

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 19
regarding Mabledon House,
Southborough**

Document Reference: TWLP/098

Date: 02 September 2022



Contents

1.0 Introduction	3
2.0 The Site	3
3.0 The issues raised and the proposed allocation	5
4.0 Policy Background	6
National Planning Policy Framework	6
Planning Practice Guidance	7
Local Plan policy	8
5.0 Application of the Sequential Test	9
The need for the main town centre use being assessed	10
Can the identified need be accommodated on town centre sites?	11
If the main town centre use cannot be accommodated on town centre sites, what are the next sequentially preferable sites that they can be accommodated on?	13
6.0 Summary	13
Appendix 1: Sequential Test area of search – Tunbridge Wells Town Centre and ‘edge of centre’ Tonbridge Town Centre and Edge of Centre and Southborough Town Centre and edge of centre	16
Appendix 2: Town Centre and edge of centre sites considered	17

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 19 relating to Policy AL/SO2 Land at Mabledon House, Southborough. It follows the hearing session for Matter 10, Issue 7 - Tourism Accommodation and Facilities held on Thursday 7th July, at which the Inspector discussed a number of issues which explored the soundness and effectiveness of the policy and possible amendments to it. The Council’s Hearing Statement on this matter is included in [TWLP/059](#).

2.0 The Site

- 2.1 Mabledon House and Gardens comprise of a Grade II house and Grade II Historic Park and Garden, including parkland and kitchen gardens, that is currently in use as a single residential property with ancillary accommodation and other buildings. The site straddles the borough boundary and part of it falls within Tonbridge and Malling Borough. The access, main house and part of the parkland lie within Tunbridge Wells Borough. Parts that fall within Tonbridge and Malling Borough include a number of ancillary buildings that have fallen into disuse or are derelict, a walled garden and a large part of the parkland.
- 2.2 The site is of national and particularly local importance due to its association with the eminent and locally significant architect – Decimus Burton. The house is considered a fine example of the Tudor Revival style and was commissioned by James Burton a pre-eminent builder of Georgian London such as Regents Park. His son Decimus Burton, who spent some of his early life at Mabledon, became a successful and significant 19 Century architect and landscape designer, who played an important and influential role in the development of Royal Tunbridge Wells including the planning and architecture of the Calverley Estate. Decimus Burton designed two extensions to Mabledon and undoubtedly influenced the layout of the grounds, possibly with advice from Humphrey Repton who visited the site.

- 2.3 Whilst there have been some modern interventions and alterations, the house and gardens remain largely intact but are in obvious need of investment to address some urgent maintenance and repair issues such as the conservatory. Elements of the garden show signs of neglect with the walled garden in a ruinous state.
- 2.4 Discussions have taken place between the two Councils and the site owners/their agents over a number of years in terms of securing the future of this important site, which is in need of repair/renovation and to address the redundant modern buildings which detract from the landscape and heritage features and offer obvious scope for redevelopment.
- 2.5 There was a planning consent for conversion of the Manor House (which sits wholly within Tunbridge Wells Borough), into 9 self-contained apartments ([15/500589](#)), (*“Conversion of Listed Mansion house to 9 no. self-contained apartments, removal of flat roofed extension and provision of parking spaces with internal and external alterations”*). This does not cover the redundant/derelict modern buildings, parkland and kitchen gardens that fall within Tonbridge and Malling Borough (TMBC). This permission has not been implemented and has now lapsed.
- 2.6 Noting the scope for redevelopment that could be in accordance with Green Belt policy and/or as part of enabling development for uses appropriate to the Green Belt/AONB location, as well as the significance of the heritage assets and the cross-boundary interest in the site as a whole, it is considered that a comprehensive approach is the most appropriate. The Council is keen to secure the future of this important site and considers the best way to approach this is through a positive allocation policy that would help in bringing forward a comprehensive scheme for the entire estate, securing the potential heritage benefits.
- 2.7 As referred to in the Council’s Hearing Statement [TWLP/059](#), in response to the Inspector’s question 1 for Policy AL/SO2, TWBC and TMBC have discussed this site through both the previous planning applications and through the Duty to Co-operate as part of the Local Plan preparation. Paragraphs 36-39 of the Statement referred to above, specifically highlights this commitment.

