’.

As explained within the TWBC response to question 4 above, it is the case that Local Plan (2006) Policy LBD1 remains a saved policy for Benenden Parish, being relevant for the borough’s villages and rural settlements (not including Cranbrook or Hawkhurst) and linked to strategic policy AL/STR1 in the Site Allocations Local Plan 2016.

As part of the preparation of the TWBC PSLP there has been a comprehensive review and updating of the existing LBDs adopted in the Tunbridge Wells Local Plan 2006 and the Tunbridge Wells Site Allocations Local Plan 2016 and explain how the new/revised LBDs have been formed. Further information is provided in the TWBC Limits to Built Development Topic Paper.

The Benenden Neighbourhood Plan addresses Limits to Built Development under the heading ‘Benenden Parish & Limits to Built Development (LBD)’ on page 13, and refers to the TWBC Draft Local Plan Policy STR9 (Note: it is presumed that this should read ‘Policy STR10’).

TWBC Policy STR10 Limits to Built Development Boundaries

The proposed Limits to Built Development for all settlements are shown on the draft Policies Map. New development shall be focused within the Limits to Built Development, where proposals accord with other relevant policies of this Plan.

Outside the Limits to Built Development, development will normally be limited to that which accords with specific policies of this Plan and/or that for which a rural location is demonstrated to be necessary.

The BNP does not include a specific policy for designating LBD boundaries; it includes maps that show the adopted LBD boundaries for Benenden and for Iden Green (ref 2006 TWBC Adopted Local Plan) and the proposed LBD boundary for Benenden (ref TWBC PSLP). The TWBC Draft Local Plan and Pre-Submission Local Plan did not and do not include a LBD boundary for Iden Green. There is a slight difference in the position of the LBD between the Draft Local Plan and the PSLP, around the Feoffee Cottages site.

It is the case that the PSLP (the 'new local plan') proposes a new LBD for Benenden village and therefore the LBD boundary will change (as well as the LBD boundary for Iden Green being completely removed) on the adoption of the PSLP. However, it could be that the BNP is 'made' prior to the adoption of the new TWBC Local Plan.

It is suggested that this can be addressed through Figure 3 being amended to show the LBD as set out in the PSLP, and an additional paragraph at page 13 of the BNDP which states:

"For the avoidance of doubt, the LBD for Benenden are shown in Figure 3 which incorporates the sites allocated by the Neighbourhood Plan. There is no LBD for Iden Green or East End".

AND an amendment to BNP Policy LE1 Protect and enhance the countryside

'Outside the Limits to Built Development, as defined in Figure 3, priority will be given to protecting and enhancing the countryside'.

Community Infrastructure Levy

11. Can the Borough Council set out its intentions with regard to the introduction of a Community Infrastructure Levy Scheme- is it committed to introducing such a scheme, subject to appropriate examination? Has consideration been given as to what infrastructure will be funded by CIL e.g. enhancement to school places?

TWBC Response

No decision has been made regarding the introduction of a Community Infrastructure Scheme.

The most recent Local Development Scheme (LDS) February 2021 states:

"Not adopted. No decision has been made on this matter, with the focus being on taking the Local Plan through to its next stage.

The matter will be reviewed as the Local Plan moves towards the Pre-Submission version, having regard to the Government's stated intention to replaced CIL and Section 106 Agreements with an Infrastructure Levy.

If a decision is made to move towards CIL, then a timetable for the relevant stages of this will be provided".

At this stage, therefore, the Council is not committed to CIL, and it is very unlikely that it will take forward CIL given the comments in the White Paper. However, infrastructure needs for the parish, including community facilities such as school places etc, as a result of planned development are set out in the Infrastructure Delivery Plan which accompanies the PSLP. At the end of each sub-section (e.g. education, health provision, sport and recreation) a summary is given of the infrastructure needs for different settlements/parishes, or in some instances clusters of settlements/parishes.

TWBC successfully uses, and anticipates (until there is further clarity on the commentary in the White Paper on an infrastructure levy) continuing to use Section 106 agreement to secure contributions.

Policy LE1 – Protect and Enhance the Countryside

12. Does the reference to distinctive views in c) not duplicate Policy LE2?

13. Can I request that the Figures 10 and 11 be shown at full A4 size to aim their legibility?

Policy LE2 - Distinctive Views

14. The second paragraph of the policy appears to be duplicating Policy LE1 a). Is that necessary? Parish response

Policy LE3 Local Green Spaces

15. I note that there is a degree of duplication with the designation of local green spaces between the draft Local Plan and this neighbourhood plan policy. If the neighbourhood plan is made before the draft local plan is adopted, will the local plan designations still be pursued by the Borough Council as this appears to be not a strategic policy and Secretary of State advice is not to duplicate policy unnecessarily?

TWBC Response

The proposed LGS designations for Benenden Parish in the PSLP are detailed in the updated [Local Green Space Assessment 2021](#)

Benenden:

Benenden Recreation Ground, Glebe Field/Playing Field, Catholic Church Ground, Goddards Green, New Pond Corner, Cherryfields, and Beacon Field

Iden Green: Iden Green Recreation Ground

East End: East End Cricket Pitch

Informed by the [LGS Methodology Update](#)

[Map](#)

If the neighbourhood plan is made before the draft local plan is adopted, then the TWBC Local Plan will refer to the Neighbourhood Plan to avoid duplication.

16. I will be proposing to list the local green spaces designated in the policy.

17. Can the Parish Council clarify whether the memorial bench on the slope of Hilly Fields site was placed there by the owners of the land for their own use or is it a public amenity?

Policy LE6 – Ecological and Arboricultural Site Surveys

18. Can the Borough Council set out the requirements of the Local Validation Checklist in terms of which planning applications are required to be accompanied by ecological or arboricultural surveys?

TWBC Response

See [Local Validation Checklist](#)

Ecology and Protected Species Survey if the development is likely to affect statutorily protected species, or is in a Site of Special Scientific Interest (SSSI) or in a Special Protection Area (SPA)

Tree Survey if there is a Tree Preservation Order (TPO) on or affecting the site

Policy HS1 – Site Allocations and Number of New Dwellings

19. Can the Parish Council clarify whether the figures in the policy are net or gross figures? For example, the redevelopment of Site Reference LS41 will demolish 18 units to be replaced by 22- 25 units, thereby delivering a net increase in 4- 7 dwellings or is the plan proposing that 40 – 43 dwellings are to be built on the site?

20. Does the Parish Council have a view as to whether the housing numbers should be described as minimum figures?

Policy HS2 – Delivering a Balanced Community

21. Can I be provided with a link to the TWBC Strategic Housing Needs Assessment and the Housing Needs Study?

TWBC Response

[TWBC Strategic Housing Needs Assessment: SHMA 2015](#)

[SHMA update 2017](#)

[TWBC Housing Needs Study 2018](#)

[TWBC Review of Local Housing Needs 2020](#)

22. Is the intention that b) refers to the property being suitable for older residents and can the Parish Council confirm that it is not expecting to see local connection restrictions imposed to meet the requirements of c). How is the requirements in a) consistent with the requirement 1 of Site Specific Policy (SSP1) which refers to affordable housing adhering to the almshouse principle?

Policy HS3 – Almshouses

23. Can the Borough Council confirm whether the planning consent, which is proposed to granted on the Feoffee site is limited to “almshouses” or does it allow other forms of affordable housing. Planning permission run with the land rather than being personal to a particular landowner and is the Parish Council promoting this type of tenure in other affordable housing schemes throughout the parish?

TWBC Response

Planning application 19/00822/HYBRID approved 23rd March 2021

Hybrid Application - Outline (Access not reserved) - (Development comprising of the erection of 13 dwellings); Full - (Erection of 12 Almshouses together with accesses, parking, landscaping and drainage)

Committee Report, Decision Notice and s106 Agreement: attached to covering email (see response to question 9)

The s106 agreement does not provide for the delivery of other forms of affordable housing. The Almshouse Dwellings are provided on the land in lieu of the Council's usual affordable housing policy requirement. The Charity shall remain the owner of each of the Almshouse Dwellings and shall not transfer, lease, or assign the Almshouse Dwellings or the Almshouse Land unless the Council provides its written consent to a transfer, lease or assignment to a Registered Provider for the provision of Affordable Housing to those in Housing Need with nomination rights granted to the Borough Council in accordance with the Borough Council's published Allocations Scheme and a deed of modification to the s106 is completed

The S106 requires almshouses to be delivered as 'affordable housing' (it doesn't meet the NPPF definition) to reflect the proposal within the planning application.

Policy HS4 Live / Work Units

24. Can the Parish Council explain why, if a residential use is acceptable in a location e.g. with the LBD, why would there be a need to prevent the building subsequently only being used for purely residential purposes?

Policy HS6 Housing Density

25. Would the Parish Council accept the need for some flexibility on the matter of density, if the plan’s aspirations for more flats, maisonettes and properties for people to down size to, are to be delivered?

