
Report to Sevenoaks District Council

by David Hogger BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 19th December 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE SEVENOAKS DISTRICT ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN

Document submitted for examination on 27 November 2013

Examination hearings held between 11 March and 20 March 2014

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Abbreviations Used in this Report

ADMP	Allocations and Development Management Plan
AMR	Authority Monitoring Report
AONB	Area of Outstanding Natural Beauty
CD	Core Document (in the Examination)
CS	Core Strategy
ELR	Employment Land Review
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHMA	Strategic Housing Market Assessment

Non-Technical Summary

This report concludes that the Sevenoaks District Allocations and Development Management Plan provides an appropriate basis for the planning of the District, providing a number of modifications are made to the plan. Sevenoaks District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All the modifications were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- The inclusion of a landscape protection policy (EN5);
- The allocation of the reserve housing site at Edenbridge (H1p);
- The amendment of the boundary of the Gas Holders Site, Sevenoaks (H1c);
- The amendment of the allocation at Warren Court, Halstead (H1o);
- The amendment of the boundary of the BT Exchange site, Sevenoaks (H2a);
- The introduction of flexibility into the proposals for the Powder Mills site, Leigh (H2f);
- The inclusion of advice in para 4.6 regarding marketing requirements in relation to the change of use of employment land;
- The deletion of the open space designation at Broom Hill, Swanley;
- The allocation of housing and employment land at Fort Halstead (EMP3);
- The inclusion of more detail regarding monitoring and review; and
- The commitment to an early review of the Core Strategy.

For the avoidance of doubt I have used the same references for the Main Modifications as used by the Council.

Footnote document numbers refer to references from the Examination library, which can be found on the following link:

<http://planningconsult.sevenoaks.gov.uk/consult.ti/ADMPExamlist/consultationHome>

Introduction

1. This report contains my assessment of the Sevenoaks District Allocations and Development Management Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan dated November 2013.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed Main Modifications (and an addendum to the Sustainability Appraisal Report) and these documents have been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Assessment of Duty to Co-operate (the Duty)

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. It is clear that the ADMP has been prepared within the existing framework provided by the adopted Core Strategy (CS) and therefore matters of a strategic nature (which are subject to the Duty) are very limited. Nevertheless CD115¹ sets out the co-operation undertaken to-date and it is clear that the two large sites which are proposed for development at Leigh and Fort Halstead, which sit close to the District boundary, have been the subject of consultation with neighbouring local planning authorities and other interested parties.
6. Comments were made at the hearing session that there had been no co-operation regarding the identification of up-to-date housing needs within the housing market area. However, as I explain in the following paragraphs, research into housing needs will be a pre-requisite of the review of the CS and is not an issue to be addressed in detail in the ADMP. I conclude that no significant cross-boundary issues have been raised and I am satisfied that the evidence demonstrates that the Council has complied with the Duty.

¹ Duty to Co-operate Topic Paper (CD 115)

Assessment of Soundness

Preamble

7. The Plan establishes in the Foreword, that it must be consistent with the CS which was adopted in February 2011. Paragraph 1.3 provides a summary of the approach advocated in the CS and paragraph 3.2 summarises the housing objectives of the CS. It is clear that the ADMP has been prepared within the framework provided by the CS and that it has not sought to reassess strategic issues such as overall housing or employment needs.
8. The CS was adopted just over a year before the NPPF was published and work on the ADMP had already commenced with a number of public consultation exercises having been undertaken. Although it may be preferable to have a single Local Plan (LP) for a District, there is nothing to prevent an LP being progressed in separate parts at different times and had the Council decided to produce a single all-encompassing Plan at this stage it would have added to the complexity of the process and caused further delay. I acknowledge that the adoption of this plan will not mean that the Council's overall planning framework will fully accord with the NPPF because there are elements in the CS which may not be fully compliant. However, it was not the purpose of this Examination to review strategic matters which are outside the scope of the submitted plan and I believe it is in the public interest for the Council's approach to allocations and development management to be made clear now. There is no robust justification for the Council to have taken a different approach at this late stage in the plan preparation process.
9. In any event the Council is aware of the need to have an up-to-date planning framework in place and the Council's Local Planning and Environment Advisory Committee and Cabinet considered a Report on the Local Development Scheme (LDS) in July 2014. The Committee and Cabinet agreed to undertake a new Strategic Housing Market Assessment (SHMA) to aid the identification of objectively assessed housing need in the District and also to further review the Local Development Scheme² (a further Report is scheduled to be taken to the Committee in January 2015). The Council has confirmed that the assessment of housing need will be carried out once the latest household projections are known, at which time co-operation with other nearby local planning authorities can also be sought. In these circumstances I consider it to be a justified approach.
10. It was argued by some representors that the review of the local plan should not be dependent on the outcome of the SHMA work. To some degree the argument is academic because the Council already acknowledges that the initial indications suggest that the District's housing target will need to be changed³ and if that is the case I interpret MM13 as a commitment to undertake the necessary review. There is logic in the Council's desire to take it one step at a time, starting with evidence gathering to demonstrate that a review is required and there is no reason why this approach would significantly slow down the process. I am satisfied that the Council's current approach is reasonable and that it does not threaten the soundness of the ADMP.

