

LOCAL PLANNING AND ENVIRONMENT ADVISORY COMMITTEE

27 January 2015 at 7.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Hunter Vice-Chairman: Cllr. Searles
Cllrs. Ball, Butler, Dickins, Gaywood, Horwood, Piper, Mrs. Purves, Mrs. Sargeant, Scholey
and Williamson

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 23 October 2014 as a correct record.	(Pages 1 - 8)	
2. Declarations of interest Any interests not already registered		
3. Actions from Previous Meeting	(Pages 9 - 10)	
4. Update from Portfolio Holder		Cllr Piper
5. Referrals from Cabinet or the Audit Committee (if any)		
6. Adoption of Allocations & Development Management Plan (ADMP)	(Pages 11 - 72)	Richard Morris Tel: 01732 227430
7. Adoption of the Development in the Green Belt Supplementary Planning Document (SPD)	(Pages 73 - 124)	Richard Morris Tel: 01732 227430
8. Adoption of the Local Development Scheme (LDS) Timetable	(Pages 125 - 148)	Richard Morris Tel: 01732 227430
9. Proposed Updated Westerham Conservation Area Character Appraisal and Management Plan	(Pages 149 - 214)	Alan Dyer Tel: 01732 227961
10. Local Enforcement Plan	(Pages 215 - 234)	Richard Morris Tel: 01732 227430

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|---|-------------------|-------------------------------------|
| 11. Community Infrastructure Levy (CIL) Governance | (Pages 235 - 250) | Richard Morris
Tel: 01732 227430 |
| 12. Solar Farm Proposals in the District | (Pages 251 - 256) | Alan Dyer
Tel: 01732 227961 |
| 13. Airports Commission - Preferred Options Consultation | (Pages 257 - 272) | Richard Morris
Tel: 01732 227430 |
| 14. Work Plan | (Pages 273 - 274) | |

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

LOCAL PLANNING AND ENVIRONMENT ADVISORY COMMITTEE

Minutes of the meeting held on 23 October 2014 commencing at 7.00 pm

Present: Cllr. Mrs. Hunter (Chairman)

Cllr. Horwood (Vice Chairman)

Cllrs. Ball, Butler, Dickins, Gaywood, Piper, Mrs. Purves and Searles

Apologies for absence were received from Cllrs. Mrs. Sargeant, Scholey and Williamson

Cllrs. Edwards-Winser was also present.

16. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 3 September 2014 be approved and signed by the Chairman as a correct record.

17. Declarations of interest

No additional declarations were made.

18. Actions from the meeting held on 1 July 2014

The action was noted.

19. Update from Portfolio Holder

A list of current and recent planning related consultations was [tabled](#).

The Portfolio Holder reported that much of the work being carried out formed the bulk of the agenda before Members. He had been working on trying to get members more involved and the process more transparent. He wanted Members more involved before appeals and wider and formalised enforcement monthly report on movements. The tabled paper demonstrated the recent work carried out by the Planning Policy Team on consultations. Anyone who wished to be involved should advise Officers.

He was trying to create links with rural landowners as they had issues such as solar farms and conversions of agricultural buildings. The affordable housing corporate plan promise of up to 40% was not being met primarily due to lack of available land due to the greenbelt and had so far been 11, 9, 19% in last few years. The key issue was viability. With regards to the budget he had asked the Chief Executive for more money in order to test these viability tests in order to challenge them and get closer to the desired outcome. Only one major development with 40% was the one down by the old Police Station. He wanted to improve the performance on this promise. When there was cash alternative this was fed back into a successful scheme called DIYSO. Affordable housing was on the work plan for the meeting in March 2015. Shared equity was 65/35 in favour of social housing.

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In response to a question the Chief Planning Officer advised that the 'up to 40%' was a cascade policy with the largest developments being expected to bring in closer to 40%. The flexibility was that in theory were able to provide a viability statement a lower amount could be agreeable.

20. Referrals from Cabinet

a) Performance Indicators and Targets for 2014/15 (Minute 26, Cabinet – 17 July 2014)

The Committee considered the waste and recycling performance targets which had been presented to Cabinet at its meeting on 17 July 2014 along with an updated version as at 10 October 2014.

Resolved: That Cabinet be advised that the Advisory Committee were satisfied with the explanations in the commentary provided.

21. Budget 2015/16: Service Reviews and Service Plan Impact Assessments (SCIAs)

The Chief Finance Officer presented a report which set out updates to the 2015/16 budget within the existing framework of the 10-year budget and savings plan. The report did not present any savings proposals, but one growth item had been identified which the Committee considered and agreed. Cllr. Edwards-Winser addressed the Committee but was advised that his queries came under the remit of the Finance & Resources Advisory Committee.

Action 1: The Chief Finance Officer to ask Property to respond to Cllr. Edwards-Winser.

The Portfolio Holder advised that he would like to investigate further the possibility of increasing the budget (a further growth item) in order to be able to test viability studies (see Minute 19). The Committee agreed that this should be investigated further.

Resolved: That it be recommended to Cabinet that

- a) the growth proposal identified in Appendix C to the report be agreed; and
- b) there were no growth or savings items to propose at this time.

22. E.U. Waste Framework Directive

The Chief Officer Environmental & Operational Services presented a report which provided an outline of the requirements of the England and Wales Waste Regulations 2011 (as Amended 2012), promoting high quality recycling. It summarised the methodology of the Waste Regulatory route map which had been accepted by the Environment Agency as an acceptable assessment to demonstrate compliance. An Independent Consultant had been engaged to undertake the assessment, and their findings were summarised together with conclusions reached. The conclusion reached was that, on the basis that the recommended actions, as outlined in the report, were implemented, the Council did not need to collect paper, card and plastic separately in order to promote high quality recycling. In response to a question the Chief Officer

Environmental & Operational Services advised that it would cost considerably more to collect glass kerbside than the current arrangements. As previously reported to the Committee, Sainsburys had been looking at carrying out their own glass recycling at their stores but nothing had been implemented yet, and the Council's own glass recycling banks remained on site..