Site Allocations

26. I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations.

TWBC Response

In short, yes, it is TWBC’s view that there is increased scope for consistency, and agrees that further discussions to be held promptly would be extremely useful to address this. For the sake of ease, comparisons between the BNP and the PSLP policy requirements are set out below.

Policy SSP1 Land adj to Feoffee Cottages, Walkhurst Road (TWBC PSLP Policy AL/BE 2)

	BNP Policy SSP1	TWBC Policy AL/BE 2	Comments
Site Layout Plan	An indicative layout is shown but the (separate) site plan does not include an area as open space/landscape buffer	Shows large area as open space/landscape buffer	Site Plan in TWBC PSLP is more detailed. It is understood that the site plan in the BNP will be amended to reflect the site plan in the PSLP
Capacity	Criterion 1: 23-25 C3 to include:	Approx. 25 to include:	
Affordable/Almshouses	Criterion 1: At least 12 almshouses	48% affordable (12)	Para 2.9.1.1. the RJ in the BNP explains that almshouses are affordable housing

	BNP Policy SSP1	TWBC Policy AL/BE 2	Comments
Mix	Criterion 1: Family & small	Ref PSLP Policy H1 Housing Mix: 'provide appropriate housing mix with a range of sizes, types and tenures. The mix should reflect requirements in Local Plan or made NP for the area	
Density	Criterion 2: Sympathetic to local character/AONB/CA Not exceed 25dph	Ref PSLP Policy H2 Housing Density: Development should make efficient use of land, having full regard to context of the site	
Parking	Criterion 3: Ref BNP Policy BD6	Ref PSLP Policy TP3 Parking Standards	
Electric car charging	Criterion 3: yes	Ref PSLP Policy EN1	
Access	Criterion 6: yes	Single means onto Walkhurst Road	
Ancient Woodland	Criterion 4:50m buffer	Ref Policy PSLP EN13 Ancient Woodland	PSLP refers to 'adequate buffers'; PSLP refers to 'provision of unequivocal evidence of need and benefits of the proposed development, and for the design of the development
Management AW	Criterion 4: BNP Policies LE7,LE8	Ref Policy PSLP EN13 Ancient Woodland	
Open space	Criterion 5: Suitable standard garden space	Criterion 6: On-site amenity/natural green space, children's playspace	Does BNP Policy provide for playspace?

	BNP Policy SSP1	TWBC Policy AL/BE 2	Comments
Landscaping	Criterion 5: BNP Policies LE9, BD4	Criterion 3: Landscape buffer	TWBC Site Plan includes landscape buffer It is understood that the site plan in the BNP will be amended to reflect the site plan in the PSLP
Footpath connection	Criterion 6: To village centre Policy BD7	Criterion 2: link to existing network into village	Both include use of appropriate design
Design	Criterion 7: Reflect edge of settlement location, AONB, informed by LVIA & heritage assessments, materials	Criterion 4: Edge of settlement, Setting of CA, listed buildings	BNP Policy refers to TWBC DLP Policies EN1, EN20, EN21
Heritage	Criterion 8: BNP Policy refers to TWBC DLP Policies EN7	Criterion 4: Setting of CA, listed buildings	
Existing hedges/trees/wildlife	Criterion 9: Minimise impact Policies LE5, LE6, LE9	Ref PSLP Policy EN1	
Dark Skies	Criterion 10: Comply with BD5	TWBC Policy EN8 Outdoor Lighting & Dark Skies: Benenden is included in Zone E1 'intrinsically dark with natural surroundings'	
Contributions			TWBC Policy refers to PSTR/BE 1
Junction works	Yes, include dropped pavement, tactile paving	As required by KCC Highways. TWBC PSLP Policy EN1 (2) provides for this as necessary	
Other	Identify through pre-app/planning process		

Policy SSP1 Land adj to Feoffee Cottages, Walkhurst Road (TWBC PSLP Policy AL/BE 2) summary of main differences

19/00822 Hybrid Application - Outline (Access not reserved) - (Development comprising of the erection of 13 dwellings); Full - (Erection of 12 Almshouses together with accesses, parking, landscaping and drainage) approved 23rd March 2021

Parking Criterion 3: BNP Policy BD6 compared with PSLP Policy TP3 Parking Standards. Higher level of parking spaces required by the policy in the BNP compared with the PSLP

Open space Criterion 5: BNP requires a suitable standard of garden space; Criterion 6: PSLP requires on-site amenity/natural green space, children’s playspace. Does the BNP Policy provide for playspace?

Contributions

TWBC Policy refers to PSTR/BE 1 that has potential for delivering a wider range of contributions than required by Policy SSP1

Policy SSP2 Uphill, New Pond Road, Benenden (TWBC PSLP Policy AL/BE 1)

	BNP Policy SSP2	TWBC Policy AL/BE 1	Comments
Capacity	Criterion 1: 18-20	18-20 dwellings	
Affordable	Criterion 1: To comply with TWBC policy	40%	
Mix	Criterion 1: Ref BNP Policy HS2: local identified needs	Ref PSLP Policy H1 Housing Mix: ‘provide appropriate housing mix with a range of sizes, types and tenures. The mix should reflect requirements in Local Plan or made NP for the area	
Density	Criterion 1: Sympathetic to local character/AONB/CA Not exceed 25dph	Ref PSLP Policy H2 Housing Density: Development should make efficient use of land, having full regard to context of the site	

	BNP Policy SSP2	TWBC Policy AL/BE 1	Comments
Parking	Criteria 3: Ref BNP Policy BD6	Ref PSLP Policy TP3 Parking Standards	
Electric car charging	Criterion 3: yes	Ref PSLP Policy EN1	
Open space	Criterion 9: Suitable standard garden space. Addresses landscaping of open areas/means of enclosure; refers to Policy BD4	Criterion 9: on-site amenity and children's playspace	
Landscaping, AONB, existing hedges/trees/wildlife	Criterion 4: refers to Policies LE5 & LE6	Criterion 4	
SSSI Parsonage Wood; priority Habitat	Criteria 5 and 6 : Refers to TWBC DLP Policies EN11 & EN12 Criterion 9 refers to BNP Policies LE5 & LE7	Criteria 5 & 6	
Footpath connection	Criterion 10: link to existing network into village; refers to Policy BD7	Criterion 2: link to existing network into village	Both include use of appropriate design
Single point of vehicular access	Yes	Criterion 1	
Design	Criterion 12: Refers to policies in BNP Design & Built Env chapter	Criterion 7: setting of settlement & listed buildings, impact on CA	
Heritage	Criterion 7: archaeological investigations. Refers to TWBC DLP Policy EN7	Criterion 7: heritage/CA Criterion 8: archaeological investigations	
Dark Skies	Criterion 13: Comply with BD5	TWBC Policy EN8 Outdoor Lighting & Dark Skies: Benenden is included in Zone E1 'intrinsically dark with natural surroundings'	
Contributions			TWBC Policy refers to PSTR/BE 1

	BNP Policy SSP2	TWBC Policy AL/BE 1	Comments
Junction works	Yes, include dropped pavement, tactile paving	As required by KCC Highways. TWBC PSLP Policy EN1 (2) provides for this as necessary	
Speed Limit	Designation 30mph	Criterion 3: 30 mph	
Play areas	Contribution required	Criterion 9: requires on-site children's playspace	
Other	Identify through pre-app/planning process		

Policy SSP2 Uphill, New Pond Road, Benenden (TWBC PSLP Policy AL/BE 1) summary of main differences

Parking Criterion 3: BNP Policy BD6 compared with PSLP Policy TP3 Parking Standards. Higher level of parking spaces required by the policy in the BNP compared with the PSLP

Open space Criterion 9: BNP requires a suitable standard of garden space; Criterion 9: PSLP requires on-site amenity and children's playspace. Does the BNP Policy provide for playspace?

