

Examination of the Tunbridge Wells Borough Local Plan

Tunbridge Wells Borough Council Note Requested by the Inspector

**Local Plan Examination Note for
Inspector in response to Action Point 18
regarding Policy AL/HO 2: Land south
of Brenchley Road and west of
Fromandez Drive**

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| | | |
|-----|---|----|
| 1.0 | Introduction | 3 |
| 2.0 | Inspector's queries | 4 |
| | 30 MPH Speed Zone | 4 |
| | Existing footways..... | 6 |
| | Proposed policy requirements and expectations | 6 |
| | KCC view on pedestrian linkages..... | 8 |
| | Modification to Policy AL/HO2 | 9 |
| | Amendments to supporting text to Policy AL/HO2..... | 11 |
| 3.0 | Summary and Conclusion | 12 |
| | Appendix 1: Footway Option Plan..... | 14 |
| | Appendix 2: KCC Highways Email | 15 |

1.0 Introduction

- 1.1 During the Hearing Sessions on the Tunbridge Wells Borough Local Plan, the Inspector asked the Council to prepare a number of Notes on “Action Points”, essentially to clarify its position on certain matters that were discussed.
- 1.2 This Note relates to Action Point 18 relating to Policy AL/HO 2: Land south of Brenchley Road and west of Fromandez Drive. It follows the hearing session for Matter 7, Issue 13: Horsmonden on 5 July 2022, at which the Inspector requested an explanatory note from the Council, the purpose of this being to:
- Provide information on the 30mph speed zone located along Brenchley Road, in particular the location of this relative to the proposed site allocation;
 - Provide information about the location of existing footways (pavements) east of the site, linking with Horsmonden Village centre;
 - Clarify/explain what the Council would expect the proposed site allocation to do by way of pedestrian linkages and;
 - Set out the view of Kent Council Highways & Transportation (KCC) in relation to pedestrian linkages.
- 1.3 This note provides the Council’s response on these points under sub-headings, and then suggests modifications to the site allocation Policy AL/HO2 (also reflecting the proposed reduction in site capacity and other modifications).
- 1.4 As explained at the Hearing Session, an outline planning application has been submitted to the Council (planning reference 22/00296/OUT) for up to 65 dwellings and Village Hall. Reference is made to this where necessary, in the Council’s response below.
- 1.5 In addition, it should be noted that site allocation, as included in the Submission Local Plan, proposes a mixed-use scheme, comprising residential dwellings and a replacement village hall and associated parking. The capacity of the site states approximately 80 – 100 dwellings in the Submission Local Plan, which is to be

revised to approximately 70 dwellings through a modification to the Plan, as discussed at the Examination Hearing Session.

2.0 Inspector's queries

30 MPH Speed Zone

2.1 Currently the site allocation policy, at criterion 3 states:

“Opportunities to be explored for extending the 30mph speed limit westwards along Brenchley Road to include the site, and provision of associated gateway features”.

2.2 A site visit following the Examination hearing session confirms that the speed limit along this part of Brenchley Road, including along the site frontage, has already been reduced to 30mph, and that a timber gateway feature with signage has been installed directly to the west of the site. At the point the 30mph zone ends, the speed limit increases to the national speed limit, 60mph.

2.3 This is shown in Figure 1 below, which also shows the location of an existing pull-in adjacent to the existing field gate into the site (towards the centre of the photograph). The site allocation policy indicates a potential vehicular access point into the site further east of this, closer towards the village centre.



Figure 1: Photograph looking east along Brenchley Road, showing start of 30mph speed zone into Horsmonden, timber gateway feature (with signage) and pull-in adjacent to existing field gate into the site.

- 2.4 Kent County Council (KCC) advises that the extent of the 30mph speed limit is considered appropriate and that additional signage is not required. As such, the Council considers that the site policy wording should be modified to delete criterion 3 since it is no longer necessary. This is reflected by the proposed modified policy wording set out at paragraph 2.23 below.
- 2.5 It is noted that the outline planning application (planning reference 22/00296/OUT) pending consideration indicates that all matters except means of access are 'reserved'. The submitted plans show a proposed vehicular access point in approximately the same location shown for access on the indicative site allocation policy map (Map 61 Site Layout Plan) on page 260 of the Submission Local Plan.