The Chairman endorsed the recommendation to Cabinet.

It was unanimously

Resolved: That it be recommended to Cabinet, on the basis that if the recommended actions identified in the report were implemented, there was good evidence that the Council did not need to collect paper, card and plastic separately in order to promote high quality recycling.

23. Crematoria in the District

The Chief Planning Officer presented the report which described proposals that had come forward for crematorium development in the District, outlined relevant local and national policy and set out the key conclusions of the one appeal decision made early this year.

Resolved: That the report be noted.

24. Community Infrastructure Levy (CIL) Governance Arrangements

The Committee had previously agreed to the arrangement of a Community Infrastructure Levy (CIL) workshop to ensure that the development of governance arrangements by the committee was a Member-led process and to enable Members to debate the issues that the Council would need to consider in greater detail. The workshop had been held immediately prior to the meeting. Initial thoughts on the formation of a CIL spending board had included a panel type system pulled from a pool of members (similar to the Licensing Committee format) that should meet about three times a year with the decision endorsed at a higher level, but further consideration needed to be given to this and would be discussed at a future meeting of the workshop to be arranged. Until these arrangements were worked out it was recommended that the Council set out a non-exclusive list of the types of infrastructure that would be funded through CIL and those that would be secured/funded through planning obligations. The Council would not be able to use planning obligations to secure/fund something that was funded through CIL.

The Joint Planning Policy Team Leader referred to the report where it advised that anecdotal evidence across the country suggested a desire to secure greater control over CIL funding had been a deciding factor in town and parish councils preparing neighbourhood plans but may be unfair to less well resourced town and parish councils that consider themselves unable to bring forward a neighbourhood plan. A way to resolve this would be to give the 25% irrespective of whether there was a neighbourhood plan in place. It would leave the District Council with less funding available to allocate to its own projects or those of partners, such as KCC Education, KCC Highways or the NHS. There would, however, be nothing to prevent town and parish councils passing funding to

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these organisations where improvements in their infrastructure was considered to be the local priority.

A Member was concerned that smaller one member wards may not receive sufficient money to deliver infrastructure improvements and that there may be benefit in the Council retaining greater control for this reason. He was advised that the money could be passed on as contributions to other agencies for schemes that would benefit the area.

The Chief Planning Officer reported that it had been indicated by the Government that irrespective of the elections in May 2015, Neighbourhood Plans were to stay. This proposal was not to act as a disincentive, merely to make the system fairer. It was suggested that Members could continue to debate this proposal through the CIL workshops and then the Advisory Committee and Cabinet meetings would consider the governance structure or they could recommend to Cabinet that it should agree to it now. The Chairman moved that the proposal should apply to 25% of the £125 per sq m residential rate (i.e. the previous agreed equalisation of rates regardless of whether a town or parish council is in the £125 per sq m or £75 per sq m charging area should apply) and it was duly seconded. The motion was put to the vote and

Resolved: That it be recommended to Cabinet that

- a) all Town and Parish Councils, irrespective of whether they have a Neighbourhood Plan in place, be given control over the 25% of CIL; and
- b) the 'Regulation 123 List: Types of Infrastructure to be funded by CIL' as below, be adopted.

'Community Infrastructure Levy

The following types of infrastructure will be funded through CIL receipts:

- Transport schemes other than site-specific access improvements;
- Flood defence schemes;
- Water quality schemes;
- Education;
- Health and social care facilities;
- Police and emergency services facilities;
- Community facilities;
- Communications infrastructure (beyond that directly secured by agreement between the developer)
- Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).

The Council will not treat this list as exclusive and may use CIL to fund other types of infrastructure, subject to its governance arrangements. However the Council will not use CIL to fund site specific infrastructure to be secured through a planning obligation.

Planning Obligations

SDC will use planning obligations for site specific infrastructure, such as:

- Site specific access improvements (these could also be secured through s.278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

Where required to accord with national or local policy, the Council will also use planning obligations to secure the re-provision of any infrastructure that is permitted to be lost through a planning permission granted for redevelopment of that site.

In addition, affordable housing provision and contributions, and related monitoring and legal fees, will continue to be secured through planning obligations.'

25. Statement of Community Involvement - Final for Adoption

The Senior Planning Policy Officer presented the report and outlined the proposed changes to the document arising from the comments made during a six week public consultation, and sought permission to adopt the SCI. The Council's Statement of Community Involvement in Planning (SCI) sets out how the Council proposes to engage local people and organisations in the development planning process, both in Planning Policy and Development Management and had been originally adopted in 2006. In 2013/14 it had been reviewed in order to bring it up to date with current planning legislation and new consultation methods and then sent out for consultation.

The Committee agreed that it was clear and well set out and asked that the final version, if adopted, also be sent out to Town and Parish Councils.

Resolved: That it be recommended to Cabinet to adopt the Statement of Community Involvement in Planning, as amended as set out in Appendix A to the report.