Contributions TWBC Policy refers to PSTR/BE 1 that has potential for delivering a wider range of contributions than required by Policy SSP1

Policy SSP3 Land at Benenden Hospital, South of Goddards Green Road (SE Quadrant) TWBC PSLP Policy AL/BE 3

	BNP Policy SSP3	TWBC Policy AL/BE 3	Comments
Site Layout Plan	Red line only	Red line only	TWBC Site area smaller than BNP: open land to south not included in TWBC site area
Capacity	22-25 additional. Refers to previous approval for 24 TOTAL: 46 – 49	22 – 25 additional. Refers to previous approval for 23 TOTAL 45 - 48	
Masterplan	Comprehensive proposals in form of masterplan required: refers to 'in respect of the	Criterion 1: Comprehensive proposals, together with NE quadrant	'BHS': Benenden Healthcare Society

	BNP Policy SSP3	TWBC Policy AL/BE 3	Comments
	land currently held in BHS estate ownership' Phased timetable, SE Quadrant to be developed prior to any other phases Masterplan to be completed, accepted by TWBC & BPC before submission of planning application for area	Includes how development should be assessed if only part of the SE or NE quadrants are promoted: includes mechanism for delivering minibus/retail/active travel link/café in these circumstances	
Phasing	Criterion 14: build out before construction can start on NE quadrant Refers to need to reduce construction traffic movements – impacts on junctions	Criterion 1: phased timetable. SE quadrant to be developed prior to other phases	
Affordable	Criterion 1: To comply with TWBC policy	30%	
Density	Criterion 2: Not exceed 22dph		
Parking	Criterion 3: Policy BD6	Ref PSLP Policy TP3 Parking Standards	
Electric car charging	Criterion 3: yes	Ref PSLP Policy EN1	
Open space	Criterion 5: Suitable standard garden space	Criterion 12: on-site amenity space and children's playspace	
Footpath connection		Criterion 2: active travel link between site and Benenden village	
Design	Criterion 2: reflect character of rural area, adj to AONB, scale of adj hospital buildings		

	BNP Policy SSP3	TWBC Policy AL/BE 3	Comments
	(generally 2 storeys) Criterion 4: design/materials – Refers to policies in BNP Design & Built Env chapter Criterion 7: reflect existing trees and hedges on site, and the complex topography		
Heritage		Criterion 8: Archaeological assessment Criterion 9: possible retention of Garland Wing	
Existing hedges/trees/wildlife	Criterion 6: Policy LE5 Refers to TWBC DLP Policies EN1 & EN14	Criterion 7	
Local Wildlife Sites	Criterion 8: refers to Policy LE7 (conserve/protect LWS) Criterion 9: refers to Policy LE8 (conserve/enhance LWS; management plan)	Criterion 10	
Dark Skies	Criterion 13 Refers to Policy BD5	TWBC Policy EN8 Outdoor Lighting & Dark Skies: Benenden is included in Zone E1 'intrinsically dark with natural surroundings'	
Construction Management Plan	Criterion 11 Refers to Policies LE5 & LE6		
Traffic Impact Study	Criterion 12		
Area for sport/rec use		Criterion 3: tennis courts, access to sports pavilion – unless it can be	

	BNP Policy SSP3	TWBC Policy AL/BE 3	Comments
		shown this is no longer required	
Reprovision of hospital parking		Criterion 3	
Retail outlet at hospital		Criterion 5	
Sewerage infrastructure		Criterion 11	
Contributions			TWBC Policy refers to PSTR/BE 1
Active travel link between site & Benenden village	Yes	Criterion 2	
Reduce speed limit through East End from 30mph to 20mph	Yes		
Area for sport/rec use by local community	Yes	? Criterion 3	Include reuse of tennis court in NE quadrant
Children's play area	Yes	Criterion 12	Include reuse of tennis court in NE quadrant
Secure public use of hospital café	Yes	Criterion 4	From occupation of 50% of resi units
Provide community space	Yes		Could include existing old chapel to east
Provide minibus for use of Benenden Primary School	Yes, for 10 years	Criterion 6	From occupation of 50% of resi units To serve school times
Promote KCC Hopper Bus trial and other initiatives	Yes	Criterion 6	To aid connectivity to eg Tenterden

Policy SSP3 Land at Benenden Hospital, South of Goddards Green Road (SE Quadrant) TWBC PSLP Policy AL/BE 3 Summary of main differences

Site Layout Plan: TWBC Site area smaller than BNP: open land to south not included in TWBC site area

Main area of difference: Masterplan required by Policy SSP

Wording from Policy SSP3 and SSP4 in italics

Comprehensive development proposals in the form of a masterplan, must be submitted in respect of the land currently held in Benenden Healthcare Society estate ownership at this

location, to be delivered in accordance with a phased timetable, which indicates land to the south of Goddards Green Road (SEQ) to be developed prior to any other phases

Criterion 1 of TWBC PSLP Policy AL/BE3 requires (italics)

Comprehensive proposals for this site, together with the site area included within Policy AL/BE 4 (land located to the north of Goddards Green Road), to be delivered in accordance with a phased timetable, which indicates land to the south of Goddards Green Road to be developed prior to any other phases. If an application is submitted for only part of the area included within Policies AL/BE 3 and AL/BE 4, then this application must: a. show indicatively how the other areas included within Policies AL/BE 3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses, and is previously developed land; b. include a mechanism to ensure that the minibus and retail store provision, active travel link, and public access to the café (as referred to below) can be provided through the development at part of the site alone;

Parking Criterion 3: Policy BD6; Ref PSLP Policy TP3 Parking Standards

Higher level of parking spaces required by the policy in the BNP compared with the PSLP

Heritage Criterion 9 of PSLP – possible retention of Garland Wing

Policy SSP4 Land at Benenden Hospital, North of Goddards Green Road (NE Quadrant) TWBC PSLP Policy AL/BE 4

	BNP Policy SSP4	TWBC Policy AL/BE 4	Comments
Site Layout Plan	Red line only	Larger red line: Area identified as built development is for a smaller area Red line includes area of open space (not included in BNP Policy)	It is understood that the area to the east of the garage block (shown as open space in TWBC Policy) will be indicated as such in the BNP (that currently shows area as suitable for built development)
Capacity	22-25 units	22 – 25 additional. Refers to previous approval for 23 TOTAL 45 – 48	BNP policy does not make any reference to existing 18 residential units
Masterplan	Comprehensive proposals in form of masterplan required: refers to 'in respect of the land currently held	Criterion 1: Comprehensive proposals, together with NE quadrant	'BHS': Benenden Healthcare Society

	BNP Policy SSP4	TWBC Policy AL/BE 4	Comments
	in BHS estate ownership' Phased timetable, SE Quadrant to be developed prior to any other phases Masterplan to be completed, accepted by TWBC & BPC before submission of planning application for area	Includes how development should be assessed if only part of the SE or NE quadrants are promoted: includes mechanism for delivering minibus/retail/active travel link/café in these circumstances	
Phasing	Criterion 14: build out before construction can start on NE quadrant Refers to need to reduce construction traffic movements – impacts on junctions	Criterion 1: phased timetable. SE quadrant to be developed prior to other phases	
Affordable	Criterion 1: To comply with TWBC policy	30%	
Density	Criterion 2: Not exceed 22dph		
Parking	Criterion 3: Policy BD6	Ref PSLP Policy TP3 Parking Standards	
Electric car charging	Criterion 3: yes	Ref PSLP Policy EN1	
Open space	Criterion 5: Suitable standard garden space	Criterion 12: on-site amenity space and children's playspace	
Design	Criterion 2: reflect character of rural area, adj to AONB, scale of adj hospital buildings (generally 2 storeys) Criterion 4: design/materials – Refers to policies		

	BNP Policy SSP4	TWBC Policy AL/BE 4	Comments
	in BNP Design & Built Env chapter		
Heritage		Criterion 8: Archaeological assessment Criterion 9: possible retention of Garland Wing	
Existing hedges/trees/wildlife	Criterion 6 & 7: Policy LE5 Refers to TWBC DLP Policies EN1 & EN14	Criterion 7	
Local Wildlife Sites	Criterion 8: refers to Policy LE7 (conserve/protect LWS) Criterion 9: refers to Policy LE8 (conserve/enhance LWS; management plan)	Criterion 10	
Dark Skies	Criterion 13 Refers to Policy BD5		
Construction Management Plan	Criterion 11 Refers to Policies LE5 & LE6		
Traffic Impact Study	Criterion 12		
Active travel link between site & Benenden village		Criterion 2: required	
Area for sport/rec use		Criterion 3: tennis courts, access to sports pavilion – unless it can be shown this is no longer required	
Reprovision of hospital parking		Criterion 3	
Retail outlet at hospital		Criterion 5	
Sewerage infrastructure		Criterion 11	
Contributions			TWBC Policy refers to PSTR/BE 1
Active travel link between site & Benenden village	Yes	Criterion 2	

	BNP Policy SSP4	TWBC Policy AL/BE 4	Comments
Reduce speed limit through East End from 30mph to 20mph	Yes		
Area for sport/rec use by local community	Yes	? Criterion 3	Include reuse of tennis court in NE quadrant
Children's play area	Yes		Include reuse of tennis court in NE quadrant
Secure public use of hospital café	Yes	Criterion 4	From occupation of 50% of resi units
Provide community space	Yes		Could include existing old chapel to east
Provide minibus for use of Benenden Primary School	Yes, for 10 years	Criterion 6	From occupation of 50% of resi units To serve school times
Promote KCC Hopper Bus trial and other initiatives	Yes	Criterion 6	To aid connectivity to eg Tenterden

Policy SSP4 Land at Benenden Hospital, North of Goddards Green Road (NE Quadrant) TWBC PSLP Policy AL/BE 4 Summary of main differences

Site Layout Plan: TWBC Site area differs from that in BNP

TWBC Site Plan has a larger red line: Area identified as built development is for a smaller area than as shown in BNP. TWBC red line includes area of open space, not included in BNP Policy

Main area of difference Masterplan required by Policy SSP

- Parking Criterion 3: Policy BD6;Ref PSLP Policy TP3 Parking Standards

Higher level of parking spaces required by the policy in the BNP compared with the PSLP

Site Specific Policy (SSP1)- Land Adjacent to Feoffee Cottages

27. Can I be provided with a link to the planning history and can the Borough Council confirm whether all the requirements of the policy, are being met with this approved scheme.