² CD 259

³ Council's response to consultation on MM13 (HDC 67)

11. The Council proposes to refer to its commitment to commence the review process (starting with an up-date of the SHMA) in chapter 1 of the ADMP and I agree that it is important that the Council's commitment is made clear and therefore **MM13** is recommended.
12. Although it is against this background that I have considered the ADMP I have attached significant weight to the conclusions of the Inspector for four recent appeal decisions at Broom Hill, Swanley⁴. He confirmed that it is common ground 'that the need for housing as assessed will not nearly be met by the adopted housing targets arrived at in the CS, which is greatly reduced from the need actually identified because of the constraint represented by the district's Green Belt' and he went on to state that 'the substantial difference between that assessed (i.e. housing need) and that included in the CS will not be made up in other nearby areas'.
13. There are therefore two competing considerations in this regard – the 'very substantial'⁵ shortfall in terms of identifying land to meet objectively assessed housing need; and the fact that the function of the document before me is not to re-assess that need but to allocate land to accommodate the need already identified in the CS.
14. Taking into account:
 - the advice in the NPPF that the supply of housing land should be boosted and that there is a presumption in favour of sustainable development;
 - the Council's commitment to review the CS;
 - the significant constraints to development in the District, for example the Green Belt and the AONB; and
 - the need to balance housing and employment needs;then I consider that the most pragmatic way forward at this stage is to ensure that any appropriate opportunity to enable the delivery of sustainable housing is taken, in order (at least in part) to address the substantial shortfall referred to in the aforementioned appeal decisions. This does not mean that there should be a relaxation in terms of meeting employment needs or protecting the Green Belt and AONB, rather it is a way of increasing housing supply within the Development Plan framework as it currently exists. In that way this plan will boost housing supply in the District and will provide choice and flexibility in the housing market, whilst ensuring that there is no significant threat to the character and appearance of the District. In these circumstances the most reasonable opportunity available to boost the supply of housing may lie in the allocation of the reserve housing site at Edenbridge (CS policy LO 6) and this opportunity is further discussed under Issue 2.
15. Although not a core element of the discussion, the issue of the 5 year housing land supply was referred to at the hearing sessions and in a small number of written representations. The Council has concluded that the 5 year supply can

⁴ Appeals 2197478, 2197479, 2195874 and 2195875

⁵ Paragraph 15 of appeal decision

be met⁶ but this is based on the housing figures in the adopted CS and therefore the supply will have to be re-assessed as part of the LP review referred to above. In any event the allocation of housing at Edenbridge and the proposed residential development at Broom Hill, Swanley, are likely to boost supply in the shorter term.

16. Concerns were raised regarding the inadequacy of the public consultation undertaken. However, I am satisfied that the Council's approach has been in accordance with the adopted Statement of Community Involvement (SCI) and that no party has been unduly disadvantaged⁷.

Main Issues

17. Taking into account all the representations, written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends.

Issue 1 – The Protection of the Landscape

18. Concerns were expressed regarding the lack of protection for the District's landscape and in particular the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB). Paragraph 109 of the NPPF advises that valued landscapes should be protected and enhanced and paragraph 115 confirms that great weight should be attached to conserving landscape and scenic beauty in AONBs.
19. Policy LO8 of the Core Strategy (CS), entitled 'The Countryside and the Rural Economy', does provide a level of protection for the landscape of the area, including AONBs, but it does not meet the advice in paragraph 113 of the NPPF regarding criteria based policies. It is therefore recommended that in order for the Plan to be consistent with national policy, a new policy 'EN5 Landscape', together with appropriate supporting text, is included in the ADMP (**MM1**). The proposed policy would also confirm that areas of tranquillity should be respected, in accordance with NPPF paragraph 123.

Issue 2 – Whether or not the Residential Development Allocations are Sound

Enterprise Way, Edenbridge

20. The ADMP, in paragraph 3.2, refers to the need for its policies to be consistent with the adopted CS policies and in paragraph 3.9 it is stated that 'the Council can meet its Core Strategy housing target without the need to release land in the Green Belt'. In order to provide flexibility policy LO 6 of the CS identifies land at Enterprise Way, Edenbridge as a reserve site for housing. This site has already been subject to public consultation and debate as part of the CS process.

