

TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held virtually at 6.30 pm on Wednesday, 3 February 2021

PRESENT:

The Mayor Councillor Joy Podbury (Chairman)

Councillors Atkins, Atwood, Backhouse, Barrington-King, Bailey, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Poile, Pope, Pound, Rands, Reilly, Rutland, Scholes, Scott, Simmons, Mrs Soyke, Stanyer, Thomson, Warne, Williams, Willis and Woodward (Vice-Chairman)

IN ATTENDANCE: William Benson (Chief Executive), Stephen Baughen (Head of Planning Services), Gina Clarke (Team Leader Corporate Governance Lawyer) and Mark O'Callaghan (Scrutiny and Engagement Officer)

APOLOGIES FOR ABSENCE

FC46/20 There were no apologies. Councillor Mrs Thomas was not present.

DECLARATIONS OF INTEREST

FC47/20 No declarations of pecuniary or significant other interest were made.

REGULATION 19 CONSULTATION ON PRE-SUBMISSION VERSION OF LOCAL PLAN 2020-2038 AND SUSTAINABILITY APPRAISAL

FC48/20 Councillor McDermott moved, and Councillor Dawlings seconded, the recommendations set out in the report, comments included:

- The Council had adopted the current Local Plan in 2010. In 2014 the then Government had increased the number of houses to be built and work started on a new Plan immediately.
- Development of the Plan included significant engagement with members, the public and local businesses that would provide a comprehensive evidence base.
- A new Plan would provide certainty in decision making, protect the Council and its residents from speculative development, implement policies to deliver more affordable housing, provide more sustainable buildings and comply with the Government's requirement that all Local Authorities have a valid Plan by 2023.
- A number of planning reforms were expected over the coming years, having an up to date plan would protect the borough from developers seeking to take advantage of the uncertainty.
- All members had had the opportunity to be involved in the development of the Plan through the Planning Policy Working Group.
- The Draft Local Plan had been subject to public consultation in the autumn of 2019, resultant changes to the Draft were set out in the report. The Pre-Submission version of the Plan was far stronger as a result of the consultation.
- Further opportunities for public engagement would occur, particularly in the areas most affected, through the course of producing Supplementary Planning Documents for Paddock Wood, Tudeley and the Royal Tunbridge Wells Town Centre Plan in 2021 and 2022.

- House prices in Tunbridge Wells were twelve times gross household income, the second highest in Kent. There was a real need for genuinely affordable housing, particularly social rented housing which was at 60 per cent of average market rate. The new Plan would raise the percentage of affordable housing from 35 per cent to 40 per cent and ensure the majority of those were social rented.
- For far too long, infrastructure did not match house building. The new Plan would ensure infrastructure was delivered alongside any new development. The proposed new settlements at Tudeley and Paddock Wood would provide the required infrastructure worth an estimated £179million so as to not burden the existing residents.
- The plans for new settlements had been independently assessed to ensure they were viable and deliverable.
- The Plan was the most appropriate way to meet the required house building which would otherwise be forced upon the Council.
- Consultation on the Plan would commence on 26 March 2021 through eight weeks to 21 May 2021. All comments would be provided to the Planning Inspector for examination.
- The Planning Inspector would take a view on the soundness of the plan and advise the Council accordingly.

Public speakers:

- Mr Dave Lovell on behalf of Save Capel
- Mrs Hazel Strouts on behalf of Friends of East End (Benenden)
- Mrs Sue Lovell on behalf of Stop Overdevelopment of Paddock Wood
- Mr John Hurst on behalf of Tunbridge Wells Green Party
- Councillor Hugh Patterson on behalf of Capel Parish Council
- Councillor Matt Richards on behalf of Horsmonden Parish Council
- Mrs Evelyn Divall on behalf of Bidborough Parish Council
- Mr Adrian Berendt on behalf of Royal Tunbridge Wells Town Forum

Comments from the public included:

- The Council had presented five options for development in 2017 and the majority view had been in favour of development along the A21 corridor. Despite this a new settlement had emerged as the Council's preferred option.
- An area which consisted of two per cent of the borough's population would receive 50 per cent of the proposed new housing.
- Responses to the Regulation 18 consultation and other surveys showed 95 per cent opposition to the proposals from residents in the area.
- Democracy was lacking as was openness as explanations to the Plan consisted of difficult technical jargon.
- The National Planning Policy Framework was based on 'brownfield first', protecting Areas of Outstanding Natural Beauty, avoidance of flood zones and preservation of green belt. Conversely, the Plan focused on greenfield sites, strategic sites were adjacent to or in Areas of Outstanding Natural Beauty or flood zones. The new settlements would create urban sprawl from Tonbridge to Paddock Wood.
- Alternative sites had not been fully considered and key reports on viability and infrastructure were not open to public scrutiny.
- The proposals were criticised by independent experts and neighbouring authorities.

- Warnings of unrestricted development were unfounded and the Council's five year housing supply was all but met.
- The Plan failed to look forward to a post-covid world.
- Residents wanted a consensual Plan which regenerated neighbourhoods and communities with genuinely affordable housing close to employment. Such fundamental changes needed proper public debate.
- Proper consultation was difficult during Covid and with impending local elections.
- An affordable house was defined as 80 per cent of market value but in Tunbridge Wells the average was £482k. The only way to deliver genuinely affordable housing was through Community Land Trusts but no such provision was made in the Plan.
- The Council had already met 4.83 years of its five year land supply and it was expected to be exceeded by April 2021.
- The Plan failed to provide sustainable development.
- Recently announced planning reform set up three categories of land use: growth, renewal and protected which included green belt and Areas of Outstanding Natural Beauty. Planners would need to set higher standards to meet the challenges of climate change and there would be a focus on smaller builders providing smaller estates.
- In a post-covid world, town centres, retail spaces and offices would likely be repurposed for housing. The Plan took no account of these changes, instead building in new greenfield areas.
- The Plan was based on an outdated model of expanding villages in the south east of England. The future would be in 'levelling up' in the north of England.
- Expected infrastructure for existing developments had not been delivered.
- The Council had not provided an explanation as to why a buffer over and above the government targets was necessary and was underplaying the significance of local heritage assets in the affected areas.
- The proposed developments would destroy productive farmland and natural flood protections.
- The environmental assessments were supposedly completed in 2019 but the Sustainability Appraisal contained a number of unanswered questions.
- Flood prevention focused around fluvial water but disregarded surface water which was known to affect existing properties. Proposals for raised ground floors would do little to help others.
- Each area in the Sustainability Appraisal had been assessed in isolation but a holistic approach was needed.
- There was no masterplan for the regeneration of Paddock Wood town centre as the Council was awaiting an appeal decision. Now that the appeal had been allowed there was no time to consider alternatives.
- Use of town centre brownfield sites was welcomed.
- Measures to tackle climate change could be made stronger, for example, by not building on flood prone areas and ensuring new housing was carbon zero ready.
- The Ministry of Housing recently announced reforms to the planning system, putting the number of houses and their placement back to Local Authorities. The standard method of calculating housing numbers was not a target but rather a starting point from which to take

account of local constraints such as green belt. Housing targets did not override the protections in the National Planning Policy Framework or other legislation.

- Housing numbers could be reduced by 30 per cent which would allow more sustainable growth.
- Over 8k comments in respect of Capel were submitted to the Regulation 18 consultation, none of which will be provided to the Planning Inspector unless resubmitted under the Regulation 19 consultation.
- Approximately 20 per cent of the population of Capel had no or little access to the internet or the skills to access the 1100 pages which make up the Plan or to complete online consultation documents. Any consultation during Covid would not be representative.
- The area around Tudeley lacked infrastructure and the developers showed little interest in working outside the narrow scope of their particular site.
- Development in Capel would negatively impact on neighbouring Tonbridge but the Council had failed to establish the required Duty to Co-operate with Tonbridge and Malling Borough Council.
- If the Planning Inspector found the development at Tudeley unsustainable they will likely find the Plan to be unsustainable. A much better alternative site at Castle Hill was being disregarded in order to rush through the current Plan.
- Tudeley would have far greater impact on the setting of the Area of Outstanding Natural Beauty than Castle Hill which already had significant housing and major road connections.
- Whilst Castle Hill was in the Area of Outstanding Beauty it was outside the green belt and any expansion would not have the effect of coalescing with neighbouring settlements. Castle Hill would be the least worst option.
- Balancing the needs and wants of local communities with providing sufficient housing was challenging but the Plan did well in achieving its purpose as reasonably as it could.
- Failure to have a Plan was of chief concern to many as this would create much unconstrained development with the Borough Council unable to defend planning appeals.
- A quick online search revealed planning consultants offering maps of areas without a Plan showing a clear intention to take advantage of the situation.
- The Neighbourhood Development Plan for Horsmonden was in agreement with the proposed Local Plan which, together, allows Local Authorities to exercise some control over the location of development and the necessary infrastructure.
- Rejection of the Plan at this stage would abdicate any responsibility for planning decisions in the near future.
- Rural areas needed new housing to help retain growing families and provide opportunities for older people to down-size releasing further family homes.
- The environmental and traffic management policies in the Plan would protect the character of rural communities and were welcomed.
- The approach set out by the Campaign to Protect Rural England and Historic England in assessing the impact on heritage assets around new developments was supported.
- The potential for developer contributions in mitigating the impact of developments was welcomed.