Committee Report, Decision Notice and s106 Agreement: attached to covering email (see response to question 9)

The relevant planning history is included within the Committee Report (attached to covering email), but to confirm the only history was 80/00995/OUT Outline - Three or four bungalows Withdrawn 20/10/1980

TWBC Comments

19/00822 Hybrid Application - Outline (Access not reserved) - (Development comprising of the erection of 13 dwellings); Full - (Erection of 12 Almshouses together with accesses, parking, landscaping and drainage).

Para 5.445 in the TWBC PSLP states that development proposed by this application follows the approach set out in Local Plan Policy AL/BE 2 and draft BNP Policy SSP1

BNP Policy SSP1 requires

Criterion One: 23 to 25 C3 dwellings

met by approved scheme for 25 dwellings

Criterion One: of which at least 12 being almshouses

met by approved scheme

Committee Report: The NPPF defines affordable housing in the Glossary (Annex 2) at the end of the document. Following discussion with the Council's Housing Register and Development Manager and Mid Kent Legal Services, it is considered the almshouse scheme falls outside the NPPF definition of affordable housing. Despite this, the almshouse model clearly provides a low-cost form of housing (at a lower cost than the majority of forms of affordable housing within the NPPF definition) which is aimed at people in housing need who live in the vicinity.

This scheme however provides slightly under 50% low cost housing, all of which are 'rented' and would be controlled by a S106 agreement which is a significant benefit. Whilst the Charity's 9 existing units could be sold off, which would only leave a net increase of three units, this could occur at any time without further recourse to the LPA anyway.

As a form of low-cost housing almshouses are probably unrivalled, in that they can never be sold off to the occupiers under right-to-buy or similar schemes. It is proposed to give the provision of new almshouses significant weight and greater weight than would be given to the standard affordable housing package which developers are required to provide as part of housing schemes

Criterion One: mix housing types, including affordable family housing and smaller units

Committee Report: The number of residential units and the mix of unit sizes are considered to be appropriate to this site

Criterion Two: design to conserve/enhance character and distinctiveness of village

Criterion Two: density to be sympathetic to surrounding AONB area, and to nearby listed buildings/Conservation Area; not exceed 25 dph (after discounting buffer zone)

Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development

Comment from KCC Heritage: The site of the application lies east of the historic settlement of Benenden and within a wider area of farming small holdings and small country residences of post medieval origin. An outfarm is identifiable on the 1st Ed OS map within the area of the proposed development. The Heritage Statement supporting this application which concludes that there is little archaeological potential at this site. However, given the lack of previous investigation at this site and the size of the proposed development, KCC recommend a condition.

Committee Report: The application is accompanied by a heritage statement, the contents of which were initially objected to by the Conservation Officer (CO). Subsequent revisions of the statement were submitted and the CO now considers it adequately addresses the heritage issues on site and meets the requirements of NPPF Para 189.

Committee Report: it is not considered that this should be considered as a 'major development' for NPPF Para 172 purposes. Whilst there would be a significant amount of new built development within the site, the works are concentrated on a single field next to a modern development, with no encroachment in to the Ancient Woodland. There are no particular landscape features that would be lost and the proposal would not result in coalescence with other settlements. It is noted the High Weald AONB Unit and Natural England did not comment on whether they considered the draft allocation for this site to be major, whereas they have subjectively commented on this point for other sites

Criterion Three: parking provision with ref to BNP Policy BD6

The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision

Criterion Three: electric charging

Planning Approval Conditions:

EV Charging Points - detailed

15) Prior to the commencement of any Above Ground Development hereby approved with regards to the detailed planning permission (identified as the Detailed Application area on drawing number 23240C/03B) details of the provision of electric vehicle-charging points, including a timescale for their provision and a plan identifying the units/parking spaces which shall be allocated the charging points shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

EV Charging Points – outline

16) Notwithstanding the approved plans and submitted details, within the area of the site subject to the outline planning permission (identified as the Outline Application area on drawing number 23240C/03B), the submission of reserved matters for that phase of the development shall include details of the provision of electric vehicle-charging points, along with a timescale for their provision and a plan identifying the units/parking spaces which shall be allocated the charging points. Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied and retained thereafter.

Reason: In the interests of promoting emission-free car use and to achieve sustainable development.

Criterion Four: protect Ancient Woodland to include buffer, with long-term management

Response from Natural England: No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Standard advice given regarding AONBs, Ancient Woodland, SSSI Risk Zones and Priority Habitats.

Criterion Five: suitable standard of shared semi-private and/or private garden for all dwellings

Committee Report: The future occupiers of the properties would each have reasonable to good sized private gardens (as shown on the indicative plans) which would provide adequate amenity space.

Criterion Five: suitable landscaping for open areas, means of enclosure

Detailed landscaping schemes required to be submitted/approve to protect and enhance the amenity of the area.

Criterion Six: vehicle access link

The proposals include a new bell mouth vehicle access onto Walkhurst Road. This has been designed within the existing public highway verge.

KCC Highways did not seek to raise objection in principle, but did provide details that should be addressed to deliver safe and suitable access for all as required by the NPPF: footway extension and parking

Criterion Six: footpath/direct pedestrian link to link in with existing network; appropriate design

Plan provides a link to the existing footway

Criterion Seven: design to reflect edge of settlement location and location in AONB

The proposal is considered to comply with Paragraph 172 of the NPPF in terms of its impact on the Area of Outstanding Natural Beauty (AONB)

Committee Report: The Council's position in the Local Plan is that development in the AONB is supported by robust site policies to ensure an appropriate quality of development that brings forward public benefits with a suitable level of mitigation. At present it is not clear that the outline part of this scheme has met that requirement or that the overall extent of public benefits and mitigation has been achieved. However as an outline scheme there is the opportunity to address some of this through reserved matters and/or conditions and further mitigation and public benefits might be achieved through the landscape scheme and the LEMP.

Criterion Seven: development to be informed by a LVIA, heritage assessment

The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement and a Landscape and Ecological Management Plan (to be secured by condition)

Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development

Committee Report: TWBC Landscape & Biodiversity Officer

It is correct that we gave advice that the scheme being relatively straightforward did not require a full Landscape and Visual Impact Assessment but the advice was to provide some information:

“A full LVIA would not be needed here – but some kind of assessment and evaluation of the landscape impact of the development, together with a views analysis (including views from the CA) would be necessary to accompany the application. This should draw on the section within the High Weald AONB Management Plan ‘Planning and the Management Plan’ to demonstrate an understanding of the landscape, to include historic map regression”;

Criterion Seven: design and materials comply with BNDP requirements

Committee Report states that it is recognised that the scheme will support AONB management plan objectives regarding good quality design and materials, plus provision of affordable accommodation in the AONB in perpetuity

Committee Report: As the outline part of the application only addresses access, with all other matters reserved for future consideration, there are no specific details for the design of the thirteen market dwellings. Materials, scale, appearance, layout etc. would all be addressed at the Reserved Matters stage. The Design & Access Statement refers to maximum parameters of two storeys and 10m in height, which can be conditioned.

Committee Report: The almshouses are arranged around a central courtyard garden with ancillary bin stores and parking areas located to the periphery of the almshouse development. They are finished in a variety of traditional materials and are considered to relate well to the local red brick and tile hung buildings that are prominent throughout Benenden.

The strongly expressed red brick chimneys help break up the roofscape and establish the character of the development, as do the prominent front gables, combination of materials and peripheral landscaping. The buildings are not considered to be out of scale with those in Rothermere Close which, whilst not setting a design precedent, are of a limited height and scale. Overall the composition of the separate buildings and the arrangement around the courtyard is considered to be appropriate to the design intentions to create small communal dwellings and assimilates with the rural character of the area.

Criterion Eight: be sensitive to approach/setting of CA

TWBC Conservation Officer - The amended heritage statement meets the requirements of the NPPF, and agree with its analysis.

Criterion Nine: minimise impact of construction work on existing flora and fauna and encourage wildlife features

The proposal can be satisfactorily accommodated around the trees on and off site, some of which are protected by a Tree Preservation Order;

Planning Approval:

26) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority. Reason: In the interests of protecting the visual amenities and character of the site and locality

Criterion Ten: proposals for outdoor lighting to comply with BNP Policy BD5 dark skies

Planning Approval: External lighting

33) Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting (where applicable) full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The submitted lighting scheme shall be informed by an ecologist to limit the impact upon protected species from artificial light sources. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. Reason: To protect the appearance of the area, the environment and wildlife/local residents from light pollution

Contributions:

Junction work Walkhurst Road/B2086

KCC Highway Comments: No improvements will be sought to the junction of Walkhurst Road with Benenden Road (a draft policy requirement) as the RSA stage 1 does not bring forward any real improvement over the existing situation.