Existing footways

- 2.6 Existing footways are sited further east of the site towards the village centre, from Furnace Lane heading eastwards. There is no footway along Brenchley Road between the proposed site and Furnace Lane.
- 2.7 There is an intermittent ability for pedestrians to walk off-road along both the northern and southern side of Brenchley Road, but this is not formal footway and is narrow. This is best shown in the following Figure 2. The north-east corner of the proposed site allocation can be seen in the bottom left corner of the photograph. The Furnace Lane junction is shown towards the top centre, and the existing footway east of Furnace Lane can be seen.



Figure 2: Aerial photograph dated 2020, showing location of the site relative to the existing pedestrian linkage east into Hormonden village centre.

- 2.8 A number of residential properties along Brenchley Road, west of Furnace Lane have a front curtilage that has encroached onto highways land, with the effect that this has hindered pedestrian access along Brenchley Road. KCC Highways advises that there are approximately 13 such properties, sited on either side of Brenchley Road. More about this is set out at paragraph 2.18 below.

Proposed policy requirements and expectations

- 2.9 Criterion 4 of the proposed site allocation policy states that development shall accord with the following requirement:

“Provide a pedestrian access from the site along Brenchley Road to link with the wider footway network”.

- 2.10 The illustrative masterplan submitted with the current planning application shows how a pedestrian access point serving the site can be provided in the north east corner of the site to link with the current arrangement set out at paragraphs 2.6 to 2.7 above. The applicant is currently considering comments received from KCC Highways in response to the planning application, which relate to, amongst other things, pedestrian linkages. The applicant is intending to submit proposals in the near future, which the Council is advised will include proposals for a footway along Brenchley Road, linking the site with the existing footway network.
- 2.11 At **Appendix 1** of this Note, is a plan that the agent acting on behalf of the applicant for the site, has shared with the Council. It is drawing number 197720-008 dated 12 November 2021, which shows an option for the provision of a footway along Brenchley Road, linking the site the existing footway network to the east. This Plan, which has been informed by topographic survey, demonstrates that there is scope within the existing highway boundary to provide for minimum carriageway and footway widths to serve the site (this is discussed in further detail at paragraph 2.15 below). The agent is yet to submit this formally to the Council/KCC Highways for consideration pending other further work to support the current planning application.
- 2.12 Providing KCC Highways is satisfied the pedestrian link (as set out below in this note) is satisfactory in principle, if necessary, this can be further detailed as part of a ‘reserved matters’ application should the current outline proposal receive planning consent.
- 2.13 Having reflected upon the current policy wording (criterion 4), the Council considers that the wording is not sufficiently clear to users of the Plan, including applicants and decision-takers, on precisely what the Council would be expecting development on the site to do/provide, in terms of pedestrian linkages.
- 2.14 As well as proposing a pedestrian access point serving the site, as has been indicated by the current outline proposal, the Council would expect proposals to provide for a safe and suitable pedestrian linkage from the site into the centre of Horsmonden. This

is particularly important given the proposal for the replacement Village Hall on the site, which would become a destination in its own right.

- 2.15 KCC advises that for a Local Distributor Road such as Brenchley Road, the Kent Design Guide recommends a typical footway/cycleway width of 3m, a minimum footway width of 1.8m, a typical carriageway width of 6.75m and a minimum carriageway width of 6m. In this instance, KCC Highways advises that a minimum footway width of 1.2m with a minimum carriageway width of 6m would be acceptable. This would be required between the proposed site access linking to the existing footway to the east of Furnace Lane. Safe crossing facilities are also needed. The provision of the pedestrian link is needed prior to occupation of the development to allow safe and suitable access for pedestrians (or first use of the village hall, whichever is delivered sooner).
- 2.16 An amended criterion 4 is therefore set out in the modifications to the policy below at paragraph 2.23, to be clear and robust on site expectations.

KCC view on pedestrian linkages

- 2.17 Through consideration of the current outline proposal, KCC made a representation dated 8 March 2022. This objected to the proposal and the applicant is seeking to address the issues raised, which relate, amongst other things, to the ability to provide a safe and suitable footway to link the site with the village.
- 2.18 To assist the Inspector with the Local Plan Examination, KCC Highways has submitted an email to the Council, attached at **Appendix 2**, which sets out its position in respect of this site and the matter of pedestrian linkages. This identifies that KCC Highways has no objection to the allocation of this site, subject to the delivery of a footway of minimum width of 1.2m and a carriageway minimum width of 6m between the development and the existing footway on the north side of Brenchley Road, east of its junction with Furnace Lane and including a pedestrian crossing facility. Further detail is set out in the email, and the footway/carriageway requirements relating to width, are specified in the modification to the policy wording set out at paragraph 2.23 below. (Officer Note: The topographical survey to which the KCC email refers is the same

topographical survey that has informed the Plan which is attached at **Appendix 1** to this Note).

