

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

02 October 2019

Report of the Director of Planning, Housing and Environmental Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 TUNBRIDGE WELLS LOCAL PLAN REGULATION 18 CONSULTATION

This report sets out the key matters to be contained within the response to the Tunbridge Wells Local Plan Regulation 18 consultation.

1.1 Introduction

1.1.1 Tunbridge Wells Borough Council is inviting comments on a draft Local Plan as required by Regulation 18 of the Town and Country Planning (Local Plan)(England) Regulations 2012. The consultation exercise opened on 20th September and is due to close on the 1st November 2019.

1.1.2 This report summarises the main cross boundary issues arising from the proposals in the Local Plan and suggests a response for recommendation to Cabinet.

1.2 Summary

1.2.1 The Tunbridge Wells Local Plan process is approximately a year behind the Tonbridge and Malling Local Plan. The current Local Development Scheme anticipates an examination date in December 2020.

1.2.2 The Tunbridge Wells Local Plan period covers 20 years between 2016-2036. It has been prepared using the revised National Planning Policy Framework published by the Government in July 2018 and is based on the standardised methodology for determining housing need.

1.2.3 This is for 13,560 new dwellings (678 per year), which is similar to the need identified in the Tonbridge and Malling Local Plan (13,920 or 696 per year 2011-31). Taking into consideration completions since 2016, known commitments, an estimate for windfalls and a contingency of 9% (1,200 dwellings) oversupply to allow for some flexibility in delivery, this plan includes allocations for 7,593 new dwellings (This compares to 6,834 in the Tonbridge and Malling Local Plan).

- 1.2.4 It is important to recognise that the Plan seeks to meet its identified needs for housing, employment and infrastructure in full, despite the borough being heavily constrained in planning terms. 69% of the Borough is designated as an Area of Outstanding Natural Beauty (AONB) and 22% is Metropolitan Green Belt, although there are parts of the Borough that have neither of these designations. The whole of the Borough is located within the West Kent Housing Market Area, which is shared with the whole of Sevenoaks District and approximately half of Tonbridge and Malling.
- 1.2.5 Consequently, Tunbridge Wells Borough Council have not formally requested that any of their neighbouring Local Planning Authorities, including Tonbridge and Malling, take unmet housing need.
- 1.2.6 The Draft Local Plan document runs to 540 pages and includes 204 policies. Over half of these (115) are described as 'Place Shaping' policies, which are effectively the site allocations. The main settlement, Tunbridge Wells has the most of these place shaping policies (32), but the most significant policies/allocations for Tonbridge and Malling are the policies relating to Paddock Wood and Capel, which will be explored further below.
- 1.2.7 In addition to the site allocation policies, there are 10 strategic policies addressing the Plan's overall development strategy and 79 Development Management Policies covering the usual range of planning policies one would expect in a development plan, dealing with Housing (17), Natural Environment (17), Employment (12), Environment and Design (10), Transport and Parking (6), and Open Space/Recreation (2).

1.3 Background

- 1.3.1 The preparation of the Local Plan began a few years ago with evidence gathering. In 2017 an Issues and Choices public consultation exercise was carried out exploring a number of development strategy options, without specifying any sites/locations. This included the option of considering a free-standing new settlement, but as noted, no locations were specified.
- 1.3.2 In January 2019 TWBC indicated some of the potential proposals to TMBC and other stakeholders that were being considered for the Regulation 18 plan and these were shared with key Members. In the Spring of 2019 Tunbridge Wells officers gave presentations to Local Councils in the borough regarding the emerging Local Plan development strategy. At this point the proposals for the significant allocations at Tudeley/Capel and Paddock Wood were made public for the first time as the relevant local councils shared the presentations with the media.
- 1.3.3 Tunbridge Wells members considered the draft Local Plan at their Planning and Transportation Cabinet Advisory Board meeting on the 5th August. The Board's recommendation to Cabinet on the 15th August that the Local Plan be agreed for the purposes of public consultation subject to some amendments was endorsed. The consultation commenced on 20th September and closes on 1st November.