⁶ CD108 and CD113

⁷ See Council's response to Inspector's Question 2 (HDC 02)

21. As referred to in the Preamble above, it is clear that the housing targets in the CS were not formulated in line with current NPPF advice and it has been confirmed by the Council that the need for housing in the District (as identified in the 2008 SHMA) will not be met by the adopted housing figures in the CS⁸. The NPPF advises that, in principle, full objectively assessed needs for housing should be met and the objective should be to significantly boost the supply of housing. On the evidence available I consider that the Council has not taken a sufficiently pro-active approach to considering ways, within the parameters provided by the CS and the ADMP, to meeting current housing need.
22. I refer in the Preamble to considering whether or not there are any opportunities available within the existing planning context for the supply of housing to be increased. One such opportunity is the re-consideration of the CS Reserve Housing Site at Edenbridge⁹ which is not in the Green Belt or the AONB.
23. The Council originally stated that it would be reconsidering the status of the Edenbridge site as part of the Authority Monitoring Report (AMR) at the end of 2014. However, having considered the matter further the Council concluded that 'since both options (i.e. allocate now or release the site following the review of the AMR) would result in the release of the reserve land it seems reasonable that the site should be allocated in the ADMP rather than delaying the allocation until the publication of the AMR in December 2014'¹⁰ and I agree.
24. Concerns were raised by local residents with regard to access, flood risk, infrastructure provision and increased pressure on local services. However, no substantive evidence was presented to demonstrate that those concerns could not be satisfactorily addressed. The Council concludes that access could be satisfactorily provided via St Johns Way and Enterprise Way and it is clear that residential development within the area at risk of flooding would not be supported. In any event a Transport Assessment and a Flood Risk Assessment would be required to accompany any planning application and similarly the developer would be expected to contribute towards any justified improvements in terms of infrastructure and local services. I note that there was no objection to the proposal from either the Highway Authority or the Environment Agency. Following consultation on the MMs, the Council is proposing a minor amendment to MM6 in order to clarify that the development should provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and this is appropriate.
25. Bearing in mind the objective of boosting significantly the supply of housing (but also having regard to the need to attach significant weight to the protection of the Green Belt and AONB within the District), and having read and heard the evidence on this matter, I conclude that there is sufficient justification to release this reserve site and formally allocate it in the ADMP. This is the pragmatic way forward. The release of the reserve site at Edenbridge (which is not subject to any significant constraints that cannot be adequately addressed) is justified, would be consistent with national policy and

⁸ Council's Statement on Matter 1 (para 1.6.1) (HDC 35)

⁹ CS policy LO 6

¹⁰ Core document HDC48

would result in a Plan that has been positively prepared. Therefore it is recommended that 'Land west of Enterprise Way, Edenbridge' be added to the list of housing allocations under policy H1 and that explanatory supporting text be included in the Plan (**MM6**).

Sevenoaks Gasholder Station (H1c)

26. It has been confirmed by the landowner that the property at 107 Cramptons Road (which is within the same ownership but adjacent to the identified site) may become available for re-development. In order to ensure that the potential of the site is optimised¹¹ it is appropriate that all the land within the one ownership is identified. To that end it is recommended that the boundary of site H1(c) is extended to include No 107, reflecting the most appropriate strategy for the site (**MM2**).

Warren Court, Halstead (H1o)

27. The site is currently in the Green Belt with part of it having been allocated as an employment site in the adopted Local Plan (saved policy EP1(I)). The Council proposes, through the ADMP, to remove the site from the Green Belt and allocate it for residential development. The Council considers that exceptional circumstances exist because part of the site is allocated for employment use; the existing commercial development is of a poor visual quality; and the proposed development would not have an adverse impact on the openness and visual amenity of the Green Belt, and I agree. It can therefore be concluded that the Council's overall approach to this site is appropriate and sound. No substantive evidence was submitted to demonstrate that the loss of the employment land would have any significant economic consequences.
28. A significant woodland buffer is proposed on part of the site, between the potential development area and the adjacent Deerleap Wood, which I am told is ancient woodland. Although it is important that the impact of any new development on the Green Belt setting of the site is minimised and thus the provision of a buffer would be appropriate, the justification for such a significant area of new woodland is not robust. Consequently it is recommended that the woodland buffer notation is removed from the plan that accompanies the development guidance for the site but that the text continues to refer to the provision of an appropriate buffer. Consequential changes to the net area and the approximate net capacity are also required and consequently recommended (**MM3**). Detailed consideration of the elements of any redevelopment proposal, including the buffer, can be addressed at the planning application stage. This change ensures that the most appropriate strategy for the site is being pursued and that the ADMP is sound in this respect.

Other Housing Allocations

29. Concerns were expressed regarding the deliverability of residential development at School House and Johnsons, Oak Lane, Sevenoaks (H1d and H1e) but the evidence provided by the Council demonstrates that there is no significant impediment to their implementation. Similarly the loss of open

¹¹ NPPF paragraph 58

space was raised in relation to a small number of sites but the Council has provided evidence to demonstrate that in all cases the open space is surplus to requirements or will be replaced elsewhere¹² and thus the requirements of NPPF paragraph 74 are met. No evidence was submitted that would indicate that any of the other Housing Allocations could not be delivered and I am satisfied that with the proposed MMs, policy H1 is sound.

