

Sevenoaks District Council

Allocations and Development Management Plan:

Main Modifications: Summary of key issues raised and Council responses

The following is a summary of what Sevenoaks District Council considers to be the key issues raised by respondents to the Allocations and Development Management Plan: Inspector's Main Modifications consultation. The main modifications published for consultation aim to address concerns raised by the Inspector during the examination that concern the soundness of the plan.

MM1: New Landscape Policy

No objections or strategic issues raised. Policy designed to help protect and enhance valued landscapes in the District, particularly within the AONB. The Sevenoaks Countryside Assessment SPD (adopted 2011) provides a detailed landscape character assessment of Sevenoaks District, which can be considered in conjunction with this policy (and the AONB Management Plans)

MM2: Sevenoaks Gasholder Station, Cramptons Road

No objections or strategic issues raised

MM3: Warren Court Farm

- 1) The allocation of housing for Warren Court, Halstead is unsustainable with the removal of the woodland buffer, and undermines the Core Strategy's objective of preserving employment land in rural areas.***

The Council's submitted ADMP included an identified woodland buffer on the site. At examination, the Council was invited by the Inspector to consider whether the buffer should be referenced in the text rather than illustrated, as there was no evidence to justify the exact size of the buffer. The Council's proposed amendment would see the extent of the woodland buffer identified through the development management process rather than the plan making process. The site area has been amended to reflect the fact that the woodland buffer will now form part of the design of the development, rather than be allocated separately, and may not need to be of the exact size set out previously in the ADMP. This will allow the site to make a greater contribution towards meeting housing needs. The Council does not consider it necessary to revise the proposed modification but notes that the site capacity presented in the plan is an approximation and that lower numbers of units may be acceptable in the event that a buffer of the size identified in the submitted plan is required and it is not demonstrated that the density across the remaining site accords with Core Strategy policy SP7.

As well as objecting to the increase in the number of dwellings, Halstead Parish Council objected to the loss of employment land as a result of this allocation. The re-allocation of this land from employment to residential is not a matter being considered through the main modifications consultation. Whilst Halstead Parish Council has objected to this proposal in the past, it did not object at the pre-submission stage. The proposal to re-

allocate this land will provide additional housing to meet the need that exists in the District and will result in the regeneration of a poor quality commercial site, as recognised by the Council's Employment Land Review, without having an adverse impact upon the character and openness of the Green belt.

MM4: BT Exchange, South Park, Sevenoaks

1) *Concerns were raised about where the post office facility would be replaced and what form of provision this would take.*

There is support for retail use on this site, alongside residential development. Therefore, the Post Office counter facility could be re-provided as part of the redevelopment but it is considered unnecessary to insist upon it. The key requirement is that the counter is re-provided in a prominent location in the town centre, as provided for in the guidance.

One representation suggests that the policy should require the re-provision of a Crown Post Office. The Council supports the retention of the existing range of Post Office services but considers that it would be too prescriptive to require a replacement 'crown' facility, given that the development is not phased until the period 2022-26, by which time further changes to the Post Office structure and/or service provision could have taken place. The Council considers that a minor amendment to the modification could be made to state:

'The retention of the Post Office counter facility, providing the same range of services, in a prominent location in the town centre will be required'.

MM5: Former Glaxo Smith Kline site, Powder Mills, Leigh

1) *Concern from the agents of the landowner that there has been no amendment to the boundary of the site allocation proposed.*

The Inspector's main modifications (set out in his letter of 24 April 2014) did not indicate that a change to the boundary of the site is necessary to ensure that the plan was sound. The Council's justification for the proposed boundary is set out in its statement to the examination. The Council notes that this issue was discussed at the examination hearing sessions, but the Council's records do not indicate that it was asked by the Inspector to consider a main modification on this issue and HDC62, prepared by the Council during the examination setting out potential amendments to the Former GSK site policy and development guidance, does not consider an amendment to the boundary.

MM6: Land West of Enterprise Way, Edenbridge

1) *There are concerns that the primary access to the site attributed to St Johns Way will not be able to cope with the potential additional traffic and that this will lead to safety concerns.*

St Johns Way is a residential road that was built to a standard that envisaged the future development of this site (hence the roundabout at St Johns Way and the road-head to the entrance of the site). The Council consulted Kent Highway Services (KHS) on the allocation of land west of St Johns Way when it was invited to respond to the Inspector's

concerns about the policy position on the reserve land during the examination (HDC48 & HDC48a). KHS proposed that a primary access be made through St Johns Way, with secondary access being made through Enterprise Way. The main modification is consistent with this and suggests that providing two accesses to the site is particularly important because of the flood risk zone in the centre of the site.