3.0 The issues raised and the proposed allocation

- 3.1 Policy AL/SO 2 proposes to allocate land at Mabledon House for the development of a luxury hotel of up to a maximum of 200 rooms and leisure development with a spa and conference facilities, set within a restored historic park and garden and wider attractive landscape.
- 3.2 The supporting text to the allocation provides further detail in support of the allocation and also further information is provided within the Council's Hearing Statement – [TWLP/059](#).
- 3.3 The first issue raised by the Inspector is the fact that the proposal set out within Policy SO 2, for the site to be redeveloped for hotel use, is for a 'main town centre use' and therefore should meet the relevant requirements of the National Planning Policy Framework - 2021 (NPPF) in this regard – primarily in relation to the application of the 'Sequential Test'. Notwithstanding the particular circumstances that might justify allocation of this site for a hotel use, including the [Tunbridge Wells Hotel Capacity Study – 2017](#), (covered in further detail below at paragraph 5.3) it was agreed that the Council should overtly apply the sequential test to properly inform consideration of the suitability of this policy. The 'Sequential Test' is set out below and in Appendix 1.
- 3.4 Noting that the Submission Local Plan does not propose to remove any land covered by the policy from the Green Belt, the Inspector then called into question the effectiveness of the Policy in that it relied upon an applicant demonstrating, as required by national Green Belt policy, 'Very Special Circumstances' (VSC). He felt that it was not clear from the evidence that, in respect of the specific requirements of the policy, that the very high bar of VSC could be met and that therefore the policy might be considered unsound.
- 3.5 Finally, the Inspector expressed concern as to whether the available evidence was sufficient to justify the specific requirements of the policy with regards the number of rooms and the nature of facilities to be provided.

- 3.6 In the discussions that followed, the Council agreed to provide the sequential test, which would also note the particular considerations and merits of this site in relation to the unusual circumstances, the particular opportunities the site offers in terms of location, development potential and the heritage benefits that would follow.
- 3.7 Council officers also agreed that, subject to further consideration by Members and any necessary assessments, the policy should be redrafted to set out more general support for hotel-based uses and be less specific about the scale and nature of the development. It may still usefully set out its support for:
- The change of use of the site to a hotel and associated facilities that is in conformity with the scope and extent of development allowed under current national Green Belt, AONB and heritage policies that seek to secure the long-term future of the listed houses and historic parks and gardens.
 - The potential that further development ancillary and necessary for the above may be acceptable, subject to satisfactorily demonstrating ‘very special circumstances’ at the time of an application.
- 3.8 It is considered that this revised policy approach together with the sequential test would alleviate any concerns with regards the soundness and effectiveness of the policy. The revised wording for the policy and supporting text will be provided within the schedule of modifications.

4.0 Policy Background

- 4.1 The following section sets out the National and Local Policy which applies to the proposed allocation for a hotel development at land at Mabledon House.

National Planning Policy Framework

- 4.2 The National Planning Policy Framework (NPPF) (2021) emphasises the Government’s commitment to securing economic growth and building a strong, responsive and competitive economy.

- 4.3 The proposed allocation for a hotel, is defined as a ‘*main town centre use*’ within Appendix 2 of the NPPF, which includes food and beverage and hotel uses. Paragraphs 87 and 88 provide the principal national policy test relating to the sequential approach to main town centre development, as below.
- 4.4 Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan.
- 4.5 Furthermore, paragraph 87 states that: ‘*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered*’.
- 4.6 Paragraph 88, then goes on to state that ‘*when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored*’.

Planning Practice Guidance

- 4.7 Additional guidance on the application of the sequential approach is provided by the Town Centres and Retail part of the Planning Practice Guidance (the PPG).
- 4.8 [Paragraph 010](#) of the PPG provides a ‘checklist’ for the application of the sequential test in plan making. This requires that ‘*In plan-making, the sequential approach requires a thorough assessment of the suitability, viability and availability of locations for main town centre uses*’. It requires clearly explained reasoning if more central opportunities to locate main town centre uses are rejected.
- 4.9 The checklist set out in the PPG details the matters that need to be considered when using the sequential approach as part of plan-making (author’s emphasis), which include:

- a. Has the need for main town centre uses been assessed? The assessment should consider the current situation, recent up-take of land for main town centre uses, the supply of and demand for land for main town centre uses, forecast of future need and the type of land needed for main town centre uses;
- b. Can the identified need for main town centre uses be accommodated on town centre sites?
- c. When identifying sites, the suitability, accessibility, availability and viability of the site should be considered, with particular regard to the nature of the need that is to be addressed;
- d. If the additional main town centre uses required cannot be accommodated on town centre sites, what are the next sequentially preferable sites that they can be accommodated on?