Gypsies and Travellers

30. The Council is currently preparing the 'Gypsy and Traveller Development Plan Document' and the consultation draft on site options was published in May, with adoption scheduled by the end of next year. Until that time CS policy SP 6 which sets out the criteria against which any such proposal would be assessed, provides sufficient guidance. In these circumstances there is no reason for the ADMP to include policies related to gypsies, travellers and travelling showpeople.

Issue 3 – Whether or not the Mixed Use Development Allocations are Sound

BT Exchange, South Park, Sevenoaks (H2a)

31. The land owner of the Sevenoaks Delivery Office (Royal Mail), which is adjacent to the allocated site, has requested that the Delivery Office be re-included within this site allocation (it was included in earlier versions of the Plan). This request is supported by the Council primarily because it would enable a comprehensive redevelopment scheme for the larger area to be achieved. I agree that this is the most appropriate strategy and therefore recommend that policy H2a and the associated development guidance be amended accordingly (**MM4**). It is noted that following consultation on the MMs the Council is proposing a minor amendment to MM4 in order to clarify that the retained Post Office counter facility should provide the same range of services as currently exist and this is an appropriate aspiration.

United House, Goldsel Road, Swanley (H2b)

32. Although the site is occupied by business uses, it is allocated for residential, business and open space uses. CS policy SP 8 seeks to support the sustainable development of the District's economy and specifically refers to the retention, intensification and regeneration of existing business areas. Reference is made in the policy to new provision for business uses in Swanley town centre (which lies very close to the site). The policy goes on to seek the retention of business uses unless there are exceptional circumstances.
33. Against this background the main issues to be addressed (as identified in the Statement of Common Ground¹³) are firstly whether or not the proposed office space is justified and secondly whether or not the identification of two areas of open space, one to the north-west and one to the north-east of the main site, is appropriate.
34. In order to strengthen and update existing evidence an Employment Land

¹² HDC 03

¹³ HDC 32

Review¹⁴ (ELR) was commissioned by the Council which concludes that most of the site should be redeveloped for housing with office space provided on the existing car park close to Goldsel Road.

35. I have attached weight to the Market Review¹⁵ undertaken by Michael Rogers for the United House Group in August 2012. It states that the main office development of any significance within the town centre is White Oak Square which was developed in the 1980's. In August 2012 two units had been on the market since February 2011. However, no substantive evidence was submitted regarding the design, layout or quality of the floorspace on offer. Also referred to is Media House but this is described as being of basic quality and in very dated condition. There is insufficient indication that there is no demand for purpose built up-to-date office accommodation, particularly bearing in mind the economy has continued to improve since 2012.
36. In the conclusion to the Market Review it is not clear if any consideration had been given to the provision of office accommodation on only a relatively small part of this site, as is being proposed by the Council. The reference is to the 'redevelopment of the United House site for offices and warehousing' and while this may be an unviable proposition, there is insufficient evidence to enable a conclusion to be drawn that the provision of about 2,000 sqm of offices on the western car park area would not be viable. Indeed the land owner, in response to my question 4.12, confirms that there is no substantive evidence that the use of part of the site for employment purposes would not be viable or sustainable¹⁶.
37. Having taken into account:
- the advice in the NPPF that significant weight should be attached to supporting sustainable economic growth;
 - the fact that the policies of the adopted CS reflect that advice;
 - all the employment evidence submitted (including the ELR and the Market Review);and
 - my assessment of the situation having visited the site and its surroundings;

I am satisfied that the Council's approach is sound and that the allocation of office floorspace on the western car park area is justified.

38. In terms of open space the Council has calculated¹⁷ that 0.7 ha would be required in order to meet the relevant standards and it has identified land to the north-west of the proposed residential development to fulfil this need. I saw that the quality of the adjoining built environment is not high – large factory buildings very close to the proposed boundary. NPPF paragraph 56 confirms that great importance should be attached to the design of the built

¹⁴ CD 222

¹⁵ CD 618

¹⁶ United House Group – response to Issues and Questions Matter 4 (HDR United House (Planning Potential) 01

¹⁷ HDC 38 Matter 4

environment. High quality design should be achieved and new development should be visually attractive with appropriate landscaping and public spaces. A good standard of amenity for future residents should be sought and guidance should be provided on layout in relation to neighbouring buildings. Taking into account the relationship between the site and the adjacent factory it can be concluded that the location and delineation of the proposed open space/buffer, as identified in Appendix 5 of the ADMP, is justified and necessary in order to ensure that occupiers of the proposed development would enjoy satisfactory living conditions, including in terms of open space provision and outlook.

