

Tunbridge Wells Borough



Tunbridge Wells Borough Council

Brownfield and Urban Land Topic Paper for Pre-Submission Local Plan

January 2021



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1.0 Introduction and Purpose

- 1.1 The Borough Council is currently in the process of preparing a new Local Plan and has previously consulted on an Issues and Options document (in 2017) and on a Draft Local Plan, under Regulation 18 (in autumn 2019). This topic paper forms part of the evidence base that informs the final draft, Pre-Submission (also referred to as the Regulation 19 version) Local Plan for Tunbridge Wells borough. All supporting documents referred to throughout this document can be found under Supporting Documents on the [Local Plan](#) web page.
- 1.2 As has been rightly highlighted in a number of consultation responses to the Draft Local Plan, it is particularly important in a borough with protected landscape qualities and designations that effective and efficient use is made of urban land and suitable brownfield sites (more formally referred to as 'previously developed land', or 'PDL' for short). It reduces pressure to develop greenfield land and, more broadly, ensures that best use is made of the higher levels of accessibility to supporting infrastructure, services and facilities within established urban areas and makes uses of underutilised existing resources and buildings.
- 1.3 This topic paper reviews the approach to brownfield sites and urban land in the Draft Local Plan, to ensure their effective use through both site allocations and windfall sites' allowances in the Pre-Submission Local Plan. To do this, it sets out current evidence on windfall completions to inform determination of a windfall allowance towards meeting future housing requirements over plan period. The topic paper promotes the introduction of a new strategic policy which will support proposals in principle where they provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations.
- 1.4 The topic paper is set out as follows:
- Section 2 reviews the regard to be paid to brownfield and urban land in plan making as set out in the National Planning Policy Framework (NPPF) 2019;
 - Section 3 identifies the overall approach and scope of the topic paper, highlighting the strategic significance of brownfield land, the need to support suitable windfall sites, and to identify, and effectively use, suitable sites;
 - Section 4 sets out evidence to support determination of a robust windfall allowance for smaller (1-9 dwellings) and larger (10 + dwellings) sites to support a proportion of future housing requirements, as set out in para 70 of the NPPF;
 - Section 5 demonstrates that brownfield and urban land site allocations in the Pre-Submission Local Plan have been efficiently used / maximised in order to reduce pressure on greenfield sites;
 - Section 6 provides a summary of the findings and conclusion on the treatment of brownfield and urban land in the Pre-Submission Local Plan, including the incorporation of a new brownfield land policy.

2.0 National Planning Policy Background

- 2.1 The National Planning Policy Framework (NPPF), 2019, sets out the national planning policy relating to all aspects of planning.
- 2.2 Paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that:
'At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.' ([See NPPF paragraph 7](#))
- 2.3 The NPPF identifies that there are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways to enable opportunities to be taken to secure net gains across these objectives. Paragraph 8 identifies the three objectives as being:
- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 2.4 Paragraph 9 explains that these objectives are to be delivered through both the plan-making and decision-making processes, with application of the policies contained within the NPPF. Paragraph 9 also sets out that these objectives are not criteria against which every decision can, or should be, judged. It sets out that:
'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'
- 2.5 A presumption in favour of sustainable development lies at the heart of the NPPF (paragraph 10) and is set out in more detail at paragraph 11 in respect of what this means for both plan- making and decision- taking. ([See NPPF paragraphs 9 -11](#))

- 2.6 For plan- making, this sets out that:
- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas (as established through statements of common ground), unless:
 - I. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type of distribution or development in the plan area, or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Making efficient use of land, notably brownfield (PDL) land

- 2.7 To achieve the overarching need for sustainable development, there is a need set out in the NPPF to make efficient use of land and to prioritise the development of brownfield sites.

‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.’ (See [NPPF paragraph 117](#))

- 2.8 Further policy on how efficient use of land should be achieved is set out at paragraph 118, where it identifies that planning policies and decisions should:
- a) *‘encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
 - b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
 - c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*

- d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
- e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”*
([our emphasis](#))

2.9 Further to this, the NPPF is quite clear in identifying that local planning authorities and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs (as set out at paragraph 119), including suitable sites on Brownfield Registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

2.10 To achieve efficient use of land, it is important that appropriate densities are achieved, since densities that do not make the best use of a site can lead to the need to develop further greenfield land and go against the overarching need of achieving sustainable development. Paragraph 122 sets out national policy on achieving appropriate densities. It says:

‘Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a. *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b. *local market conditions and viability;*
- c. *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d. *the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e. *the importance of securing well-designed, attractive and healthy places.’*([See NPPF paragraph 122](#))

2.11 Paragraph 123 sets out that planning policies (and decisions) should avoid homes being built at low densities where there is an existing or anticipated shortage of land for meeting identified housing needs. It states that, in these circumstances:

- a) *'plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*
- b) *the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and*
- c) *Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'* ([See NPPF paragraph 123](#))

2.12 The NPPF defines brownfield land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

Windfall Allowances

2.13 The NPPF defines windfall sites as:

'Sites not specifically identified in the development plan.'

2.14 Windfall sites make an important contribution to the supply of homes and other development growth. Paragraph 68c states that planning authorities should:

'support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within in existing settlements from homes.' ([See NPPF paragraph 68c](#))

- 2.15 The NPPF enables LPAs to consider the use of a ‘windfall allowance’ when preparing a new Local Plan, in effect, anticipating the amount of growth likely to come forward from unidentified, or windfall, sites over the plan period.
- 2.16 Windfall sites are often smaller sites and are often brownfield. They tend to be sites in urban areas and can also include non-brownfield urban land such as land forming part of an existing residential curtilage. They can also include residential conversions of former agricultural buildings (which are excluded from the NPPF definition of brownfield land, but which are nonetheless existing built development).
- 2.17 Paragraph 70 of the NPPF sets out what is expected with regard to plan making and the use of a windfall allowance. It expects that:
- ‘Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.’ (See NPPF [paragraph 70](#))*

National Policy Changes

- 2.18 In June 2020, the Prime Minister, Boris Johnson announced that there was to be reform of the planning system to make better use of buildings and land in town centres, as part of a strategy to rebuild Britain and fuel economic recovery across the UK -partly in response to the Covid19 pandemic, which has seen the country enter a significant economic slump.
- 2.19 Changes to the Use Class Order to include a new Class E (The Commercial, Business and Services) came into force on the 1 September 2020 to amend and simplify the existing use class system through the creation of a new Commercial Class E. Class E includes a range of commercial, retail and leisure uses (including A1 (Shops), A2 (Services), A3 (cafes and restaurants), B1 (Office), D1 (Residential Institutions) and D2 (Assembly and Leisure)) and allows for their change of use to residential (C3) without the need for a planning application. The aim is to provide quality residential development and help to diversify and support the high street, as well as creating new housing opportunities for those that need to be close to local services, and to make effective use of existing commercial buildings and help to prevent them being left empty/vacant, and therefore support brownfield development in sustainable locations, avoiding the need to build on greenfield sites.
- 2.20 In August 2020, the ‘*Planning for the Future*’ White Paper was published which set out changes to enable the quicker delivery of new homes and the protection of valued green spaces for future generations by allowing for more building on brownfield land.

2.21 On 8 February 2021, the Ministry for Housing, Communities and Local Government launched a consultation to seek the views on draft revisions to the NPPF that would implement policy changes in response to the 'Building Better, Building Beautiful Commission'. The consultation also seeks views on the National Model Design Code. Depending on the implementation of the Government's proposals for wider reform of the planning system, a fuller review of the NPPF is expected in due course. Although further details have yet to be made public, the Government remains committed to prioritising and supporting the development of brownfield land.

3.0 Approach and Scope of the Topic Paper

- 3.1 Having due regard to the national policy outlined above in Section 2, it is considered that this topic paper needs to provide an evidential basis for a robust windfall sites allowance as well as to demonstrate that national policies in relation to identifying potential brownfield development opportunities – and making effective use of those – are being pursued. These form the two substantive parts of this topic paper. However, as a context for these, it also gives consideration below to the policy approach to brownfield land.

Brownfield Land Policy

- 3.2 In line with the NPPF, a key principle underpinning the overall strategy of the Pre-Submission Local Plan should be to make the optimal use of development on brownfield land, particularly in accessible locations, including the borough's town centres and other locations well served by public transport. This is an important strategic issue in a borough that has important heritage and landscape constraints (including Areas of Outstanding Natural Beauty) and Green Belt.
- 3.3 The review of historic windfall data, including the types and sizes of sites and the rate at which they have come forward in Section 4 provides compelling evidence that sites for both smaller (1-9 dwellings) and larger (10+ dwellings) on brownfield land will continue to come forward and deliver a quantity of development that can be counted towards the housing supply over the Plan Period.
- 3.4 In order to recognise and support the effective and efficient use of suitable brownfield sites, it is considered that a strategic policy is needed. This will clarify an overarching principle of the Pre-Submission Local Plan's development strategy, by supporting brownfield windfall developments, mostly within settlements (as defined by their Limits to Built Development), but also elsewhere where otherwise suitable in sustainability terms.
- 3.5 Such a policy would also address comments on the Draft Local Plan consultation which raised concerns that it did not make direct reference to the attention to be paid to the reuse of brownfield sites and effective use of land within existing settlements, and put unnecessary pressure on greenfield land.
- 3.6 Therefore, a new policy is proposed in Section 6. Its form will follow from local circumstances, including the evidence of the following sections, and the national policy context outlined above, specifically paragraphs 117 and 118 of the NPPF.