4.10 [Paragraph 012](#) of the PPG confirms that the *'use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification'*.

Local Plan policy

The Core Strategy 2010

4.11 Core Policy 8 of the Core Strategy sets out the policy in relation to Retail and Leisure provision across the borough.

The Submission Local Plan

4.12 Policy ED 10 of the Submission Local Plan sets out the Council's approach to the Sequential Test and the Local Impact Test, in accordance with the NPPF. This policy¹ requires 'main town centre uses' to be located within town centres and sets out criteria which should be addressed for proposals outside of defined town centres. These are replicated below for ease of reference, notwithstanding footnote 1 above:

¹ It is noted that the Council is expected to propose some modification to this policy in order to ensure its consistency with national policy approach.

'1. Proposals for retail, office, and leisure uses should be located in an identified centre, unless:

a. by means of a sequential approach, it is demonstrated that the proposal could not be accommodated: firstly, on a site within an existing centre; secondly, on a site located at the edge of an existing centre; then thirdly, it is demonstrated that where the proposal could not be accommodated on a site within or at the edge of an existing centre, it is located in a well-connected and accessible out-of-centre location (in accordance with criterion 2 below); and

b. by means of an impact assessment (as set out below) it is demonstrated that a retail, office, or leisure proposal would not result in a significant adverse impact, cumulative or otherwise, on the vitality and viability of an existing centre or undermine the delivery of a site allocated for the use proposed; or

c. the development is on a site allocated for that use in the Plan; or

d. the development is designed to only serve the needs of the neighbourhood;

2. Proposals located at the edge of an existing centre or out-of-centre location should ensure the provision of specific measures that will improve the quality and function of sustainable connections to the centre, in particular walking and cycling routes, and public transport links. The nature and extent of the measures will be directly related to the scale of the proposal.

5.0 Application of the Sequential Test

5.1 The application of the sequential test against the criteria in the 'checklist' referred to within the PPG and also in accordance with the local policy approach is set out below.

The need for the main town centre use being assessed

5.2 The need for main town centre uses within the borough has been assessed through the [Retail and Leisure Study 2017](#), the [Tunbridge Wells Hotel Capacity Study 2017](#), and the [Retail, Commercial Leisure and Town Centre Uses Study 2021](#).

5.3 Specifically, the need for hotel provision of the type identified is informed by the [Tunbridge Wells Hotel Capacity Study 2017](#), as referred to above at paragraph 3.3. This study was produced to inform the Local Plan and provide the evidence in relation to the current supply of hotels and the borough's capacity for new hotel development. It also looked at national and regional trends, changes to the supply of hotels, a gap analysis and conclusions and recommendations.

5.4 In particular, the study noted that '*The majority of hotel establishments are three and four star rated*'...and that '*There are no five star graded hotels within the borough...*' (Paragraphs 5.26 and 5.27).

5.5 Additionally, paragraph 7.3 of the Hotel Capacity Study, within the recommendations, states the following:

'Whilst Royal Tunbridge Wells also has a healthy provision of visitor accommodation, there is a lack in choice and quality of serviced accommodation and the town could benefit from a wider and more competitive offer. Whilst there are a number of three star and four star graded hotels it is considered that a greater degree of affordable stock would be desirable to add to the overall offer of the town. Additionally, it is considered that there is a lack of luxury five star hotels within the town offering accommodation at the higher end of the market'. (paragraph 7.3)

5.6 Furthermore, paragraph 7.4 of the study refers to the following:

'Based on a steady increase in domestic tourism across the UK and within the region, there is scope to upgrade and expand existing visitor accommodation across the borough to facilitate more rooms and provide new and/or improved amenities such as spa facilities and packages. Given the heritage of Royal Tunbridge Wells Town Centre as a spa town, which attracts a large number of

pampering breaks/weekend holidays, the existing and proposed establishment could offer improved and extended spa facilities and packages to tap in to this potential market’.