39. With regard to nuisance I was told that the adjacent factory is a significant source of noise. However, the Council does not specifically refer to the matter in the Development Guidance, although there is a reference to the need to protect the operational requirements of the adjacent employment site. I am satisfied that the impacts of noise can be addressed through the provision of appropriate mitigation measures such as enhanced glazing and unit design and layout – matters to be addressed at the planning application stage.
40. Turning to the north-east corner of the site I saw that, due primarily to changes in level and its proximity to neighbouring dwellings its development potential is likely to be limited. There is also the risk of surface water flooding. The Council's guidance states that this area 'is likely to remain as open space'. This is a reasonable conclusion for the Council to reach but should a proposal be submitted for an alternative use which is justified and which can satisfactorily be accommodated on this constrained area in all respects, then there is an element of flexibility in the guidance which would not prevent the consideration of such an alternative.
41. In terms of density the Council has based the calculations on a net density of 75 dwellings per hectare which is the figure for Swanley Town Centre as set out in CS policy SP 7. Although not within the defined town centre the site is very close to the boundary and is also within walking distance of the railway station. On this basis the Council's approach to density can be justified.

Powder Mills (former GSK site) Leigh (H2f)

42. The boundary of the site has been drawn to follow the secure employment area formerly occupied by GSK and does not include other small parcels of land (including two dwellings and a small parking area) that are in the same ownership. The site is listed in the CS as a Major Developed Site (in the Green Belt)¹⁸ but national policy has changed since that designation was made and it is appropriate for the Council to have reconsidered the policy and the area to which it would apply. Following my consideration of the representations that were submitted, I identified the route of the boundary as an issue of importance to the soundness of the ADMP (i.e. is it justified?).
43. Just because the land is in the same ownership does not justify its inclusion within what I consider to be a clear site boundary on the ground which relates to the former use of the site. I was told that the dwellings were used by visitors to the site and/or placement students and on that basis I do not

¹⁸ Para 4.5.16

consider them to be an integral part of the employment function of the land, primarily because they are a different use and could reasonably have been located elsewhere. The policies and advice in chapter 7 of the ADMP on the Green Belt would apply to these smaller parcels of land and there is no robust justification for making an exception to those policies in this case. Having taken into account the written submissions, the discussion at the hearing session, my visits to the site and the responses to the proposed MMs (and bearing in mind the location of the site within the Green Belt), I conclude that the Council's approach is justified and in all other respects sound. It has been suggested that I asked the Council to reconsider the delineation of the boundary at the hearing session but neither the Council nor I have any record of such a request.

44. The Development Guide requires the retention of 'Building 12' on the site for employment use. Although of interesting construction the building is not listed, it appears to require significant maintenance and having seen inside, it is clear that substantial work would be required to make it suitable for other business uses. The provision of some employment floorspace on the site is justified but it is not reasonable to require that 'Building 12' must be retained. In order to ensure that this element of the ADMP is justified and effective it is therefore recommended that the reference to retaining 'Building 12' is loosened by the inclusion of the alternative of providing the equivalent floorspace elsewhere on the site (**MM5**). Other requirements for the site as set out in the Development Guide are appropriate and justified.

Other Mixed Use Development Allocations

45. No evidence was submitted that would indicate that any of the other Mixed Use Development Allocations could not be delivered and I am satisfied that with the proposed MMs, policy H2 is sound.

Issue 4 – Whether or not the Employment Allocations are Sound

Relationship between the ADMP and CS policy SP 8

46. CS policy SP 8 advises that 'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period'. The submitted ADMP does not provide any further advice on how the Council would interpret this part of the CS policy. Therefore it would not be sufficiently clear to a decision maker how to react to such a proposal¹⁹. It is therefore recommended that additional explanatory text be included in the Economy and Employment chapter to summarise the evidence that may be expected to accompany a proposal for an allocated employment site to be redeveloped for other uses (**MM7**).

Permitted Change of Use

47. The change of use of a building from B1a (office) to C3 (dwelling) is allowed (for a temporary period up to 30 May 2016) subject to consideration of specific land designations and prior notification to the local planning authority. The only exceptions that I was made aware of are the former BT building,

¹⁹ NPPF paragraph 154

Sevenoaks; a number of premises in London Road, Sevenoaks; and The Crown, London Road, Westerham. A number of land owners have indicated that they intend to take advantage of this situation, including in relation to Horizon House, Swanley and Tubs Hill House, Sevenoaks. Although I have taken this into account I do not consider that it justifies a more comprehensive relaxation of the Council's policies, regarding the protection of employment floorspace, which are intended to cover the period up to 2026.

Horizon House, Swanley

48. The representor states that because of the condition of Horizon House, the only viable way to deliver modern office space is through a comprehensive mixed use redevelopment of the site, especially as office growth 'will be flat' over the lifetime of the ADMP.
49. I have attached weight to the Condition Assessment undertaken on behalf of the owner and I have seen no evidence to dispute the total figure of £3,940,000 required to regenerate the building in the long-term (£2,890,000 in the short-term). However, no substantive evidence was submitted to demonstrate that such figures would render the refurbishment not viable. That may well be the case but I have seen no evidence to confirm it. In any event CS policy SP 8, which primarily seeks the retention, intensification and regeneration of existing business uses (for example in Swanley town centre), would allow for a mixed use redevelopment (as an exception) subject to a number of provisos, including where such a proposal would be sustainable. There is therefore sufficient flexibility in the policy and on the evidence submitted I consider that the Council's approach is sound.