Windfall Sites Allowances

- 3.7 As set out in the following sections, this topic paper considers the contribution that brownfield and urban land has made historically towards windfall growth in the borough and what it could realistically contribute to informing the windfall allowance for the Pre-Submission Local Plan during the next plan period. The NPPF does not define the term 'urban land'. For the purposes of this topic paper, 'urban land' is taken to be any land within the established Limits to Built Development as shown on the Policies Map forming part of the Council's adopted Development Plan. Further information is set out in the Limits to Built Development Topic Paper.
- 3.8 Having a windfall allowance in the Pre-Submission Local Plan that is based on compelling evidence, and that is both suitable and realistic, is of particular importance in the Tunbridge Wells borough as it will reduce the pressure for development on greenfield land. This topic paper analyses Authority Monitoring Report (AMR) data on windfall completions on smaller (1 - 9 dwellings) and larger (10 + dwellings) sites over the monitoring years 2006/2007 and 2018/19. It takes into account the nature and source of previous uses on these sites in order to make an assumption on the potential future uses of windfall sites throughout the plan period.
- 3.9 In the case of Tunbridge Wells borough, this allowance has been an annual allowance, which is used to calculate a windfall figure for the plan period, taking care to avoid double-counting. This windfall sites figure is then deducted from the overall growth need to give a residual figure, which is the (minimum) figure that then is planned for through appropriate site allocations in the new Local Plan. Further information is set out in Section 4.

Methodology for calculating windfall allowances on smaller and larger sites

- 3.10 The topic paper uses AMR data over the period 2006/07 to 2018/19. Subsequent data for the monitoring year 2019/20 has also been considered; however, taking into the account the unprecedented impact of Covid and its temporary impact on the construction industry during that year, it was felt that these figures would not be a reliable indication of windfall completions (aside from their later availability).
- 3.11 In setting an appropriate threshold for a windfall site allowance, regard has been given to The Planning Practice Guidance (PPG) which states that when considering sites of different size and scale:
- 'It may be appropriate to consider all sites and broad locations capable of delivering 5 or more dwellings, or economic development on sites of 0.25 hectares (or 500 square metres of floor space) and above. Plan-makers may wish to consider alternative site size thresholds.'* ([See PPG Paragraph: 009 Reference ID: 3-009-20190722](#))

- 3.12 With the above in mind, Section 4 of the topic paper looks at the supply of both sites of 1-4 dwellings and 5-9 dwellings since 2006. A comparison was carried out which showed that while the majority of smaller windfall growth over the past 13 monitoring years has arisen from schemes of 1-4 dwellings, schemes of 5-9 dwellings have still provided a consistent supply of windfall sites, and that this is likely to continue over the plan period. Given this it was felt that was sufficient evidence to calculate a windfall allowance for smaller sites based on the average yearly delivery of sites that delivered 1-9 dwellings. This allows the SHELAA to focus its consideration on sites of 10+ dwellings for allocations. It also means that the topic paper will consider a larger windfall sites allowance of 10+ dwellings.
- 3.13 When looking at windfall sites, this includes brownfield sites that meet the NPPF definition of brownfield land, as well as other land within established LBDs. Agricultural conversions (which are excluded from the NPPF definition of brownfield land) are also considered in the context of understanding windfall growth that has been delivered historically. Likewise, garden land within urban areas is also excluded from the NPPF definition of brownfield land, but nonetheless is analysed for its contribution to meeting growth needs of the borough. This has been to gain an understanding of past housing completions and trends and to help understand the contribution of these as windfall sites and the contribution this could make going forward.
- 3.14 This analysis includes all residential development and types, including sheltered and older person's housing, except where this is excluded in the consideration of the larger windfall allowance, set out in more detail in Section 4.
- 3.15 Completions that have resulted in no net change in the number of residential units have not been included in this study, such as replacement dwellings and applications for the removal of agricultural occupancy conditions.

Brownfield Sites – Allocations and Capacities

- 3.16 The paper also considers the approach to the proposed site allocations in the Pre-Submission Local Plan, including densities, analysing whether this includes higher densities for brownfield sites in accessible locations, as well as the allocation of mixed-use schemes.
- 3.17 This paper reviews the densities of the proposed allocations and compared these spatially to establish how densities vary according to location (with higher densities in town centres and other accessible locations for example). Specifically, it looks to confirm whether high densities are proposed on brownfield sites, especially where centrally located.
- 3.18 As mentioned above, comments received during the Regulation 18 Draft Local Plan consultation challenged the need for greenfield land releases and argued that there was further potential for brownfield development and intensification. A number of additional sites were put forward, both in individual representations and by Save Capel.

3.19 In response to these concerns, and to ensure that the Council has been proactive in identifying brownfield sites on all suitable sites that are available and achievable to be allocated for development, part of the assessment of proposed site allocations includes:

- A review of smaller brownfield sites (that would provide less than 10 dwellings) and larger sites that were a mix of brownfield and greenfield (10 dwellings or more) that were considered unsuitable as potential site allocations through the SHELAA assessment process as part of the preparation of the Draft Local Plan.
- A review of sites that were submitted for consideration during the Regulation 18 consultation, including those put forward by Save Capel, sites submitted by land promoters, and any other sites that may have been referred to as potential allocations in representations.
- An assessment of densities of sites that are proposed to be allocated in the Regulation 19 Pre-Submission Local Plan to determine whether the best use is being made of brownfield land in accessible locations. Mixed use sites that may, in some cases, also include an element of residential development, are also considered.

Methodology for making best use of brownfield site allocations

3.20 When calculating dwellings per hectare on proposed site allocations, the indicative developable site area as shown in the Pre-Submission Local Plan rather than the gross site area is used. Where a site allocation has been considered for a range of dwellings rather than for a single figure, the average number of dwellings has been calculated and used for the purposes of this study.

3.21 Where sites have contained a mix of uses, that may include an element of residential, they have been considered separately. This includes sites where a site is allocated for a mix of residential and community facilities.

4.0 Review of Windfall Allowance for Smaller and Larger Sites

- 4.1 The purpose of this section is to consider whether there is compelling evidence to support the use of a windfall allowance in the Pre-Submission Local Plan. It considers whether, over the plan period, windfalls will provide a reliable source of housing supply, with a recommendation on what would be a realistic and suitable windfall allowance to use to inform production of the Pre-Submission Local Plan.
- 4.2 Windfall completions data (net) has been examined according to size, firstly looking at smaller sites, being of 9 or less dwellings (including a breakdown of 1-5 dwellings). Windfall completions data has then examined windfall growth contributions from larger completions of 10 or more dwellings.

Smaller Sites (1-9 dwellings)

Net completions 1-9 dwellings

- 4.3 Table 1 below shows that there has been a continuous supply of windfall growth historically, arising from smaller completions of 9 or less dwellings. In nine of the 13 (2006/7-2018/19) monitoring years, such growth has exceeded 100 units per annum. The total growth over this 13-year period is 1,584 dwellings, resulting in an average windfall delivery of some 122 dwellings per annum.

Table 1: Net windfall completions from all sites of nine or less units by year (2006/07 –2018/19)

Year	Completions on Schemes of 9 or Less Units	Total Completions	% Completions
2006/07	124	517	23.98%
2007/08	155	517	29.98%
2008/09	131	411	31.87%
2009/10	100	104	96.15%
2010/11	107	315	33.97%
2011/12	76	212	35.85%
2012/13	84	-5	
2013/14	48	-16	
2014/15	95	323	29.41%
2015/16	145	447	32.44%
2016/17	194	461	42.08%
2017/18	158	537	29.42%
2018/19	167	551	30.31%
TOTALS	1,584	4,374	36.21%

4.4 Overall windfall growth of 9 dwellings or less has accounted for over a third of growth over the last 13 monitoring years, which is clearly a significant contribution towards the growth needs of the borough. The totals of both windfall completions and total completions dropped following the 2008 recession, but have recovered and, otherwise, it can be seen that the delivery of this type of windfall growth has been consistently significant.

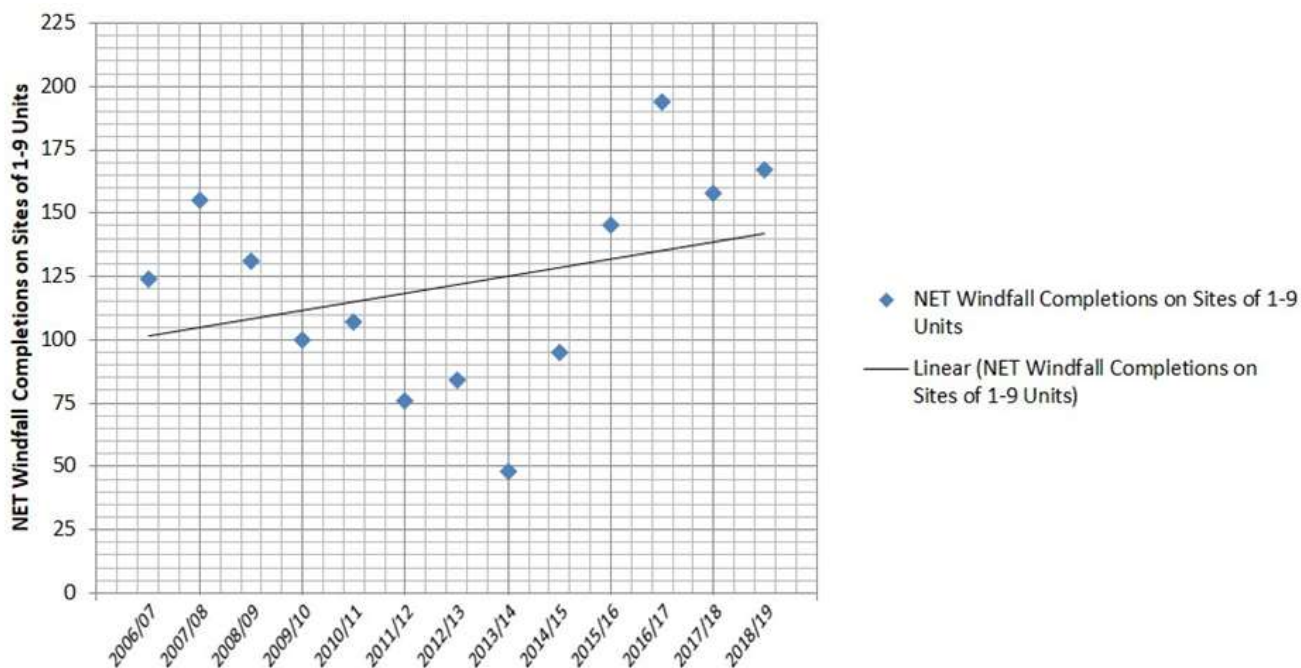


Figure 1: Net windfall completions on sites of 1-9 dwellings between 2006/07 and 2018/19

4.5 Figure 1 shows how there has been a slight upward trend of completions from sites of 9 or less units over the study period.

