

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 7: Residential Site
Allocations**
**Issue 5: Sandhurst (Policy
PSTR/SA1)**

Document Reference: TWLP/051



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Matter 7 – Residential Site Allocations

Issue 5 – Sandhurst (Policy PSTR/SA1)

AL/SA1 – Land South of Sayville, Rye Road and West of Marsh Quarter Lane

Inspector’s Question 1: [re. current position regarding planning application 21/00825/OUT]

What is the current position regarding planning application Ref 21/00825/OUT?

TWBC response to Question 1

1. Development of this site AL/SA1 has recently been promoted for residential use through the planning application process. Following an earlier refusal (planning reference [19/02095/FULL](#)) for 30 dwellings on a larger site area (comprising the proposed site area and additional land adjacent to the south), a revised outline scheme submitted under planning reference [21/00825/OUT](#) has received planning consent for up to 15 dwellings. This was granted consent on 02 September 2021 and has a red line site area that largely aligns with the proposed allocation site – the difference in the red line of the site being that the red line site location plan for the consented scheme includes part of Marsh Quarter Lane heading north where it meets with the A268, Rye Road. Marsh Quarter Lane is the access road to the site.
2. Following the above outline approval, Reserved Matters have since been approved under planning reference [21/03676/REM](#) for the full quantum of 15 dwellings (the top end of the range of 10-15 dwellings proposed by the site allocation). This was approved on 03 February 2022. It is noted that condition 2 of the outline consent requires development to begin no later than two years from the last date of the Reserved Matters to be approved, i.e. 03 February 2024.

3. The necessary pre-commencement planning conditions have been discharged by the Council.
4. A recent update from the applicant received on 17 May 2022 advises that work is due to begin on-site shortly and that S278 (highway) works for the scheme, required by condition 8 of the outline approval are now complete.
5. It is noted that the site policy wording for AL/SA1 in the Submission Local Plan, at criterion 2 identifies that proposals shall include an investigation of, and if feasible, provision of, pedestrian crossing facilities on Rye Road and provide for pedestrian connectivity between the site and Sandhurst Primary School. The consented scheme does not include this. This matter is dealt with in more detail in the Council's response to Question 3 of this Hearing Statement.

Summary and Conclusion

6. The above response explains that the site already benefits from planning permission for 15 dwellings, the top end of the range of dwellings set out in the site allocation policy AL/SA1. Pre-commencement planning conditions have been discharged and work is due to begin on-site soon, with S278 (highway) works required by the outline approval having been completed.

Inspector's Question 2: [re. consideration of on-site wastewater infrastructure]

How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

TWBC response to Question 2

How has existing on-site wastewater infrastructure been considered?

7. Existing on-site wastewater infrastructure has been considered during the course of plan making and in deciding whether to allocate the site. In broad terms, the Council's response to Matter 5, Issue 1 (Site Selection Methodology) [TWLP/021], Question 3 amongst other matters, sets out how the Council has considered the need for new and improved infrastructure. This has included continual engagement with infrastructure providers, including Southern Water. This response should be read in conjunction with that response. The response that follows below seeks to address more directly the site-specific circumstances.
8. Southern Water did not make a site-specific representation to the Draft Local Plan consultation about this site. Through its representation to the Pre-Submission Local Plan [[CD 3.58](#)] consultation (representation number PSLP_1239) Southern Water requested that the following criterion be added to the policy wording for this site: *"Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes"*.
9. Following consultation on the Pre-Submission Local Plan, the Council has undertaken further discussion with Southern Water.
10. It should also be noted that the Council has engaged with Southern Water throughout the plan-making process. The Duty to Cooperate Statement for the Submission Local Plan, at Appendices H-J [[CD 3.132c\(v\)](#)] provides a comprehensive record of engagement with infrastructure providers, including Southern Water.
11. The engagement log for Southern Water is contained at Appendix I9, electronic page 305, and a signed Statement of Common Ground (SoCG) at Appendix I10, dated October 2021, starting at electronic page 309. Paragraph 4.9 of the SoCG states that *"...it is agreed by the parties that the Local Plan demonstrates a good understanding of,*

and due regard to, water and drainage and waste water infrastructure in its preparation....”

12. Appendix 1 of the SoCG sets out the detailed comments made by Southern Water to the Pre-Submission Local Plan consultation, along with agreed minor modifications to the Plan, agreed between Southern Water and the Council. Paragraph 4.13 (paginated page 8, electronic page 316) relates to numerous site allocations, including this site, AL/SA1, where Southern Water in its representations to the Pre-Submission Local Plan recommended the additional criterion set out at paragraph 8 above.
13. In response to this, paragraph 4.14 of the SoCG goes on to say that *“It is agreed between TWBC and SW that it is not necessary to add the additional criteria to each of these site allocation policies, as it is considered that Development Management Policy EN24 - Water Supply, Quality, and Conservation, which incorporates the requirement that ‘Access to the existing sewerage system must be provided for future maintenance and upsizing purposes’ adequately deals with this issue; and that it would be more appropriate to cross reference Policy EN24 in the site allocation policies where relevant”*.
14. In response to this agreement between the Council and Southern Water, the Submission Local Plan [[CD 3.128](#)] now includes a cross reference to Policy EN24 beneath the site allocation policy box on page 310 (electronic page 311).
15. It is worth noting that, at paragraph 4.24, the SoCG states that *“Policy EN24 deals with ensuring that all development has adequate water supply and wastewater treatment facilities in place to serve all new development and measures to ensure water conservation throughout the plan period. Southern Water welcomes the inclusion of a policy aimed at supporting the delivery of the utilities infrastructure required to meet the needs of current and future residents and businesses within Tunbridge Wells Borough. They also consider that it is essential to ensure that development occurs in tandem with infrastructure delivery and they believe that Policy EN24 will support strategic infrastructure delivery where this is required”*.
16. Turning to recent planning history relating to the site (set out in the Council’s response to Question 1 above), it is noted that a Flood Risk & Drainage Strategy was submitted with the outline application (planning reference [21/00825](#)). The outline application,