- 2.19 It is noted that should the outline scheme pending consideration, or any other proposal be approved, there is a potential need for legal action to enforce against the encroachment of properties along Brenchley Road onto highway land. The email from KCC Highways at Appendix 2, acknowledges the encroachment. The email sets out that *“KCC Officers will seek to achieve the removal of the obstructions by consent with the residents concerned. If within a reasonable time KCC has not reached agreement to remove the obstructions to the highway, KCC officers will recommend taking enforcement action to the Director of Highways and Transportation”*.
- 2.20 Furthermore, the Council would include an appropriately worded Grampian condition, including an appropriate trigger point, should planning approval be granted to ensure details of the pedestrian footway are approved ahead of commencement of development, and delivered prior to first occupation of the dwellings, or first use of the village hall, whichever is soonest.

Modification to Policy AL/HO2

- 2.21 Following on from the above responses, the Council puts forward the following modifications to the site allocation policy wording.
- 2.22 Please note that the following text also reflects other proposed modifications, such as included in the Council’s Horsmonden Hearing Statement or to add clarity, including the revised site capacity discussed at the Examination Hearing Session on the 5 July.
- 2.23 The modified text of the policy would read as follows (deleted text is shown ~~struck through~~, additional text is shown underlined):

Policy AL/HO 2

Land south of Brenchley Road and west of Fromandez Drive

This site, as defined on the Horsmonden Policies Map, is allocated for residential

development providing approximately ~~80-100~~ 70 dwellings, of which 40 percent shall be affordable housing and new replacement village hall, and associated parking.

Development on the site shall accord with the following requirements:

1. Provide a vehicular access link from the site onto Brenchley Road;
2. The overall design of development, including vehicular access into the site (including the design of visibility splays), should reflect the location of this site within the rural approach into Horsmonden, details of which shall ~~to~~ be informed by a highways assessment and landscape and visual impact assessment;
3. ~~Opportunities to be explored for extending the 30mph speed limit westwards along Brenchley Road to include the site, and provision of associated gateway features;~~
4. Development proposals for the site shall include the provision of a 1.2 metre minimum width footway whilst maintaining a 6 metre minimum width carriageway, between the site and Furnace Lane, to link with the existing footway east of Furnace Lane to the site. The proposals shall also include provision of safe crossing facilities on Brenchley Road; Provide a pedestrian access from the site along Brenchley Road to link with the wider footway network;
5. Proposals for the site shall include a site layout that includes a pedestrian link through the site which links with the western site boundary adjacent to Sprivers Historic Park and Garden (to help facilitate, subject to discussion between the Council and the National Trust, public access to the Historic Park and Garden);~~Opportunities to be explored to provide a pedestrian access into the Sprivers historic park and garden from the site;~~
6. Residential development shall be located on the areas identified for residential use on the indicative site layout plan, with the provision of a village hall on the land indicated for community use on the indicative site layout plan;
7. The open space and landscape buffer indicated on the site layout plan shall include a buffer to ancient woodland on the western part of the site, and reinforcement of the southern landscape boundary;
8. Proposals shall so far as possible be given to incorporate existing hedgerows and mature trees on-site, ~~with the layout and design of the development~~ and protecting

- those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;
9. The scheme shall be designed sensitively so as not to harm the setting and significance of the ~~to give consideration to, and be informed by a heritage assessment to take account of, the~~ adjacent historic farmstead (Oasthanger) and the conservation area and historic park and garden on the Kent County Council Compendium, a local heritage asset (Sprivers, located to the south of the site), and the Grade II listed building, Milestone Cottages (located opposite the site to the north);
 10. Provision of on-site amenity/natural green space and children's play space;
 11. Prior to the grant of planning permission for the housing development, a suitable legal mechanism shall be put in place to ensure that the land required for the provision of the new village hall and associated parking (shaded purple on Map 61) is transferred to the Parish Council prior to first occupation of the housing development; ~~A suitable legal mechanism shall be put in place to ensure that the provision of the replacement village hall and associated parking is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage;~~
 12. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/HO 1.