26. Update on the Allocations and Development Management Plan (ADMP)

The Joint Planning Policy Team Leader presented the report which provided a summary of the comments received as part of the Main Modifications consultation and outlined the next steps for the adoption of the Allocations and Development Management Plan (ADMP). The ADMP supplemented the Core Strategy by identifying housing allocations, areas of employment and important areas of open space, and set out new development management policies, which were consistent with the National Planning Policy Framework (NPPF). The ADMP was examined by the Planning Inspectorate in March 2014 and a consultation on the Inspector's Main Modifications had been held between 21 August and 2 October 2014. Members' attention was drawn to the supplementary agenda which contained a late comment received from London Borough of Bromley and

Agenda Item 1 Local Planning and Environment Advisory Committee - 23 October 2014

Appendix E which was a summary of the comments made during the main modifications consultation with responses as requested by the Inspector. There was the possibility that the Inspector could decide to reopen the hearings in relation to Fort Halstead. It was hoped that the report would be received by the end of the year so the ADMP could be adopted January/February 2015.

It was agreed that MM13: Core Strategy Review response should include the wording as set out in the main agenda 'Subject to the findings of an up-to-date Strategic Housing Market Assessment, which the Council will commence in 2014, the Council commits to undertake an early review of the Core Strategy, in part or in whole, within the next five years, in accordance with the National Planning Practice Guidance, in order to ensure that it has an up-to-date suite of policies and proposals in place to deliver sustainable growth in accordance with the NPPF.'

Resolved: That it be recommended to Cabinet that

- a) the comments received through the ADMP Main Modifications consultation be noted; and
- b) the Council's responses to the comments made during the ADMP Inspector's main modifications consultation as set in Appendix E to the report, be agreed, subject to the additional wording outlined above.

27. Gypsy and Traveller Plan

The Joint Planning Policy Team Leader presented a report which outlined the content of the recent government consultation (Planning and Travellers which was published 14 September and possible implications for the Council. The report also set out the alternative sites proposed through the call for sites, that could be subject to a supplementary consultation in the autumn/winter and outlined the proposed next steps to progress the Plan. Members' attention was drawn to the supplementary agenda which contained details of the recent government amendment to the National Planning Practice Guidance.

To make progress on the preparation of the Gypsy and Traveller Plan in accordance with the Local Development Scheme it was proposed that the Council should acknowledge that the Government was consulting on changes to national policy on Gypsies and Travellers in the supplementary sites consultation but continue to prepare its plan on the basis of national policy in place at the current time. Some aspects of the consultation were a fairly radical departure from existing policy and could change following the consultation and/or the General Election. Following the supplementary sites consultation, there would be the opportunity for the Council to reflect on the changes made to national policy before submitting the plan for examination.

The Portfolio Holder endorsed the recommendations as a sensible direction. The Joint Planning Policy Team Leader advised that the gypsy and traveller unit at KCC thought that an unintended consequence of the new proposals was unauthorised encampments.

Resolved: That it be recommended to Cabinet that the Council undertake a supplementary site options consultation, to provide an opportunity for interested

parties to comment on potentially suitable alternative site options, put forward through the recent call for sites.

28. Work Plan

Members noted the work plan. It was agreed to move CIL and add an information item on solar farms to January 2015; Sustainable Drainage (SuDS) be moved and Fly tipping added to March 2015; and it was noted that Pest Control would be reported in the summer.

THE MEETING WAS CONCLUDED AT 8.50 PM

CHAIRMAN

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ACTIONS FROM THE MEETING HELD ON 23 OCTOBER 2014

Action	Description	Status and last updated	Contact Officer
ACTION 1	The Chief Finance Officer to ask Property to respond to Cllr. Edwards-Winser (<i>re Timberden Farm sale</i>). (Minute Item 21)	Response given.	Adrian Rowbotham 01732 227153

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ADOPTION OF THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN (ADMP)

Local Planning and Environment Advisory Committee – 27 January 2015

Report of Chief Planning Officer

Status: For Decision

Also considered by: Cabinet – 5 February 2015
Full Council – 17 February 2015

Key Decision: No

Executive Summary:

The Allocations and Development Management Plan (ADMP) supplements the Core Strategy by identifying housing allocations, areas of employment and important areas of open space. The ADMP also sets out new development management policies, which are consistent with the National Planning Policy Framework (NPPF).

The ADMP was examined by the Planning Inspectorate in March 2014 and a consultation on the Inspector's Main Modifications was held 21 August – 2 October 2014. The Inspector's final report has now been issued. The report finds the Plan sound, subject to the incorporation of the Main Modifications previously consulted upon.

Portfolio Holder Cllr. Piper

Contact Officer(s) Hannah Gooden Ext. 7178 Helen French Ext. 7357

Recommendation to Local Planning and Environment Advisory Committee

That the recommendation to Full Council is endorsed.

Recommendation to Cabinet

That the recommendation to Full Council is endorsed.

Recommendation to Full Council

That the Allocations and Development Management Plan, incorporating the Inspector's main modifications, is adopted.

Reason for recommendation:

To progress the ADMP in accordance with the Local Development Scheme.

Agenda Item 6

Introduction and Background

- 1 Following agreement of the draft Allocations and Development Management Plan (ADMP) by Full Council in February 2013, it was:
 - submitted for examination (November 2013)
 - examined through hearings (March 2014)
 - published for consultation on the Main Modifications (21 August – 2 October 2014) – see Appendix B & C
 - Found ‘sound’ by the Planning Inspector, subject to the incorporation of the Main Modifications (December 2014)

Inspector’s Report on the ADMP

- 2 The final ADMP Inspector’s Report has now been published. It concludes that the plan provides an appropriate basis for the planning of the District, subject to the incorporation of the thirteen Main Modifications.
- 3 The Main Modifications are summarised as follows:
 - The inclusion of a landscape protection policy;
 - The allocation of the reserve housing site at Edenbridge;
 - The amendment of the boundary of the Gas Holders Site, Sevenoaks;
 - The amendment of the allocation at Warren Court, Halstead;
 - The amendment of the boundary of the BT Exchange site, Sevenoaks;
 - The introduction of flexibility into the proposals for the Powder Mills site, Leigh;
 - 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 (up to 450 dwellings) and employment land at Fort Halstead;
 - The inclusion of more detail regarding monitoring and review (3 modifications); and
 - The commitment to an early review of the Core Strategy.
- 4 The report concludes that the Council has complied with the Duty to Co-operate during the plan preparation and that it is positively prepared, justified, effective and consistent with national policy, and therefore meets the criteria for soundness.