Table 2: Net completions from sites of four or less dwellings by year (2006/07 – 2018/19)

Year	Completions on Schemes of 4 or Less Units	Total Completions	% Completions
2006/07	65	517	12.57%
2007/08	76	517	14.70%
2008/09	70	411	17.03%
2009/10	54	104	51.92%
2010/11	87	315	27.62%
2011/12	90	212	42.45%
2012/13	56	-5	
2013/14	41	-16	
2014/15	89	323	27.55%
2015/16	98	447	21.92%
2016/17	127	461	27.55%
2017/18	102	537	18.99%
2018/19	113	551	20.51%
TOTALS	1,068	4,374	24.41%

Note: schemes that involve an overall net loss of housing as part of the proposal are included under 'schemes of 4 or less units'. 3 units in 2015-2016 have been excluded as these were completed on an allocated site (otherwise would be 101). 11 dwellings in 2016-2017 have also been excluded from the above table as these were completed on an allocated site (otherwise would be 138).

4.6 Table 2 above shows clearly that the majority of smaller windfall growth over the past 13 monitoring years has arisen from smaller schemes (4 or less). Table 3 below shows the equivalent data for completions on schemes of 5 - 9 dwellings.

Table 3: Net completions from sites of 5 to 9 units by year (2006/07- 2018/19)

Year	Completions on Schemes of 5-9 Units	Total Completions	% Completions
2006/07	59	517	11.41%
2007/08	79	517	15.28%
2008/09	61	411	14.84%
2009/10	46	104	44.23%
2010/11	20	315	6.35%
2011/12	-14	212	-6.60%
2012/13	28	-5	
2013/14	7	-16	
2014/15	6	323	1.86%
2015/16	47	447	10.51%
2016/17	67	461	14.53%
2017/18	56	537	10.43%
2018/19	54	551	9.80%
TOTALS	516	4,374	11.79%

- 4.7 It can be seen from Table 3 that schemes of 5-9 dwellings have accounted for a little below 12% of completions over the period, half of that of the 4 or less dwellings that have accounted for almost a quarter of all completions. A total of 516 completions have been delivered, with an average of almost 40 per annum (39.69). Whilst a lower contribution has occurred, this remains a valuable and steady contribution to the growth needs of the borough.
- 4.8 This result is further demonstrated by the graph in Figure 2 below, which demonstrates how schemes of 4 or less dwellings have in 12 or the past 13 years been the greater source of windfall growth on smaller sites.

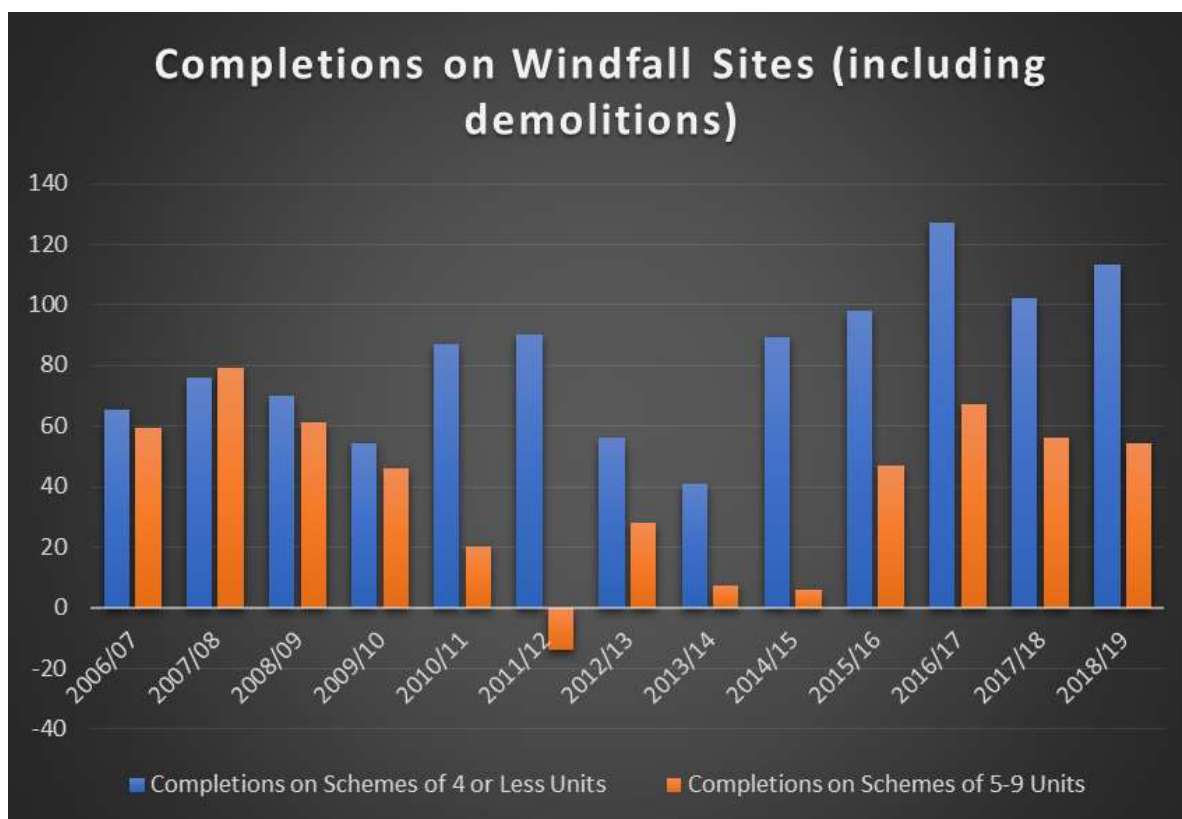


Figure 2 Completions on schemes of 4 or less units vs 5- 9 units by year (2006/07-2018/19)

- 4.9 In conclusion it can be demonstrated from the above comparison that both sites that provide 1-4 dwellings and sites that provide 5-9 dwellings have consistently provided a reliable source of windfall sites over the 13-year monitoring period. Keeping in mind Paragraph 009 of the PPG quoted in Section 3 above, it is felt that the evidence presented here supports the appropriateness of considering a smaller sites size threshold of 1-9 dwellings.

Smaller windfall sites: previous site use (2015/16 – 2018/19)

4.10 Figure 3 below shows that the major source of windfall completions on smaller sites during the study period has been existing C3 uses (residential dwellings and their curtilages). Within established Limits to Built Development (LBDs) this is followed by B1a office use, then other urban land. Outside of established LBDs the main source has been from conversion of agricultural buildings, followed by greenfield sites then existing C3 sites (residential dwellings and their curtilages).