reserved matters application (planning reference [21/03676](#)) and conditions relating to foul and surface water drainage were subject to consultation with Southern Water and the Lead Local Flood Authority (KCC Flood & Water Management). Following the submission of additional information and discussions with Southern Water, the conditions relating to foul and surface water drainage, were discharged on 21 February 2022 (under planning reference [21/03689/SUB](#)).

17. Given all of the above, the Council considers that existing on-site wastewater infrastructure has been fully considered in the plan-making process, and in particular the decision to allocate this site, reflected in recent planning approvals granted for development of the site for 15 dwellings in line with the proposed site allocation policy AL/SA1.

Is the allocation deliverable?

18. The proposed site allocation is deliverable. The Council wishes to refer the Inspector to its response to Question 1 of this Hearing Statement, which explains that the site now benefits from planning approval for 15 dwellings, in line with the proposed site allocation. The applicant has confirmed work will be starting on-site soon. Furthermore, relevant planning conditions have been discharged by the Council and S278 (highway) works have been completed.

Summary and Conclusion

19. The above response explains how existing on-site wastewater infrastructure has been considered in the plan-making process, including discussion with Southern Water, with whom there is a signed SoCG. The response also sets out that the proposed site allocation is deliverable, which is evidenced by relevant planning history and confirmation from the applicant that work will shortly begin on-site. Furthermore, S278 (highway) works associated with the scheme are complete.

Inspector's Question 3: [re. pedestrian crossing on Rye Road]

What is the justification for requiring the provision of a pedestrian crossing on Rye Road? Is this necessary and deliverable?

TWBC response to Question 3

What is the justification for requiring the provision of a pedestrian crossing on Rye Road?

20. Criterion 2 of the proposed site allocation Policy AL/SA1 requires that proposals should include an investigation of, and if feasible, provision of, pedestrian crossing facilities on Rye Road and provide for pedestrian connectivity between the site and Sandhurst Primary School.
21. The proposed site allocation was previously included in the Draft Local Plan [\[CD 3.9\]](#), in which criterion 2 of the site allocation (AL/SA1) sought "*Provision of new crossing on Rye Road*".
22. In its response to the Draft Local Plan consultation (representation number DLP_3359), KCC Highways & Transportation sought an amendment to criterion 2 as set out in the Draft Local Plan, to read "*Investigation and provision of pedestrian crossing facilities on Rye Road*".
23. This amendment sought by KCC Highways & Transportation was subsequently included at criterion 2 of the site allocation policy included in the Pre-Submission Local Plan [\[CD 3.58\]](#) and Submission Local Plan [\[CD 3.128\]](#).
24. It is notable that the planning permission for the site, explained in the Council's response to Question 1 of this Hearing Statement, does not include a pedestrian crossing on Rye Road. This was not requested by KCC Highways & Transportation during the course of the planning application or during pre-application discussions.
25. The Planning Officers Delegated report for the outline application 21/00825 notes in this respect "Criterion 2 - KCC Highways have not requested pedestrian crossing facilities on Rye Road. Pedestrian connectivity would be improved with links to the existing PROW and improved surfacing of the PROW, which would provide easy access to the village centre and primary school".

26. Recent discussion with KCC Highways & Transportation identifies that the need for a pedestrian crossing on Rye Road has not been quantified and that there is no obvious position at which to place one, in that no single point of crossing has been identified.
27. Given the above, the Council considers that the requirement for a pedestrian crossing on Rye Road, as set out at criterion 2 of the site allocation policy is no longer justified.

Is this necessary and deliverable?

28. It follows from the Council's response set out above that the provision of a pedestrian crossing on Rye Road is not necessary. As such, it is proposed to delete criterion 2 from the site allocation policy wording. Since the remaining wording set out at criterion 2 "*.....and provide for pedestrian connectivity between the site and Sandhurst Primary School;*" is not considered to add any benefit to the policy, the Council considers that criterion 2 could be deleted in its entirety.
29. Deletion of criterion 2 of the site policy AL/SA1, would result in a consequential amendment to paragraph 5.778 of the supporting text to the policy in the Submission Local Plan. This would read as follows (deleted text is shown ~~struck through~~, additional text is shown underlined):

" Any development of the site should retain and strengthen tree coverage and planting along the boundaries of the site to provide a suitable and sensitive urban edge to the settlement, including provision of landscape buffers and open space to ensure a soft approach to the village. It is expected that the boundary treatment between the Public Right of Way on the north west of the site and the site itself will be sensitively designed to create a green buffer along the western edge of the site, while retaining existing trees and hedgerows. Vehicular access to the site shall be informed by a transport assessment and include an assessment of the junction with Rye Road (the A268). ~~Other highway matters that should be considered include the feasibility of providing a pedestrian crossing along Rye Road and providing for pedestrian connectivity between the site and Sandhurst Primary School~~".