- 5 The Inspector notes that the ADMP does not seek to reassess strategic issues considered by the Core Strategy, such as housing or employment targets. He concludes that the appropriate way to reconsider these issues is to undertake a review of the Core Strategy (or prepare a complete Local Plan) if the new Strategic Housing Market Assessment shows a need to do so (as is now required by one of the modifications). The Inspector has attached significant weight to the Broom Hill appeal decisions and has, through his modifications, taken what opportunities exist to address the ‘substantial shortfall’ referred to in the appeal decisions. The report states that:

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.

- 6 The Inspector’s approach, therefore, has been to consider opportunities that exist to increase the number of dwellings that can be accommodated on proposed allocations and to identify additional allocations, where residential development would not be contrary to policies on Green Belt protection and employment land retention, for example. This explains a number of the Inspector’s modifications, such as the allocation of the reserve land in Edenbridge and housing as part of an employment-led development at Fort Halstead. The Council’s existing policies on density and design of development in the Core Strategy, for example, are unaffected by the Inspector’s conclusions on the ADMP.
- 7 The Council is able to decide whether to adopt the plan with the Inspector’s change or to not adopt it. Under planning law, it is not able to make substantive changes to the ADMP, following the examination, and it is not able to reject the Inspector’s changes.

Next Steps

- 8 The proposal to adopt the ADMP will be reported to Advisory Committee on 27 January, Cabinet on 5 February and Full Council on 17 February.
- 9 Assuming the Council agrees to adopt the Plan, its adoption will be advertised as specified by Regulations, it will be distributed widely, and all of those who participated in the Plan formulation process will be informed of this milestone. The Plan will also be published with an updated Proposals Map.

Conclusions

- 10 This report seeks approval for the adoption of the ADMP.

Other Options Considered and/or Rejected

The Council could choose not to adopt the ADMP. However, this would leave the Council without a Plan for the strategic land use allocation of sites and without up-to-date development management policies and would not represent the best use of resources.

Agenda Item 6

Key Implications

Financial

None – the costs of preparing the ADMP are part of planning policy budget.

Legal Implications and Risk Assessment Statement

None – the Council is required to consult on the Inspector's main modifications.

Equality Impacts

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed through an EQIA, which has been carried out on the preparation of the ADMP and also the impacts of the main modifications have been assessed via the SA process.

Appendices

Appendix A – [Inspector's Report on the ADMP](#)

Appendix B – [Inspector's letter to the Council regarding 'main modifications'](#)

Appendix C – [ADMP Main Modifications consultation document](#)

Background Papers

[Inspector's Report on the ADMP](#)

[Inspector's letter to the Council regarding 'main modifications'](#)

[ADMP Main Modifications consultation document](#)

[ADMP Draft for Submission](#)

Richard Morris

Chief Planning Officer

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

File Ref: PINS/G2245/429/6

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

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SEVENOAKS ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN: MAIN MODIFICATIONS

INSPECTOR'S PRELIMINARY FINDINGS

This note is without prejudice to any final Report that I may prepare but based on the evidence that I have read and heard I consider there are a small number of shortcomings in the document, relating to soundness, which the Council should address through the agreement of Main Modifications (MMs). They all relate to issues that were discussed at the Hearings and are summarised in the table below:

		Modification	Soundness reason
MM1	New policy	New policy EN5 - Landscape (see HDC49)	Consistent with national policy
MM2	Policy H1(c)	Change Gasholders Site boundary (para 4.2.4 of Council's Statement on Matter 4)	Justified
MM3	Policy H1(o)	Warren Court buffer and amended housing area/figures (see HDC58)	Justified
MM4	Policy H2(a)	Include Sevenoaks Delivery Office within boundary of H2(a) and up-date guidance (see para 4.27.1 of Council's Statement on Matter 4)	Justified
MM5	Policy H2(f)	Powder Mills - introduction of flexibility regarding the retention of Building 12 (see HDC62)	Justified and effective
MM6	See CS policy LO 6	Release of land at Edenbridge (see para 4.13.14 of Council's Statement on Matter 4 and HDC48)	Positively prepared, justified and effective
MM7	Paragraph 4.6	Clarification regarding the relationship between ADMP and CS policy SP8 (see HDC 52a)	Justified
MM8	Policy EMP3	Clarify policy on Fort Halstead	Positively prepared, justified and effective
MM9	Policy EMP4	Removal of open space designation at Broom Hill, Swanley (see HDC34)	Justified
MM10	Implementation and Monitoring	Performance indicators (see para 11.1.2 of Council's Statement on Matter 11)	Effective
MM11	Implementation	Proposed targets (see para 11.1.5 of	Effective

	and Monitoring	Council's Statement on Matter 11)	
MM12	Implementation and Monitoring	CS targets added (see para 11.2.3 of Council's Statement on Matter 11)	Effective

The Council is currently undertaking further work with regards to MM8 and as soon as that work is completed arrangements will be made to publish the detailed MMs on the Examination web site.

On this basis I am therefore inviting the Council to make a formal request under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) for me to recommend Modifications to the plan that would make it sound.