- 1.3.4 In accordance with the Duty to Cooperate, both authorities have liaised over the preparation of their Local Plans throughout the process. Tunbridge Wells Borough Council responded to Tonbridge and Malling in respect of our public consultations required by Regulation 18 and 19 of the aforementioned Regulations and Tonbridge and Malling responded to the Tunbridge Wells Issues and Options consultation in 2017. This response demonstrates that on-going dialogue in respect of the Tunbridge Wells Local Plan Regulation 18 consultation.
- 1.3.5 In preparing this report, TMBC officers met with TWBC and KCC Highways/Education representatives to discuss key cross-boundary issues and further assess whether the process for developing the proposals in the TWBC was robust and collaborative in regard of these issues. Through Duty to Cooperate, TMBC will continue to work closely with TWBC and KCC to ensure that issues are fully explored and appropriate mitigation can be made where possible, or proposals modified where this is not possible.

1.4 General Comments on the Draft Local Plan

- 1.4.1 In general, the approach that has been applied to the preparation of the Tunbridge Wells Local Plan is similar to that applied to the Tonbridge and Malling Local Plan. Both plans are based on an evidence base that has identified local needs which the plan seeks to meet in full.
- 1.4.2 Infrastructure to accompany the development strategy is recognised as a very important requirement to ensure sustainable communities for the future. Comprehensive master planning involving all relevant stakeholders, including neighbouring local authorities is a prerequisite to implementation. This too is the same approach used in the Tonbridge and Malling Local Plan.
- 1.4.3 The development management policies reflect national planning policy contained in the NPPF, but are tailored to local circumstances. The policy for delivering affordable housing, for example, recognises that Tunbridge Wells has a high ratio of median earnings to median house prices.
- 1.4.4 Policy H5 seeks 40% affordable housing on greenfield sites and 30% on brownfield sites with a breakdown of 60% social rented and 40% intermediate housing for on-site affordable housing requirements.
- 1.4.5 Policy H2 introduces a condition on residential planning permissions to ensure the permission is implemented with 2 years instead of the normal 3 to encourage faster delivery and discourage 'land banking'.
- 1.4.6 T&M Response:
- 1.4.7 The development management policies contained in the Draft Local Plan represent a reflection of the National Planning Policy Framework as amended in July 2018 and tailored to local circumstances as identified through the Local Plan evidence base. TMBC acknowledges that TWBC has sought to meet its OAN within the

borough boundaries and has therefore not made a formal request to TMBC under Duty to cooperate for the borough to take unmet need.

1.5 Cross Boundary Issues Relevant to Tonbridge and Malling Borough Council

1.5.1 There are a number of site-specific policies and proposals in the draft Tunbridge Wells Local Plan that have cross boundary implications for Tonbridge and Malling. The most important are summarised below. Extracts from the Tunbridge Wells Local Plan showing these sites can be found in Appendix 1 to this report.

1.5.2 The Regulation 18 stage consultation exercise (second version) is the first time that the details of these proposals have been published for comment. Tunbridge Wells Borough Council have stressed the importance of master planning with stakeholders, including land owners, promoters, infrastructure providers, local communities and neighbouring authorities in bringing these proposals forward. This process has begun and will run in parallel with the local plan process.

1.5.3 Policy STR/CA1 The Strategy for Capel Parish and Policy AL/CA1 Tudeley Village

1.5.4 New free-standing settlement of up to 2,850 dwellings, with associated infrastructure, including a new primary school, highway improvements, community facilities encompassing garden communities' principles located approximately 1 mile east of the Tonbridge and Malling borough boundary.

1.5.5 A comprehensive master planning approach following garden communities' principles involving close liaison with stakeholders will be required. Piecemeal development will not be supported. Managing the impact on Tonbridge and the provision of infrastructure through the master planning process is recognised in Policy STR/CA1.