28. Can the Parish Council elaborate on what it considers are the "almshouse principle" and how does that differ from other forms of affordable housing?

TWBC Comments

Permission 19/00822/HYBRID Outline (Access not reserved) - (Development comprising of the erection of 13 dwellings); Full - (Erection of 12 Almshouses together with accesses, parking, landscaping and drainage) was granted on 23rd March 2021 (subject to S106 agreement) following the Planning Committee resolution on 9th September 2020, and broadly follows the approach set out in the TWBC PSLP Policy AL/BE 2 and draft BNP Policy SSP1.

Committee Report, Decision Notice and s106 Agreement: attached to covering email (see response to question 9)

Site Specific Policy (SSP3) -Land at Benenden Hospital

29. Can I be provided with a copy of the planning permission granted in 2012 which included consent for 24 houses. Can I be provided with a copy of the layout that was approved. I am assuming that is still an extant consent. Would that allow for the demolition of the Garland Wing without any further consents?

TWBC Comments

The 2012 planning application (details below) is an extant consent– extension and redevelopment of the existing hospital complex has been implemented.

This would allow for the demolition of the Garland Wing/Sanitorium without any further consents. There are no obligations in the S106 that affect the ability to demolish the Garland Wing

Benenden Hospital recent Planning History

12/03130 Hybrid Planning Application: Part Detailed - Extension and redevelopment of existing hospital complex including infill extensions and extensions to east and west sides of main building, re-organisation of hospital car parking, associated highway works and associated development including demolition of minor extensions, a sub-station and redundant buildings including 2 residential units, new lighting scheme, landscape works and works to buildings to north of site. Part Outline - Demolition and redevelopment of part of south east section of the site to provide 24 dwellings with associated car parking and landscaping and future phase extension to the western side of the main hospital building

Approved 14th March 2013 (committee date)

The decision notice, committee report and s106 agreement are attached to the covering email.

14/505641/FULL including demolition of minor extensions, a sub-station and redundant buildings including 2 residential units, new lighting scheme, landscape works and works to

buildings to north of site. Part Outline - Demolition and redevelopment of part of south east section of the site to provide 24 dwellings with associated car parking and landscaping and future phase extension to the western side of the main hospital building :1) Proposed Chiller Compound. 2) Proposed Level 3 Plant Room. 3) Air Source Heat Pump plant area added. 4) omit proposed barrel vault and add duo pitch. 5) Proposed pedestrian pathways. 6) Proposed hedges altered. 7) Refuse area fully enclosed. 8) External passage way stairs altered. 9)Alterations to openings. 10) Return wall to proposed curtain wall altered

Approved 30th October 2015

17/00951/FULL Variation of Condition 2 (Approved plans) of 14/505641/FULL (Minor Material Amendment application in relation to TW/12/03130 for Part Outline - Extension and redevelopment of existing hospital complex including infill extensions and extensions to east and west sides of main building, re-organisation of hospital car parking, associated highway works and associated development including demolition of minor extensions, a sub-station and redundant buildings including 2 residential units, new lighting scheme, landscape works and works to buildings to north of site; Part Outline - Demolition and redevelopment of part of south east section of the site to provide 24 dwellings with associated car parking and landscaping and future phase extension to the western side of the main hospital building :

1) Proposed Chiller Compound. 2) Proposed Level 3 Plant Room. 3) Air Source Heat Pump plant area added. 4) omit proposed barrel vault and add duo pitch. 5) Proposed pedestrian pathways. 6) Proposed hedges altered. 7) Refuse area fully enclosed. 8) External passage way stairs altered. 9)Alterations to openings. 10) Return wall to proposed curtain wall altered) - To permit retention of a former staff house as a single dwelling house with new vehicular access (previously shown to be demolished).

Approved 7th December 2017

19/02209/FULL Variation of Condition 2 of 14/505641/FULL and Condition 1 of 17/00951/FULL (approved plans) - amendment to access arrangements for retained Orchard House

Approved 16th November 2019

Net increase in dwellings already approved

The net increase in dwellings is 23 dwellings – relevant history for that is 17/00951, which sought to retain Orchard House, which under 14/505641 and the original consent 12/03130 was to be demolished along with one other dwelling.

Planning applications 12/03130 and 14/505641 had net increases of 22 dwellings – as set out in committee report for 12/03130.

30. Could the Borough Council or Savills, on behalf of the Hospital Trust, offer a view as to how many residential units could be created, through the conversion of the existing buildings on the site into residential? Is it agreed that the current use of the site would fall within Use Class C2? Are there any restrictions on the re- use of the buildings for purposes within that use class? Would it be possible to speculate, based on likely trip rates what the traffic generation from the site would be, if reused within the same use class and how would that compare with the traffic generated by the scale of residential use that the current allocation

would provide? Has Kent County Council as Highway Authority offered any views on the traffic and highway implications of the East End allocations on the wider rural road network?

TWBC Response

Residential capacity through conversion: There would have to be a detailed assessment undertaken to identify the potential capacity of the building for conversion, including in terms of unit size, ability and cost for conversion, provision of suitable refuse space, etc. This has not been undertaken by TWBC.

Current use of site: Use Class C2 Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres includes the most recent use of the site, so TWBC is in agreement that the current use of the site would fall within this Use Class.

As further background information, consideration was not referenced in the original committee report for 12/03130 to any other potential uses of the site (including any such use afforded by PD rights for C2 uses). There are no such use class restrictions in the planning consents issued since the 12/03130 permission or associated legal agreements.

It is therefore likely that the site would benefit from the usual change of use that can take place under use class C2. A search of the planning history of individual buildings on the hospital complex (of which there are many) has not been undertaken, but given the age of development it is unlikely that there are restrictions.

Likely traffic generation: as background, KCC Highways comments to the TWBC Reg 18 (TWBC Draft Local Plan) were The Local Highway Authority conditionally supports this policy. The following change was requested: The standard paragraph regarding contributions should feature in this policy - It is expected that mitigation measures will be implemented by the developer. A contribution may be taken if appropriate

31. I note that the site area in the neighbourhood plan is significantly larger than the allocation proposed in the local plan, which limits the allocation essentially to the extent what can be classed as previously developed land. Would the Parish Council be concerned if the development area was reduced in to line of the buildings consistent with what the draft local plan is proposing?

32. I noted on my site visit, the number of fine mature trees on the site. Can the Borough Council advice whether they are currently covered by a Tree Preservation Order?

TWBC Comment

[SHELAA Sheets for Benenden Hospital](#)

Area covered by Policy AL/BE 3: no TPOs

Area covered by Policy AL/BE 4: no TPOs

33. My examination will need to consider this allocation, in particular, in the context of whether this scale of development in this location really is a sustainable location for this

amount of new housing and I am of course conscious of the current residential consent on the site.

34. I would like who is best placed, whether it is the Parish Council, the Borough Council or Savills on behalf of the Benenden Healthcare Society, to elaborate on the discussions that have led to the inclusion, within the Local Plan draft allocation, which has resulted in a commitment which will allow the use, by residents of the hospital shop and café, and the provision of a minibus. Is the reference to provision of 50% of the residential uses, related to the 50% occupation on the south west quadrant only or the combined site? Why could these facilities not be provided to assist the early residents of the development on their land?

TWBC Comment

Savills, as part of their response, have provided information to this question

35. I would also be pleased if further elaboration can be provided as to what the “active travel link” between the site and Benenden is referring to? What type of route is envisaged, where will it run, who will provide it and by when and is the land to provide the route secured? Could an indicative route be shown?

TWBC Comments

The PC/NDP have identified a route using mainly PROWs to link Benenden Hospital with Benenden Village. Fig 50 in the BNP provides a map that indicates a potential route, and there is an outline report available in supporting document TA2 Cycle route report to the BNP. The response to this question from Benenden Parish Council provides further information about the proposed route.

TWBC comment that there is likely to be a requirement for the existing PROWs to be upgraded to bridleways, and widened in some instances. There will be scope for some S.106 monies (particularly from Benenden hospital) to provide funding for this project. The route runs through a “shaw” in one location, so widening will have some ecological impact, that would need to be assessed and mitigated for.

36. I have noted the strong objections from the Friends of East End to the two allocations and in particular its desire to retain the Garland Wing. Can I ask what The Friend’s view as to what beneficial use could the building be put to, to secure its future use and restoration? Would they consider that a residential conversion would be acceptable in this location and roughly how many units would it deliver?

37. On a related issue I would also like to offer The Friends of East End the opportunity to set out what their vision for this redundant hospital site?