Following consultation on the MMs the Council should send me a copy of the submissions received; a brief response to those submissions and a short commentary on any implications of the MMs in terms of the sustainability appraisal.

David Hogger

Inspector

24th April 2014

Allocations and Development Management Plan

Main Modifications Consultation

August 2014



Local Plan



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About the Main Modifications to the Allocations and Development Management Plan

Proposed Main Modifications

The Allocations and Development Management Plan was submitted to the Secretary of State for examination by the Planning Inspectorate in November 2013.

Public hearings were held at the Council Offices in March 2014.

Following the public hearings, the Inspector wrote to the Council setting out proposed 'main modifications' to the ADMP that he considers need to be made to make the Plan sound following the public hearings.

All proposed modifications have been subject to Sustainability Appraisal and the findings presented in the Addendum to the ADMP Sustainability Appraisal Report.

These modifications are now subject to a 6 week consultation period.

Following the consultation, submitted comments will be sent to the Inspector along with a brief response to the submissions and a short commentary on any implications of the Modifications in terms of the sustainability appraisal.

The consultation runs from 9am on 21st August to 5pm 2nd October 2014.

How to view the consultation documents

The consultation documents including supporting documents are available to view on the Council's consultation portal at planningconsult.sevenoaks.gov.uk.

Hard copies of the documents can be viewed at the Sevenoaks District Council offices and public libraries throughout the district (see www.sevenoaks.gov.uk for opening hours) during the consultation period.

The Council will also be holding public drop-in sessions, the details of which are available on the consultation portal.

How to comment

You can make comments using several methods:

- By entering your comments through the online portal at planningconsult.sevenoaks.gov.uk
- By completing and returning the consultation form found on the consultation portal to: planning.policy@sevenoaks.gov.uk or Planning Policy, Sevenoaks District Council, Argyle Road, Sevenoaks, TN13 1HG

Comments should be received no later than 5pm on 2nd October 2014.

Summary of Main Modifications

The table below sets out a summary of the main modifications recommended by the Inspector. Details of each Modification can be found in Section 3 and in the examination documents referred to below (for example HDC 49)

Table 1: Sevenoaks Allocations and Development Management Plan Main Modifications

Ref		Modification	Soundness reason
MM1	New policy	New policy EN5 - Landscape (see HDC49)	Consistent with national policy
MM2	Policy H1(c)	Change Gasholders Site boundary (para 4.2.4 of Council's Statement on Matter 4)	Justified
MM3	Policy H1(o)	Warren Court buffer and amended housing area/figures (see HDC58)	Justified
MM4	Policy H2(a)	Include Sevenoaks Delivery Office within boundary of H2(a) and up-date guidance (see para 4.27.1 of Council's Statement on Matter 4)	Justified
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MM9	Policy EMP4	Removal of open space designation at Broom Hill, Swanley (see HDC34)	Justified
MM10	Implementation and Monitoring	Performance indicators (see para 11.1.2 of Council's Statement on Matter 11)	Effective
MM11	Implementation and Monitoring	Proposed targets (see para 11.1.5 of Council's Statement on Matter 11)	Effective
MM12	Implementation and Monitoring	CS targets added (see para 11.2.3 of Council's Statement on Matter 11)	Effective
MM13	Paragraph 1.3	Commitment to review Core Strategy	Consistent with national policy

Main Modification Details

The modifications below are expressed in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text. Changes to the maps are also included.

The page numbers and paragraph numbering refer to the submission ADMP which can be found as a supporting document to this consultation on the consultation portal planningconsult.sevenoaks.gov.uk .

MM1 New Policy EN5 (Landscape)

Ref	Page	Policy/ Paragraph	Main Modification
MM1	P.23	New Policy EN5 (Landscape)	<p><u>Landscape</u> The extensive area of landscape outside the towns and villages contributes significantly to the character of the District. The NPPF outlines the importance of protecting and enhancing valued landscapes and Policy LO8 of the Core Strategy ensures that the distinctive features that contribute to the special character of the landscape will be protected and, where possible, enhanced.</p> <p>61% of the District is located within the Kent Downs or High Weald Areas of Outstanding Natural Beauty (AONB). The NPPF gives great weight to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty, and their setting, giving them the highest status of protection. The distinctive character of the AONBs plays an important part in defining the overall character of Sevenoaks District. Proposals in AONBs will be assessed against Core Strategy Policy LO8, ADMP Policy EN5 and other relevant policies. The AONB Management Plans and associated guidance set out a range of measures to conserve and enhance the distinctive features of each AONB. Any proposal within the AONB must take into account the guidance set out in the appropriate AONB Management Plan and any relevant more specific AONB guidance for example the Kent Downs AONB Landscape Design Handbook (2006), Kent Downs AONB Farmstead Guidance (2012) and Managing Land for Horses (2011).</p> <p>The character of the AONBs and the remainder of the countryside within the District is defined in the adopted Sevenoaks Countryside Assessment SPD. The SPD identifies a number of different character areas and will be used to assess the impact of proposals on landscape character. Tranquillity forms part of the character of certain parts of the landscape within the district as identified by the SPD. Proposals should respect the local landscape character and the specific features identified in the SPD. In addition, proposals should also enhance the character of the countryside by helping secure the landscape actions within the SPD where this would be feasible in relation to the proposal.</p> <div style="border: 1px solid black; background-color: #e6e6fa; padding: 5px; margin-top: 10px;"> <p><u>New Policy EN5: Landscape</u></p> <p>The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard</p> </div>