The Main Modification (MM6) states clearly that when submitting a planning application, a Transport Assessment (or Statement) will be required, and recognises that improving access to both Edenbridge stations would be beneficial. The Council would expect this to address any significant increases in travel flow and capacity during and following the completion of the development. This may require measures to improve road safety, additional traffic calming measures, the creation of pedestrianized access or “home safe” zones.

A number of residents suggested that Enterprise Way should be the primary access for construction vehicles. The Council agrees that this would be preferable, given the existing uses on Enterprise Way, but suggests that this should be considered through a future planning application, in consultation with Kent Highway Services.

The Council notes that Kent Highway Services did not object to the access arrangements proposed in relation to the site.

2) *There are concerns that flooding on the site has not been adequately considered.*

The site plan that is proposed to be included in the ADMP identifies the area at risk of flooding and the design guidance states that no residential development should be located in this area. In addition, a Flood Risk Assessment is required to be submitted with the application and it is proposed that the site should include sustainable urban drainage systems (SUDS), which will help prevent the development from compounding the flood risk. The Council notes that no objections have been received from the EA.

3) *There is concern that additional dwellings will create undue pressure on limited local services and infrastructure. Questions were also raised about the percentage of affordable housing that would be expected.*

The proposal that the site should be developed at some point is a long standing planning policy commitment in Sevenoaks District. It was originally released from the Green Belt in 1990 to meet potential long term development needs and the Local Plan (2000) allocation ‘safeguarding’ the land for future development was replaced by Core Strategy (2011) policy LO6, which identifies it as ‘reserve land’. The NPPF requires that local authorities seek to boost significantly the supply of housing in their areas. The site is able to make an important contribution towards this. Whilst the Council agrees that this is a substantial development and that the impacts of it need to be properly considered, it is not correct to suggest that the burden of providing new housing is falling disproportionately on Edenbridge. Prior to the proposed allocation of this site, only one site in Edenbridge (Station Approach) was proposed for allocation in the ADMP, for the development of 20 dwellings. The largest development due to take place in the plan period (2006-2026) remains West Kent Cold Store (500 dwellings) in Dunton Green, Sevenoaks.

The Council has introduced a Community Infrastructure Levy Charging Schedule, which sets out a viable level of the contributions that developers will need to make towards infrastructure to support development. This will apply to the site and will allow infrastructure improvements to be delivered alongside the development. The Council does not consider that a review of the Charging Schedule is necessary to support this development. From the Council's experience, it is unlikely that a development of this size will necessitate major on-site social infrastructure, such as a school, (as opposed to contributing to off-site improvements), which would justify considering it as a strategic site through a revised Charging Schedule, where infrastructure would be secured through a s106 agreement.

The Council would have no objection to a criterion being added to the design guidance to state that the *'development should provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water'*.

The Council would expect to secure 40% affordable housing on the site, in accordance with Core Strategy Policy SP3.

MM7: Employment Allocations (regarding Core Strategy Policy SP8)

No objections or strategic issues raised

MM8: Fort Halstead

- 1) It has been suggested that there is a lack of justification for the 450 residential unit figure now proposed to be included in the policy and that there has been 'an abuse of process' in its preparation. Some respondents believe that the Council did not adequately consider whether lower levels of residential development could address the Inspector's concerns and provide for a deliverable redevelopment.***

He It has been necessary for the Council to amend the policy on Fort Halstead because of the Inspector's concerns that the policy as submitted would not be sound, particularly because it was not sufficiently clear in relation to the level of residential development. The modification responds to this concern by specifying a level of residential development.

The Council's note on Revisions to the Policy on Fort Halstead (Examination Document HDC65A) sets out the research that was carried out in Section 3 and the research outcomes in Section 4. The research involved reviewing existing evidence, including evidence submitted on behalf of the landowner for the examination and commissioning additional work particularly in relation to the AONB Report, the Landscape and Visual Appraisal, the Lighting Statement (HDC65c) and the Ecological Management Plan (HDC65d). A supplement to the Sustainability Appraisal was also produced which is described in more detail below.

A key input was the findings of the Council's review of the Armstrong Kent Viability Appraisal. This showed that a development with 450 dwellings would be viable, enabling the delivery of the employment development and a contribution to other planning objectives, including affordable housing.

The option of allowing for a higher figure was rejected for reasons set out in para 4.13 of HDC65A. With regard to a lower figure the findings of the sensitivity testing in the viability review looking at variations in policy requirements suggested that a significantly lower figure could not maintain viability. Even at 450 units the review suggests that significant policy requirements would have to be compromised to achieve a viable scheme, including Code for Sustainable Homes and affordable housing. The figure tested of 20% affordable housing is only half the policy requirement under Core Strategy Policy SP3 and in some scenarios even this is not viable. Significantly fewer units mean reduced viability which the viability review suggests would mean compromising policy requirements to an unacceptable degree. In view of these findings further explicit testing of a lower figure was not considered justified.

