

TUNBRIDGE WELLS BOROUGH COUNCIL

CABINET

Thursday, 15 August 2019

**Present: Councillor Alan McDermott (Chairman)
Councillors March (Vice-Chairman), Dr Basu, Dawlings, Mackonochie and Scott**

Officers in Attendance: William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Patricia Narebor (Head of Legal Partnership), Stephen Baughen (Head of Planning Services), David Scully (Landscape and Biodiversity Officer) and Mark O'Callaghan (Scrutiny and Engagement Officer)

Other Members in Attendance: Councillors Backhouse, Hamilton, Morton, Simmons, Stanyer and Warne.

APOLOGIES FOR ABSENCE

CAB42/19 There were no apologies.

DECLARATIONS OF INTEREST

CAB43/19 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB44/19 Councillor Hamilton had registered as wishing to speak at minute CAB49/19.

The Chairman noted that 5 other persons had registered to speak at minute CAB49/19.

MINUTES OF THE MEETING DATED 01 AUGUST 2019

CAB45/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 01 August 2019 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB46/19 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB47/19 Pursuant to Cabinet Procedure Rule 28.5, Mr Andrew Halford, a resident, had submitted the question as follows:

“Please can you tell me why our planners are not considering all brown field sites rather than arable and Greenbelt land? Is it because on smaller brown field sites under 10 houses the council don't get a S106 or CIL kick back from the developer?”

In response, Councillor McDermott answered as follows:

“Thank you for your question.

I’ll respond to it, and also provide some further commentary on larger sites comprising brownfield land, which is also known as previously developed land.

As you will be aware, a lot of the suitable and available previously developed sites in the main urban area of Royal Tunbridge Wells and Southborough already have planning permission for their redevelopment. These have been identified through previous local plans.

For those sites in the main urban area which do not have planning permission and are still available and suitable for development, the Council has looked again to see if they could be developed more intensively than previously thought whilst still ensuring high quality development. In a number of instances the proposed numbers of residences included in allocations at those sites have been increased.

Furthermore, as part of the work undertaken in the preparation of the Draft Local Plan, TWBC has assessed over 450 sites submitted in the “call for sites”, including those which comprise both previously developed land, and those which are not, and whether a site comprises previously developed land has been an important factor in this assessment: you will note that there are a number of previously developed sites proposed for allocation.

In relation to the smaller brownfield, or previously developed, sites which you have mentioned in your question, para 4.11 of the Draft Local Plan deals specifically with smaller sites which are not allocated, which will include those small sites on previously developed land. The Council has factored in that 50 houses per year would be delivered from what is known as small (less than 10 dwellings) “windfall” sites for the period 2022 – 2036. This is based on analysis of the amount of housing delivered on such sites over the past decade.

So in direct answer to your question, small brownfield sites have been considered, and have been factored into the overall supply of housing already. The proposed allocations of non-brownfield land is in addition to this, and has been arrived at through a thorough assessment of those sites.”

CONSIDERATION OF THE FORWARD PLAN AS AT 24 JULY 2019

CAB48/19 The Chairman, Councillor McDermott, noted that an email had been circulated to all members informing them that full reports on Calverley Square would be brought forward at the Full Council meeting on 25 September 2019.

Councillor March advised that the initial meeting of the Climate Change Task Force would take place once a representative for the Liberal Democrats had been confirmed.

RESOLVED – That, subject to the above comments, the Forward Plan as at 24 July 2019 be noted.

CONSULTATION ON DRAFT LOCAL PLAN 2016 - 2036 (REGULATION 18) AND SUSTAINABILITY APPRAISAL

CAB49/19 Margaret Borland, resident of Southborough, had registered to speak which included the following comments:

- There's confusion in the draft Local Plan about the location and boundaries for allocation ALS03, land at Mabledon and Nightingale.
- From an ordinary residents perspective, the way information is given on the website and all the documents contained with will influence how people respond to the consultation.
- The key diagram in the report to the Planning and Transportation Cabinet Advisory Board didn't show the intended housing development of site ALS03.
- ALS03 was highlighted within the report as a site for development but mislabelled as 'within the Southborough urban area'.
- Some other issues have been covered in errata sheet.
- Development locations and boundaries particularly near AONB should be visible.

