

LDF ADVISORY GROUP – 7 SEPTEMBER 2011

LDF ALLOCATIONS AND DEVELOPMENT MANAGEMENT DPD - DRAFT POLICIES CONSULTATION

Report of the: Director of Community and Planning Services

Status: For Consideration

Key Decision: No

Executive Summary: Following adoption of the Core Strategy the second development plan document to be prepared as part of the LDF is the Allocations and Development Management DPD. This document will identify sites to achieve the aims of the Core Strategy and contain a series of generic policies against which planning applications will be determined. These policies will replace the remaining “saved” Local Plan policies.

Consultation has taken place on the draft policies and this document summarises the key representations received.

This report supports all the Key Aims of the Community Plan

Portfolio Holder Cllr. Mrs Davison

Head of Service Head of Development Services – Mr. Jim Kehoe

Recommendation: It be RESOLVED that the Allocations and Development Management DPD Draft Policies consultation response be noted and work commenced on a publication draft of the document.

Reason for recommendation:

To progress the Council’s Local Development Framework

Background

- 1 On 6 April 2011, the Council approved the Development Management draft policies for consultation. This document outlines the draft development management detailed policies that will be used to determine planning applications.
- 2 The Development Management draft policies were published for consultation from 26 May 2011 to 4 August 2011.

Representations on the Development Management draft policies

- 3 Representations were received from a total of 83 organisations and individuals, listed in Appendix A. A summary of the main issues raised by respondents is contained in Appendix B.
- 4 The summary is structured by the order of the policies as set out in the consultation document.

Next Steps

- 5 The next stage in the process towards adoption is for the comments received as part of this consultation to be considered by SDC. There have been a number of comments received on the policies that cover extensions to residential properties in the Green Belt (Policies H2 and H3). A meeting to discuss the issues raised has been arranged with Councillors on 21 September.
- 6 The Development Management policies will then be combined with the Site Allocation document, which was subject to Options consultation in spring 2010. It is the intention to publish a final version of the Allocations and Development Management Development Plan Document (ADM DPD) in spring 2012, for pre-submission consultation and independent examination
- 7 Information on this timetable for further consultation and examination will be posted on the Council's website and Members will be informed of key dates.

Summary of key issues raised by consultees on draft policies

Development Management Draft Policies General Comments

- 8 General support. Reference to update and inclusion of principles set out in the National Planning Policy Framework (NPPF), highlighting presumption in favour of sustainable development and positive planning. Suggestion of further policy requirements in relation to specific issues – water infrastructure, energy infrastructure, air quality and AONB.

Policy SC1 Sustainable Development

- 9 Qualified support - suggested amendments relating to giving further prominence to the green belt, AONB and biodiversity issues. Suggestion to reference 'Secured by Design' principles and provision of supporting infrastructure. Clarity required in relation to the reference to 'balanced community'.

Policy SC2 Design Principles

- 10 Suggestions for additional design principles relating to parking criteria, walking and cycling routes, impact on local infrastructure, protection of green infrastructure. Concern that referencing security measures could lead to gated communities which are not supported. Support highlighted for good design and schemes that respect local character.

Policy SC3 Amenity Protection

- 11 Minor text changes suggested, including rewording the policy in a more positive context and providing further clarity in relation to resisting uses 'sensitive to poor environmental quality'. Suggestion that amenity of future occupiers should also be referenced in the policy.

Policy SC4 Reuse of Redundant School Buildings

- 12 General support. Suggestion to incorporate reference to viability into the policy. Recommendation to allow re-use for sports and recreation use or to provide accommodation for older people.

Policy SC5 Loss of Neighbourhood Services and Facilities

- 13 Strong support. Suggestion to apply policy equally to rural settlements, more clearly define 'neighbourhood services', and reference the Community Right to Build. Information from NHS Kent & Medway in relation to GP facilities in Hextable, Swanley and Sevenoaks, and need for allocation of a new site in Hextable.