- 5.7 Also of note, is updated work carried out by Canterbury University in 2020, on behalf of ‘Visit Kent’, in the form of the ‘Kent Accommodation Study’ which is referred to in the Council’s Hearing Statement [TWLP/059](#) and can be found at the following link - <https://www.visitkentbusiness.co.uk/insights-and-resources/kent-accommodation-study/>.
- 5.8 This study considered and identified gaps in Kent’s hotel provision and opportunities for future growth. This study includes ‘District Dashboards’ and within the Tunbridge Wells Borough section it refers to the borough having the highest rental demand in the county, reflecting a relatively high travel demand in the area. It considers that the borough benefits from a wide visitor offer, with a particular focus around the natural and built environment, with a ‘heritage and nature offer’ as well as ‘attractive settings for a wider visitor experience’.
- 5.9 The above study also refers to the emerging Local Plan, the evidence base and the policy support that it provides - including reference to a ‘priority gap’ of a 5* offer – to draw on spa heritage and health and wellbeing.
- 5.10 It is considered that the site at Mabledon provides the opportunity to meet the need identified above for a prestigious hotel development which could also provide for a spa and other ancillary facilities. The site offers an attractive location and environment drawing on the heritage of the house and gardens with links to the spa history of the town of Royal Tunbridge Wells. Mabledon provides the opportunity to meet this identified need within the Local Plan.

Can the identified need be accommodated on town centre sites?

- 5.11 Taking the above into account in terms of the type of the development need identified, as well as the policy criteria, the ‘area of search’ for any preferable town

centre sites needs to be established in accordance with both national and local policy for main town centre uses.

- 5.12 As hotels and conference facilities are classed as ‘main town centre uses’, the search area includes the defined town centres of Royal Tunbridge Wells, Southborough and Tonbridge as well as ‘edge of centre’ sites, being those within 300 metres of the town centre boundary in accordance with the PPG. The area of search is illustrated spatially in **Appendix 1**.
- 5.13 Having established the area of search and the type of development being considered, this analysis now turns to consider any potential alternative sites which are potentially ‘suitable’ and ‘available’, mindful of the site-specific considerations outlined above within the search area as defined above.
- 5.14 On reviewing the possible sites which could accommodate a hotel use of the type identified – i.e., a prestige hotel drawing on the heritage and spa assets of the town in a suitable location, the Council has particularly considered the following in relation to sites within the defined search area as set out above;
- Allocated/identified sites within the current local Development Plan (for both TWBC and TMBC)
 - Known currently vacant or available sites of the scale which could incorporate the type of development identified
 - Consideration of specific locational and market requirements of the type of development identified
- 5.15 A number of sites have been identified having regard to the above considerations for a hotel use as referred to above. These are detailed and commentary on their status and suitability is provided for within Table 1 in **Appendix 2** below and are illustrated spatially on the Area of Search at **Appendix 1**. The individual sites have been identified by reference to the corresponding number in Table 1.
- 5.16 Although a number of sites have been identified within the town of Royal Tunbridge Wells and Tonbridge, which have been assessed - it is considered that none of these offer the type of offer and locational advantages that the site at Mabledon does in terms of the overall offer for a hotel of the type identified as being a ‘gap’ in

the market in the [Tunbridge Wells Hotel Capacity Study – 2017](#), as referred to above.

- 5.17 No potential sites have been identified in Southborough which could accommodate the development identified apart from consideration of current vacant units as set out within Table 1 within Appendix 2.

If the main town centre use cannot be accommodated on town centre sites, what are the next sequentially preferable sites that they can be accommodated on?

- 5.18 As shown on the 'Area of Search' map in **Appendix 1** and Table 1 in Appendix 2, it is confirmed that there are no sequentially preferable sites to accommodate the use identified, within the wider area of search as required by the PPG.