		<p><u>to the relevant Management Plan and associated guidance.</u></p> <p><u>Proposals that affect the landscape throughout the District will be permitted where they would</u></p> <p><u>a) conserve the character of the landscape, including areas of tranquillity, and</u></p> <p><u>b) where feasible help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD.</u></p> <p><u>Delivery Mechanisms:</u></p> <p><u>The Kent Downs and High Weald Management Plans</u></p> <p><u>The Kent Downs AONB Landscape Design Handbook (2006), Kent Downs AONB Farmstead Guidance (2012) and Managing Land for Horses (2011) and associated guidance</u></p> <p><u>The Sevenoaks Countryside Assessment SPD</u></p> <p><u>Parish Plans</u></p> <p><u>The Residential Extensions SPD</u></p>
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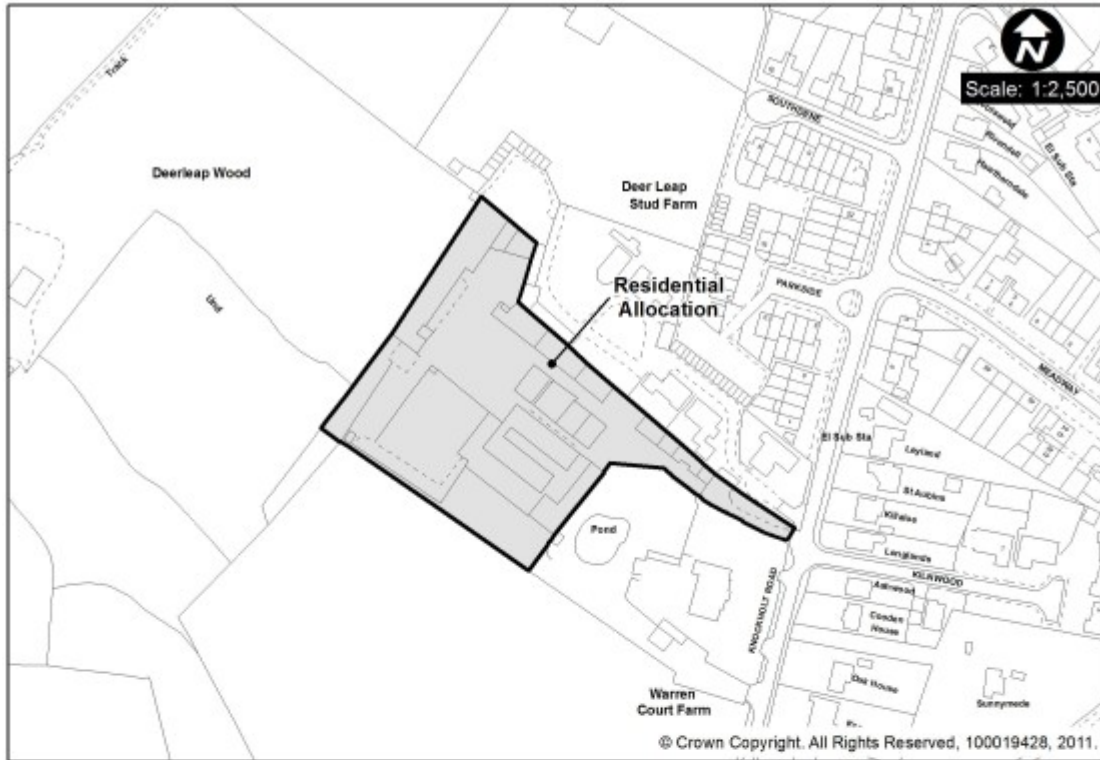
MM2 Policy H1(c) Sevenoaks Gasholder Station, Cramptons Road

Ref	Page	Policy/Paragraph	Main Modification
MM2	Appendix 3	H1(c) Sevenoaks Gasholder Station, Cramptons Road	Gross Area (Ha): 0.88 <u>0.98</u> Net Area (Ha): 0.88 <u>0.98</u> Approximate Net Capacity: 35 <u>39</u> <i>See Map Below</i> (for note only: 107 Cramptons Road is now included in the site boundary)