Other Land for Business Use

50. No evidence was submitted that would indicate that any of the proposals for the other identified Employment Sites (policy EMP1) should be changed or that their boundaries should be amended. For a number of sites (for example London Road and Lime Tree Walk, Sevenoaks) it was suggested that a mixed use development should be proposed by the Council and that the long-term protection of employment land should be avoided. However, no substantive evidence was provided to demonstrate that the allocation of these sites for employment use was not sound and in the case of London Road, this is one of three sites on which the Council has secured an exemption from the permitted development rights that would, in principle, allow a change of use from office to residential. The exemption was granted because the loss of the site would result in substantial adverse economic consequences.
51. I consider that CS policy SP 8 already provides sufficient flexibility by allowing a change of use on such sites if exceptional circumstances prevail. I am satisfied that with the proposed MMs, policy EMP1 (Land for Business) is sound.

Broom Hill, Swanley

52. Policy EMP4 allocates land at Broom Hill for employment development. The accompanying plan in Appendix 4 to the ADMP identifies land to the west of the allocated site as being 'maintained as open space'. Recent appeal decisions, however, have resulted in permission being granted for the

development of that land²⁰. Consequently it is recommended that the safeguarding of the land for open space be deleted from the plan in Appendix 4 as referred to above (**MM9**).

Issue 5 – Whether or not the Proposals for the Major Developed Employment Site at Fort Halstead are Sound

53. Fort Halstead is a major developed employment site within the Green Belt and the Kent Downs AONB. CS policy SP 8 supports the retention, intensification and regeneration of the site, subject to Green Belt policy. The boundary of the site is drawn relatively tightly around the developed area and excludes the scheduled Fort, the bunkers to the west and the entrance at Star Hill.
54. The first matter to address is whether or not there is sufficient justification to include an element of residential development within the proposal, as set out in policy EMP3. The CS, in the section on major developed sites²¹, refers to former PPGs to which no weight can be attached. However, paragraph 4.5.21 of the CS acknowledges that the requirements of the occupiers of Fort Halstead may change and that the implications of a decline in occupancy will be considered in light of the existing policy framework. That framework has changed and it is therefore reasonable to consider the issues in relation to current policies and NPPF paragraph 89 supports the complete redevelopment of previously developed sites in the Green Belt, whether redundant or in continuing use provided any proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. There is no requirement in the sixth bullet point of paragraph 89 for any such redevelopment to be for the same use as the existing/former use of the site. The important factor is the effect of any redevelopment on the visual qualities of the area.
55. This leads me to the consideration of the impact of the site's redevelopment on the Kent Downs AONB and the Green Belt. I attach great weight to conserving the landscape and scenic beauty of the AONB and retaining the openness of the Green Belt but CS policy SP 8 (and implicitly paragraph 89 of the NPPF) supports the retention, intensification and regeneration of a Major Developed Site such as this, subject to the retention of visual quality. The issue therefore becomes one of ensuring that the impact of any redevelopment would not be greater than already exists. This objective is encapsulated within policy EMP3 and can be further achieved through the development management process and more specifically through the requirements that will be set out in the proposed Development Brief for the site.
56. The use of the site only for employment purposes may be the ideal way forward but the Council's recently commissioned Viability Review²² supports the conclusion that there is unlikely to be demand for the business floorspace that would be forthcoming if the whole site was redeveloped for that use. It also confirms that re-development only for business use is unlikely to be financially viable and that any scheme would need to include more profitable uses to make it viable. Other evidence, including in relation to the sustainability credentials of the site, indicates that the future use of the land

²⁰ Appeals 2197478, 2197479, 2195874 and 2195875

²¹ Page 55 of CS

²² CD 613

solely for employment purposes would not be viable. No substantive evidence to the contrary was submitted and the Statement of Common Ground confirms that the Council accepts that this is the case²³. That said, the Council's position at the hearings was that policy EMP3 should not include a housing figure in order that flexibility would be retained to identify the appropriate level of residential development nearer to the point that the Defence Science and Technology Laboratory plans to vacate the site in 2018.