6.0 Summary

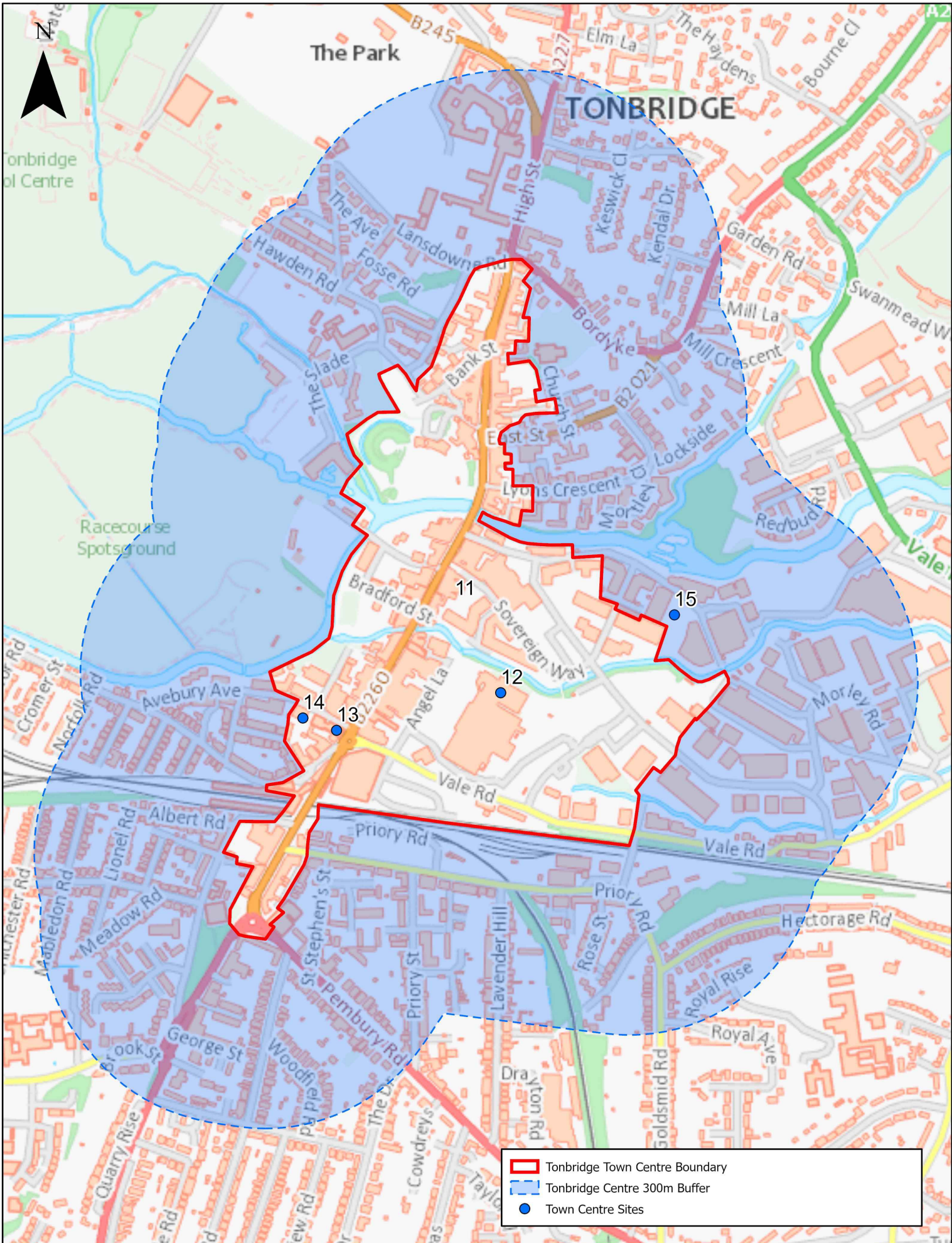
- 6.1 Taking the above considerations into account, it is clear that there is a need for a hotel use of this type. The site at Mabledon House provides a very specific locational justification for the identified hotel use for this site which is informed and justified by the evidence base which has informed the Local Plan – [Tunbridge Wells Hotel Capacity Study – 2017](#); also, it is available and being promoted for such a use, indicating its viability as confirmed by the site promoters.
- 6.2 In accordance with national and local policy, the sequential assessment set out in this report has demonstrated that there are no other more 'suitable' and 'available' sites within or on the edge of Royal Tunbridge Wells Town Centre, Tonbridge Town Centre or Southborough Town Centre (the search area) that could realistically accommodate the type of development identified for the site and allocation. In addition, the particular circumstances of the site, especially the need to find a viable

future for this important heritage asset in need of investment, provide strong reasons to support this site for a hotel-based use.

- 6.3 The proposed allocation represents a unique offering to Royal Tunbridge Wells and indeed the wider sub-region, taking into account the sites particular location, scale, nature and historic interest, drawing on this to provide a focus for future tourism potential with benefits to the local economy.
- 6.4 Overall, for the reasons outlined in this report, it is considered that there are no more 'suitable' and 'available' more centrally located sites within the search areas for the scale and form of development identified. It is the Council's view that the site at Mabledon represents an appropriate strategy for meeting the need identified within the Hotel Capacity Study and in accordance with the requirements of the sequential test, resulting in the site being determined as being sequentially preferable.
- 6.5 Compliance can therefore be demonstrated at the plan making stage with the sequential test as set out in Section 7 of the NPPF and draft Policy ED10 of the Submission Local Plan.
- 6.6 It is also proposed that Policy SO 2, will be amended as set out within the modifications table as referred to at paragraph 3.7 above.