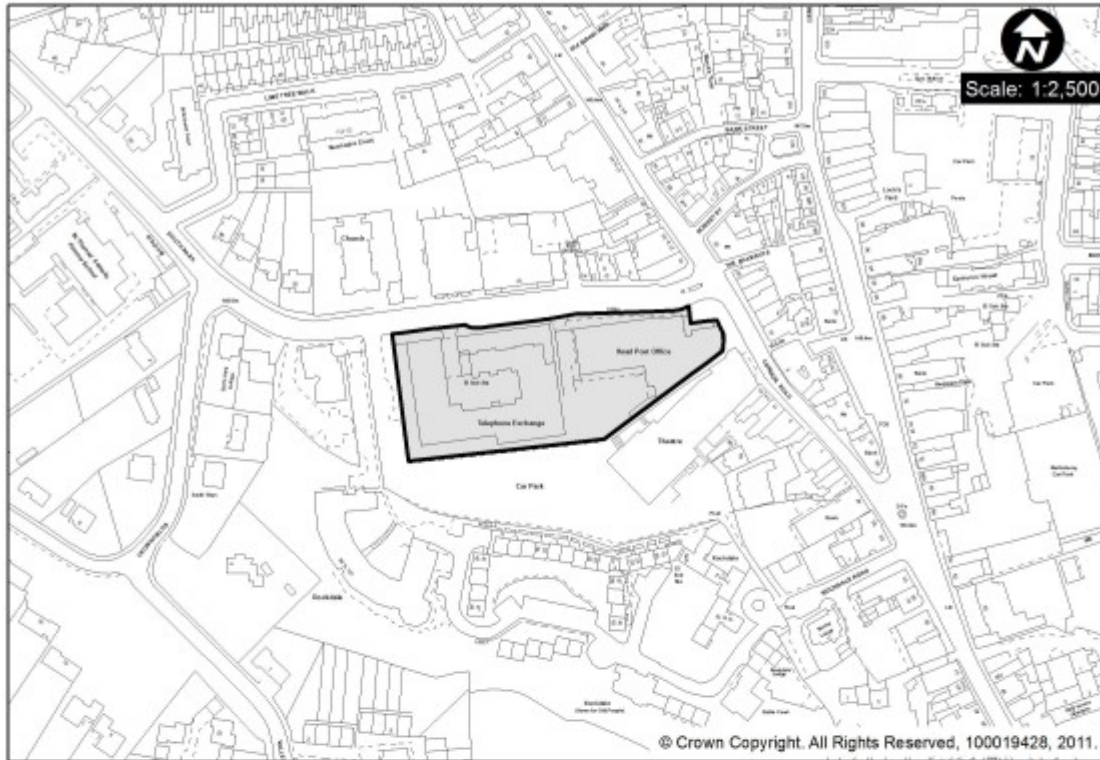
MM3 Policy H1(o) Warren Court, Halstead

Ref	Page	Policy/ Paragraph	Main Modification
MM3	Appendix 3	H1(o) Warren Court, Halstead	<p>Landscape</p> <p>A buffer of woodland is required to protect and extend Deerleap wood to the rear of the site as shown on the accompanying map.</p> <p>Gross Areas (Ha): 1.1</p> <p>Net Area (Ha): 0.69 <u>1.0</u> (to reflect narrow access route)</p> <p>Approximate Net Capacity: 15 <u>25</u></p> <p>(for note only: the hashed area of woodland buffer has been deleted from the plan)</p>



MM4 Policy H2(a) BT Exchange, South Park, Sevenoaks

Ref	Page	Policy/ Paragraph	Main Modification
MM4	Appendix 5	Policy H2(a) BT Exchange, South Park, Sevenoaks	<p>Site Address: <u>Delivery & Post Office / BT Exchange, South Park, Sevenoaks</u></p> <p>Current Use: <u>Post Office / Delivery Office / Telephone Exchange</u></p> <p>Gross Area (Ha): 0.36 <u>0.6</u></p> <p>Net Area (Ha): 0.36 <u>0.6</u></p> <p>Approximate Net Housing Capacity: 25 <u>42</u></p> <p>Design and Layout</p> <p><u>If one element of the site is available for redevelopment in advance of the other, the development should be designed in such a way so as not to preclude the future integration of development, or the operation of the existing functions.</u></p> <p><u>The retention of the Post Office counter facility in a prominent location in the town centre will be required.</u></p> <p>(for note only: the post/delivery office area has been included in the site allocation)</p>



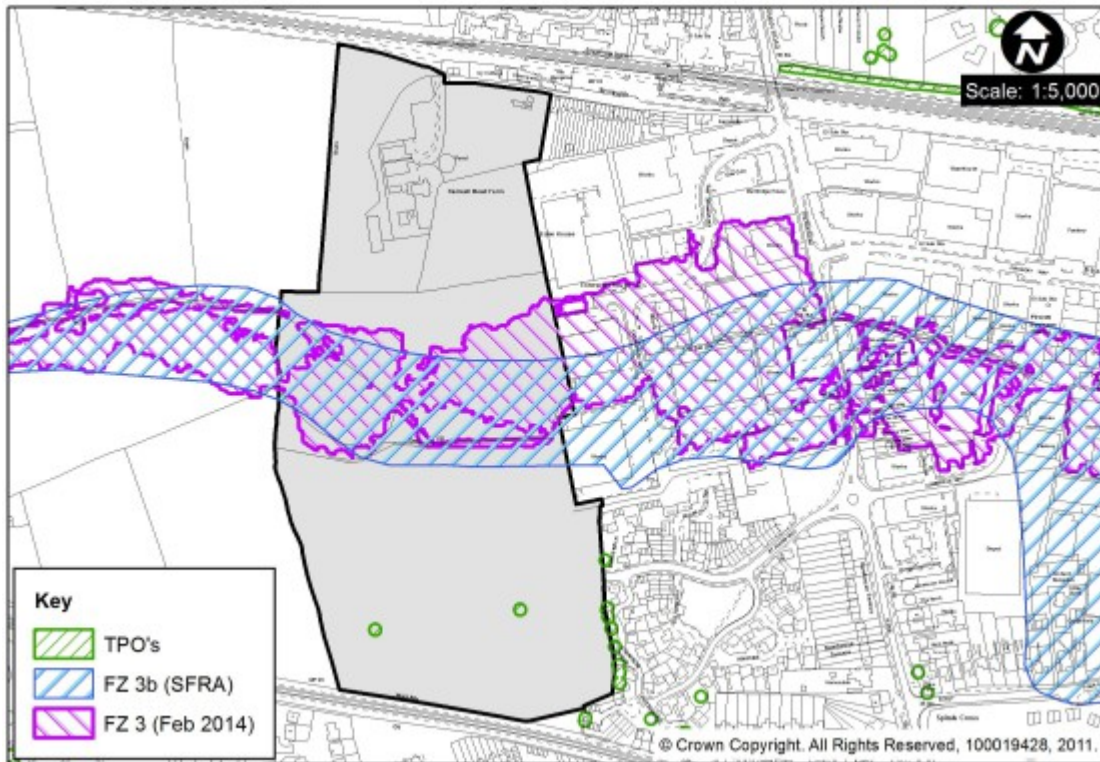
MM5 Policy H2(f) Glaxo Smith Kline, Powder Mills, Leigh