38. Can the Borough Council confirm whether Historic England have been asked to list the Garland Wing and what its response has been? Does it currently have the status of being a non-designated heritage asset, even though consent has been given for its demolition?

TWBC Response: information on the Garland Wing

Potential for Listing

A request made (by a third party) to Historic England for listing in 2020 was rejected: please see attachment to email

Identifying the Garland Wing as a non-designated heritage asset

The former Tuberculosis Sanatorium at Benenden Hospital, known as the Garland Wing, was originally built in 1907, for Post Office Union workers. A RIBA article of 11 September 2019, 'Uncovering the story of early British modernism', <https://www.ribaj.com/buildings/bauhaus-centenary-benenden-sanatorium-augustus-william-west-hazel-strouts> provides a thorough history of the building which allows for its heritage significance to be assessed. TWBC has an adopted SPD for Local Heritage Assets, which includes criteria against which potential heritage assets can be assessed, as advised in the NPPG.

1) Architectural and Artistic Interest

The sanatorium was an early example of architecture designed with nascent Bauhaus principles to ensure cleanliness and a healthy environment (sun and rural setting) to enable recovery from illness. The architect, Augustus William West, worked for George Devey, a prolific Arts and Crafts architect – a number of the listed buildings in the Borough are attributed to him. Innovative materials for the time were used in the construction of the building to simplify the construction, including a hollow clay block designed by him, and teak stairs and floors.

2) Historic Interest

The designs for the sanatorium were originally completed in response to a competition held by Edward VII to design sanatoria, given his knowledge of the development of these in Germany. The entries were a collaboration of doctors and architects, in essay form, and West and Dr Arthur Latham's entry won the prize in 1901. When the intended sanatorium at Midhurst was built, however, it was to different designs (possibly due to a dislike of the innovative new style proposed). However, the king's sister progressed the project with West's designs in 1906, at Benenden. Local historic importance is also derived from the use of the building for the local Post Office Union, and their branch entitled 'The Post Office Branch of the National Association for the Establishment and Maintenance of Sanatoria for Workers Suffering from Tuberculosis.'

3) Social and Economic Development

The building has a totemic value to the local community, being a unique building in the locality and as part of the local hospital site, as well as the local post office workers connection and the contribution to the community of the accommodation and care provided to sufferers of tuberculosis.

4) Townscape Character

The building sits within and responds to the local landscape, given that it was built so that residents could easily view and appreciate the countryside surroundings.

Designation as a non-designated heritage asset

It is therefore the case that the former sanatorium building known as the Garland Wing, is considered to be a non-designated heritage asset, as defined in the NPPF and addressed in paragraph 197, and also as defined in paragraphs 039-18a to 041-18a of the Planning Practice Guidance. Its demolition was accepted under the 2014 planning permission.

Recent planning history

Permission for the demolition of the Sanatorium and the erection of 24 dwellings was granted by Tunbridge Wells Borough Council at Planning Committee back in 2013 under planning application reference [12/03130/EIAMJ | Hybrid Planning Application](#).

The Hybrid planning application gave full approval for the redevelopment of the main hospital and this has been implemented; the outline approval was for the redevelopment of the south-east quadrant – this included demolition of all the buildings within this area.

Approach in TWBC Pre-Submission Local Plan

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road, East End requires at criterion (9) proposals to include an assessment of the feasibility for retaining the Garland Wing as part of the redevelopment of the site, which could include refurbishment and conversion of this building to provide separate residential units

This policy requirement for developers to actively look at whether the sanatorium can be converted rather demolished as part of the redevelopment of the wider site reflects feedback received from the community, but it is TWBC's view that cannot be any stronger given the fact that the extant planning consent allows for its demolition without further consent.

Site Specific Policy (SS4)

39. I note that the Neighbourhood Plan is allocating an area of open space to the rear of the houses adjacent to the garage block, whilst the draft Local Plan restricts the allocation to the previously developed land. Is that a deliberate decision or should it be restricted to the currently developed area?

TWBC Response

The site (red line) area covered by BNP Policy SSP4 Land at Bendenden Hospital, north of Goddards Green Road (NE Quadrant) includes the undeveloped land east of the garage block/north of the existing buildings

The site (red line) area covered by TWBC PSLP Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road) is for a wider area: the area indicated for residential use on Map 54 Site Layout Plan is drawn tightly around the existing built development. Built development would not be included within the land to the east of the garage block/north of the existing buildings.

The area not indicated for residential use is identified in Map 54 for open space/landscape buffer.

The area immediately to the east of the garage block/north of the existing buildings is designated in the TWBC PSLP as part of a wider area covered by PSLP Policy EN10 Protection of designated sites and habitats.

BNP Policy SSP4 (Criterion 12) requires 'ensure the Local Wildlife Sites be conserved and protected in accordance with national and local planning policy and in line with the guidelines laid out in Policy LE7 Protection of Habitats adj to Development.'

Policy BD8 - Materials and Technology

40. Is there a word missing in a) and what does the Parish Council consider constitutes "sustainable construction"?

Policy BE4 - Shops and Public Houses

41. Does the Parish Council have a view as to how long properties need to be marketed for, before alternative uses can be considered?

Policy BE6- Redevelopment of Redundant buildings

42. Should the title of the policy be "Reuse" rather than "Redevelopment of Redundant Buildings"?

43. Does the Parish Council have a view on the conversion of rural buildings to residential, as supported by the Secretary of State's policy, in paragraph 79 of the NPPF?

Policy BE7 – Encouraging the Right Future Businesses

44. Can the Parish Council direct me to which are the "designated commercial areas" where infrastructure links are more sustainable?

Planning Contributions

45. I will need to be satisfied that if Policy T1 is looking for financial contributions via Section 106 agreements, these contributions will meet the 3 tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 or is the policy referring to CIL payments, when and if they are introduced and is it envisaging that the Parish Council's 25% CIL receipts will be used for that purpose?

46. This consideration equally applies to Policy T3 contribution to play facilities and T4 contributions to reducing the impact of pollution by cars.

Referendum Area

47. If, at the end of the examination, I recommend that the neighbourhood plan does proceed to referendum, one of the matters, I need to consider is the area to which referendum will be held. It will, of course, cover all of Benenden Parish as the neighbourhood area, but there are other properties directly affected by the proposed allocations at East End. As I have received

representations from Biddenden Parish Council, I would like to extend an invitation to them to identify which properties in their parish that they believe should be allowed to vote in any referendum on the Benenden Neighbourhood Plan and I will consider that request. I would be pleased if Tunbridge Wells Borough Council would forward this note to them. I similarly offer Benenden Parish Council this opportunity to identify any properties beyond the parish boundary, which it feels should be able to take part in a referendum.

Concluding Remarks

48. I am sending this note direct to Benenden Parish Council, as well as Tunbridge Wells Borough Council.

49. You will note that I have also asked for comments from the Friends of East End and Savills on behalf of the Benenden Healthcare Society. I would be pleased if the Borough Council could forward this document to them upon receipt and ask that their responses to be sent to me, via the Borough Council, who should also copy the Parish Council in on the response.

50. I would request that all parties' response to my questions should be sent to me, by 5 pm on 30th April 2021 and also copied to the other parties.

51. Once I receive these responses, I will decide whether I need to call for a public hearing and who needs to be invited and what matters that I will be asking questions on.

52. I would also request that copies of this note and all the respective responses are placed on the Neighbourhood Plan's and also Tunbridge Wells Borough Council's website.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Benenden Neighbourhood Plan.

26th March 2021

APPENDIX: background to TWBC response to Questions 6 & 7

[The Development Strategy Topic Paper](#) (DSTP) explains the approach taken in the TWBC PSLP for the level of proposed development and the locations where it is proposed to be delivered.

As the development of the PSLP progressed, a number of development options were considered through the Sustainability Appraisal for the PSLP. Further details of the work carried out in the Sustainability Appraisal (SA) are also detailed below.

Section 4 of the DSTP considers development needs; section 5 sets out how the development strategy for the PSLP has been reached, including a review of the Draft Local Plan strategy and proposals.

The local housing need for the borough over the plan period 2020 – 2038 is 12,204 dwellings (678 per year) identified by the Standard Method (based on 2014 projections). This does not include any unmet need from other areas. Further information is provided in the [Housing Needs Assessment Topic Paper](#)

At the base date of the Local Plan (1 April 2020) a total of 6,945 additional dwellings need to be allocated. This figure increases to 7,221 dwellings to include existing site allocations that would need to be reviewed/reallocated.

Section 5 of the DSTP considers the development of the strategy through previous stages of the plan prior to the PSLP

[Issues and Options](#)

The main issues and themes identified in the responses to the Issues and Options consultation May/June 2017 were used to inform the formulation of the development strategy included in the Draft Local Plan.

[TWBC Draft Local Plan](#)

A comprehensive Draft Local Plan (DLP) was consulted upon under Reg 18 Sep/Nov 2019. The DLP put forward a proposed strategy for the future development of the borough, including draft site allocations and topic-based DM policies.