Appendices

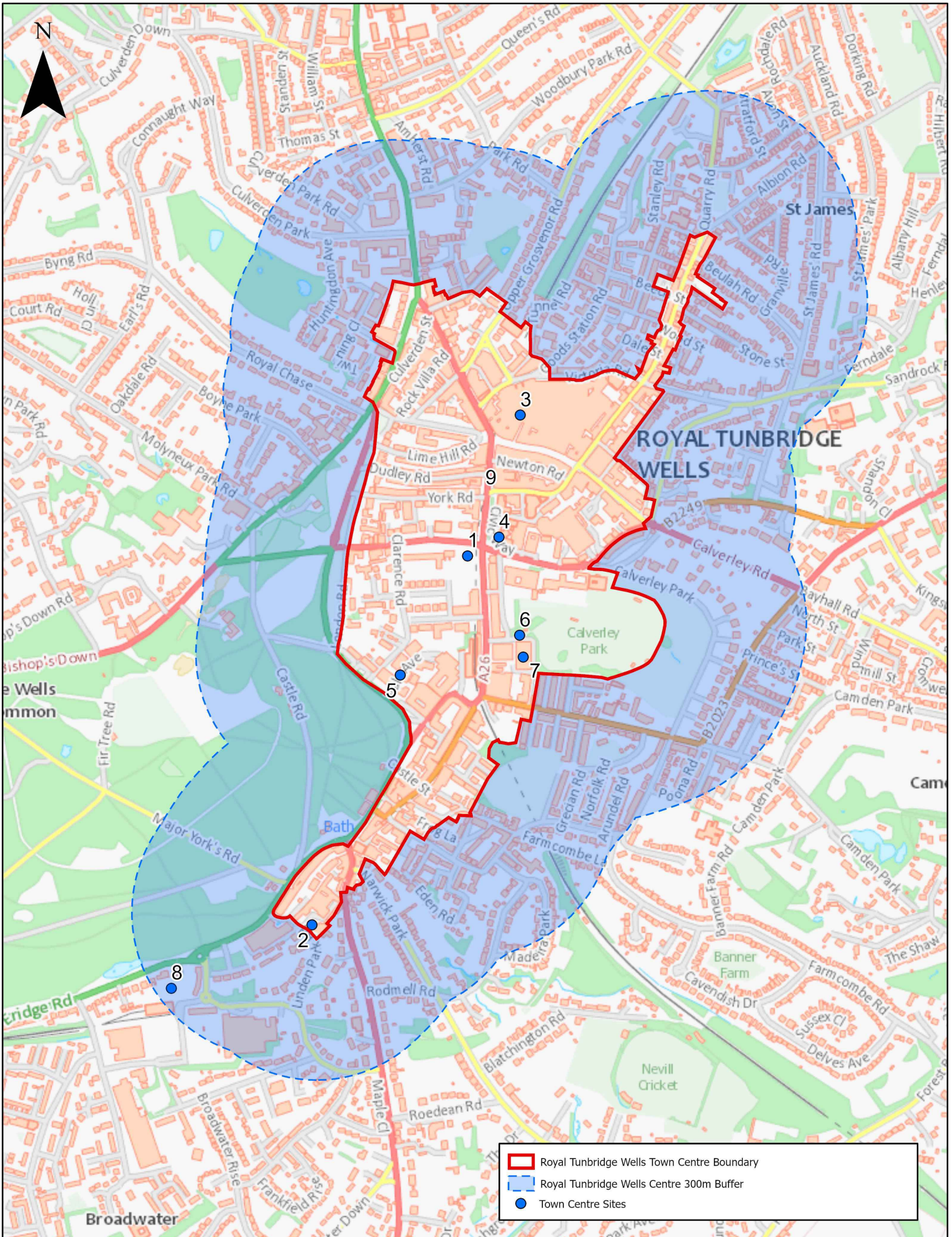
**Appendix 1: Sequential Test area of search – Tunbridge Wells Town Centre and ‘edge of centre’
Tonbridge Town Centre and Edge of Centre and Southborough Town Centre and edge of centre**



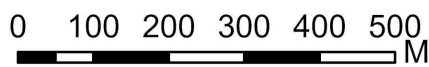
Tonbridge Town Centre and Edge of Centre Zone