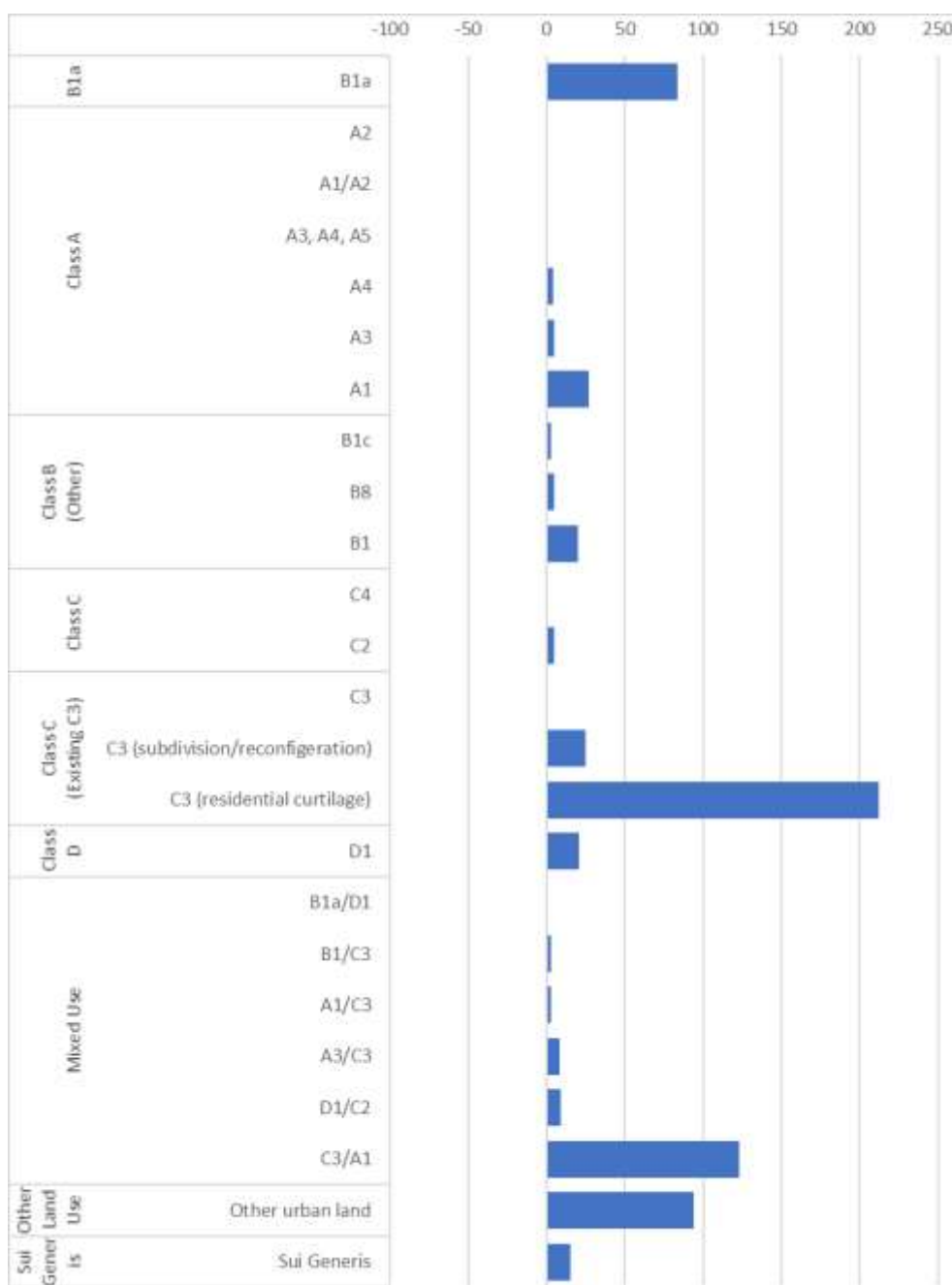


Figure 3: windfalls: sources of small sites (1-9 dwellings) within LBDs

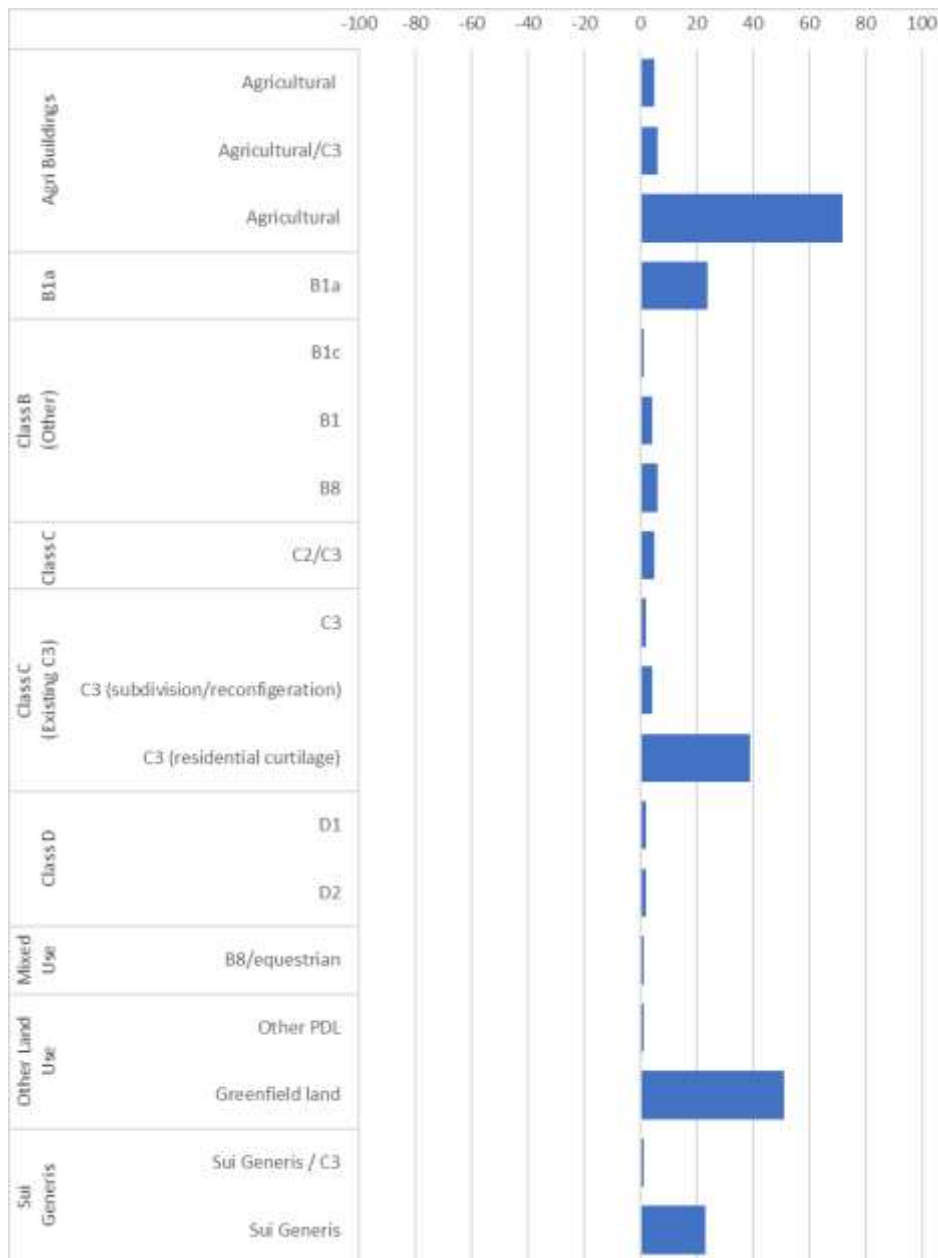


Figure 4: windfalls: sources of small sites (1-9 dwellings) outside LBDs

- 4.11 Windfall conversions from existing C3 sites show an average delivery rate of 53 dwellings a year from 2015/16. It is perhaps too early to tell whether this will be a continued trend. It may be that, over time (possibly within the next plan period) such sites would reduce in frequency and potential to contribute to future growth, as it may be assumed that such sites would eventually have been redeveloped. However, it is also feasible that there remain further residential sites that could still come forward for redevelopment over the next Plan period.
- 4.12 Given that agricultural conversions have been the main source of small-scale windfall growth outside of LBDs, completions data has been analysed in order to understand any trends in agricultural conversions. Figure 6 below shows that there has been a rise in such delivery over the period 2015/16 – 2018/19.

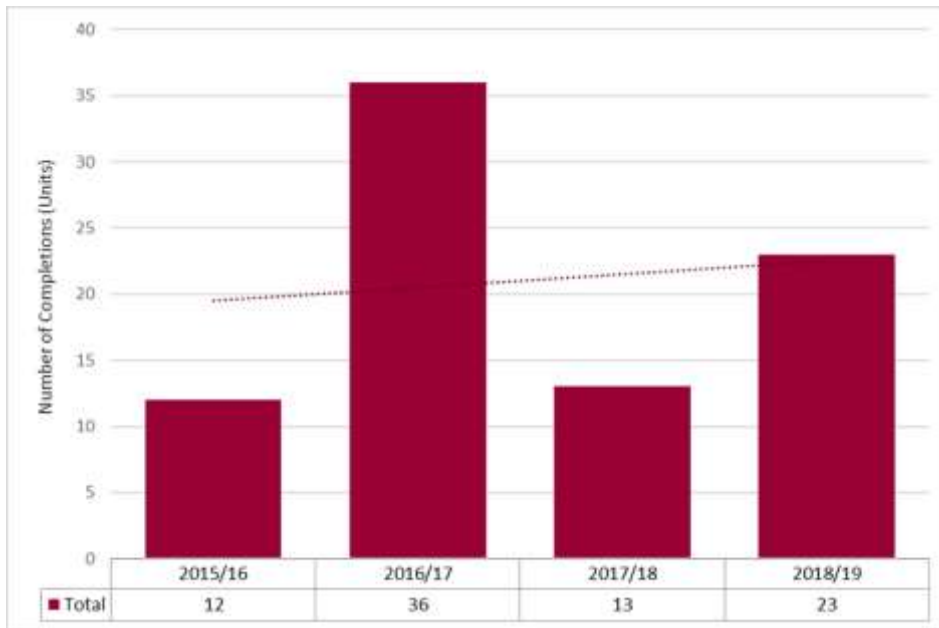


Figure 6: smaller sites Agricultural conversions by year

4.13 Given that office conversions have also been a key source of windfall growth, data relating to this has been analysed further, in order to look for trends. Figure 7 below shows a clear rise in delivery from offices, with two particularly strong years in 2016/17 and 2017/18. Permitted Development Rights allowing change of use from office to residential accommodation without planning permission was initially introduced in 2013 on a three-year trial but was made permanent in 2016. The rise in completions from office use appears to reflect this change in national policy.

