

Representor number  
PSLP\_2048 to PSLP\_2052

# **MATTER 9 – HOUSING LAND SUPPLY**

## **TUNBRIDGE WELLS LOCAL PLAN**

Prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited

MAY 2022

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**TUNBRIDGE WELLS LOCAL PLAN**  
MATTER 9 – HOUSING LAND SUPPLY  
PROJECT NO. 2133

**PREPARED BY:**  
KATHERINE MILES MRTPI  
DIRECTOR

**CHECKED BY:**  
JAMES ILES MRTPI  
DIRECTOR

**DATE:**  
MAY 2022

**PRO VISION**  
THE LODGE  
HIGHCROFT ROAD  
WINCHESTER  
HAMPSHIRE  
SO22 5GU

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## 1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited (“CESL”) who are promoting Land at Sandown Park<sup>1</sup> for a Care Community<sup>2</sup> within Use Class C2 to provide 108 Extra Care (“EC”) units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence<sup>3</sup> on behalf of CESL, that we have long been concerned that plan-making by Tunbridge Wells Borough Council (“TWBC”, “the LPA” or “the Council”) has failed its legal duties. Our submissions in relation to Matter 1 concluded that the Local Plan Examination should not proceed as the Submission Plan is not legally compliant.
- 1.3 We do not seek to repeat these concerns, but in order to assist the Inspector we provide cross-references to the CESL representations and additional communications previously made where they relate to the specific Stage 2 Examination Questions.
- 1.4 This Representation responds to the Inspector’s questions within Matter 9<sup>4</sup> and has been prepared in the context of the tests of ‘Soundness’ as set out in Paragraph 35 of the National Planning Policy Framework 2021 which requires that a Plan is:
- Positively Prepared
  - Justified
  - Effective
  - Consistent with national policy
- 1.5 This hearing statement has been prepared in consultation with Gregory Jones QC, Francis Taylor Building, Temple. In summary, we have identified defects in the Council’ assessment of housing land supply, specifically that of specialist accommodation for older people. Flaws in the assessment will perpetuate the under-delivery of Extra Care I the Borough over the plan period. This is not positive nor effective planning for a key, and growing, part of the local community.

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<sup>1</sup> Regulation 22 version of the SHELAA (Jan 2021) – [Core Document 3.77n - Site 114](#)

<sup>2</sup> Specifically “EC accommodation” as a category of specialist housing for older people, as defined by the [Planning Practice Guide at Paragraph: 010 Reference ID: 63-010-20190626](#)

<sup>3</sup> Representation [PSLP\\_2048](#), full document at [SI\\_140](#)

<sup>4</sup> Examination document [ID05](#)

## **2.0 Matter 9 Issue 1 – Total Housing Supply**

**Q1. How has the housing trajectory in Figure 9 of the Plan been established? What factors were considered in arriving at the figures in the trajectory and are they accurate and robust?**

2.1 No comment.

**Q2. Does the total housing land supply include an allowance for windfall sites? If so, what is this based on and is it justified**

2.2 No comment.

**Q3. Paragraph 4.54 of the submission version Local Plan states that there is a ‘buffer’ of approximately 1,000 dwellings (based on the mid-point of dwelling ranges) over and above the minimum housing requirement across the plan period. Is the projected supply of housing justified and has sufficient land been identified to ensure that housing needs will be met?**

2.3 In respect of meeting the needs of Older Persons, sufficient land has not been identified. CESL consider (see Matter 2 and 8 statements The need is significantly greater than that planned for by the Council. For reasons discussed within the Matters 6 and 7 Hearing Statements), we consider that sufficient supply has not been identified to meet the housing need identified in respect of Extra Care.

2.4 Of the sites identified by the Council, for the reasons discussed in our other Hearing Statements, only site AL/RTW4 is likely to deliver additional Extra Care units within the Plan Period. Other allocated sites have been permitted for Care Home uses rather than Extra Care. In the case of AL/PE6, the site is in any event too small / too constrained for the level of development identified, and in any event the promoter appears to prefer general C3 housing and a care home as opposed to Extra Care. Further, whilst we acknowledge that Extra Care units are envisaged as part of the two strategic allocations, there is limited/no detail as to how and when this provision would come forward.