Policy ECC1 Outdoor Lighting

- 14 Suggested amendments in relation to referencing impact of light-spill on adjoining premises / night sky / on AONB. Recommendation that additional policy should also cover water pollution and flooding and that there should be reference to Air Quality Management Areas (AQMAs).

Policy EEC2 Noise Pollution

- 15 General support. Suggestion that the word 'high' should be removed from the final paragraph i.e. proposals for high noise generating uses in the AONB will not be permitted...

Policy HA1 Heritage Assets

- 16 General support. Several recommendations that a Local List (of locally important buildings) should be compiled, although one objection to this proposal. Recommendation that ancient woodland should be protected and that definition of heritage assets should include artefacts discovered below ground.

Policy HA2 Demolition within Conservation Areas

- 17 Qualified support. Suggestion that demolition of buildings in Conservation Areas should be prevented until redevelopment is commenced. Comments regarding control of signage/advertising in Conservation Areas.

Policy GB1 Reuse of Buildings within the Green Belt

- 18 Mixed response. Some objection to 75% of the existing structure being maintained as this is considered to limit flexibility / the building may be unsafe /

may encourage retention of unsightly buildings. Suggestion to re-use buildings for leisure (tourism/holiday accommodation/equestrian facilities) and community uses before residential. Traffic impacts of re-use needs to be considered. Reference to inclusion of details within existing policy GB3B which refers to re-use of buildings constructed in the last 10 years, demonstrating genuine agricultural need (to avoid speculative building for non-viable uses).

Minor Green Belt Boundary Amendments

19 Numerous suggestions for Green Belt amendments (see summary chart P.20).

Major Developed Site (MDS) Boundaries

20 Proposed amendment to existing MDS boundary at Fort Halstead.

Promoting Land for Housing

21 Several sites promoted for housing, which have been previously highlighted through the Core Strategy / Site allocations options consultations (see summary chart P.24).

Policy H1 Residential Conversions

22 Strong support. Comments related to impact on parking and traffic congestion from conversion of residential properties into apartments.

Policy H2 Limited Extensions or Outbuildings to Existing Dwellings in the Green Belt

23 Mixed response. This draft policy generated greatest level of comment, the majority of which raised concerns about the proposed policy. The main areas of objection were:

- each development should be treated on its individual merits;
- concern that by introducing a limit, people build to that limit, and hard to refuse anything below that limit;
- basements below ground should not be included as have no impact on openness of greenbelt;
- floor area preferred to volume for calculation as volume can distort design e.g. by encouraging flat roofs;
- need to introduce height restriction. Concern that current policy will lead to 'extensions upwards';
- volume more complicated to calculate/assess than floor area;
- object to the reduction in percentage size (50% to 30%). Considered 'too drastic';

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- policy will offer less than can be built under Permitted Development rights (which do not distinguish Green Belt areas). GPDO moved away from volume limits to specific criteria;
- base date should be more recent e.g. 2000 (not 1948); and
- confusing, keep existing policy.

24 Other areas of comment were:

- mixed reaction to suggestion of proportionately larger extensions for smaller buildings. Some objection as need to maintain housing mix, although some support as appropriate for smaller properties;
- non habitable floorspace (e.g. roof space) should be excluded;
- potential to remove permitted development rights;
- suggest the existing Local Plan policy H14B(2) which limits the size of outbuilding to 40 sqm should be maintained; and
- proposed policy will better capture the impact of extensions in the Green Belt.

Policy H3 Replacement Dwellings in the Green Belt

25 Similar comments as for Policy H2 above.

26 Concern that proposed changes may impact on the design quality of replacement dwellings and that there should be greater flexibility. Suggestion of using gross internal floor area instead. Reference suggested to circumstances where dwellings have been extended in excess of new policy and therefore like-for-like replacement should be allowed. Reference to AONB.