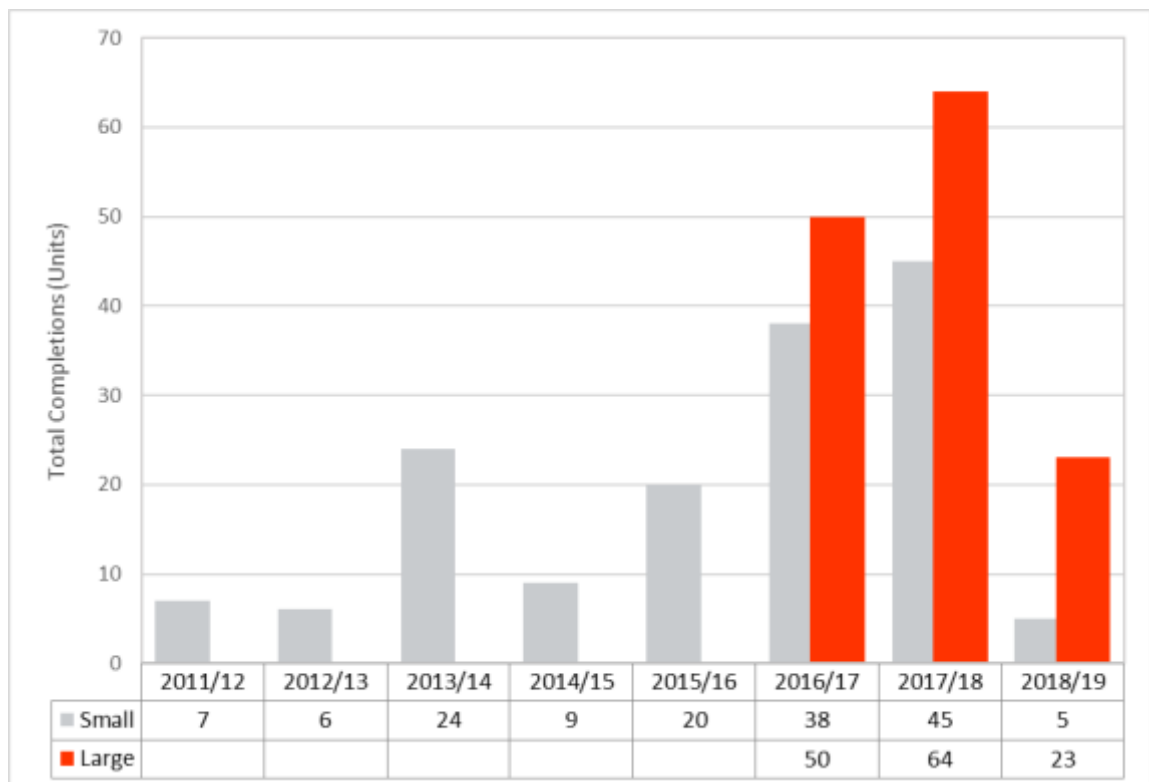


Figure 7: B1 to C3 Conversions, smaller and larger sites

Future sources of smaller windfall completions

- 4.14 A main source of windfall growth over the study period has been from development of existing residential curtilages, either through demolition and redevelopment of existing C3 residential use sites, or through additional development within existing garden land. In some instances, this has involved reconfiguration/subdivision of existing dwellings.
- 4.15 Agricultural conversions have been the main source of small-scale windfall growth outside of LBDs. In 2018, Permitted Development Rights for the conversion of agricultural buildings to residential dwellings were expanded to increase the number of dwellings allowed – this may explain the rise in the 2018/19 monitoring year. Agricultural conversions are potentially a finite source and it is fair to assume that agricultural conversions will become a less reliable source over the next Local Plan period.
- 4.16 Analysis shows that offices are a source of windfall completions for small completions within LBDs. The introduction of Class E Permitted Development Rights in September 2020, which allows for the change of B1 (offices) to residential without the need for planning permission means that it is fair to assume that over the next plan period, such uses will contribute to future windfall growth, maybe more than in previous years. It is noted however, that there are additional limitations and conditions that any such proposals will need to comply with to be eligible. These will vary depending on the current/existing and proposed use of the land or building, and its location. Where proposals are not eligible, a planning application will usually be required. The most common is where the land or buildings are designated or protected. For example, if the land may be in a conservation area or the proposals may affect a listed building. Each change of use covered by ‘permitted development’ will have a specific list of designations/protections where the rights do not apply. There may also be additional consents required, such as listed building consent.
- 4.17 Losses arising through office to residential conversions, are recognised at paragraph 8.81 of the Economic Needs Study (ENS) as being a key driver in recent years, albeit this is based on permitted development rights before Class E was introduced. It is identified that this may decline as the best sites and opportunities are developed early in the plan period.
- 4.18 The ENS goes on to advise upon an employment allowance, which would allow for some replacement of obsolete office and industrial premises with better quality provision elsewhere in the borough, whilst also recognising that further losses through Permitted Development are still likely to occur. The effect of this is likely to be that some companies relocate to new, more modern premises with former premises then being released for development.
- 4.19 In addition, there are likely to be continued technological advancements and changes to working patterns that mean that less office space could be needed. The Covid19 pandemic has illustrated this, with many more people working from home who previously would have worked in an office.

- 4.20 It is fair to assume that the pandemic is likely to result in a societal change to working behaviour. Businesses may determine that they are able to restructure their businesses and ways of working, with a resultant reconfiguration of office space or downsizing to smaller premises. Therefore, it can be anticipated that offices will be a continued source of windfall growth into the next plan period. It may be appropriate to monitor and review this at the next Local Plan Review.
- 4.21 Over the next plan period, there is likely to be a significant increase in the number of electric vehicles in use, and traditional petrol/diesel cars will reduce significantly. This is likely to have an impact on the number of petrol filling stations in existence, meaning that it is feasible that some petrol filling stations will be redeveloped for residential purposes. There is, however, likely to be some form of need for electric charging points, which could be located at former/existing petrol filling stations.
- 4.22 Smaller windfall growth has arisen from a greater variety of previous uses, with the vast majority of completions stemming from existing residential sites. It is likely that this will continue through at least the short and medium term of the new Local Plan, particularly given policy to increase densities in accessible locations. The same may be assumed for other urban land within established LBDs.

Smaller Windfall allowance figure for new Local Plan

- 4.23 The results of the analysis show that there has historically been a continual, steady supply of completions coming forward on smaller sites of less than 10 units, Historically, this is shown to be the case going back as far as the 2006/07 monitoring year, with such growth accounting for some 34.34% of all completions in the period 2011/12- 2018/19.
- 4.24 It is considered that this has historically provided a reliable source of growth, with the trend being that each year smaller scale windfall completions have made a significant contribution to annual completions. The major source of such growth has been from development of existing C3 sites (either through additional dwelling(s) within existing curtilages or wholesale redevelopment of an existing residential sites. It is considered that these sources of supply, along with the conversion of offices, are likely to continue at least in the early and middle years of the next plan period. Indeed, the continued loss of office space is recognised in the Sevenoaks and Tunbridge Wells Economic Needs Study, 2016.
- 4.25 The economic effects of the current Covid19 pandemic will no doubt offer to some extent, a future supply of windfall sites, likely to be of a smaller scale and including more office space and units within the Government's new proposals for Class E.
- 4.26 Therefore, it is felt that whilst some historic sources of small windfall growth may decline over time, there will at least be some replacement of this by future changes to Permitted Development Rights and the Use Classes Order – though there is at this time, a lack of compelling evidence to demonstrate the effects of such changes so caution is needed.

- 4.27 With this in mind, and with an average delivery rate of 122 dwellings per annum over the period since 2006/07, it is felt that there is compelling evidence to show that small sites of less than 10 units do provide a reliable source of supply. It is considered that such sites are likely to continue being a source of growth into the next plan period. Given that a cautious assumption can be made that office space will continue to be a reliable source of windfall sites, but that the main source of growth has been existing residential sites that may trail off over time, it is felt unrealistic to recommend a windfall allowance equivalent to the average delivery experienced in the years since 2006/07.
- 4.28 There would be difficulties created for housing supply if a windfall allowance was set too high with a resultant under delivery. Setting the windfall allowance too low would not reflect the consistent stream of supply within the borough's housing land supply and result in an underestimate of capacity. The windfall allowance set out below would reflect longer-term uncertainties, especially in relation to the scale of redevelopment/conversion of existing residential sites.
- 4.29 A small sites windfall allowance of 80% below the average supply is recommend per annum for the first 7 years (from 2023/24 to avoid double counting with extant permissions), followed by another 80% below that for the remainder of the plan period:
- $122 \times 80\% = 98 \text{ dwellings pa} \times 7 \text{ years} = 686 \text{ dwellings}$**
- $98 \times 80\% = 78 \text{ dwellings pa} \times 7 \text{ years} = 546 \text{ dwellings}$**
- This is an average of 88 per annum over the plan period.
- 4.30 Figures for the 2019/20 year are now also available. However, adding these into the assessment is not considered appropriate. As set out in section 3, the temporary impact of Covid19 on the construction industry for that year has meant that these figures may not a reliable indication of windfall completions. In any event, it would have only a marginal effect on average yearly completion rates (reducing it from 122 to 119 dwellings pa if left unweighted).

Larger Sites (10 + dwellings)

Net completions on schemes of 10+ dwellings

4.31 Analysis of completions data over the 13-year monitoring period shows that a significant proportion of growth has also arisen on windfall sites with net completions of 10 or more units. This has been particularly so at the beginning of the study period (2006/07 - 2008/09) and in the later middle years (2014/15-2015/16). This has accounted for over 41% of completions, with 1,804 units completed, with an average delivery of almost 133 units per annum, albeit there were anomalies in the monitoring years 2012/13 and 2013/14.

Table 4: Net completions on schemes of 10 or more dwellings by year (2006/07 – 2018/19)

Year	Non-Allocated Windfall Completions on 10+ Unit Sites	Total Completions	% Completions
2006/07	393	517	76.02%
2007/08	362	517	70.02%
2008/09	186	411	45.26%
2009/10	4	104	3.85%
2010/11	89	315	28.25%
2011/12	105	212	49.53%
2012/13	-89	-5	
2013/14	-64	-16	
2014/15	173	323	53.56%
2015/16	235	447	52.57%
2016/17	134	461	29.07%
2017/18	92	537	17.13%
2018/19	184	551	33.39%
TOTALS	1,804	4,374	41.24%

Larger windfall sites: previous site use (2011/12 -2018/19)

4.32 When assessing the previous uses of larger windfall sites, the monitoring period back to 2011/12 was used as this would still give an up-to-date reflection of uses that are coming forward for development, and would also give an overview of the whole period since the adoption of the Core Strategy in 2010.