Kent Downs AONB Unit claims that the viability assessment, and therefore the Council's response to the Inspector's concerns, is flawed because it compares the gross development value (GDV) of the proposed development scenarios to the £27m purchase price, which includes a 'hope value'. This is not correct. Knight Frank did come to their own conclusions about the existing value of the site, as referred to on p5 of the report. Non-viable schemes are those considered to produce a GDV below the Knight Frank land value, whilst those that it can confidently be claimed are viable have a GDV above the purchase price. The marginal schemes are those producing a GDV between these two values, which reflects the fact that it is common in viability assessments to include an uplift or buffer on the existing use value but that there is no set value for what this should be. The Council notes that the AONB Unit has not submitted any alternative evidence on the appropriate land value or on the viability of alternative forms of development. It also notes that the AONB Unit's approach to development viability does not appear to accord with the NPPF, which identifies providing competitive returns to willing land owners and developers as critical components of a viable scheme (para 173).

The approach to the sustainability appraisal is outlined in para 3.7(b) of HDC65A. To assist in ensuring independence, consultants were appointed to carry out this assessment rather than doing the work "in house". The sustainability appraisal needs to consider reasonable alternatives and section 3.3 of the SA Report sets out the approach taken to identifying reasonable alternatives, including other options that were screened out. The outcomes of the viability review did not suggest a lower level of housing development would be a reasonable alternative to the development with 450 units, as it would be likely to be a non viable (and hence not a reasonable) alternative.

Overall the Council considers that it has responded appropriately to the Inspector's concerns. It has reviewed evidence submitted and carried out further research. Reasonable alternatives have been considered leading to identification of a proposed amendment that it considers to be sound.

Finally the Council does not accept that there has been any "abuse of process". This claim appears to be based on a view that Officers have simply accepted the landowner's proposals and not carried out a proper assessment, which is not correct for reasons set out above. It is also suggested that Members were not made aware of the position of the AONB Unit and CPRE. This is also not accepted as Members have been advised of representations made on the plan, including the opposition of both organisations to any residential development on the site.

2) *It has been suggested that the proposed policy would lead to a residential-led rather than employment-led redevelopment with only 4ha of land allocated for new employment.*

The Council's proposed modification is based on an acceptance that the inclusion of 450 dwellings is necessary to enable the delivery of a viable redevelopment providing for the replacement of the existing jobs on site. It is a policy that remains driven by the employment objectives for the site and as such is still employment-led. The responses assume that the modified policy accepts the division of land uses proposed by the landowners in their representations but this is not the case. The Council does recognise that there is scope to replace the existing employment on site more efficiently in a reduced area but the modified policy contains no figures for the proportion of the site to be used for residential, commercial or other uses. This was a conscious decision to maintain flexibility with the potential to accommodate different types of employment development with different space needs, as explained in paras 4.8 and 4.9 of document HDC65A.

3) *Concerns have been raised about the transport implications of the redevelopment of Fort Halstead and the inability of local infrastructure to meet the needs of the new community.*

Kent County Council considers that Sevenoaks District Council may need to review its CIL Charging Schedule to ensure that the necessary infrastructure can be secured to support the redevelopment of Fort Halstead. Redevelopment to include housing was not envisaged by the Council's adopted plan at the time the CIL Charging Schedule was prepared. It was not identified as a strategic site through the viability assessment nor were the infrastructure requirements tested as part of the preparation of the CIL infrastructure plan evidence base. The proposed policy recognises the importance of necessary infrastructure being provided to support the development. The Council will consider whether the likely CIL payment due for the redevelopment will provide this necessary infrastructure and if not will consider how it can ensure that this is secured through a planning obligation.

Two representations object to the use of Star Hill as a vehicular access to the development suggesting that the road is unsuitable. In response, the modified policy makes no specific mention of access via Star Hill and the acceptability of Star Hill as a means of access will be considered in taking the proposals forward through the development management process.

4) *Concerns have been raised about the visual impact*

The Council commissioned a specific independent review of the visual impact appraisal of the landowner's proposals by expert consultants (HDC66c). It considers that such a review was a proportionate response to the proposals and would add that the review involved visiting viewpoints around the site. The CPRE in its response highlights some qualifications in the report regarding the landowner's assessment but this does not undermine or invalidate the overall conclusion of the report in para 4.4.5, that the landowner's proposals would be able to comply with the relevant criteria in Policy EMP3.

5) The landowner's timetable for submitting a planning application is inconsistent with the proposed delivery mechanism (to prepare an SPD).