Amendments to supporting text to Policy AL/HO2

- 2.24 A consequential change following modification of criterion 4 set out above, is needed to the supporting text at paragraph 5.597 (page 259) of the Submission Local Plan. This could read:

5.597 *"In respect of the policy requirement for the provision of a pedestrian access and link from the site to ~~link with~~ connect to the wider footway network (criterion 4), it is necessary for the site promoter to deliver a scheme that provides a pedestrian access and link from the site to the satisfaction of Kent County Council, as the local highways authority, in order to provide infrastructure for active travel."*

~~The extent of highway on the southern side of Brenchley Road has been investigated and discussed with Kent County Council”.~~

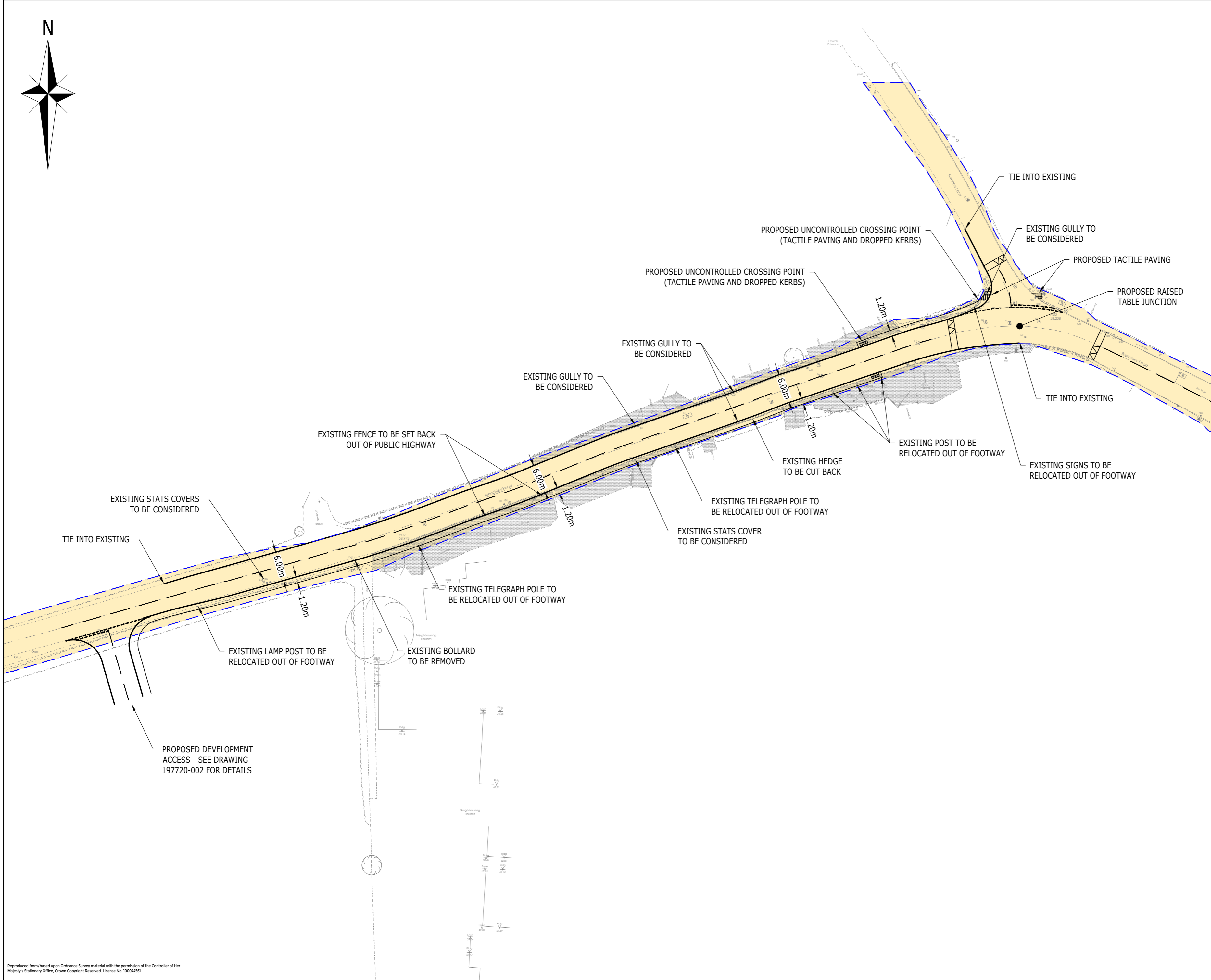
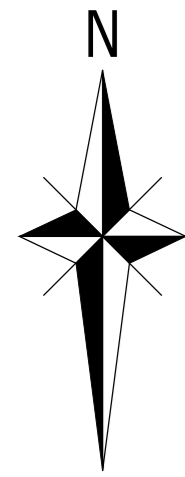
- 2.25 As there is a modification to reference the village hall as ‘new’ instead of a ‘replacement’, the supporting text at paragraph 5.598 should be modified accordingly.