The DLP sought to meet development needs as much as possible within the context of the various constraints in the borough, including the Green Belt, High Weald AONB and areas of flooding.

In view of the evident limitations on the growth of existing settlements relative to the identified local housing need, and reflecting the feedback from the Issues and Options consultation, options for potential locations to deliver development as part of a new settlement were evaluated.

The main issues raised by the DLP consultation are set out in para 5.19 of the Development Strategy Topic Paper. With reference to a rural location (although some of these issues relate to other areas as well):

- Scale of growth incompatible with protection afforded to AONB and Green Belt
- Availability of infrastructure to support growth
- Development industry argued for a higher level of growth due to heavy reliance on strategic sites, that the housing need figure is 'capped' and there is a need to address housing affordability
- Concern over scale of growth proposed in AONB; only local needs should be met in the AONB
- 'dispersal' strategy option approach (DLP put forward proposals for significant growth in many towns and villages) seen as inconsistent with directing growth to more sustainable settlements
- Main urban area of Royal Tunbridge Wells/Southborough was seen as an area expected to accommodate a higher proportion of development
- Further potential for brownfield development and intensification, notably in central locations

Section 6 of the DSTP provides an overview of the formulation of the development strategy for the TWBC PSLP

Further work was carried out to consider a number of issues set out in para 6.1 of the Development Strategy Topic Paper and an overview of the conclusions reached are as below (full details within Section B, from para 6.2 To Section F, from para 6.57 of the DSTP)

Section B Review of local housing need

Additional work undertaken concludes that the housing need target is realistic but achievable

Section C Opportunities for meeting development need

There is no clear basis for assuming that the borough's housing needs can be met in neighbouring areas

Section D Consideration of alternative strategies

Further consideration was given to levels of growth less than that required to meet identified housing needs. These are:

- Growth reduced below housing need level to one that does not involve any loss of Green Belt
- Growth reduced below housing need level to one that does not involve any major development in the High Weald AONB

These options are considered through the Sustainability Appraisal for the PSLP, which has regard to the review of potential site allocations through the Shelaar. Further details of the work carried out in the Sustainability Appraisal are detailed below.

Section D: consideration of alternative strategies – scale of development

While housing need is accepted as being that derived from the standard method, it is also accepted that it does not automatically follow that the strategy must meet the need in full within the borough

Further consideration has been given to levels of growth that are less than that required to meet identified development needs:

Reduce growth to one that does not involve any loss of Green Belt

Reduce growth below the level that does not involve any major development in the High Weald OANB

These options are considered in detail through the process of the Sustainability Appraisal for the PSLP, which itself has regard to the review of potential site allocations through the SHELAA.

Section D: distribution of development

Recognizing the strengths of growth at larger settlements in many respects, an early finding of the SA was that a greater urban intensification would be beneficial overall.

There were some anomalies in the DLP with larger amounts of development as some smaller villages (especially Hartley, Sissinghurst and Matfield).

Negative environmental effects were predicted where development was directed to certain settlements – Cranbrook and Hawkhurst (in terms of landscape impacts)

The SA can be seen to support

Meeting the standard method housing need figure

Seeking to provide for more urban intensification, especially at RTW as the largest town

Consideration of effective use of urban land, with a focus on brownfield land/pdl

Less development in the AONB, both at larger settlements and some smaller villages

In principle, delivering development on strategic sites

Further consideration is given firstly to the effective use of urban land, with a focus on brownfield land/pdl.

Section E Making effective use of land in built-up areas and suitable brownfield sites

For the DLP, the Council was mindful to ensure that suitable brownfield sites and underutilised land were put to the optimal use. This included reviewing all existing sites allocated in the SALP which did not have planning permission, recognising sites with significant areas of hardstanding or built form. This included the brownfield land at Benenden Hospital that was identified as satisfactorily accommodating higher housing numbers.

Also, through the use of a masterplanning process, where this can be led by the Council, such as the town centre of Paddock Wood

The DLP also considered the use of a housing windfall allowance within the housing supply calculation – the cautious approach taken in the DLP was challenged by the Reg 18 representations. The PSLP has therefore undertaken a comprehensive review of:

- Historic rates of windfall development
- Types and sizes of windfall developments
- Recent trends of windfall developments
- Likely impact of recent and emerging legislation

A review was made of whether site capacities reflected their context including the potential for higher densities reflecting the location. The outcome of this work is set out in the [Brownfield and Urban Land Topic Paper](#).

The PSLP includes an increased allowance (relative to that in the DLP) for sites continuing to come forward on both small and larger windfall sites. It total, over the Plan period up to 2038, there is compelling evidence that such sites will provide a reliable source of approx. 1,310 dwellings on smaller sites (1-9 dwellings). It has also been possible to say that a robust allowance would be for 360 dwellings on larger, mainly urban sites (reflecting that known suitable, available and achievable sites of 10 or more dwellings are allocated in the PSLP)

The PSLP makes direct reference to the attention to be paid to the reuse of brownfield sites and effective use of land within existing settlements in the overall development strategy Policy STR1, direct reference to the function of the defined LBD of settlements for focussing new development within built-up areas in Policy STR1, and an additional strategic policy that focusses on the contribution of brownfield sites and urban land, Policy STR3 Brownfield Land to provide an appropriate focus to support brownfield land windfall developments, mostly within settlements (within a defined LBD) but also elsewhere where otherwise suitable in sustainability terms.

Section E of DLP Site identification and assessment. The strategy for the distribution of development is firstly to make effective use of sustainable PDL/brownfield sites and under utilised land, particularly within LBDs.

Potential development sites have been considered through the Shelaa and the process for identifying sites is set out in the [SHEELA](#) and summarised in the DSTP para 6.59.

Maximising development potential of areas outside the Green Belt and AONB. A number of suitable sites have been identified both outside the Green Belt and AONB, including at East End within Benenden Parish.

Section G Consideration of a new settlement and/or urban extension & Section H Development in the High Weald AONB

This section in the DSTP explains how the Council has assessed development potential within the High Weald AONB to meeting identified housing and economic development needs.

The Council has paid full regard to the NPPF, PPG and guidance from Defra

Identify defining characteristics that make the High Weald AONB nationally important, as set out in the Statement of Significance in the High Weald AONB Management 2019-2024 (and listed in para 6.130 of the DSTP).

The council have used these to assess sites and to further inform site visits carried out by planning officers, as well as a range of other sources of information listed in para 6.132 of the DSTP.

Following comments to the DLP at Reg 18, to the effect that the number and scale of developments did not represent 'limited development' in the AONB, a more rigorous appraisal of the larger sites considered was carried out, to include a LVIA (methodology informed by consultation with Natural England and the AONB Unit).

[LVIA](#)

The LVIA did not include any sites within Benenden Parish

The Council has also undertaken a detailed study of development proposed within the setting of the AONB, see [AONB Setting Analysis Report](#).

This includes an assessment of the proposed development at Benenden Hospital (para 4.4 onwards). The outcome for the assessment of Benenden Hospital concluded that the potential for the proposals to harm the setting of the AONB is lower than the potential for the proposals to improve upon the existing situation. It is unlikely that the proposals would have a significant adverse effect on the setting to the High Weald AONB.

The further work subsequent to the DLP enables the Council to better ensure that it has proper regard to the AONB, and to demonstrate this.

Section I Exceptional circumstances for Green Belt releases

Having undertaken a detailed process as set out in the DSTP paras 6.174 to 6.200, the Council considers that there are exceptional circumstances to alter the boundaries of the Green Belt to remove land from the designation in order to enable the Local Plan to include proposals for development in the Green Belt, that are details in paras 6.201 to 6.212

Section J Regard to climate change objectives

The required response, underpinned by the Climate Change Act 2008, will need to be two-pronged involving a reduction in emissions and adaptations to the changes to which the borough council is already committed.

Effective spatial planning can have a significant impact, and it would be appropriate to site new development in locations that reduce reliance on travel by private car and instead encourage sustainable and active modes of transport. Areas with vulnerability to flooding that cannot be improved should be avoided, alongside sites with biodiversity value.

Section K Further consideration of development land and flood risk

A Strategic Flood Risk Assessment (Level 1 for the whole borough and Level 2 focusing on land around Paddock Wood including land in east Capel. There has also been additional flood modelling work by the Council's consultants in relation to masterplanning at Paddock Wood including land in east Capel.

Section L Further consideration of infrastructure provision

The [Infrastructure Delivery Plan](#) (IDP) includes all infrastructure requirements identified as a result of the new development proposals. It is intended that the IDP will enable the service providers to target areas of need and support the level of growth set out within the PSLP in collaboration with the Borough Council.

Summary and conclusions for the development strategy (section 7 of the DSLP)

The PSLP is seeking as a minimum to deliver some 6,900 further dwellings from new housing allocations (assuming that all previous allocations are still suitable and developable), taking account of the likely opportunities for delivering development on brownfield land identified in the Brownfield and Urban Land Topic Paper.