The landowner has stated an intention to submit a planning application before the end of the calendar year. The Council does not endorse this timetable and considers it would have been more appropriate for a planning application to follow the completion of the SPD. However, the Council has no control over the timetable for submitting applications and has to consider proposals as they come forward. It is entering into a Planning Performance Agreement (PPA) with the landowner. The PPA is a procedural document that seeks to ensure appropriate matters are discussed at the pre application stage and sufficient resources are available to the Council to review the landowner's emerging proposals. It does not involve any specific endorsement of the contents of the proposed planning application and at the time of writing is not yet finalised.

6) The landowner of the Fort Halstead site considers that the proposed policy does not provide sufficient certainty and should state that up to 450 dwellings "will" be permitted rather than "may".

The Council accepts that it is necessary to amend the plan to specify the quantum of residential development that would be acceptable. The figure of 450 units is based on its review of the landowner's viability assessment and represents the scale of development that would be necessary to enable the delivery of its employment objectives for the site without adverse environmental impact. The Council also recognises that the site will not be available for development until after 2018, notwithstanding the landowner's intention to submit a planning application before the end of the calendar year, and it is possible that over time future updates may lead to some detailed change in the viability equation. In these circumstances it considers, on balance, that the use of the term "may" provides a justifiable degree of flexibility and is not in conflict with the NPPF or its supporting Planning Policy Guidance.

7) Developing 450 homes at Fort Halstead would be contrary to Core Strategy for development in rural settlements and specifically contrary to Policy SP7 regarding Halstead.

The Council recognises that the revised policy for Fort Halstead is a departure from the Core Strategy, in respect of the distribution of development if not Policy SP8, but considers it to be justified due to the change in circumstance since the Core Strategy was produced, namely the decision of DSTL to relocate and the consequent need to include residential development to enable a viable redevelopment that replaces the employment. Core Strategy Policy LO7 applies to development in the settlement of Halstead and not redevelopment at Fort Halstead which is separate from the existing Halstead village.

8) The policy should include specific reference to the protection, enhancement and future management of the ancient woodland and downland in its own right.

This representation is seeking an amendment to part of the original policy that the council is not proposing to change. In reviewing the policy in response to the Inspector's concerns the Council consciously adopted an approach of limiting changes to those aspects over which the Inspector expressed concerns regarding soundness. In doing so

it took account of the Inspector's comment that other objectives summarised in the bullet points were wholly appropriate (Inspector's note para 8) and that the Submission plan policy had been published and previously subject to the opportunity to make representation. The Council recognises the importance of the downland and woodland in ecological and landscape terms but considers the policy as drafted provides adequate protection.

9) CPRE and the AONB Unit both suggest that the examination hearings should be re-opened to consider the proposed policy change for Fort Halstead.

The Council does not agree that it is necessary to re-open the hearings in relation to Fort Halstead. There was a full debate in the examination hearings on the appropriate scale and form of development at Fort Halstead. At that time the case for 450 dwellings was put by the landowners and challenged by CPRE and the AONB Unit so the case for and against this level of housing development was fully debated. The Council has set out its reasons for incorporating the 450 unit figure (but not other changes advocated by the landowner) in its response to the Inspector and other parties have had the chance to comment through written submissions. Re-opening the examination hearings at this late stage is not necessary in the Council's view.

MM9: Broom Hill, Swanley

No objections or strategic issues raised

MM10 & MM11: Performance Indicators and Targets

No strategic issues raised. The target related to the proportion of completed housing units in urban confines (set at 80%) is reflective of our current position (see footnote *** in the consultation document) The 20% of units to date built outside of the urban confines were predominantly in relation to rural exception sites for affordable housing, conversions of rural buildings and redevelopments of existing brownfield sites.

MM12: Core Strategy Targets

No objections or strategic issues raised. Heritage Assets indicator and target set within adopted Core Strategy. Council currently developing a Local List of Heritage Assets to assist with monitoring

MM13: Core Strategy Review

1) There was some concern that the Council's commitment to review the Core Strategy is conditional on the findings of a new Strategic Housing Market Assessment (SHMA).

The Council considers that any revision to the Core Strategy should be dependent on the evidence, which it has committed to prepare, indicating that revisions are necessary. Amongst other evidence, the preparation of the Strategic Housing Market Assessment referred to in the modification and a Strategic Housing Land Availability Assessment, taking account of extant national policy and guidance, as well as the continuation of Duty to Cooperate discussions, will indicate whether the Council's Core Strategy housing

target, for example, will need to be amended. Initial indications suggest that the housing target will need to be modified, but it would be premature to commit to a review when the supporting evidence base is not yet available. The Council considers that the proposed modification provides helpful guidance on how it will approach the process. The Council is proposing to follow a sound approach by preparing evidence to allow it to consider the appropriate approach to plan making through the Core Strategy review.