2.5 As such, the projected supply of EC will not deliver or meet the need identified.

2.6 There is no guarantee that any surplus supply will provide Extra Care development and it is most unlikely that it would since Extra Care providers are routinely out-competed by conventional housing developers (See CESL Matter 8 for further on this). Plainly, in order to

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make proper provision, further land should be allocated to ensure that the needs of older persons are met in accord with NPPF

**Q4. In the event that new housing is delivered as expected, what is the justification for the size of the buffer proposed?**

2.7 No comment.

**Q5. Paragraph 69 of the Framework states that in order to promote the development of a good mix of sites, local planning authorities should (amongst other things) identify land to accommodate at least 10% of their housing requirement on sites no larger than 1 hectare, unless there are strong reasons why this cannot be achieved. What proportion of the housing requirement will be met from sites no larger than 1 hectare in Tunbridge Wells?**

2.8 No comment.

### **3.0 Matter 9 Issue 2 – 5-Year Housing Land Supply**

**Q1. Taking into account completions since the based date of the Plan, what will be the anticipated five-year housing land requirement upon adoption of the Plan?**

3.1 The situation as at 22 March 2022, as reported in the appeal decision in respect of Land East of Highgate Hill (LPA ref. 20/02788/FULL)<sup>5</sup> was that the supply figure is 3,282 dwellings for the five year period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2026 against a requirement for 3,556 dwellings, equivalent to 711dpa. This equates to a housing land supply of 4.61 years.

3.2 The Council state at Paragraph 35 of the five year housing land supply statement that *“an updated position will be published prior to adoption which will be expected to confirm a minimum 5-year housing land supply position as per the requirements of the PPG.”*

3.3 The Council has also stated in respect of the current appeal on the CESL omission site at Sandown Park that it is working on an updated monitoring report and anticipates presenting this to the Inquiry commencing 21 June 2022.

3.4 Without the evidence available to the Examination i.e. without the updated monitoring report, the Inspector can have absolutely no confidence in respect of five year supply and must accordingly find that the plan is sound. We reserve the right to comment on any further information published by the Council in this respect.

**Q2. How does the five-year housing land requirement compare to previous rates of delivery in Tunbridge Wells?**

3.5 The requirement is 678 dpa against a previous requirement of 300 dpa in the adopted Local Plan.

3.6 In previous years, the Council has delivered significantly below its requirement resulting in the persistent 5 year housing land supply shortfall. Figure 1 of the Housing Supply and Trajectory topic paper indicates that the actual delivery has increased in recent years since the adoption of the Site Allocations DPD, but is still below what it should be and in any event will not address the pre-existing shortfall. The Council’s approach is thus fundamentally unsound.

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<sup>5</sup> See [W/21/3282908](https://www.tunbridgewells.gov.uk/consultation/2021/3282908), paragraph 94

**Q3. Based on the housing trajectory, how many dwellings are expected to be delivered in the first five years following adoption of the Plan?**

3.7 No comment.

**Q4. What evidence has the Council used to determine which sites will come forward for development and when? Is it robust?**

3.8 We have not seen specific evidence, but wish to reserve the right to comment on evidence the Council produces.

**Q5. Where sites have been identified in the Plan, but do not yet have planning permission, is there clear evidence that housing completions will begin within five years?**

3.9 No comment.

**Q6. How have the projected rates of housing delivery been established for the strategic sites at Tudeley Village and Paddock Wood and East Capel? Are the figures realistic when taking into account the need for supporting infrastructure?**

3.10 No comment.

**Q7. What allowance has been made for windfall sites as part of the anticipated five-year housing land supply? Is there compelling evidence to suggest that windfall sites will come forward over the plan period, as required by paragraph 70 of the Framework?**

3.11 No comment.

**Q8. Having regard to the questions above, will there be a five-year supply of deliverable housing sites on adoption of the Plan?**

3.12 No comment.

**Q9. What flexibility does the plan provide if some of the larger sites do not come forward in the timescales envisaged?**

3.13 In respect of delivery of Extra Care accommodation to meet the needs of Older Persons – None. This is of significant concern given the projected increase in over 65s within the Borough of 40.7%, and the planned under provision of Extra Care accommodation by the Council (see out Matter 2 and 8 statements. unsound

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3.14 The Council has no contingency to meet the Extra Care needs of the Boroughs population should the allocated sites fail come forward / deliver. Fundamentally unsound

**Q10. Is it necessary to have a review mechanism in the Plan to consider progress against these, and other sites, and to identify any appropriate steps to increase supply if required?**

3.15 Yes this is prudent and common in other areas.