Conclusion that strategic sites are needed if the local housing need is to be met in full

Given that 70% of the borough lies within the High Weald AONB, including a number of settlements with varying levels of services and facilities, it follows that some development is proposed there. In line with both national policy and the characteristics of the High Weald, most developments are small scale.

The most substantial area for Green Belt removal is proposed for the substantial expansion of Paddock Wood (including land at east Capel) and the creation of a new garden settlement at 'Tudeley Village'

The development potential around Royal Tunbridge Wells has been examined but is found in most part to be doubly constrained by High Weald AONB and Green Belt designations. Capacity is identified for a significant level of growth, notably within the existing urban area, but also with some medium-sized fringe sites. In addition, a major business site is proposed on land adjoining the existing Longfield Road Employment Area.

Within the AONB settlements, the scale of growth is limited, being notably reduced as compared to the DLP, especially in Cranbrook and Hawkhurst

Concerns expressed at the DLP stage about unduly and disproportionate large scales of growth at smaller villages, especially Sissinghurst, Matfield, and Hartley has been addressed by the refined strategy in the PSLP

The [Sustainability Appraisal](#)

The consideration of the options for growth was first made at the Local Plan Issues & Options stage that considered six potential growth options:

Option (1) Growth focused largely on urban areas; (2) growth focused largely on urban areas plus some larger villages; (3) growth distributed proportionally across all existing settlements; (4) growth focused on the A21 corridor near RTW and Pembury; (5) growth within a new, free-standing settlement; and (6) option that assumed no plan prepared/adopted, with essentially unplanned, market-led growth

All six scenarios had positive and negative elements. The only clear conclusion that could be made was that the alternative 'no Local Plan' was far less favourable than the other 5 options for growth – planned growth is required in order to prevent significant negative effects in the borough.

From the representations made to the Issues and Options consultation, there was a slight preference for Growth Strategy 5 (new settlement) and 3 (dispersed growth) was slightly less positive.

The conclusion of this process was that an approach combining the most sustainable elements of growth strategy options 1-5 would be appropriate for maximising beneficial effects and minimising adverse effects. As development of the Local Plan progressed, these growth strategy options were further refined and several new options were identified that considered a range of different scales and distributions for development across the borough. This included consideration of the potential to meet unmet housing need from elsewhere.

In response to the DLP comments, further options were added and the SA for the PSLP has carried out appraisals on 12 growth strategies to help develop a suitable strategy for the PSLP. (ref table 12 Updated growth strategy options for the Local Plan considered by this SA) Summary of strategies considered (but need to look at table for full details):

No development in MGB; housing supply 346/year; no strategic sites

No AONB Majors; housing supply 560/year; strategic sites

Housing Supply 678/year; strategic sites

Main Towns (based upon Option 1 of Issues & Options including A21 corridor); 678 dwellings/year; strategic sites at Paddock Wood/east chapel

Main Towns and Large Villages; housing supply 678/year; no strategic sites

No development in MGB; housing supply 678/year; no strategic sites

Growth proportional to levels of services/facilities of settlements; housing supply 678/year; no strategic sites

As 7 but moderated where settlements are within the AONB; housing supply 678/year; no strategic sites

Dispersed countryside; housing supply 678/year; strategic sites

Uncapped need; housing supply 741/year; strategic sites

Uncapped and unmet need; 853 dwellings/year; strategic sites

No Local Plan

PSLP approach

Outcome: The Scale of Development has a significant impact on the scores. Options exploring the scales of growth larger than the existing capped need of 678 dwellings per year resulted in more extreme scores (both positive and negative) whereas the options exploring smaller scales of growth generally resulted in less extreme scores (positive and negative). However, it is not the case that positive effects cancel out negatives ones as the importance of each SA objective needs to be considered in its own right. Instead the SA process recognises the interdependence of the three strands of sustainable development and the weight given nationally to the most highly affected environmental objectives. The SA recommended that growth strategies 10, 11 and 12 were not pursued further.

Outcome: Distribution of Development – it was recognised that greater urban intensification would be beneficial overall (Strategy Option 4). Greater development in very rural areas (Growth Strategy 9) resulted in several highly negative outcomes and was not supported.

The outcomes of the SA work on the potential growth strategies were a set of objectives for forming a new growth strategy:

Meet the standard method need

Include strategic sites as per Growth Strategy 3 (the DLP)

Include less development at the larger settlements of Cranbrook and Hawkhurst in the AONB

Include reduced development at some smaller villages (especially Sissinghurst, Matfield and Hartley)

Include more urban intensification, especially in RTW

In light of all the SA findings, together with the findings of further work, a preferred development strategy was produced and then scored using the same SA method. Following the maximisation of sustainable development in settlements across the borough, the preferred development strategy embraces the creation of a new garden settlement, together with a major urban extension based on garden settlement principles.

In overall terms, the Sustainability Appraisal can be seen to support:

- a) meeting the standard method housing need figure of 678 dwellings pa
- b) seeking to provide for more urban intensification, especially in Royal Tunbridge Wells, as the largest town
- c) looking to have less development in the AONB, both at larger settlements of Cranbrook and Hawkhurst and at some smaller villages, subject to further consideration of site-specific merits and 'exceptional circumstances'
- d) including strategic sites in principle over strategies without them, subject to further consideration of Green Belt impacts, respective merits and consequential 'exceptional circumstances'

Identified sites (reasonable alternatives)

Section 8 of the SA considers potential development sites identified through the SHELAA process (reasonable alternatives). All sites have been scored and the SA made recommendations for mitigation. When draft site allocations were being formulated, a further SA stage was undertaken, taking account of the type of development proposed on each site and the specific draft criteria that the allocation policy should meet.

Sites were then grouped into parishes and cumulatively SAd on a parish as a whole by reflecting on the range of scores across the parish in combination with the Strategic Policy for the parish and any other policies in the Local Plan relevant for the parish. Tables containing the scores for allocated sites including cumulative impacts were completed for each parish (and for RTW), followed by a discussion of impacts. The purpose of the cumulative impact assessment was to predict the combined effects of the strategic policies and allocations. Measures were proposed to enhance beneficial impacts and reduce adverse impacts, which have informed the parameters of individual site allocations and strategic policies for parishes wherever possible (details in Appendix C of the SA).

Summary tables for each parish including cumulative impact assessments are provided after para 8.2 of the SA, and more detailed commentaries for individual sites in Appendix F-U (Appendix L for Benenden Parish). It does not necessarily follow that sites with the most favourable SA scores should be allocated for development, as many other factors need to be considered. At a high level, the site selection has regard to the contribution it may make to meeting the overall need for housing and employment development and the findings in terms of the most appropriate development strategy.

Benenden (Page 163). Table 57 List of reasonable alternative sites in Benenden Parish

Site 158 Land to the rear of Greenacres, The Street, and adjacent to New Pond Road (includes site DPC20) Not allocated

Site 222 Land on the west side of Iden Green Road, Benenden, TN174ES Not allocated

Site 277 Feoffee Cottages and Land Walkhurst Road, Benenden, Cranbrook Policy AL/BE 2

Site 424 Land comprising South East Quadrant, Benenden Hospital, Corner of Goddard's Green Road and Green Lane, Benenden, Kent Policy AL/BE 3(Part site)

Site 425 Land to the east of Mockbeggar Lane, Benenden, Cranbrook Not allocated

Site LS_8 Land south of Chapel Lane, Iden Green, Cranbrook Not allocated

Site LS_16 Uphill, New Pond Road, Benenden, Cranbrook Policy AL/BE 1

Site LS_21 Little Weavers, Iden Green, Benenden, Cranbrook Not allocated

Site LS_40 Land to the south east of Goddards Green Road Policy AL/BE 3 (Part site)

Site LS_41 Land at Benenden Hospital AL/BE 4

Table 58 sets out the SA scores for allocated sites in Benenden Parish, and the commentary is produced in full below (*italics*):

Proposed sites are largely reasonable on a cumulative scale. Environmental objectives score as neutral or slightly negative. Social and economic objectives score as positive, neutral and negative. Lack of services, facilities and travel options is a key issue for all development in this settlement, and the sites in East End cause the score for Services and Facilities, Climate Change and Travel to be particularly negative overall. However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School. Further commentary can be found in Appendix L. In light of the alternatives, the above options were chosen for allocation because they provided the best scores particularly with regard to the heritage, landscape and travel objectives. The 2020 Grassland Study shows site LS_16 has moderate-low botanical importance and moderate ecological importance thus the score for biodiversity has changed to reflect this.

Further factors outside of the SA process were also considered when making decisions over sites to be allocated. The Borough Council placed great emphasis in the preparation of the PSLP on working with local communities, particularly Town and Parish Councils. In addition, consultation was carried out with infrastructure service providers. Deliverability is noted as being another important consideration, largely beyond the scope of the SA