4.33 Figure 8 below shows that the primary source of windfall completions on larger sites has been from B1a office use for sites within established LBDs. Fig 7 above shows that, as with smaller sites, there was a clear rise in delivery from offices, with two particularly strong years in 2016/17 and 2017/18. Outside the LBDs, the main source has been from greenfield sites. These sources have far outweighed completions from any other previous use when it comes to completions of 10 dwellings or more. Sites in existing C3 (both inside and outside the LBDs) and C2 uses both have also been a steady source of contribution to larger windfall sites.

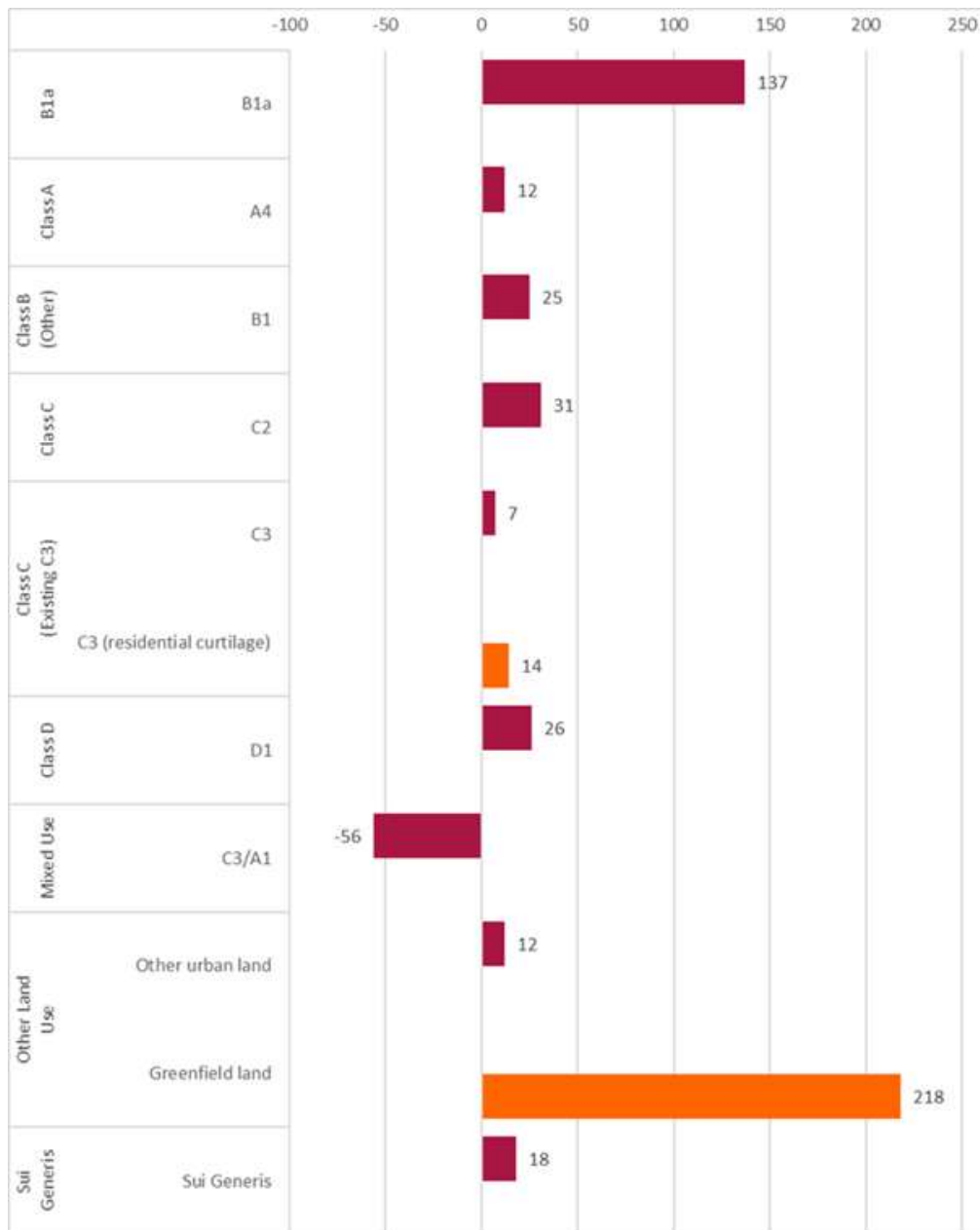


Figure 8: windfalls: sources of larger sites (10+ dwellings) both inside and outside LBDs

Future sources of larger windfall completions

- 4.34 As with smaller sites, it is possible that the availability of office space to provide growth, may continue into the next plan period although, again, there are currently unknown effects arising from the Covid19 pandemic. The further changes to the Permitted Development Rights and the Use Classes Order (Class E) potentially creates opportunities for larger windfall sites on brownfield land to come forward.
- 4.35 Until such time that the Council has a 5-year housing land supply, it is likely that greenfield sites outside the LBD will be a continued source of large windfall supply, as developers seek consents on sustainable greenfield sites on the edge of existing settlements.

4.36 At the same time, once the Council is back to having the necessary 5-year housing land supply and an adopted new Local Plan is in place, with allocations to meet the growth needs of the borough, it is likely that development of greenfield sites outside the LBDs established through the new Local Plan will reduce substantially, since development of such sites would in most instances be resisted through the planning application process as contrary to an up-to-date Development Plan Document.

Larger sites windfall allowance.

4.37 Given the above, a cautious approach is taken when considering the future supply of larger windfall sites, based on a situation where the Local Plan is adopted and establishes a 5-Year Housing Land Supply. Therefore, the calculation for the average windfall dwellings delivered per year is based on the following reasoning as set out below.

- Figures for 2006-2011 will include completions from developments period in pre-recession period, whereas figures since 2011 reflect more steady, prevailing (generally weaker) economic conditions. The Core Strategy was adopted in 2010 and therefore, it is considered taking an average yearly delivery rate from 2011 when there was a 5-year housing supply would provide a more reliable figure.
- Greenfield sites will reduce significantly once there is a 5-year Housing Land Supply. This will also mean that any future sites coming forward that do not meet the development strategy or DM policies, including the proposed policy STR3: Brownfield Land, set out in the Pre-Submission (Regulation 19) Local Plan and will be resisted. Therefore, no allowance is made for larger greenfield sites in the calculations.
- Redevelopment/re-use of residential institutional (Class C2) sites are also excluded, as an increasing need for these means that they may reduce as a future source of windfall sites and have not been included when calculating the average yearly delivery rate.
- The -56 figure for C3/A1 has also been discounted from the average yearly delivery calculations as this relates to applications for the redevelopment of a site by a housing association. As schemes of this size and type do not come forward regularly including this figure would not be reflective of what is likely to be a yearly average going forward into the plan period.

4.38 Taking all the above factors into account, the proposed allowance is for 80% below the average number of completions since adoption of the Core Strategy (i.e. from 2011 onwards) on brownfield and other urban land (within established Limits to Built Development)* but excluding all greenfield and C2 sites, from April 2023 (to avoid double-counting permissions).

4.39 The result is a yearly average of **24 dwellings pa** over 14 years of the plan period, or a **total of 336 dwellings over the plan period** (i.e. 24 dwellings pa x 14 years = 336 dwellings).

- 4.40 It is noted that an allowance for larger brownfield/urban sites has not previously been provided for (in the Draft Local Plan) and that their delivery may still not be as regular or frequent as smaller sites, the work presented in this topic paper now demonstrates that there is compelling evidence to include such an allowance. Moreover, the above allowance is regarded as very robust, based on recent development activity and current trends.
- 4.41 As with smaller sites, the AMR data for 2019/20 has also been considered in terms of whether it impacts on the above conclusions for the windfall allowance for larger sites. It is not considered reliable, for the reasons previously stated. In any event, the inclusion of this data would only marginally affect the yearly average for the delivery of windfall sites (increasing it from 30 dwellings pa to 32 dwellings pa).

5.0 Brownfield Sites – Allocations and Capacities

- 5.1 The National Planning Policy Framework (paragraph 117) states that policies should promote an effective use of land and make as much use as possible of previously developed/brownfield land. As such, the Council has sought to ensure that suitable brownfield sites and underutilised land are identified and put to optimal use. This has included identifying sites in accessible locations.
- 5.2 As discussed previously in the section on Approach and Scope of the Topic Paper, responses were received at the Draft Local Plan consultation regarding the further potential for brownfield development.
- 5.3 This section of the topic paper ensures that the Pre-Submission Local Plan is making best use of its proposed site allocations in terms of making optimal use of brownfield sites. This has been done by reviewing smaller brownfield sites (1-9 dwellings) and larger (10+ dwellings) that were originally discounted from the Strategic Housing and Economic Land Availability Assessment (SHELAA), and any further sites that were submitted during the Regulation 18 Draft Local Plan Consultation. This included sites submitted by Save Capel, sites promoted by developers and any other sites suggested by residents.
- 5.4 A review of the densities of brownfield sites being considered for allocation in the Pre-Submission Local Plan has been carried out. This includes consideration of the location of brownfield site allocations within existing settlements within the borough. Mixed use sites, which may contain an element of residential, were also considered within the context of whether schemes would make best use of the sites.

Review of brownfield sites that were discounted from the SHELAA before the Regulation 18 Consultation.