Summary and Conclusion

30. This response sets out the current site allocation policy requirement for a pedestrian crossing on Rye Road and identifies that a pedestrian crossing does not form part of the

planning consent now granted for the site (addressed in the Council's response to Question 1 of this Hearing Statement). Recent discussions with KCC Highways & Transportation confirms that there is no justification for the requirement of the pedestrian crossing on Rye Road set out at criterion 2 of the site policy, AL/SA1, and furthermore, no obvious point for one to be located. Accordingly, a modification is proposed to criterion 2 of the policy for the reasons set out above.

AL/SA2 – Sharps Hill Farm, Queen Street

Inspector’s Question 4: [re. current position regarding planning application 19/01493/OUT]

What is the current position regarding planning application Ref 19/01493/OUT?

TWBC response to Question 4

Introduction

31. The site has recently been promoted for residential use through submission of a planning application, submitted under reference [19/01493/OUT](#). This was an outline planning application that sought consent for development of up to 16 no. dwellings (it is noted that upon first submission, the proposal sought 31 no. dwellings), with all matters reserved except means of access.
32. This response provides an update on the application, which was refused by the Council and subsequently dismissed at [appeal](#).
33. The main issues arising from the appeal decision, along with the implications of the appeal decision on the proposed site allocation are set out below.

Update on planning application 19/01493/OUT

34. The planning application, which sought consent for the development of up to 16 dwellings with all matters reserved except means of access, was presented to the Council’s planning committee on 03 February 2021. The committee report provided a recommendation that planning permission for the outline scheme proposed be granted. The planning application was subsequently refused by Planning Committee.
35. It is recognised within the committee report that there were outstanding landscape issues to be addressed at the reserved matters stage – for example, at paragraph 7.14 where comments dated 14 December 2020 received from the Council’s specialist Landscape and Biodiversity Officer are recorded. Of particular note is the following:

“The Landscape and Visual Assessment (LVIA) statement by Hill-Woods and Co. is dated October 2020 is an update of the September 2019 version previously reviewed. Unfortunately there is no response to previous comments or an explanation of the

changes it contains. It remains essentially a visual assessment and has been updated to reflect the new layout. Consequently it does not address or respond to the Borough Landscape Character Assessment or the AONB Management Plan.

The reduction in numbers and the reduction in the developable area go a long way to overcome concerns. The retention of the “orthogonal layout” remains a concern but as this is now an outline matter it can be dealt with under reserved matters.

Owing to the changes in layout and reduction in areas and numbers it is considered that this now has the possibility of being an acceptable scheme. This will of course depend upon the details submitted under reserved matters/conditions and it should be made clear that the current layout is not acceptable and that further work is required in terms of design and ecology in order to achieve the high quality of design required in the AONB”.

36. It is noted at paragraph 10.51 of the committee report that “.....It is important to note that layout, design and landscaping are not fixed under this application and access is the only detailed element”.
37. Paragraph 10.52 also demonstrates this, stating that “The application is accompanied by a Landscape & Visual Assessment. The Council’s Landscape and Biodiversity Officer has reviewed this assessment and has raised concerns particularly in regards to the indicative site layout commenting that it does not respect the character of the area or respond well to the site. They are of the view that the landscape and visual harm is a result of the poor relationship with the retained stream and pond with no clear vision for this area, the orthogonal layout which does not respond to settlement pattern and the development on the south western plot which intrudes into the landscape and views. They acknowledge however that the reduction in numbers and the reduction in the developable area go a long way to overcoming these concerns. Whilst the retention of the “orthogonal layout” remains a concern but as layout is now an outline matter and not fixed under this application it can be dealt with under reserved matters and should not form a reason for refusal on this application where only access is detailed. It is considered that the principle of developing this site for up to 16 dwellings (a net increase of 15 units) and the proposed access arrangements would be acceptable and the benefits of the scheme would outweigh the harm caused”.