Policy H4 Re – Use and Protection of Existing Housing Stock

27 Strong support. Suggestion of additional wording that allows for redevelopment that leads to a net increase in units, provided it meets with other policy objectives.

Policy H5 New Residential Care Homes

28 Suggestion to word the policy more positively due to the increasing aging population in the District. Comments on good public transport access and facilities, amenity space and restrictions related to change of use.

Policy H6 Siting of Caravan and Mobile Homes

29 Suggestion that the policy should be limited to temporary permission only and concern that that it is not sufficiently strongly worded to control permanent mobile home development. Recommendation to add a time limit or reference to seasonal agricultural use.

Promoting Land for Gypsy and Traveller and Travelling Show People Accommodation

- 30 General support for the approach and support for cross-borough working, provided it does not delay progress. Recommendation that planning policy for gypsy and traveller sites should be the same as for housing sites for the settled community. Support that sites in the Green Belt are considered inappropriate development.

Policy T1 Mitigating Travel Impact

- 31 General support. Suggestion to strengthen policy that permission will be refused if transport impact mitigation not provided/achievable. Policy should further promote walking and cycling, including reference to health impacts. Other issues raised included air quality, traffic impact on narrow lanes and commercial traffic movement.

Policy T2 Vehicle Parking

- 32 Mixed response. KCC interim residential parking standards considered by some respondents to be inadequate and that SDC should formulate its own parking standards, tailored to Sevenoaks. Flexibility within the policy, to depart from the standards where appropriate, is welcomed. Suggestion to remove reference to 'maximum parking standards' in light of recent government advice to adopt a more flexible approach.

Policy GRN1 Green Infrastructure (GI) and New Development

- 33 Strong support for the approach to development a GI network. Excellent work on GI in the countryside but suggest further work on urban/semi-urban areas. Query the context for making judgements of schemes under this policy and suggested textual amendments. Recommendation that policy should contain a vision for the future GI network detailing areas for improvement or for multifunctional use. Suggest further references to AONB, heritage GI features, Biodiversity Action Areas and monitoring criteria.

Open Space Provision

- 34 Strong support. Additional information required regarding existing open space provision and protection before a response can be made. Suggestion that lakes and open water be added as an open space typology and that mineral and waste sites may provide open space in the longer term.

Policy GRN2 Reuse of School Playing Fields

- 35 Strong support for the approach. Suggested textual amendments to strengthen policy. KCC response that policy does not give sufficient flexibility for its changing educational provision across the District.

Policy EMP1 Employment

- 36 Broad support of policy that protects District's employment land. Suggestion that supporting text should reference Core Strategy policy SP8, but not duplicate the policy. Policy SP8 seeks to retain employment sites unless it can be demonstrated that there is not reasonable prospect of their uptake for business purposes in the plan period. Recommendation that EMP1 relates to improvement of employment provision, whereas SP8 relates to protection of existing sites.

Policy LC1 Sevenoaks Town Centre

- 37 General support, subject to regular review and flexibility, due to rapidly changing retail market. Suggestion that policy related to protection of primary retail frontage should be worded more flexibly in line with national policy PPS4, and include provision for the evening economy. Comment regarding policing requirements associated with late night uses.

Policy LC2 Swanley Town Centre

- 38 General support. Comments as above re PPS4. Suggestion to include Station Road in primary or secondary frontage. Query regarding the location/definition of 'prominent' retail units. Comment regarding policing requirements associated with late night uses.

Policy LC3 Edenbridge Town Centre

- 39 General support, subject to regular review and flexibility. Maintenance of minimum 60% ground floor units in A1 uses considered appropriate. Comment regarding policing requirements associated with late night uses. Query regarding why Edenbridge has a higher % of units to be retained in A1 use than Swanley, when it is lower in the settlement hierarchy

Policy LC4 Neighbourhood Centres

- 40 General support. Concern regarding impact of supermarkets on neighbourhood centres raised. Boundary amendments proposed in relation to St John's Hill neighbourhood centres. Further explanation of 'broad ratio' required. Policing comments as above.