- 5.5 Section 3 of the SHELAA's main report sets out the methodology followed when assessing sites. This consideration included reviewing the discounting of sites that were likely to provide less than 10 dwellings.
- 5.6 This was done in two stages. The first stage was a consideration of the reasons that sites were originally discounted through the SHELAA assessment. In some cases, there were reasons in addition to the site providing less than 10 dwellings including the site being remote from a settlement centre and therefore not being considered sustainable. As allocating these sites would not be in accordance with of the NPPF or the proposed development strategy of the Pre-Submission Local Plan, both of which promote sustainable development, they were not considered further.

- 5.7 The remaining sites were reconsidered (effectively sensitivity tested) at an indicative density of 45 dwellings per hectare, (compared to the 30 dwellings per hectare initially used in the initial SHELAA assessment) to see whether they would yield 10 dwellings or more, taking into account constraints that would impact the developable area of the site, or any other matters that may make them unsuitable for allocation. Following this assessment, it was concluded that none of the sites smaller sites would be suitable site allocations This was mainly due to a site still providing less than 10 dwellings at the higher density, due to the constraints and context of the site, or they would be incongruous with existing settlement patterns.
- 5.8 A similar process was carried out for the larger brownfield and greenfield sites that were previously discounted through the SHELAA assessment, except that a review of the yield at higher densities was not carried out as it was already established that they could provide 10 dwellings or more. Most sites continued to be considered unsuitable for development, including for reasons of being isolated from settlements and/or due to heritage or landscape concerns.
- 5.9 However, following this review, two sites in Royal Tunbridge Wells are now put forward for allocation in the Pre-Submission (Regulation 19) Local Plan.
- Montacute Gardens (AL/RTW10) for c30 dwellings
 - Turners Pie Factory, Broadwater Lane (AL/RTW13) for c100 dwellings and a remote working community hub.

Further information on these can be viewed in the relevant site allocation policies in the Pre-Submission Local Plan.

Sites submitted at Regulation 18 consultation including those submitted by Save Capel, sites submitted by promoters and sites referred to in representations.

- 5.10 A number of additional sites were submitted as part of the Regulation 18 consultation. These included sites as part of a representations from 'Save Capel' for allocation.
- 5.11 The majority of these sites had already been considered as part of the SHELAA process and were reconsidered for allocation in line with the work set out above. Where these sites were not found to be suitable as potential site allocations it was most often because the site would yield less than 10 dwellings, was remote from a settlement and considered to be unsustainable, or there were constraints affecting the site that made it unsuitable for development. In some cases, it was a combination of these factors that applied. A small number of these sites were already being assessed as potential site allocations in the Pre-Submission Local Plan. Further information of these sites can be found in the SHELAA.

- 5.12 Of the remaining sites a significant number were found to be in an existing operational use either as car parks or retail/office units with no indication of their current availability for development. Furthermore, a number of these sites would not provide 10 dwellings or more. Of the few remaining sites, these were either considered too remote from existing settlements and therefore unsustainable, or that they would not provide 10 dwellings or more.

Making best use of proposed brownfield site allocations (residential use)

- 5.13 Table 5 (below) shows the brownfield site allocations proposed to be included in the Pre-Submission Local Plan. The proposed site allocations for the Pre-Submission Local Plan were assessed as part of the SHELAA process. Those that are entirely on brownfield land were considered further in terms of the number of dwellings allocated on each site and the number of dwellings per hectare. For the purposes of calculating the dwellings per hectare, the indicative developable site area in the Pre-Submission Local Plan was used as this was thought to give a more accurate representation of the site's density than if the whole site, including areas put aside for landscape buffers was used. Sites that contain a mix of uses are discussed in more detail in the following section below.

Table 5: Proposed Brownfield Site Allocations in the Pre-Submission Local Plan.

Proposed PSLP policy reference	Site Address	Number of dwellings (NB. The mid-point is given where a range is given.)	Number of dwellings per hectare
AL/BE3	Land at Benenden Hospital (south of Goddards Green Road) East End, Beneden	24	15 (including the 23 dwellings already with permission on the site)
AL/BE4	Land at Benenden Hospital (north of Goddards Green Road) East End	24	14
AL/HA1	Land at the White House, Highgate Hill, Hawkhurst	43	70
AL/HA2	Brook House, Cranbrook Road, Hawkhurst	25	39

Proposed PSLP policy reference	Site Address	Number of dwellings (NB. The mid-point is given where a range is given.)	Number of dwellings per hectare
AL/PE5	Land at Sturgeons fronting Henwood Green Road, Pembury	19	41
AL/PE6	Woodsgate Corner, Pembury	120 (if residential care/nursing care) 80 (if extra care)	50 (if residential care/nursing care) 33 (if extra care)
AL/PE7	Land at Cornford Court, Cornford Lane, Pembury	68	66
AL/RTW3	Land at Lifestyle Ford, Mount Ephraim/Culverden Street/Rock Villa Road, Royal Tunbridge Wells	100	222
AL/RTW4	Land at 36-46 St John's Road, Royal Tunbridge Wells	78	156
AL/RTW6	Land at 202 and 230 Upper Grosvenor Road, Royal Tunbridge Wells	43	81
AL/RTW7	Land at the Gas Works, Sandhurst Road, Royal Tunbridge Wells	185	103
AL/RTW10	Montacute Gardens	30	35
AL/RTW11	Former Plant and Tool Hire, Eridge Road, Royal Tunbridge Wells	45	115
AL/RTW12	Land at Tunbridge Wells, Telephone Engineering Centre, Broadwater Down, Royal Tunbridge Wells	50	46
AL/RU1	Lifestyle Motor Europe, Langton Road, Rusthall.	15	47
AL/SO3	Land at Baldwin's Lane, North Farm Lane, Southborough	29	63

- 5.14 With the exception of the sites at Benenden Hospital (AL/BE3 and AL/BE4), Table 5 above shows that proposed brownfield site allocations are being developed at densities higher than 30 dwellings per hectare, with the highest densities in Royal Tunbridge Wells. This is in line with the Development Strategy Topic Paper which sets out that part of an overall appropriate approach includes making optimal use of PDL/brownfield and other urban sites.
- 5.15 The NPPF states that planning policies should support development that makes efficient use of land while considering a number of criteria which include the desirability of maintaining an area's prevailing character and setting. This has been recognised by the fact that there are some sites where it has been considered that a density that is higher or lower than what would normally be expected may be appropriate to reflect the context of the site, taking into account the opportunities and constraints, such as location, surrounding character and environment. This is the case with sites at Benenden Hospital which are within the setting of the AONB, adjoined by fields with sporadic residential properties and farms in the wider locality. AL/BE3 also includes a designated Local Wildlife Site within the site and immediately adjacent to it. A designated Local Wildlife Site is included on the northern part of AL/BE4. Following a detailed site assessment, it was considered that a higher density would not be appropriate in this instance.
- 5.16 As well as being at appropriately high densities to make efficient use of land the proposed allocations in Table 5 are within existing settlements that have good access to infrastructure, including transport links and other amenities. The sites with the highest densities are those close to Royal Tunbridge Wells Town Centre or close to existing train stations. This makes optimal use of brownfield sites within existing settlements/accessible locations in line with paragraph 118 of the NPPF.

Making best use of brownfield allocations (mixed use, which may include an element of residential)

- 5.17 As well as allocating land for residential use, the new Local Plan will need to allocate sites for other uses, including employment, retail, leisure and community facilities. A number of sites have been submitted through the Local Plan process for non-residential uses and are considered to be more suitable for a non-residential use due to, for example, their location, the adjoining uses, etc., although some of these sites will include an element of residential use as part of a larger mixed-use scheme. The majority of the sites currently proposed for allocation in the Pre-Submission Local Plan are in Royal Tunbridge Wells. Table 6 below sets out the proposed Brownfield Site Allocations for mixed use, including the number of residential dwellings proposed where this is relevant.

Proposed PSLP policy ref	Site Address	Number of dwellings where relevant (NB. The mid-point is	Proposed mix of uses

		given for ranges.)	
AL/RTW1	Former Cinema site, Mount Pleasant Road	100	residential, commercial, health, office and leisure
AL/RTW2	Land at the Auction House, Linden Park Road	Not specified	Commercial and residential
AL/RTW8	Site at TN2 Centre and adjent land, Greggs Wood Road, Sherwood	N/A	Health and community facilities
AL/RTW13	Turners Pie Factory, Broadwater Lane	100	Residential remote working/community hub
AL/RTW13	Land at Showfields Road and Rowan Tree Road	155	residential and health and community uses

Table 6: Proposed Brownfield Mixed-use Allocations for Pre-Submission Local Plan

- 5.18 In cases where a mixed-use site does contain a residential element, a figure of dwellings per hectare on individual sites alone will not give an accurate representation of whether the most optimal use of PDL is being proposed on those sites, especially as not all mixed-use sites will contain an element of residential. Therefore, in addition to the above section, a more holistic assessment, which considers scale and layout of development across broad areas rather than individual sites, will need to be considered to ensure the optimal use of brownfield land is being made.
- 5.19 While some of the brownfield mixed-use allocations within the borough, currently specify the number of residential dwellings proposed they are not prescriptive in terms of employment/retail/leisure floor space. The Retail and Leisure Study (2017), including an update in 2020, informs the Pre-Submission (Regulation 19) Local Plan. The 2020 update reviewed the Pre-Submission Local Plan site allocations for the borough's retail centres and made recommendations based on their forecasts for future uses. These will need to be considered with regard to making the optimal use of brownfield land and to delivering the most relevant uses in retail centres, including considering the flexibility of proposed uses.
- 5.20 Taking into account recent instabilities in the UK retail market economy (prior to Covid19), it may be too early to make assumptions on the detailed mix of uses that may be needed on sites, even within broad areas. The Strategic Policy for Royal Tunbridge Wells will seek to make best use of centrally located brownfield sites while protecting the town's character and heritage, which will include seeking to increase residential development as part of the appropriate mix of uses to ensure a vibrant and viable centre. This is supported by the Retail and Leisure Study 2017 and 2020 update. The scope and detail of this will be expanded on in a Royal Tunbridge Wells Town Centre Area Local Plan, the timetable of which is set out in the Local Development Scheme. This Area Local Plan will also include further detail on the inclusion of 150-200 dwellings as part of the appropriate mix of uses within

the town centre. These are proposed in addition to those sites which already have planning permission or are subject to the proposed allocations.