38. It is therefore evident within the committee report that indicative details available at the time of the outline application, including the supporting Landscape and Visual Impact Assessment were of poor quality and not sufficiently robust. The site promoter (through discussions with the Council) acknowledges that the planning application was not a suitably robust and appropriate quality submission, normally expected of sites in the AONB.
39. It is recognised in the [minutes of the committee meeting](#) (03 February 2021) that a lot of work was needed at reserved matters stage – the matters of clarification at point xiv note *“The scheme had been changed to seek approval for access only as a lot of work still had to be carried out on the design to ensure it represented the character and layout of the area”*.
40. Whilst officers felt that outstanding concerns were matters that could be dealt with at reserved matters stage, the Planning Committee took a different view and following consideration of the proposal, members of the planning committee resolved to refuse planning consent for the following reason:
- “The proposed development would not constitute sustainable development in the context of the National Planning Policy Framework in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon nearby designated heritage assets. The benefits of the proposal would not outweigh this harm and therefore the proposed development is contrary to Paragraphs 8, 11, 130, 172, 193, 194 and 196 of the National Planning Policy Framework, the provisions of the National Planning Policy Guidance, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy June 2010 and Policies LBD1, EN1, EN5 and EN25 of the Tunbridge Wells Borough Local Plan 2006”*.
41. Planning consent was subsequently refused by a planning decision notice dated 5 February 2021.
42. The applicant subsequently appealed against the decision of the Council to refuse planning permission. A Planning Inspector dismissed the appeal by letter dated 5 November 2021 (see [Appeal Decision](#)). More about the appeal decision and its implications for the site allocation are set out below at paragraphs 44 to 61.

43. To aid the Inspector at the hearing session, Figure 1 below shows the illustrative layout plan proposed by the appeal scheme.



Figure 1 - Illustrative layout plan (plan number 2226-100M) for 19/01493/OUT.

Planning Appeal Decision (planning application reference 19/01493/OUT)

Introduction

44. The following paragraphs seek to set out the main issues arising from the appeal decision and the implications of these for the proposed site allocation. Firstly, the main issues are set out, followed by details of the appeal Inspector's Planning Balance and appeal conclusion. The implications of the appeal decision on the proposed site allocation AL/SA2 are then discussed, with the conclusion that it remains appropriate to include the site in the Submission Local Plan, including an explanation as to why this is the case.

Main issues arising from the appeal decision

45. The main issues in the determination of the [appeal](#) are set out at paragraph 5 of the appeal decision. This states:

“The main issue is the effect of the proposed development on the character and appearance of the area with particular respect to:

- *the countryside setting and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB)*
- *the setting of nearby heritage assets including the Sandhurst Conservation Area (CA), Grade II listed Bayford House and the non-designated heritage asset Sharps Hill Oast”.*

Impact on the countryside setting and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB)

46. The appeal Inspector’s comments on this are set out at paragraphs 6 to 12 of the appeal decision. It is clear from paragraph 11 (and 19) of the appeal decision that the Inspector considered the appeal proposal on the basis of the full capacity of 16 dwellings.
47. Paragraph 12 sets out the Inspector’s conclusion on this matter, the impact of the appeal proposal on the character and appearance of the AONB and the countryside, concluding that *“the proposed development would have a harmful effect on the character and appearance of the AONB and the countryside”.*

Impact on the setting of nearby heritage assets including the Sandhurst Conservation Area, Grade II listed Bayford House and the non-designated heritage asset Sharps Hill Oast

48. The appeal Inspector’s comments on this are set out at paragraphs 13 to 20 of the appeal decision.
49. It is noted that the appeal decision at paragraph 13 addresses the Sandhurst Conservation Area (CA) and in conclusion sets out that *“given the distance from the CA boundary, the nature of its separation with a large area of housing separating the two, the appeal site does not contribute to the significance of the CA and does not form part of its setting”.*
50. In conclusion on this matter (impact on the setting of nearby heritage assets including the Sandhurst Conservation Area, Grade II listed Bayford House and the non-designated heritage asset Sharps Hill Oast), the Inspector finds that *“the proposal would fail to preserve or enhance the setting of Bayford House and Sharps Hill Oast” and “I have not identified any harm to the setting of the CA”* (paragraph 17).

51. At paragraphs 18-20, the appeal decision sets out the heritage balance, taking into account the public benefits of the scheme (provision of 16 dwellings, 40% affordable housing provision) which the Inspector considers 'moderate' (paragraph 19).
52. It is noted at paragraph 20 that the moderate benefits identified above would outweigh the minor harm to the setting of the listed building (Bayford House), and as such the appeal scheme would be in accordance with the Framework in this regard.

Inspector's Planning Balance and appeal conclusion

53. The Inspector's overall planning balance is set out at paragraphs 21-23, with the appeal conclusion at paragraph 24.
54. The Inspector found the appeal scheme to be unacceptable on AONB grounds, with no other considerations, including provisions in the Framework, to indicate the appeal should be determined otherwise. The appeal was not dismissed on heritage grounds.

Implications of the appeal decision on the proposed site allocation AL/SA2

55. In light of the above appeal decision, the Council has given careful consideration to whether it is appropriate to continue to allocate the site either as currently proposed or in an amended form.
56. The Council has reviewed the comments of the Inspector, considered the evidence base supporting the Local Plan and has had further engagement with the site promoter and developer.
57. The outcome of this careful consideration, which has included continued discussion with the site promoter/developer about alternative schemes, including the need for more robust landscape assessment work, is that the Council does consider it appropriate to continue to allocate the site, and that furthermore, the range of units (10 – 15 dwellings) set out in the policy remains realistic subject to significant modifications to the design approach. The Council considers the continued allocation acceptable for the reasons set out below. It should be noted that this consideration as to the suitability of the allocation going forward, has included ongoing discussion with the Council's specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer.