Policy LC5 Village Centres

- 41 General support. Some boundary amendments/additions proposed in Otford, Brasted, Leigh and Eynsford. Suggestion that the policy should be extended to afford protection to shops and services in smaller rural communities without a village boundary. Refer to 'community right to buy' initiative.

Policy LT1 Hotels and Tourist Accommodation

- 42 Strong support. Suggestion to reference potential impact of tourist facilities on ecology / biodiversity / and openness of green belt.

Policy LT2 New Tourist Attractions and Facilities

- 43 Mixed support. Policy considered too restrictive and should adopt a more flexible approach in line with national policy PPG2/PPG4 and allow for replacement buildings/new tourist buildings. Tourism considered important for the local economy and tourist development in the green belt may be appropriate. Suggestion to reference potential impact of tourist facilities on ecology / biodiversity / and openness of green belt.

Policy LT3 Equestrian Development

- 44 General support with minor textual changes. Development of supplementary guidance (SPD) welcomed. Suggestions to reference off-road riding areas, sufficient land available to support horses and cumulative impact of equestrian development on landscape quality.

Policy LT4 Brands Hatch

- 45 Mixed support. Preference expressed for the retention of Local Plan policies WK2 and WK6. Comments in relation to noise pollution and that development should only be supported if there is a reduction in noise levels.

Key Implications

Financial

- 46 Budgetary provision has been made for the cost involved in preparing the Allocations and Development Management DPD. Combining the Allocations and development policies into one document will achieve a significant budget saving in publication and examination costs compared with maintaining two separate DPDs.

Community Impact and Outcomes

- 47 The preparation of the Draft Policies for Consultation had close regard to the Community Strategy vision of safe and caring communities, a green and healthy environment and a dynamic and sustainable economy. The Draft Policies for Consultation as a whole are consistent with the Core Strategy DPD and Community Strategy and contributes either in a leading or supporting role to the implementation of many of the Community Strategy priorities. Overall the Draft Policies for Consultation will be a key aspect of the implementation of the Core Strategy, which should lead to a wide range of positive outcomes for the community.

Legal, Human Rights etc.

- 48 The preparation of an LDF is a requirement under planning legislation. The adopted Allocations and Development Management DPD will form part of the "Development Plan" and has special status in the determination of planning applications. There are requirements regarding notification of interested parties and the production of a statutory notice at the adoption stage and these procedures will be followed.

Equality Impacts

- 49 An updated Equality Impact Assessment was carried out for the Core Strategy in accordance with Council policy. The Draft Policies for Consultation is in conformity with the Core Strategy, however an independent Equality Impact Assessment will be carried out as the document moves towards publication stage.
- 50 The findings of the Core Strategy appraisal have been taken into account in finalising this document.

Sustainability Checklist

- 51 A Sustainability Appraisal report of the Draft Policies for Consultation has been carried out in accordance with Government guidance. A copy has been placed in the Members Room and is available on CMIS.

Conclusions

- 52 It is recommended that the Allocations and Development Management Policies Consultations be noted and the document progressed to the publication stage.

Risk Assessment Statement

- 53 LDF documents are subject to independent examination and the principal risk involved with their preparation is that the examination finds the document to be unsound. The Allocations and Development Management DPD must be in accordance with the Core Strategy and other parts of the development plan and national planning guidance. Following this informal consultation stage the document will progress to publication in which the Council will be required to meet the requirements as set out in the Town and Country Planning Local Development (England) Regulations 2008, at which time it will formally seek the views of key stakeholders in accordance with the Council's Statement of Community Involvement.

Appendices: Appendix A – List of organisations/individuals who responded to the consultation

Appendix B – Summary of representations

Background Papers: The Core Strategy DPD
Allocations (Options) DPD
Draft Sustainability Appraisal Report
Planning Policy Statement 12: Local Development Frameworks

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