- 5.21 Master planning work for Paddock Wood Town Centre has also identified capacity for at least 30 additional dwellings to be provided within the town centre as part of a Town Centre Strategy that will contain a number of uses and enhance the centre's vitality and viability. Further information on this can be found in the Strategic Sites Topic Paper.

6.0 Summary and Conclusion

Brownfield Land Policy

- 6.1 An explicit brownfield land policy within the Local Plan is found to be necessary, to set out a key principle underpinning the overall development strategy of the Local Plan that optimal use be made of suitable brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough's town centres and locations well served by public transport.
- 6.2 The effective and efficient use of brownfield land will reduce pressure on greenfield sites, which, as previously mentioned is of particular importance in a borough that has important heritage and landscape designations, and Green Belt land.
- 6.3 Most brownfield sites will be within established LBDs; hence, they would benefit from the established policy approach of focussing development in such settlement limits. Some, however, will not be located within LBDs, so a policy in the Pre-Submission Local Plan should also set out the approach to those, in line with national policy and local circumstances.
- 6.4 The proposed policy is set out below:

Brownfield Land

Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle. In particular:

- 1. Such proposals within settlements, as defined by their Limits to Built Development, will be encouraged, having proper regard to their detailed impacts, notably design, in accordance with Policy [Sustainable Design];*
- 2. Such proposals either within, or in short walking distance of, town and rural service centres, as defined in Policy [Defined Town and Rural Service Centres], will be expected to make optimal use of land and buildings in accordance with Policy [Sustainable Design] and, where relevant, Policy [Housing Density];*
- 3. Such proposals in the countryside (i.e. brownfield sites outside defined Limits to Built Development) will be supported where:*
 - a. first consideration is given to the re-use of existing buildings, including any suitable extensions;*
 - b. they are compatible with and, where possible, enhance, the landscape setting and local amenities;*
 - c. for residential developments, the site is well related and accessible to a defined settlement and there is, or the development will provide, safe access by foot, cycling, or public transport for a high proportion of trips;*

- d. for all proposals relating to existing brownfield sites in employment use, the criteria in Policy [Retention of Existing Employment Sites and Buildings] are met;*
- e. if relevant, they represent an appropriate use of a heritage asset or, in respect of enabling development, this is necessary to secure its future, in accordance with Policy [Heritage Assets];*
- f. there is no unacceptable highway impact and the nature and volume of traffic is otherwise compatible with the local road network;*
- g. they are in accordance with other relevant development plan policies.*

Windfall completions and allowances

- 6.5 The topic paper has analysed windfall completions for both smaller and larger sites over the monitoring years 2006/07- 2018/19 to look for trends over a longer time scale.
- 6.6 Paragraph 68c of the NPPF supports the development of windfall sites, but Local Planning Authorities need to show that there is compelling evidence to show that they will provide a reliable source of supply.
- 6.7 The paper has looked at a range of sizes of sites to inform the use of windfall allowances. This has included an overview of sites providing net completions of nine dwellings or less, as well as those providing 10+ dwellings.
- 6.8 The windfall allowances proposed are considered to be realistic and deliverable figures, based on past delivery as analysed in this topic paper. Regard is had to reforms to Permitted Development Rights and the Use Classes Order, which are likely to assist future windfall completions, although a cautionary approach is presently taken.

Small Sites (1-9 dwellings)

- 6.9 Results show that sites of nine or less units do provide a continual, steady and reliable source of completions. Smaller sites of nine and less have provided some 1,584 completions since 2006/07, with an average delivery of 122 dwellings per annum since that time. This has accounted for over a third of growth over this period.
- 6.10 The main source of smaller sites has been existing residential C3 sites, B1a offices and other urban land inside the LBDs. Outside of the LBDs, agricultural conversions have been the main source of completions, existing C3 residential sites and greenfield sites.
- 6.11 There has been a rise in delivery from agricultural conversions, particularly since 2014/15 when Permitted Development Rights were introduced enabling people to convert such buildings outside the AONB into residential use.

- 6.12 B1a office conversions, which have been a source of completions for small scale windfall completions, have held up over time, even increasing somewhat, seemingly reflect more recent national policy.
- 6.13 Future sources of windfall sites have been considered. Existing residential C3 sites and B1a offices will be continued sources, though over time, beyond short-medium term, C3 sites may trail off. Outside the LBDs agricultural buildings should be a finite resource, although have continued to come forward over a sustained period. Completions from greenfield sites are likely to significantly reduce over time once LPA returns to position of having a 5-year Housing Land Supply and an adopted Local Plan with a suite of sites to meet future growth needs.
- 6.14 It is likely that new windfall sources will materialise as a consequence of reforms to the planning system, Permitted Development Rights and Use Classes Order recently proposed by Government. There may be future technological advances too that will influence this, although this is not yet certain.
- 6.15 It is concluded that there is compelling evidence to support the use of a small sites windfall allowance to inform the Pre-Submission (Regulation 19) Local Plan. There has been a continual, steady stream of smaller site completions over the period 2006/07-2018/19.
- 6.16 A small sites windfall allowance of 80% below the annual average of dwelling completions, of 122 dwellings pa, is recommended, (from 2023/24 to avoid double counting with extant permissions), and then 80% below that for the remainder of the plan period, to reflect longer-term uncertainties, especially in relation to the scale of redevelopment/conversion of existing residential sites; that is:
- 80% x 122 = **98 dwellings per annum for seven years from 2023/24 to**
- 80% x 98=**78 per annum for the remainder of the plan period to 2038**
- This gives an overall windfall allowance of 1,232 dwellings over plan period.**

Larger sites (10+ dwellings)

- 6.17 Windfall sites providing 10+ units have accounted for almost 40% of completions between 2006/07 and 2018/19, with an average delivery rate of almost 134 per annum, however delivery has been more erratic than for the smaller sites and includes a high proportion of greenfield sites outside LBDs, especially in early years, permitted before the 2006 Local Plan and, more recently, as a consequence of not having a 5-year housing land supply. As such greenfield sites outside the LBDs have been the highest source of large windfall sites. As with smaller sites, B1a offices have been a source of windfall completions for larger sites and are likely to continue to be so.
- 6.18 Given that larger windfall sites have been delivered more variably in the past, and that there has been a high proportion of these delivered on greenfield sites, which will reduce when the Local Plan establishes a 5-year Housing Land Supply, a more cautious approach has been taken in putting forward a windfall allowance.

- 6.19 Therefore, when calculating the windfall allowance for larger sites. the following was done which has involved:
- Calculating the yearly average from 2011, after the Core Strategy was adopted (in 2010) and a 5-year housing land supply had been established.
 - Not including greenfield sites and those outside established LBDs, as these are expected to substantially decrease following adoption of the new Local Plan, and a return to a 5-year housing land supply.
 - Not including C2 sites, as the increasing need for these means they will reduce as a future source of windfall sites.
- 6.20 This gives a yearly average delivery of 30 dwellings. As with smaller sites, it was felt that an average of 80% below this was both deliverable and realistic over the plan period. Figures are calculated from April 2023 to avoid double-counting permissions.
- 6.21 **This produces a windfall allowance for larger sites of 24 dwellings per annum (80% x 30 = 24 pa), equivalent to 336 dwellings over plan period:**

Analysis of draft allocations in the Pre-Submission Local Plan

- 6.22 As mentioned in Section 3, comments received during the Draft Local Plan consultation highlighted concerns regarding the scale of proposed growth across the borough being incompatible with the protection afforded to Areas of Outstanding Natural Beauty and Green Belt in particular, and that further potential for brownfield development and intensification, notably in central locations, should be considered.
- 6.23 Taking these concerns into account, further work has been carried out to review brownfield sites to ensure that those which are appropriate and available were considered as potential site allocations. These reviews included both brownfield sites that were previously discounted in the SHELAA and additional sites promoted through the Draft Local Plan consultation by residents, developers and 'Save Capel'. This review has highlighted two larger brownfield sites that are considered suitable as potential allocations.
- 6.24 A review of brownfield sites now proposed for allocation shows that high densities are being proposed on all but two sites (on Land at Benenden Hospital.) While these sites have a relatively low density, this reflects the constraints and location of the site. There are regarded as appropriate densities in line with paragraph 122 of the NPPF.
- 6.25 The other proposed brownfield site allocations are achieving densities well above 30 dwellings per hectare with particularly high densities on sites in Royal Tunbridge Wells, showing the Pre-Submission Local Plan will seek to optimise the use of sites in the town centre and other accessible locations.

Conclusion

- 6.26 This topic paper provides a clear, and proportionate, evidence basis for making proper allowance for the continued supply of windfall sites towards meeting housing needs, as well as providing an evaluation of the inclusion of brownfield site allocations at appropriately high densities. This is in addition to the focus on urban land potential through the continuing use of 'Limits to Built Development'.
- 6.27 The proposed inclusion of a strategic brownfield sites policy will further underpin these approaches, which accord with NPPF.

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