Findings of the appeal Inspector

58. It is clear that the Inspector considered the appeal proposal on the basis of the maximum of 16 dwellings proposed, as referenced at paragraph 19 of the appeal decision but as noted that was on the basis of a poorly presented scheme (reference is made to this elsewhere in this Hearing Statement, at paragraphs 35, 37 to 39 and 60). While the Inspector found 16 dwellings unsuitable, the appeal decision is silent on the impact of a smaller scheme, within the range set out in the allocation policy. It's possible the Inspector may have found a smaller scale development in this AONB location acceptable (as may have the Council's planning committee), supported by more robust supporting evidence including a thorough and detailed Landscape and Visual Impact Assessment.
59. It is noted that a smaller scale scheme is likely to be more appropriate in both landscape and heritage respects, informed by through Landscape and Visual Impact Assessment and Heritage Assessment work, both of which are policy requirements, set out at criterion 2 of the site policy AL/SA2, and which can inform future proposals for the site so that alternative proposals may properly address site constraints and opportunities.
60. The Council considers that the previous application submission, particularly because it was presented in outline form with all matters reserved except means of access, was poorly presented and the layout and design was not properly informed by a thorough and robust development specific Landscape and Visual Impact assessment (LVIA) against which plans for the site could be more appropriately judged.
61. The site promoter and developer have agreed the appeal proposal was poorly presented and have now commissioned a full LVIA, carried out by a reputable consultant, which has been shared with officers, including the Council's specialist Landscape and Biodiversity Officer which indicates an acceptable scheme is capable of being developed subject to a revised and full planning application. The Council is aware that the site promoter/developer is to submit this more recent and detailed LVIA to the Local Plan Examination via the Programme Officer.

The Council's own evidence base work

62. The Council's response in relation to the Inspector's Question 7 of this Hearing Statement addresses the matter of whether the site represents major development in the AONB and how potential impacts of development on the character and appearance of the area, including the AONB, have been considered as part of the plan-making process.
63. As has been set out in other Hearing Statements (see [Matter 5, Issue 1 \(Site Selection Methodology\) \[TWLP/021\]](#) for example), to assist with the Council's assessment as to the suitability of the sites for inclusion in the Local Plan, all sites considered to be major in the AONB have been subject to an independent LVIA, which also considered any cumulative effects on the host settlement [[CD 3.96](#)].
64. Whilst as set out in the Council's response to Question 7 of this Hearing Statement, the Council does not consider this site, AL/SA2 to be major development in the AONB, this site was included in the LVIA work for major development in the AONB. This was because the site was submitted relatively late for assessment (it was submitted in response to the Draft Local Plan consultation) and assessed through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process but there was uncertainty over capacity/site sensitivities and so it was included in the LVIA work on a precautionary basis. Natural England have agreed that this is not major development. In order to test the development potential of the site a baseline proposal for up to 30 dwellings (reflecting the scale of development originally proposed by the planning application, 19/01493/OUT) was used.
65. The executive summary in the main report [[CD 3.96a page 1](#)] sets out the assessment process which includes:
- Background information (baseline).
 - Description of the proposed development.
 - Description of the likely effects on landscape and views.
 - Advice on mitigation.

- A conclusion which advises whether the site with mitigation is suitable for development and whether additional policy wording needed.
 - An assessment of any cumulative effects on the AONB.
66. The work includes a study of the settlement context and settlement evolution, review of landscape character, historic landscape characterisation and landscape sensitivity and specifically identifies within each site the components of natural beauty and the likely effects upon them.
67. Both Natural England and the High Weald AONB Unit were consulted on the development of this methodology.
68. Key recommendations and conclusions reached in the site-specific assessment of this site [[CD 3.96j](#)] include:
- Recognition that there are existing dwellings to the north of the site and buildings (including one dwelling) within the site, which lower the susceptibility of the site to development, particularly in the area currently occupied by buildings and formal gardens.
 - The site is noted as being well contained by existing tree belts, which form locally important landscape features and provide a soft edge to the village. If retained, these tree belts would screen the proposals from the majority of public views, however the loss of these features would be detrimental to landscape character and local views.
 - The scale of development proposed for the site is at odds with the settlement edge location and the pattern of development within the site and to the north, which is currently low density.
 - If developed the perception of low density settlement should be maintained, particularly to the south-east of the site.
 - If development is to be brought forward within the site, it is recommended that the number of dwellings proposed should be reduced by around 50% (dependent on design). The design and layout of the proposed buildings will be critical for the acceptability of the scheme. This includes the design of the site access, which should avoid the loss of existing trees and maintain the existing depth and level of tree cover

as a minimum. The design of the southwestern part of the site should be considerate of the detached dwellings to the north-west.

- It is found that there are opportunities to improve the condition of existing features within the site and to increase the connectivity of hedgerows and / tree cover, particularly at the southern boundary.

69. Policy recommendations for the Regulation 19 version of the Local Plan, the Pre-Submission Local Plan are identified on electronic page 10, accompanied by Figure D12. The recommendations are:

- Reduce the proposed allocation within the site.
- Include wording to protect the features and land identified within Figure D12.
- Specify that any trees removed as part of the vehicular access should be replaced along the northern site boundary.
- Ensure that the setting of the nearby listed building is considered within any proposed scheme.
- Set out the expectation for a design that responds positively to existing settlement pattern and the well treed character of the site.