1.5.6 Issues include:

- Ensuring the associated infrastructure is properly planned and implemented so that there is no pressure on facilities in Tonbridge.
- Improving transport links to the west towards Tonbridge.
- The development is subject to the provision of land for a new secondary school to the east of Tonbridge, adjoining the borough boundary.
- Managing the impact of the development on the setting of Hadlow Tower is recognised in Policy AL/CA1(5)(iv)
- Demonstrating exceptional circumstances for releasing Green Belt land and major development in the AONB.

1.5.7 T&M Response

- 1.5.8 The potential significant impacts of the proposed developments at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for Tonbridge & Malling Borough Council, particularly in the light of the Tonbridge and Malling Local Plan, which also proposes new developments and associated infrastructure in Tonbridge and more widely, which could be impacted by these proposals. TMBC believes that some of these will present delivery challenges for the allocation due to appropriate mitigation measures not being feasible. However, we wish to work collaboratively with TWBC to explore all possibilities and particularly welcome the early identification of a number of junctions requiring mitigation within TMBC.
- 1.5.9 Policies STR/CA1 and AL/CA1 do recognise these issues and require comprehensive master planning and ongoing liaison between Tonbridge and Malling, Tunbridge Wells, Kent County Council and all other relevant stakeholders. This will include land owners, promoters, and infrastructure providers to ensure that the infrastructure accompanying these proposals is properly planned for and delivered at the appropriate time. TMBC requests that they are specifically mentioned in all relevant policies with the emerging Local Plan to ensure that this collaborative approach is enshrined in policy.
- 1.5.10 Tonbridge and Malling support the proposed approach to meeting the identified needs for future development in Tunbridge Wells within the borough, subject to both authorities proactively working together to ensure all cross-boundary issues are satisfactorily addressed as part of the Local Plan process. This will contribute to the conclusion of the ongoing master planning work and delivery of any identified infrastructure to be phased with the planned development so that any potential impacts are mitigated.
- 1.5.11 Both this site and the Paddock Wood sites discussed below require appropriate onsite health service provision to be provided at a primary care level. Given the proximity of these sites to Tonbridge and the proposals for Local Care Hubs that are being progressed by the CCG, TMBC request that the potential for facilitating Local Care delivery through this strategic site allocation providing land or contribution should be explored in detail as part of the next stage of plan development, should this site be taken forward.
- 1.5.12 Policy AL/CA2 New Secondary School
- 1.5.13 A new 6 Form Entry Secondary School is proposed adjacent to south east boundary of Tonbridge. The site, which is north of Tudeley Lane and the Somerhill Estate, straddles the Charing Cross to Channel Ports railway line and includes area of ancient woodland (south of the railway line).

1.5.14 Issues include:

- Trip generation/impact on the local highway network in an area relatively remote from Tonbridge Station, other schools in Tonbridge and currently poorly served by public transport.
- Implications for highway capacity in Tonbridge in light of development planned in Tonbridge Local Plan.
- Addressing site constraints including access across the railway line and incorporating the ancient woodland.

1.5.15 T&M Response:

1.5.16 The response is similar to that in respect of the new settlement at Tudeley (see paragraphs 1.5.4 – 1.5.6 above).

1.5.17 The proximity of the proposed school site to the borough boundary and the distance from Tonbridge Station emphasises the importance of implementing sustainable transport improvements in this area to ensure any impacts on the local highway network are minimised. Whilst TMBC welcomes proposals for new bus routes that link Tonbridge/the school/the proposed new settlements/Paddock Wood, it must be recognised that there are significant delivery challenges in ensuring that route is feasible, particularly within the two town centre environments.

1.5.18 Ensuring there is an appropriate access across the railway will be an important consideration for master planning and viability.