57. Policy EMP3 refers to widening the mix of uses on the site 'such as including an element of residential development' and bearing in mind the viability evidence relating to this site and the wider issue of housing need (referred to in paragraph 12 above), I consider this is a pragmatic opportunity to contribute to significantly boosting the supply of housing in the District.
58. Bearing in mind the existing policy framework in relation to this site, my conclusion on the first matter is therefore that the allocation of part of the site for residential development is justified in principle but that more detail is required, particularly with regard to dwelling numbers, in order that a decision maker would have a clear indication of how to re-act to a development proposal on the site. Only through the provision of additional detail can it be demonstrated that this element of the ADMP would be justified, effective and consistent with national policy.
59. The second matter to consider, therefore, is the quantity of residential development that would be appropriate. In this regard the Council has undertaken further work on policy EMP3²⁴ as a result of concerns that I expressed about the submitted policy (including a Viability Review and the preparation of a supplement to the SA). It has concluded that the site could satisfactorily accommodate up to 450 dwellings, provided it forms part of an employment-led mixed use scheme. There was some criticism regarding the robustness of the Viability Review, including the fact that inadequate consideration has been given to allocating a lower housing figure and I agree that not all the information upon which the Review is based has been made publically available, on the basis that it is considered to be commercially sensitive. I cannot therefore afford it full weight. However, to some degree that is immaterial because the NPPF makes it clear that the objective should be to boost significantly the supply of housing, whilst also supporting the redevelopment of brownfield land. The presumption is in favour of sustainable development which includes the need to conserve and enhance the natural environment and in particular conserving the landscape and scenic beauty of the AONB and the openness of the Green Belt and I am satisfied that those objectives would be achieved. Although a figure lower than 450 dwellings was not specifically tested, it is clear that even the 450 figure poses some risks in terms of viability and therefore the risks associated with an even lower housing figure would be greater. In any event the Council has retained an appropriate level of flexibility by including the words '**up to 450**' dwellings (my emphasis) in the amended policy.
60. In terms of visual impact (and having walked around the whole site) I am satisfied that the relevant components of policy EMP3 will ensure that the

²³ CD HDC 53

²⁴ CDs HDC66a to HDC66e

development would not compromise the objectives of the AONB or Green Belt. They include the requirement to conserve and enhance the AONB and to ensure that any development would have no greater impact on the openness of the Green Belt than already exists. In terms of protecting the living conditions of existing nearby residents, the policies in the ADMP provide sufficient safeguards.

61. One of the Council's objectives is to secure the retention of QinetiQ (one of the current occupiers of the site), who the Council consider to be a valued employer in the District and who have expressed the desire to remain on the site if it is redeveloped. This is an appropriate aspiration for the Council, to which some weight can be attached. I am also satisfied that although the policy includes flexibility with regard to the exact areas intended for each land use, it nevertheless remains based on the employment-led objectives for the site and continues to seek the provision of 1,200 jobs.
62. Issues relating to the provision of infrastructure (for example transport) have been raised but the policy makes it clear what is expected and there is no reason to doubt that the requirements will be up-dated and strengthened at the time the Planning Brief is prepared and/or during the planning application process. Meanwhile sufficient guidance is provided in the policy. No objections were received from agencies involved in the provision of infrastructure.
63. Other issues raised include the wording of the first sentence of the policy ('will' versus 'may'); the relationship between the proposal and policy LO7 of the CS (development in rural settlements); and the protection of ancient woodland. However, I am satisfied that the level of flexibility is appropriate; the relationship between the policies of the CS and the ADMP is satisfactory bearing in mind changes in circumstances since the CS was adopted; and that sufficient protection would be afforded to the ecological and landscape contributions made by the downland and woodland.
64. On the second matter it can be concluded that the Council has achieved the correct balance. A viable and largely sustainable proposal is being promoted which regenerates a substantial brownfield site without significant detriment to the surrounding countryside, AONB or Green Belt. No substantive or persuasive evidence to the contrary was submitted and I am satisfied that the Council's approach is proportionate and justified and that there are no flaws of such significance that invalidate the overall assessment.
65. In conclusion on Issue 5, I am satisfied that with the changes being proposed by the Council, it would be clear to a decision maker how to react to a development proposal at Fort Halstead. Consequently **MM8** is recommended.

Issue 6 – Whether or not the Green Belt Policies and Boundary are Sound

66. The Green Belt policies (GB1 to GB9) set out the criteria for a range of development types and uses (for example extensions, basements and the re-use of a building) and they are broadly justified and sound.
67. In terms of the Green Belt boundary the CS states that there is no need to amend the boundary but that the case for any small scale adjustments would

be considered through the ADMP²⁵. Consequently the opportunity was given to Town and Parish Councils and land owners/agents to identify any anomalies in the existing boundary. Consideration was given by the Council to the 5 purposes of the Green Belt and to openness – one of the essential characteristics of Green Belts²⁶. As a consequence of the Council's deliberations, three minor amendments to the boundary are proposed in the ADMP (policy GB10). Having visited those sites I agree that the Council has correctly interpreted national policy.