70. These recommendations were incorporated into the policy wording, including a reduced site capacity with a range of 10-15 dwellings.

71. In considering the cumulative effect of sites at Sandhurst (including policy AL/SA1, the LVIA study notes at paragraph 6.10.6.4 that *“There are unlikely to be cumulative effects between the proposed allocation sites at Sandhurst and other development proposed within the AONB”*.

72. Paragraph 6.10.7.1 provides an overall summary and conclusion, recognising that the baseline assessment (of up to 30 dwellings) would likely give rise to adverse effects on the settlement pattern of Sandhurst and consequently the AONB.

73. It identifies that *“It is likely that a sensitively designed scheme with reduced numbers and retained features to the north and east, would reduce the predicted adverse effects. If the site is put forward as an allocation within the regulation 19 draft plan, it should set*

out the expectation for a design that responds positively to its location on the edge of settlement and the existing, well treed character of the site.”

74. Notwithstanding the recent appeal decision, it remains the view of the Council that an appropriately designed and sensitively designed scheme that responds to the proposed policy wording is achievable, as informed by ongoing discussions with the site promoter/developer.

Summary and Conclusion

75. This response provides an update on the recent planning application, reference 19/01493/OUT, identifying that following a refusal by the Council, it was subsequently dismissed at appeal. The main issues and findings of the appeal Inspector are identified, along with implications for the proposed site allocation, AL/SA2. The Council draws on the appeal decision, ongoing discussions with the site promoter/developer and LVIA evidence base work informing the Local Plan, to conclude and explain why it remains appropriate to continue to allocate the site in the new Local Plan.

Inspector's Question 5: [re. the proposed area of residential development]

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

TWBC response to Question 5

76. The proposed area of residential development for site AL/SA2 has been established following consideration of site constraints, including those contained on the Council's GIS layers, as well as consideration of relevant evidence base documents (referred to below), informed by officer site visits and discussions with the Council's specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer. This work informed the proposed area indicated for residential development set out in the site allocation policy, which was first included in the Pre-Submission Local Plan [CD 3.58].
77. The Council explains in its response to Question 4 of this Hearing Statement, that there has been an LVIA assessment of the site commissioned by the Council (see paragraphs 64 to 74).
78. The recommendations of this LVIA commissioned by the Council draw upon 'Figure D12', which for ease is shown below.



79. When compared to Map 74 Site Layout Plan (paginated page 311) of the Submission Local Plan [[CD 3.128](#)], it can be seen how the findings and recommendations of the Council's LVIA evidence base work [[CD 3.96j](#)], has directly informed the proposed area of residential development, which has also followed discussion with the Council's specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer. The LVIA also informed the Council's policy wording for this allocation to ensure that concerns raised through the application and the appeal could be addressed through a future application.
80. This demonstrates that the proposed area of residential development is based on evidence and is justified.

Summary and Conclusion

81. The above response explains how the Council has established the area proposed for residential use on the site AL/SA2, taking account of site constraints, evidence base work, and discussion with specialist officers. The area identified for residential use is justified, following a thorough assessment of the site, and taking account of the recent appeal decision for the proposal dismissed under planning reference 19/01493/OUT.

Inspector’s Question 6: [re. density of development in the south-west corner of the site]

What is the justification for requiring development in the south-west corner of the site to be ‘low density’? Is it clear to users of the Plan what is required here?

TWBC response to Question 6

What is the justification for requiring development in the south-west corner of the site to be low density?

82. The requirement for the south-west corner of the site to be low density is set out within Criterion 4 of the site policy wording, AL/SA2.
83. This requirement is a direct consequence of the LVIA assessment of the site (commissioned by the Council) addressed elsewhere in this Hearing Statement in the Council’s response to Questions 4 and 5.
84. The requirement reflects the recommendation set out in the LVIA report, shown in the report’s ‘Figure D12’, which is included in the Council’s response to Question 5 of this Hearing Statement. This figure clearly shows the south western corner labelled with the words “*low density*” and in the conclusion of the LVIA (page 12) its advised that “*the design of the south-western part of the site should be considerate of the detached dwellings to the north-west*”. The policy requirements then takes on board this advice and will in part address concerns raised by the Inspector with regards to effects on nearby listed buildings and the adjacent countryside.
85. This requirement set out within the policy is considered justified and evidence-led.

Is it clear to users of the Plan what is required here?

86. Criteria 4 sets out how the Council sees the site being developed and the need for it to be informed by a detailed scheme specific LVIA but includes the requirement for “development in the south-west corner of the site” to be of low density”. As explained above this requirement is driven by the Councils evidence. It is however not prescriptive but gives a strong steer as to how density across the site should be distributed. As such it is felt that this requirement is sufficiently clear for the purpose intended.

Summary and Conclusion

87. This response explains the justification for requiring development in the south-west corner of the site to be low density. It identifies that the requirement is evidence-led and is a direct consequence of the findings and recommendations of the LVIA evidence base work commissioned by the Council.