1.5.19 TMBC's Local Plan has an employment allocation (LP36 site h), which is an extension of an existing site, immediately adjacent to this proposed allocation. It is essential that existing modelling work carried out to inform this and other local designations with the TMBC Local Plan are considered as part of the infrastructure masterplanning work that TWBC are proposing to undertake.

1.5.20 Policy STR/PW1 The Strategy for Paddock Wood and Policy AL/PW1

1.5.21 Proposals include provision for 4,000 new homes, an off-line improvement to the A228 at Colts Hill (by-pass), highway links to the west towards the new settlement at Tudeley, new primary schools and expansion of Mascalls secondary school and improved flood defences to be master planned in advance of any planning applications, using garden communities' principles.

1.5.22 Allocations include land in Capel Parish adjacent and to the west of Paddock Wood. Exceptional circumstances will have to be demonstrated to allow for some Green Belt releases to the west of Paddock Wood.

1.5.23 Issues include:

- Ensuring the associated infrastructure is properly planned and implemented so that there is no pressure on facilities in Tonbridge.
- Improving transport links to the west towards Tonbridge.
- Managing the potential impacts of these proposals on the future capacity of rail services to London.
- Understanding the potential impacts of a new Colts Hill bypass on the wider highway network.

1.5.24 T&M Response:

1.5.25 Although Paddock Wood is further from the borough boundary than the sites at Tudeley and Capel, the size of the allocation here means that the same comments made at paragraphs 1.5.4 – 1.5.6 above are also applicable.

1.5.26 TMBC has significant concerns about the impact of works on the A228 and whilst improvements to Colts Hill are welcomed as this is a long held priority for West Kent, the potential wider implications need to be thoroughly considered in a holistic fashion, working with KCC Highways, TMBC and Maidstone Borough Council. Following officer discussions, TMBC are requesting that this approach to the A228 corridor is enshrined in the relevant policies.

1.5.27 The implications of this allocation (and the new settlement at Tudeley, which is unlikely to justify the introduction of an additional railway station between Tonbridge and Paddock Wood) on future rail capacity to London will need to be the subject of on-going discussions with Network Rail and the rail service providers and be included in the Infrastructure Delivery Plan. This extends not only to train services but to commuter parking and likely travel habits.

1.5.28 Policy AL/SO3 and Policy AL/SO4 Land at Mabledon and Nightingale and Mabledon House

1.5.29 These sites are located close to the boundary with Tonbridge and Malling to the east and west of the A26. The Mabledon House site (to the west of the A26, south of Tonbridge) extends into Tonbridge and Malling. Both sites are designated Green Belt and AONB.

1.5.30 The site at Mabledon and Nightingale (east of the A26) is allocated for a mixed use development including up to 120 residential properties. Mabledon House (west of the A26) is proposed for a new luxury hotel of up to 200 rooms. As this site straddles the borough boundary Policy AL/SO4 stresses that the 'successful implementation of this policy is dependent on the support and cooperation of TMBC'.

1.5.31 Issues include:

- These sites are not being proposed for alterations to the Green Belt designation in the Local Plan and therefore very special circumstances will have to be made to enable these developments to take place. As major developments in the AONB, exceptional circumstances will also have to be successfully demonstrated.
- The site at Mabledon House will require a joint approach if development is proposed in Tonbridge and Malling.
- This site does not appear in the Tonbridge and Malling Local Plan as these proposals were not sufficiently well advanced at the time the plan was being prepared.

1.5.32 T&M Response:

1.5.33 Although these are smaller proposals that do not require master planning in the way that the larger allocations at Tudeley, Capel and Paddock Wood do, the policy acknowledges that the implementation of the Mabledon House proposal will depend on the agreement of Tonbridge and Malling. It notes that:

“The main house is located within the borough of Tunbridge Wells and the ancillary buildings are located in the borough of Tonbridge & Malling; the Historic Park and Garden is split between the two boroughs. The above policy to be agreed with Tonbridge & Malling Borough Council to encourage a holistic and comprehensive approach to development proposals across the whole of the estate.”