- Development of the Plan had involved countless hours spent and considerable sums by Council officers and some residents.
- Whilst few would welcome building on greenfield sites, if the Council did not have a viable plan for development, one would be imposed with little or no local control.
- No plan would be perfect for all but there was much to welcome in this plan, particularly in providing much needed infrastructure, active travel and tackling climate change.
- Rejection of the Plan would not stop the development but would stop the investment in infrastructure and would reduce any control.

Councillor Hayward raised a point of order that he had indicated to speak before the start of the agenda item in order to move a motion without notice in accordance with Council Procedure Rule 12. The Mayor invited Councillor Hayward to speak on the motion.

Councillor Hayward moved, and Councillor Pope seconded, a motion without notice in accordance with Council Procedure Rule 13.11 to adjourn the debate (referred to as Council Procedure Rule 12.11 at the meeting). The Mayor advised that, in her opinion, the matter had not been sufficiently debated and there was sufficient time to continue debating the matter. The closure motion was overruled.

Debate included consideration of the following additional points:

- A considerable amount of correspondence had been received on the matter, the majority of which accepted the need for more housing in the Borough and national policy concurred with the need for more housing to tackle the housing crisis.
- Concerns had been raised around Paddock Wood's suitability for development given problems of flooding. Such concerns had been addressed by the Council through comprehensive risk assessment working with the Environment Agency. Much of the new housing would be outside the flood plain and new housing in the west of the town would include mitigation which would improve the situation for existing town centre residents.
- The Council was also aware of concerns regarding sewer capacity in Paddock Wood and had been working with Southern Water to adequately plan for the future.
- Significant investment in infrastructure was planned with new leisure facilities, two new schools and expansion of existing schools, new medical centres and open spaces.
- The Plan would increase the provision of affordable housing from 35 per cent to 40 per cent across the Borough.
- Infrastructure would only be possible with long-term planning, unplanned development would not come with the certainty needed for long-term planning and many services would not be delivered.
- Policies EN1 and EN2 set strict standards for sustainable design.
- Policy EN3 required that new buildings emit 10 per cent less CO₂ than the national guidelines for appropriate materials, larger developments would be required to beat targets by a further 15 per cent through on-site renewable energy generation.
- Policy EN9 required a net gain in biodiversity by at least 10 per cent.
- The Plan also addressed employment, economic development and urban redevelopment alongside housing.
- The proposed business park on Kingstanding Way, which recently

obtained planning permission, would contribute 6k new jobs and represented a £220million capital investment in the Borough and £50million per year to spending in the Borough.