Inspector's Question 7: [re. consideration of whether the site is major development in the AONB and its impact on character and appearance]

Does site allocation AL/SA2 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

TWBC response to Question 7

Does the site allocation AL/SA2 represent major development in the AONB, and if so, is it justified?

88. The Council's strategic approach to development within the AONB, how it has approached the question of whether sites are major development or not, and whether major or other development within the AONB is justified at a strategic level (and indeed, how impacts on the AONB have been taken into account), is set out in response to Matter 2, Issue 1, Questions 5 and 6 [[TWLP/011](#)]; Matter 3, Issue 1, Questions 6 and 9 [[TWLP/014](#)]; and Matter 5, Issue 1, Question 3 [[TWLP/021](#)]. The response to this question should be read in conjunction with those responses, but addresses more directly the site-specific circumstances.
89. The overarching consideration of 'exceptional circumstances' is set out in the Development Strategy Topic Paper [[CD 3.126](#)]. Section H paragraph 6.150, and some of the site-specific matters that contribute to 'exceptional circumstances', are set out in Appendix 3 table 10.
90. The Development Strategy Topic Paper [[CD 3.126](#)] Section H sets out the approach to development in the AONB, including the approach to determining whether sites are major or not (paginated page 48, electronic page 52), setting out the factors to be considered in determining whether sites are major, reflecting footnote 55 (now 60) in the NPPF. The methodology for the assessment of major/not major is set out in Appendix 2, and the assessment of individual site allocations, as well as the cumulative findings, by settlement, are set out at Appendix 3.
91. Appendix 3 Table 10, on pages 135 and 136 (electronic pages 139-140) gives the assessment for site AL/SA2, concluding, in the final column, that the site is not major.

The site is 'not substantial', representing around a 4.69% increase in settlement size, is 'well related' to the existing settlement, and the impact on the AONB is predicted to be 'Low'. The conclusion notes the proposed allocation is partly previously developed and well related to the existing settlement and that AONB component parts are retained and protected by policy.

92. This assessment is agreed with Natural England in the SoCG at Section 9 [[CD 3.132c\(v\)](#)] Appendix H to J (beginning on paginated page 20, electronic page 144).
93. The Appendix 3 table for the site notes:
- *"We contained and defined land parcel but very mixed character within poor condition"* [Officer note: "We contained" is a spelling error in the Appendix 3 table and should read "Well contained"].
94. Whilst the site is not considered major, there is of course a need to give great weight to conserving and enhancing landscape and scenic beauty in future development of the site, in accordance with paragraph 176 of the NPPF.
95. Criterion 2 of the site policy wording captures the need for development proposals to maintain the setting of the settlement character, Bayford House, Sharps Hill Oast, and the Conservation Area, including through layout and design informed by both a Landscape and Visual Impact Assessment and heritage assessment.
96. In addition, criterion 3 sets out that there shall be regard to existing hedgerows and mature trees on-site, with the layout and design protecting those of most amenity value, as informed by arboricultural survey and LVIA. The policy requires that any trees removed as part of the vehicular access should be replaced along the northern site boundary.
97. Criterion 4 again sets out the need for an LVIA, which shall inform the layout and design of development, and should respond positively to the existing settlement pattern and the well treed character of the site. The scheme shall give full consideration to the edge-of-village location, providing a suitable and sensitive urban edge to the settlement, including provision of landscape buffers to ensure a soft approach to the village. Furthermore, development in the south-west corner of the site shall be low density.

98. It has been explained previously in the Council's responses to Questions 4-6 that the site allocation has been informed by a site-specific LVIA commissioned by the Council, in agreement with Natural England.

How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

99. In broad terms, the Council's response to Matter 5, Issue 1 (Site Selection Methodology) [[TWLP/021](#)] explains how the Council has determined which sites to allocate in the Local Plan, including consideration of the evidence base supporting the Local Plan, which includes detailed work on landscape and the AONB. Question 3 of Matter 5, Issue 1 deals with, amongst other things, effects of development on landscape character, including the AONB and its setting. The Council's response to Matter 3, Issues 1 and 2 (Spatial Strategy and Distribution of Development) [[TWLP/014](#) and [TWLP/015](#)] sets out in more detail the approach the Council has taken to sites in the AONB.
100. More specifically, this site has been assessed through the SHELAA process [[CD 3.77a](#) main report and Sandhurst site assessment sheets [CD 3.77p](#)], which found it to be available, suitable and achievable.
101. Furthermore, as referred to previously, the commissioned additional evidence base work as plan-making progressed. Specifically, this included individual LVIAs, including one for this site, AL/SA2. The findings of the LVIA for this site has directly informed decisions about the site allocation and specific policy wording. More detail on this is previously set out in the Council's responses to Questions 4 to 6 and elsewhere in response to Question 7 of this Hearing Statement.

Summary and Conclusion

102. The Council's response explains that site AL/SA2 is not major development in the AONB, which is agreed with Natural England. As such there is not a need to demonstrate 'exceptional circumstances' to justify major development in the AONB, since the site is not major.
103. Great weight has, however, been given to the need to conserve and enhance the landscape and scenic beauty of the AONB. Appropriate policy requirements to ensure a

sensitive development of this site are captured in the policy wording at criteria 2, 3 and 4, and have been informed by the individual LVIA for the site that forms part of the evidence base for the Local Plan.