1.5.34 Tonbridge and Malling welcome the opportunity to discuss the proposed site allocation at Mabledon House with Tunbridge Wells Borough Council within the context of the emerging Local Plan, subject to a better understanding of the scale and form of the development, particularly in respect of that part of the site within Tonbridge and Malling, the very special circumstances for the development within the Metropolitan Green Belt and the impacts on High Weald AONB and its setting.

1.5.35 Policy AL/RTW12 Land Adjacent to Longfield Road, Tunbridge Wells

1.5.36 This site is designated for employment uses for up to 80,000 sqm (net) floorspace. It is located close to the A21 junction with North Farm. Although this site is some distance from Tonbridge and the borough boundary it is approximately 10 minutes drive from Tonbridge using the recently dualled A21 between Vauxhall and Longfield Road.

1.5.37 Issues include:

- Potential future employment opportunities for Tonbridge and Malling residents.

- Significant trip generation, consequent impact on the capacity of the A21 and possible competitor for Tonbridge industrial area.
- The site is located within the Green Belt, but the Local Plan does not seek to make exceptional circumstances for removing the designation, relying instead on very special circumstances for development within the Green Belt. This raises a question over deliverability.

1.5.38 Tunbridge Wells Borough Council have confirmed that there is currently a live application relating to this site.

1.5.39 T&M Response:

1.5.40 T&M welcome the contribution the proposed allocation will make towards meeting the identified needs for employment land in Tunbridge Wells, subject to working with the Borough Council, Highways England and Kent Highways to ensure that any potential adverse impacts on the highway network both in the immediate vicinity and more widely can be satisfactorily mitigated.

1.6 Summary and Conclusions

1.6.1 The Tunbridge Wells Draft Local Plan published for the purposes of public consultations as required by Regulation 18 of the relevant Regulations is the first opportunity for all parties with an interest in the Local Plan to comment on the detailed policies and proposals for meeting the Borough's identified needs for the period to 2036.

1.6.2 It is recognised that the Tunbridge Wells Local Plan is at an early stage of plan making and that there is a lot more work to be carried out to ensure that the necessary infrastructure is delivered at the appropriate time and in the right place.

1.6.3 Arrangements for comprehensive master planning for the strategic sites involving all stakeholders, including Tonbridge and Malling, have been put in place and are underway. These will complement and run alongside the Duty to Cooperate meetings that have been taking place since their introduction in 2012 with the first publication of the NPPF.

1.6.4 The suggested responses set out in paragraphs 1.4.1-1.5.40 in this report provide caveated support for the general approach while welcoming the commitment to on-going joint working to ensure that the planned developments can be delivered without adversely impacting on Tonbridge and Malling.

1.7 Legal Implications

1.7.1 The Duty to Cooperate is a legal test of the soundness of a Local Plan. While it is not a requirement that neighbouring Local Planning Authorities respond to the public consultation stages of the Local Plan, it does demonstrate cooperation.

1.8 Financial and Value for Money Considerations

1.8.1 There are no financial implications arising from this report.

1.9 Risk Assessment

1.9.1 Not responding to the consultation risks the Council's views not being taking into consideration in further iterations of the Tunbridge Wells Local Plan.

1.10 Equality Impact Assessment

1.10.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.

1.10.2 There is no perceived impact on end users.

1.11 Recommendations

1.11.1 That the contents of this report be **NOTED**; and

1.11.2 The proposed response to the Tunbridge Wells Local Plan Regulation 18 consultation based on the responses in paragraphs 1.4.1 - 1.5.40 of this report, subject to any amendments, be **RECOMMENDED** to Cabinet for endorsement and returning to Tunbridge Wells Borough Council by the consultation deadline on 1st November 2019.

The Director of Planning, Housing and Environmental Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

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