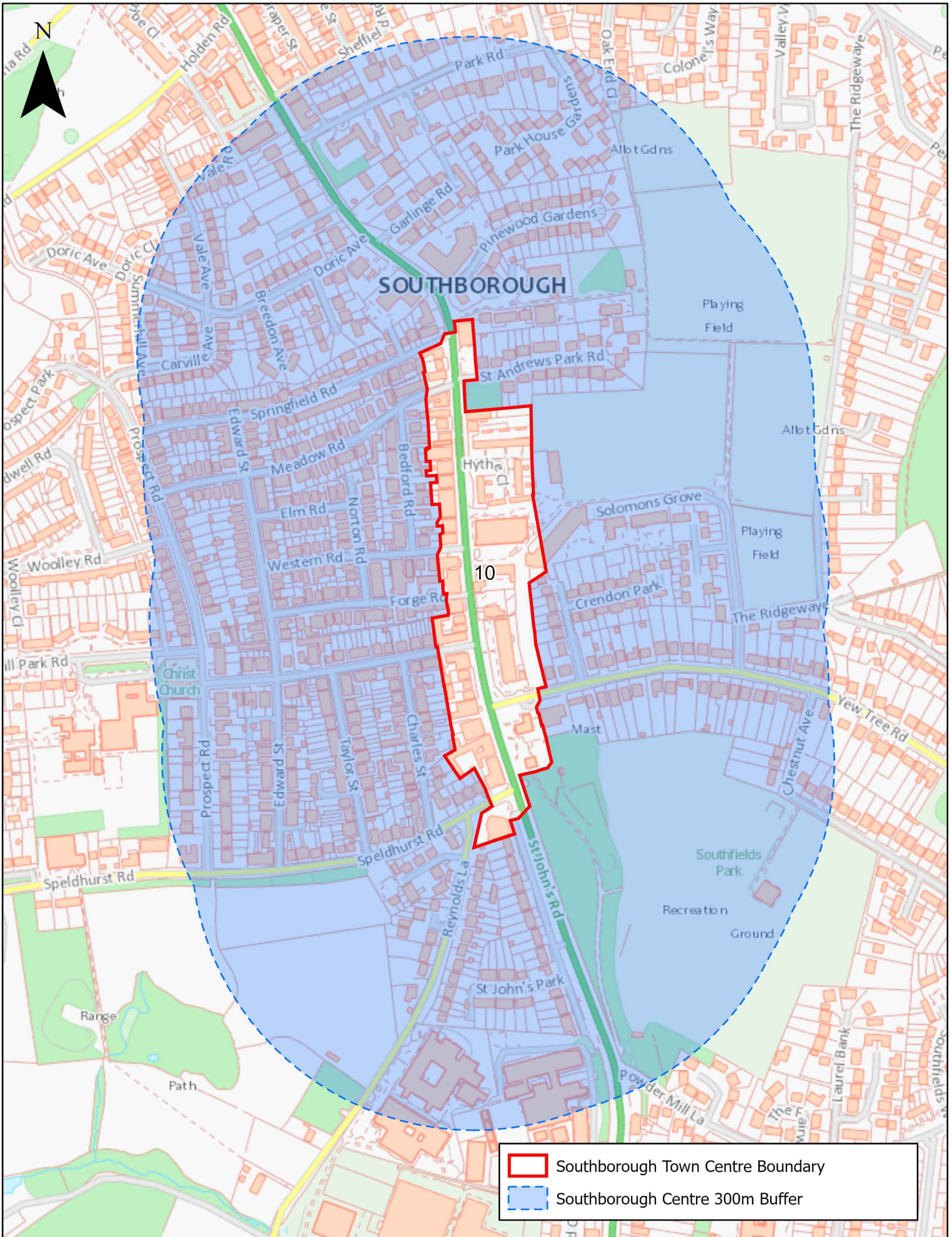
Scale: 1:7,500



Royal Tunbridge Wells Town Centre and Edge of Centre Zone

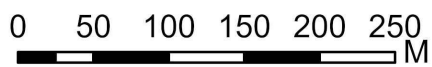


Scale: 1:10,000



**Southborough Town Centre
and Edge of Centre Zone**

- Southborough Town Centre Boundary
- Southborough Centre 300m Buffer



Scale: 1:5,000

Appendix 2: Town Centre and edge of centre sites considered

Table 1 – Sequential site assessments

Site number	Site address	Status	Sequential Context	Size	Assessment
1	The Cinema Site, Mount Pleasant Road, Royal Tunbridge Wells	Submission Local Plan Policies STR/RTW 2, AL/RTW 1 and Site Allocations Local Plan policy AL/RTW2	Within the Town Centre	0.97 ha	Site has been vacant since 2002, but is currently the subject of a planning application for development of older persons housing and is therefore not available
2	The Auction House, Linden Park, Royal Tunbridge Wells	Submission Local Plan Policy AL/RTW2 and Site Allocations Local Plan policy AL/RTW24	Within the Town Centre	0.13	Site has been re-purposed for Commercial E Class uses and agents are promoting site for flexible town centre uses.
3	Vacant Units within Royal Victoria Place Shopping Centre, Royal Tunbridge Wells	Submission Local Plan policy STR/RTW 2 and Policies relating to town centre uses and the Primary Shopping Area	Within the Town Centre	Range of unit types and sizes	Units are too small to accommodate the type of development identified.
4	Tunbridge Wells Civic Complex, Mount Pleasant	Submission Local Plan Policy STR/RTW 2 and Site Allocations Local Plan policy AL/RTW2A	Within the Town Centre	4.17 ha	Site is not available for this use as it is currently being re-purposed for office/working hub use.
5	Torrington/Vale Avenue	Identified within Submission Local Plan Policy STR/RTW 2 and allocated within Site Allocations	Within the Town Centre	1.88 ha	Site is currently in mixed use (including an existing hotel) and is being considered through the Royal Tunbridge Wells Town Centre Plan

		Local Plan policy AL/RTW3			
6	Mount Pleasant Car Park and Surgery	Submission Local Plan Policy STR/RTW 2 and Site Allocations Local Plan policy AL/RTW21	Within the Town Centre	0.29 ha	Site is currently in car park and health use. Although it is available, it is constrained in terms of site size, topography and heritage constraints and would not be considered suitable
7	Great Hall Car Park	Identified within Submission Local Plan Policy STR/RTW 2	Within the Town Centre	0.73 ha	Site is currently in car park use and is being considered through the Royal Tunbridge Wells Town Centre Local Plan.