104. The response explains how the potential impacts of development on the character and appearance of the area, including the AONB, have been considered as part of the plan-making process, and how policy wording seeks to secure development proposals suitable and sensitive to the site and its context.

Inspector's Question 8: [re. impact on heritage assets]

What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Sandhurst Conservation Area and the Grade II listed Bayford House? How have heritage assets been taken into account in the preparation of the Plan?

TWBC response to Question 8

What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Sandhurst Conservation Area and the Grade II listed Bayford House?

Impact on designated heritage assets

105. In deciding whether to allocate site AL/SA2 in the Local Plan, the Council has given very careful consideration to the impact of allocation on designated heritage assets. In broad terms, the Council's response to Matter 5, Issue 1 (Site Selection Methodology) [[TWLP/021](#)], Question 3 explains how the Council has taken account of heritage assets in the plan-making process. That response sets the context to the more site-specific response that follows.
106. For site AL/SA2, the heritage assets of relevance include the Grade II listed Bayford House and the Sandhurst Conservation Area. Sharps Hill Oast is a non-designated heritage asset that has also been considered.
107. It is acknowledged that impact on heritage assets will be a material factor in the determination of future development proposals for the site. This is recognised by the requirement at criterion 2 of site allocation AL/SA2 requiring that *"The setting of the settlement character, Bayford House, Sharps Hill Oast, and the Sandhurst Conservation Area shall be maintained, including through the layout and design of the development being informed by a landscape and visual impact assessment and heritage assessment"*.
108. The Council's response to Question 4 of this Hearing Statement at paragraphs 45 to 61 sets out the main issues and findings of the recent appeal decision for the planning application submitted under reference 19/01493/OUT. Impact on heritage assets is dealt with specifically at paragraphs 48 to 52 of the Council's response.

109. Without wishing to repeat, the Inspector is respectfully directed to the following:
110. “.....*the appeal site does not contribute to the significance of the CA and does not form part of its setting*”. (paragraph 13 of the appeal decision, paragraph 49 of this Hearing Statement).
111. Sharps Hill Oast (non-designated heritage asset) is found by the Inspector for the appeal decision to have a moderate degree of heritage significance meriting consideration in planning decisions (paragraph 14 of the appeal decision).
112. With regard to both Bayford House (grade II listed) and Sharps Hill Oast, the appeal decision addresses these at paragraphs 14 to 17. The findings of the appeal Inspector on these heritage assets were that the appeal proposal would fail to preserve or enhance the setting of Bayford House and Sharps Hill Oast, with ‘minor harm’ found (paragraphs 16 and 17).
113. It is noted that the appeal Inspector having reached the above conclusion, considered this harm against benefits of the appeal proposal, with the eventual conclusion being that the ‘moderate’ benefits of the appeal scheme outweighed this ‘minor harm’ (paragraph 20 of the appeal decision).
114. It is notable that the appeal Inspector did not dismiss the appeal on heritage grounds.
115. Given the above, the Council considers it is possible for there to be an appropriately designed scheme for this site, which would have appropriate regard to these heritage assets, as sought by the site policy wording (criterion 2).

How have heritage assets been taken into account in the preparation of the plan?

116. In broad terms, the Council’s response to Matter 5, Issue 1 (Site Selection Methodology) [[TWLP/021](#)] explains how the Council has determined which sites to allocate in the Local Plan, including consideration of the evidence base and ongoing engagement with relevant bodies and organisations, including Heritage England and the Kent County Council Heritage Team. Question 3 of Matter 5, Issue 1 deals with, amongst other things, effects of development on heritage assets. The response to this question should be read in conjunction with the response to Matter 5, Issue 1, Question 3, but addresses more directly the site-specific circumstances.

117. This site has been assessed through the SHELAA process [[CD 3.77a](#) main report and Sandhurst site assessment sheets [CD 3.77p](#)], which found it to be available, suitable and achievable.
118. Assessment by the SHELAA has included consideration of heritage assets, including the Conservation Area and listed building, which are listed on the SHELAA site assessment sheet.
119. Officers have engaged with the Council's specialist Landscape and Biodiversity Officer and Conservation and Urban Design Officer, to help officers make informed decisions on the suitability of the site in general terms, and in making decisions about the extent of allocation, including scale of development and policy wording. Of particular relevance in relation to heritage assets, is the proposed criterion 2, previously explained above.

Summary and Conclusion

120. The Council has given very careful consideration to the impact of the allocation on designated heritage assets, which comprise a Grade II Listed Building (Bayford House), the Sandhurst Conservation Area and a non-designated heritage asset (Sharps Hill Oast). The response explains the findings of a recent appeal Inspector assigned to assess a recent appeal in relation to the site, including their findings in regard to these heritage assets. Heritage assets are recognised as a material consideration in development of the site, which is reflected in the proposed policy wording. It is explained how heritage assets have been taken into account in preparing the plan, including through the SHELAA process, and through discussion with specialist conservation and landscape officers.