3.0 Summary and Conclusion


- 3.1 This Action Note provides further information to the Local Plan Examination Inspector to support the allocation of the site, which is the subject of the allocation Policy AL/HO 2 in the Submission Local Plan.
- 3.2 The Note provides information about the 30mph speed zone located along Brenchley Road, the location of existing footways (pavements) east of the site, linking with Horsmonden Village centre, clarifies what the Council would expect the proposed site allocation to do by way of pedestrian linkages and sets out the view of Kent Council Highways & Transportation (KCC) in relation to pedestrian linkages.
- 3.3 Subject to any further consideration, the policy amendment above, together with further new supporting text and any changes to the indicative site layout plan, will be put forward as a main modification.

Appendices

Appendix 1: Footway Option Plan



DESIGN SUBJECT TO LAND BOUNDARY INFORMATION, ROAD SAFETY AUDIT AND DETAILED DSGN.



KEY:
 HIGHWAY BOUNDARY TRANSCRIBED FROM KCC RECORDS

| Rev | Description | Drn | Chk | App | Date |
|-----|-------------|-----|-----|-----|------|
|-----|-------------|-----|-----|-----|------|

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Client:
ROSCONN STRATEGIC LAND

Project Title:
LAND AT BRENCHLEY ROAD, HORSMONDEN

Drawing Title:
PROPOSED FOOTWAY OPTION 1 - 6m WIDE CARRIAGEWAY WITH A 1.2m FOOTWAY TO THE SOUTH

| | | |
|----------|------------|-------------|
| A2 Scale | Date | Designed by |
| 1:500 | 12.11.21 | DV |
| Drawn by | Checked by | Approved by |
| DV | DV | IW |

Drawing Number **197720-008** Rev -

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Appendix 2: KCC Highways Email

From: [Louise Gordon](#) [REDACTED]
To: [Ellen Gilbert](#); [Nichola Watters](#)
Cc: [David Joyne](#) [REDACTED]
Subject: AL/HO2 Brenchley Rd, Horsmonden
Date: 30 August 2022 10:14:26
Attachments: [BLS - 20-007-21-01-BRENCHLEY-ROAD-HORSMONDEN-UPDATE-SURVEY-AUGUST-2021.pdf](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Ellen and Nichola

Thank you for sharing the attached 'Topographic Site Survey Highway Update' drawing number 20-007-21-01 and dated August 2021.

I can confirm that KCC H&T have no objection to the allocation of this site at Brenchley Road, Horsmonden (AL/HO2) subject to the delivery of a footway of minimum width of 1.2m and a carriageway minimum width of 6m between the development and the existing footway on the north side of Brenchley Road, east of its junction with Furnace Lane and including a pedestrian crossing facility on Brenchley Road. The footway and crossing are required prior to commencement of development. The applicant is required to provide a Transport Statement including drawing/s of an appropriate scale, including a scale bar, showing how the footway can be provided within the highway boundary and clearly identifying areas where enforcement measures will be needed, with dimensions included. The drawing shall be based on a topographical survey and provided at the same scale as the topographical survey. A stage 1 safety audit for the new site access and off-site highway works is also required.

Should planning permission be granted for the proposed allocation, KCC officers accept that it is likely that the obstructions to the highway, by residents or landowners, will unacceptably affect the public's rights over Brenchley Road and in particular the future residents of the development and the users of the proposed Village Hall. Therefore, if planning permission is granted for the proposed allocation, KCC officers will seek to achieve the removal of the obstructions by consent with the residents concerned. If within a reasonable time KCC has not reached agreement to remove the obstructions to the highway, KCC officers will recommend taking enforcement action to the Director of Highways and Transportation.

Kind Regards

Louise Gordon | Principal Transportation & Development Planner | Kent County Council |
Highways, Transportation and Waste | Tel [REDACTED]