8	Former Plant and Tool Hire	Submission Local Plan Policy AL/RTW 11 and Site Allocations Local Plan policy AL/RTW6	On the edge of the town centre	0.41 ha	Site is currently vacant but planning application is currently being considered for residential development
9	Vacant Units within the defined Royal Tunbridge Wells Town Centre and surrounds	Policies relating to town centre uses and the Primary Shopping Area	Within the Town Centre and the immediate surroundings	Range of unit types and sizes	Units are too small or not appropriate to accommodate the type of development identified
10	Vacant units within the defined Southborough Town Centre and surrounds	Policies relating to town centre uses and the Primary Shopping Area	Within the Town Centre and immediate surroundings	Range of unit types and sized	Units are too small or not appropriate to accommodate the type of development identified
11	Vacant units within the defined Tonbridge town centre and surrounds	Policies relating to town centre uses and the Primary Shopping Area	Within the Town Centre and immediate surroundings	Range of unit types and sizes	Units are too small or not appropriate to accommodate the type of development identified

12	Former Beales Department Store, Angel Centre, Angel Lane, Tonbridge, TN9 1SF	Policy TCA11(a) within the Tonbridge Central Area Action Plan 2008	Within the Town Centre	-	Site is owned by Sainsburys and is not available.
13	Tonbridge Library and adjacent area, Tonbridge	Policy TCA11(h) within the Tonbridge Central Area Action Plan 2008	Within the Town Centre	-	Site is a small site and would not be suitable for the type of use identified
14	Quarry Hill Road/Waterloo Road, Tonbridge	Policy TCA11(i) within the Tonbridge Central Area Action Plan 2008	Within the town centre	-	Site has existing retail on ground floor and is allocated for retail and residential and is of a size that would not be suitable for the type of use identified
15	The River Centre Car Park, Medway Wharf Road, Tonbridge, TN9 IRE	No specific policy designation but is within the 'Central' area defined within the Tonbridge Central Area Action Plan 2008	Within 300 metres of Tonbridge Town Centre	0.29 ha	Site is adjacent to a conference centre although is being promoted for primarily residential development and has a lapsed planning consent for this use. Is not considered to be available for the type of development identified