Stewart Gledhill, resident of Capel, had registered to speak which included the following comments:

- Residents of Capel are extremely concerned about flooding.
- There was no flood assessment for CA1 site in Tudeley despite parts of the site flooding regularly nor was there an assessment on the effects of this development on the surrounding communities on this flood plain.
- Recent examples in Yorkshire and the damn breach in Derbyshire showed that flooding was an increasing risk.
- There were several uncertainties with regards to the adjacent stone quarry. KCC were considering the planning application for a new processing plant and the minerals plan was with the inspector. There was a question over safeguarding mineral assets and the implications of the existing landfill areas.
- Wider national issues economically and politically provided further uncertainty.
- Cabinet were requested to delay the publication of this plan to allow for a comprehensive flood risk assessment and for a reconsideration once the wider contextual uncertainties and their implications become better understood.

Councillor Maggie Fenton, Vice Chairman of Capel Parish Council but speaking as an individual, had registered to speak which included the following comments:

- Good planning depended upon community engagement and Local Authorities should ensure communities are engaged early with appropriate strategies for strong for community involvement.
- The Duchy of Cornwall enterprise near Newquay was an interesting example, over 7 years consultation, instead of the 1,000 homes proposed, the local community now supported 4,000 organically over 50 years.
- This was achieved by working with the local community to ensure development met their needs. Plans were not imposed on the community and instead a detailed engagement process was undertaken. Compared with Capel where after 4 years consultation still no local engagement had taken place.

- Property ran the risk of being devalued or subject to CPOs. There had been no thought for the needs of the existing community. Responses to these concerns had been inadequate.
- The example of Sevenoaks should be followed and green belt only released for development if there was a local need, Capel had no need for 400 new homes.

Farah Brooks-Johnson, for Save Capel campaign group, had registered to speak which included the following comments:

- In 2017 it was said in the Issues and Options Conclusions that a new settlement would provide most of the housing in the Borough, it was also said that a new settlement should not be in green belt or ANOB.
- The planned 4,000+ homes in the Parish of Capel represented a 500% increase in the number of homes.
- Tudeley New Town would be nothing like Poundberry given there are no rail stations, cycle lanes or suitable road networks.
- Sevenoaks District Council had interpreted the National Planning Policy Framework (NPPF) correctly, challenging the housing targets in order to protect green belt. They dropped 8 out of 12 green belt sites from their Local Plan.
- Tudeley New Town would be a scar on the landscape.
- People of Capel would be active in protecting their green belt and involved in every aspect of the process.

Councillor Hugh Patterson, Chairman of Capel Parish Council, had registered to speak which included the following comments:

- The mind-set of the planners originally for the site in East Capel was that it would be an extension to Paddock Wood in the west. The major difference between Paddock Wood and Capel is that Capel is in the green belt.
- The metropolitan green belt in this area provided separation between settlements and prevented a convergence of Paddock Wood and Five Oak Green. The plan to end the green belt at the A228 would destroy this distinction.
- The second issue was the risk of flooding being worsened by the scheme with not enough being done to mitigate the problem. The proposal was to build over the most flood prone part of Capel Parish.
- There were better places in the Borough to build 1,500 houses.
- The Plan did not set out how road infrastructure would look.
- Sevenoaks District Council had interpreted the NPPF in the right way and the request was that Tunbridge Wells do the same.

Councillor Sarah Hamilton, member for Paddock Wood East, had registered to speak which included the following comments:

- Efforts to communicate with the public were appreciated. These were challenging times and the public had an important role to play in consultation.
- Infrastructure and flooding were key issues which must be addressed.
- Open space was important for people and the pressure of housing threatened that. Evidence showed the value of 'blue space' and 'green space' was important for mental health and wellbeing of residents and this should be acknowledged as part of the consultation.

- The public had voted that they did not want a community hub on the memorial field in Paddock Wood in a pole organised by this Borough. This policy would remove a cricket pitch and the public were very concerned.

Steven Baughen, Head of Planning, introduced the report set out in the agenda and responded to points raised by the speakers which included the following comments:

- The Draft Local Plan was very clear in references to East Paddock Wood and Capel, detailing the proposed site allocation as 'land at Capel and Paddock Wood' at each point in the documents.
- The Borough has commissioned a level 1 strategic flood risk assessment across the Borough and a level 2 around eastern Capel and Paddock Wood which had shown that the level of housing could be delivered without causing material harm in terms of the flooding environment. Furthermore, it shows some betterment could be made to existing residents as a result of developments.
- Tudeley village sites were largely outside the flood zones and therefore level 2 flood risk assessment focuses on those sites which are within the flood zones.
- The Draft Local Plan was acutely aware of flooding issues across the Borough including potential implications at the Tudeley site. The policy was very clear, particularly criterion 14 with regards to requirements for flooding and risk impact assessments.
- The Draft Local Plan has been based on considerable evidence gathering. It had been reviewed by the Planning Advisory Service who have advised that it was 'proportionate and robust'.
- The Council undertook consultation on the Issues and Options document, in Sept 2017 under a Regulation 18 consultation which was the same consultation being proposed now. Representations received would be taken into account in the formation of the Local Plan.
- One of the options was a Garden Village and representations were received, people had provided comments for suitable locations. The Council had reviewed comments and continued to compile the evidence base to inform the Local Plan.
- Engagement had taken place with Parish and Town Councils, Town Forum, Neighbourhood Development Plan Groups, infrastructure providers and Kent County Council (KCC). Officers have held workshops and met with all of the Parish and Town Councils at least twice in the last year and comments had been taken into account.
- Officers had met with all of the neighbouring authorities and KCC with statements of common ground with Sevenoaks and Wealden.
- There had been monthly meetings of the Planning Policy Working Group to develop the Local Plan informed by a sustainability appraisal.
- The next step was consultation on the Draft Local Plan, it was important that councils progress their Local Plans in a timely manner as set out in national policy and guidance.
- The Regulation 18 consultation was the key opportunity to make comments on the overall approach and any concerns. The Local Plan would evolve based on this consultation before being taken forward to a Regulation 19 consultation.

- All residents and businesses were encouraged to engage in this process, the more engagement the stronger the plan and better informed policies within.
- The Draft Local Plan is acutely aware of the need to provide infrastructure, delivered in a timely manner. A draft infrastructure plan has been produced as a result of consultation with infrastructure providers and will be available for review.
- In terms of public engagement and consultation there were exhibitions, publicity of events and an 8 page article in Local which was distributed across the Borough. The Planning Policy team had made the website more user friendly. Paper copies were still available at libraries, the Gateway and Town Hall.
- An errata sheet was up on the website. Typos had been adjusted and minor changes are set out. Particularly:
 - Clarification of the role of Neighbourhood Development Plans and a change to the key map to make it much clearer.
 - The Mabledon and Nightingale site was an omission to the previous map. Feedback had been very helpful.
 - Policy AL/HA1, it was proposed to be extended slightly to the South due to an omission.
 - Policy AL/SP1, the maps that have been distributed with the draft papers need to be amended to show that the site lies outside of the green belt.]
- The recommendation was as set out in the report.

Discussion included consideration of the following additional matters:

- Sevenoaks District Council had removed sites at a late stage destined to be allocated as part of the green belt leaving them 1,900 houses short within the Local Plan. The NPPF set out that plans should as a minimum meet the need identified for their area. Sevenoaks had asked neighbouring authorities to take some of that unmet housing need and had been informed that Tunbridge Wells did not have the sites available to do so.
- The examination of the Sevenoaks Local Plan commenced in September and officers would be present. The inspectors report should be due in Spring 2020 during the time this Council was considering the representations from the Regulation 18 engagement.
- There were potential solutions to mitigate flooding in Capel and this would be factored into the master plan.
- The Infrastructure Delivery plan was a key aspect, financing may be a challenge but this was being assessed so provisions could be made in a timely manner.
- Despite the uncertainty around macro/national issues, Local Plans needed to progress in a timely manner and this was in line with the revised 2019 NPPF. If there were to be a change to the NPPF then there would be a transition period where the impact of changes to the plan can be assessed and managed to take into account changing circumstances which the master plan was expected to adjust to.
- Network Rail had confirmed that a new stop was unlikely at Tudeley.
- The Draft Local Plan provided not only housing developments but garden settlements with a mix to provide employment and retail.

- The consultation would commence on 20 September 2019 for 6 weeks.

RESOLVED –

1. That a six-week period of consultation on the Draft Local Plan 2016 – 2036 (Regulation 18) and Sustainability Appraisal from 20 September – 01 November 2019 be agreed; and
2. That the Head of Planning be authorised to make minor modifications to the Draft Local Plan and Sustainability Appraisal prior to 20 September 2019 to ensure robustness and for consistency, with any minor modifications to be agreed with the Portfolio Holder for Planning and Transportation.

REASON FOR DECISION:

To facilitate the production of the Local Plan, allowing planning decisions to be made in a “genuinely plan-led” approach, and to reflect the extensive work undertaken in the preparation of the Plan to this point.

URGENT BUSINESS

CAB50/19 There was no urgent business.

DATE OF NEXT MEETING

CAB51/19 The next meeting was scheduled to be held on Thursday 12 September 2019 commencing at 10am.

NOTES:

The meeting concluded at 11.30 am.

An audio recording of this meeting is available on the Tunbridge Wells Borough Council website.