68. Objections were submitted relating to a small number of other Green Belt sites in the District which I also visited. Land at **Deer Leap Stud Farm** (as identified on the plan submitted with the representation) includes an open field which contributes towards safeguarding the countryside from encroachment. The site is currently not well defined along its north-west boundary and could not accurately be described as small-scale. There are no exceptional circumstances to justify removing this site from the Green Belt, or indeed a smaller site just encompassing existing buildings, as was suggested at the Hearing.
69. The site at **The Bungalow, West Kingsdown** appears to be part of the caravan site and includes a derelict single storey building. The proposed western boundary would run through an area of trees/scrub and although I understand that this is the route of the AONB boundary, there is no requirement for boundaries of different designations to follow the same line. This land assists in safeguarding the countryside from encroachment and there are no exceptional circumstances to justify a change in the boundary at this location.
70. **Bartram Farm, Sevenoaks** does include a number of buildings, including a dwelling and business uses but there are also areas of land that are open. The appearance of the site provides an area of transition between the built-up area of Sevenoaks and the countryside to the north. Any significant intensification of development on this land would not assist in checking the unrestricted sprawl of the large built-up area and the retention of the site within the Green Belt contributes to preventing Sevenoaks and Otford from merging and safeguards the countryside from encroachment. The site cannot be described as small-scale and no exceptional circumstances exist to warrant a change in the Green Belt boundary at Bartram Farm.
71. The site at **Main Road, Knockholt** is open in character and includes no buildings. Although it may not be widely visible from the public domain the site nevertheless assists in safeguarding the countryside from encroachment and a change in the boundary would not be justified by exceptional circumstances.
72. Land at **Park Lane, Kemsing** includes a number of trees and scrub but there are no buildings on the site and it is intrinsically open in nature. My attention was drawn to some relatively new development to the east of the site but I was told by the Council that no parallel could be drawn with the site before me because the developed site is not within the Green Belt. I also saw the

²⁵ Para 4.1.17

²⁶ NPPF paragraphs 79 and 80

proximity of the motorway but that is not an exceptional circumstance and there is no justification for removing the land from the Green Belt, especially as the site assists in safeguarding the countryside from encroachment.

73. The entrance to **Greatness Cemetery** (Sevenoaks) makes a significant contribution to the character of the street scene in this part of the settlement. It was argued that if the cemetery had not been located here it is likely that the existing residential frontage development would have continued across the site. This may be the case but I must base my conclusions on the situation as it is today and I consider that the generally open nature of the area helps to check the unrestricted sprawl of Sevenoaks, helps to preserve the setting of the town and assists in safeguarding the countryside from encroachment. There are no exceptional circumstances that would justify the removal of this land from the Green Belt.
74. The area sought for removal from the Green Belt at **Sundridge Place** is extensive in size, open in character and relatively detached from the main settlement. The area assists in safeguarding the countryside from encroachment and there is no justification for removing the land from the Green Belt.
75. The site at the **Former Egerton Nursery, Hextable** is not small scale and although there are a number of structures on the land it is generally open in character. The site contributes to preventing Hextable and Swanley from merging and also assists in safeguarding the countryside from encroachment. The prospect of including a new doctor's surgery on the site was raised but insufficient evidence was submitted to demonstrate that such provision could successfully be achieved or that this site would be the most appropriate location for such a facility. On the basis of the information before me I conclude that there are currently no exceptional circumstances that would justify releasing this site from the Green Belt.

Issue 7 – Whether or not the Other Development Management Policies are Sound

76. The ADMP includes a range of management policies, for example on issues related to design, the town and local centres, green infrastructure, leisure and tourism, community facilities and travel and transport. I consider that they all satisfactorily meet the relevant advice in the NPPF and are sound. Concerns were expressed regarding infrastructure provision, for example in relation to waste water disposal and education but I am satisfied that there are no significant impediments to development which cannot be satisfactorily overcome.

Issue 8 – Whether or not the Council's Approach to Monitoring and Review is Sound

77. To be found sound the ADMP must be effective and to be effective it must be deliverable. In order to measure deliverability a robust monitoring framework is required. The Council rely on the Authority Monitoring Report to undertake the necessary assessment of the effectiveness of the policies in the CS. However, there is no reference to monitoring the ADMP or to any targets that the Council is hoping to achieve. It is therefore recommended that the

performance indicators are strengthened and that specific Targets are introduced (**MM10**, **MM11** and **MM12**). In this way the Plan will be effective.

Assessment of Legal Compliance

78. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Sevenoaks District Allocations and Development Management Plan is identified within the approved LDS ²⁷ (Jan 2012) and in the draft LDS ²⁸ (Dec 2013) which sets out an expected adoption date of August 2014. The Plan's content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	HRA has been carried out and is adequate.
National Policy	The Allocations and Development Management Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Allocations and Development Management Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

79. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

80. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that

²⁷ CD 241

²⁸ CD 241a

with the recommended main modifications set out in the Appendix the Sevenoaks District Allocations and Development Management Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Hogger

Inspector

This report is accompanied by the Appendix containing the Main Modifications