- The Plan enabled the creation of a much-needed Town Centre Area Plan for Royal Tunbridge Wells. The Town Centre Plan would be a holistic framework to redevelop the town centre. If approved, work could start this year.
- Master-planned expansion of Paddock Wood with new employment opportunities being provided particularly in the north of the town would allow redevelopment of its town centre.
- House building would be controversial wherever it was built, however new housing provided new customers for businesses and services.
- The Plan would facilitate the roll-out of high-speed internet across the Borough.
- A number of commercial properties had been submitted as potential sites for residential redevelopment but these had not been accepted to protect sites for future employment opportunities.
- The increase in affordable housing provision was welcome. Greater numbers and more social housing was needed.
- Some doubted whether the hoped-for infrastructure would be delivered and the sustainability of many of the proposed developments, particularly with regards to increased traffic movements around the A26. Considerable effort had gone into preparing the Plan with good intentions and many of the concerns raised by members had been addressed.
- Significant new housing was needed, particularly for the 19-35 year-olds who were unable to get on the housing ladder. Historic under-supply had created a shortage which was also pushing up prices.
- The Plan contained several sites which were not included in the Draft and involved the release of green belt land and had been added to the Pre-Submission Plan after the consultation.
- Sites previously judged to be not suitable for development had to be reintroduced to the Plan following the removal of a number of other sites which had failed to obtain Planning consent. The potential harm to the green belt had seemingly diminished without explanation.
- The decision to be made was significant with long-term implications.
- The volume of objections from particular areas was concerning and it was disappointing more could not be done to come to a mutual agreement.
- Significant changes to town centres were anticipated and there may be further housing opportunities in the near future.
- Potential national planning reform could reduce the influence of the local authority and contradictory messages on the matter made it all the more important to have a robust plan in place.

Councillor Pound raised a point of order that Councillor Hayward's moving of a closure motion did not constitute his speech on the business of the motion (Council Procedure Rule 13.4.1). The Mayor, on the advice of the Legal Officer, ruled that Councillor Hayward may speak on the motion.

Debate included consideration of the following additional points:

- Several important components of the Plan, including the Paddock Wood masterplan and the Paddock Wood Flood Appraisal, were missing from the public documents. Drafts of some of the documents were only available through the members' password protected site.

- It was believed that some members had not accessed the members' site before the day of the meeting and not all members had attended the available briefings through the Planning Policy Working Group.
- The subject was hugely complicated, not all information was openly available in a timely manner.
- There seemed to be pressure to progress the Plan against a self-imposed deadline, the potential risk of unrestricted development was unlikely in practice. Time should be taken to ensure the protection of the environment in the interests of residents.

Stephen Baughen, the Head of Planning Services, at the invitation of the Mayor to provide professional advice, commented:

- Members had had access to the Pre-Submission Local Plan, Sustainability Appraisal and the Infrastructure Delivery Plan in the public documents.
- Supporting evidence documents including Paddock Wood masterplan and the Flood Modelling report for Paddock Wood and east Capel have been available to members since 18 December 2020.
- No concern relating to the availability of the documents had been raised at any time prior to this meeting, including at formal opportunities at the Planning and Transportation Cabinet Advisory Board or the Cabinet.
- The Plan was based on the supporting evidence which had been examined in detail through the Planning Policy Working Group, papers of which were available to all members regardless of whether they attended the meetings.
- All documents would also be available at the inspector's examination.
- The Local Development Scheme set out the programme for determining the Local Plan, the scheme was updated in summer 2020 and was clear that a decision in February 2021 allowed for consultation in March and April for submission in July. This was the Council's agreed timetable.
- The implications of not having an up-to-date Local Plan were already being felt and this was affecting current planning decisions and appeals against recent planning decisions.
- The Housing Minister Christopher Pincher MP had recently written to all local authorities advising them to continue preparing their Local Plan.

Debate included consideration of the following additional points:

- Home ownership was a key aspiration for many, new housing was essential. The Plan was the right balance between delivering the right number of houses whilst protecting the environment and delivering infrastructure.
- Proposed new settlements would be delivered along master-planned ideals.
- Further details to be set out in supplementary planning documents would be subject to consultation and scrutiny prior to adoption by the Council.
- A robust Local Plan was essential to ensure local decision making.
- Local representatives had been key in shaping the Plan and in protecting local priorities.
- A pause was needed to ensure all members had full access to relevant documents.
- The Local Plan should not be considered like an outline planning

application seeking permission in principle, all relevant information was needed up-front.

- Targets for affordable housing were unlikely to be delivered.
- An assessment of the numbers of new housing which could be delivered through repurposing town centres was essential before a new Local Plan could be agreed.
- Guidance from the Secretary of State Robert Jenrick MP noted that housing targets would return to the 2014 baseline because local authorities had misinterpreted them because “[The standard method of calculating housing numbers] was not a target in plan making but a starting point for deciding the level of need in the area whilst taking account of the constraints in the area.”
- The Plan did not make enough allowances for the constraints of the area, including flood plain, green belt and areas of outstanding natural beauty.
- The Secretary of State further advised that the presumption in favour of sustainable development did not override the policies and strategies in the National Planning Policy Framework with particular attention being drawn to the protections for areas of outstanding natural beauty.
- With over 70 per cent of the borough being an area of outstanding natural beauty more needed to be done to resist over development.
- The delivery of infrastructure alongside housing had long been a concern, the Local Plan would help achieve it.
- Sevenoaks District Council was an example where they resisted the housing targets but their Plan had been rejected by the Planning Inspector, they were now under attack from developers taking advantage of the lack of a valid Plan.
- Land in urban areas was being exhausted and it was necessary to spread the development to rural areas.
- Recommendation 3 of the report sought to authorise the Head of Planning to make minor modifications to the Local Plan but lacked clarity on what was intended to be included.
- The Plan risked destroying the village nature of Capel and Paddock Wood risked being merged with Tonbridge. Housing should be spread more widely. Tudeley village was the easy option.
- Whilst the focus was often on housing numbers the Local Plan would also provide new up-to-date policies on development management to respond to the modern world, including policies on affordable housing, active travel and sustainability.
- Development of the Plan had been a comprehensive process. Each site for development submitted under the call for sites had been assessed and details were available in public. There had been no attempt to hide the Council’s processes.
- The principal of a garden village was well established and balanced the need for high quality housing with sustainable countryside. The proposal for Tudeley was viable.
- The Plan would help deliver more affordable housing. This included shared ownership and several other schemes which would allow many to get on to the housing ladder.
- The size of development in Tudeley, the loss of several historic assets and the effect on the area of outstanding natural beauty outweighed the benefits in the Plan.
- Whilst the need for housing was recognised, the Plan proposed the wrong housing in the wrong areas.

- A new settlement would be the best way to provide the necessary infrastructure and to preserve as much as possible of the remaining rural areas.
- The Plan failed to tackle existing problems.
- Compared to an estimated £1billion worth of development opportunities being provided by the Plan, the quoted £176million investment in infrastructure seemed small.
- Finer details of outstanding parts of the Plan would need to be satisfactorily resolved before the Plan could be finally adopted. The public were encouraged to participate in the consultation.
- A recent planning application had highlighted concerns by residents about the opportunities for the public to influence the route of the Local Plan. The Regulation 19 consultation would only address legal compliance and soundness of the Plan.

Councillor Pound raised a point of order that the members had used the written chat function to discuss the business of the meeting. The Chief Executive reminded members that all comments must be made verbally and read out the comments as they appeared in the chat.

Debate included consideration of the following additional points:

- All political parties agreed on the need for more housing but whilst the government did not build housing itself it applied pressure to local authorities. The Plan was the best way to achieve sustainable growth.
- Planning applications were currently assessed with consideration to what that the Planning Inspector may alternatively determine. Delay to the Plan process would extend this uncertainty.
- All parts of the Plan, including any outstanding documents and representations made during the consultation would be submitted to the Planning Inspector. Should they find any incompleteness or irregularities the Plan would be returned.

The Mayor took a vote on the motion by roll call.

RESOLVED –

1. That consultation on the Pre-Submission version of the Local Plan 2020-2038 (Regulation 19) and its supporting Sustainability Appraisal in March/April-May 2021 be agreed;
2. That after the Regulation 19 consultation, the Local Plan 2020-2038, Sustainability Appraisal and associated documentation be submitted to the Secretary of State, in July 2021; and
3. That the Head of Planning be authorised to make minor modifications to the Local Plan and Sustainability Appraisal prior to commencement of Regulation 19 consultation to ensure clarity, robustness and for consistency, with any minor modifications to be agreed with the Portfolio Holder for Planning and Transportation.

URGENT BUSINESS

FC49/20 There was no urgent business.

COMMON SEAL OF THE COUNCIL

FC50/20 Councillor Podbury moved, and Councillor Woodward seconded, the recommendation set out in the notice on the agenda.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

NOTES:

The meeting concluded at 9.00 pm.