Ref	Page	Policy/Paragraph	Main Modification
MM5	Appendix 5	Policy H2(f) Glaxo Smith Kline, Powder Mills, Leigh	<p>Site Address: Glaxo Smith Kline, Powder Mills, Leigh</p> <p>Development Guide:</p> <p>Design and Layout</p> <p><u>The site is allocated for residential-led mixed use development, including an element of employment space. 'Building 12' shown on the accompanying map should be retained for employment use, or equivalent B1 floorspace (1582sqm) should be provided within the site,</u> with the remainder of the site laid out as residential development in a mix of unit types. Any proposal for residential development that does not include the retention of 'Building 12' <u>or equivalent B1 floorspace</u> would need to justify the loss of employment in line with Policy SP8 of the Sevenoaks Core Strategy.</p> <p>Infrastructure <u>Unless it is confirmed that the proposed foul flow will be no greater than the existing contributing flows from existing premises, the development must provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water. The development should also ensure future access to the existing sewerage infrastructure, if required, for maintenance and upgrading purposes</u></p>

MM6 Policy H1 (p) Land West of Enterprise Way, Edenbridge

Ref	Page	Policy/ Paragraph	Main Modification
MM6	P.28	Reserve Land Paragraph 3.10	<p>3.10 In order to ensure that housing supply remains flexible the Core Strategy (through L06) identifies land at Enterprise Way Edenbridge as a reserve site for housing. The policy states that the site cannot be brought before 2015 and should only be developed in the plan period if the Council cannot identify an adequate five year housing supply would be brought forward for development after 2015 only if required to maintain a five year supply of housing land in the District.</p> <p><u>However, following publication of the NPPF, it is considered that there is a need to bring forward the reserve site now to boost the supply of housing in the District where this would not conflict with strategic objectives (such as protection of the Green Belt and AONB) and the site is included in the residential development allocations in Policy H1. The site has scope for a mix of different types of affordable and market housing. This could include accommodation contributing to housing supply for those with particular needs including a care home facility.</u></p>
MM6 cont.	Appendix 3	Policy H1 (p) Land West of Enterprise Way, Edenbridge	(See following site allocation development guidance)

H1(p) Land West of Enterprise Way, Edenbridge



Site Address:	Land west of St Johns Way and Enterprise Way, Edenbridge	Settlement:	Edenbridge
Ward:	Edenbridge North and East	Proposed Allocation:	Residential and Open Space
Current Use / PP	Greenfield and residential		
Development Guidance:			
Design and Layout			
<p>The site is dissected by an area of flood zone 3a and 3b as shown on the accompanying map. No residential development should be located within this area and sustainable drainage systems (SUDS) will be required as part of any scheme, together with a flood risk assessment. This river corridor should form a feature of the site, and should be managed and enhanced for biodiversity and recreation, in addition to its primary purpose as functional flood plain. Residential development should be located north and south of the constrained flood area.</p> <p>The development will need to be designed to minimise its impact on the Green Belt/ open farmland to the west and scheme design, including building heights and density, should reflect the edge of settlement location of this site. The relationship of the development to the railway lines to the north and south and to the residential and industrial estate to the east will need to be carefully addressed. Proposals should not prejudice the operation of the existing industrial estate, or compromise the amenity of existing and future residents.</p> <p>The size and context of the site make it suitable for a range of housing types, sizes and tenures, including affordable housing in accordance with Council policy. This site is also considered suitable for housing designed for older people (including those with special needs), as it is close to a range of services that would provide for the needs of future occupants.</p>			
Landscape			
<p>The TPO trees within and adjacent to the site should be preserved and form an integral part of the scheme. Landscaping and planting should be integrated into the development and will be required to screen the site from the adjacent countryside, and to provide a buffer between the railway lines, industrial estate, existing residential and the development site. These buffers will also provide biodiversity corridors which will enhance the green infrastructure network and make connections beyond the site. The river corridor should also include biodiversity enhancements. Site biodiversity surveys will be required to ensure any biodiversity concerns are adequately mitigated.</p> <p>Provision of public open space will be required to support the development. The type and layout of open space will be a matter for consultation with the local community, but could include amenity greenspace, children's playspace and allotments, as outlined in the Council's Open Space Study.</p>			
Access			
<p>The primary access to the site should be from St John's Way, with secondary access from Enterprise Way. The existence of the flood zone in centre of the site reinforces the need for multiple accesses.</p> <p>A Transport Assessment will be required to support any future application for the development of the site. Walking / cycling routes into Edenbridge town centre and to Edenbridge / Edenbridge Town station should be improved.</p>			
Infrastructure			
<p>Contributions to CIL will be required. This should facilitate contributions to mitigate impacts of the development on infrastructure, including education.</p>			

Delivery - Principal site owner promoting site for development. The site could come forward in phases, provided no one phase of development would prejudice the development of the area as a whole.			
Gross Area (Ha):	11.8	Net Area (Ha):	9.2(2.6ha flood zone)
Approximate Density (DPH):	30	Approximate Net Capacity:	276
Estimated Development Period:	0-5 years (2012-2016) and 6-10 years (2017-2021)	Source / Evidence Base:	Core Strategy Reserve Land

MM7 Employment Allocations Paragraph 4.6

Ref	Page	Policy/ Paragraph	Main Modification
MM7	P.37	Employment Allocations Paragraph 4.6	<p>Employment Allocations</p> <p>4.6 Core Strategy Policy SP8 is the overarching strategic policy that provides for the retention and creation of employment and business facilities and opportunities throughout the District. <u>It is founded on an evidence base that identifies that employment land supply and demands are broadly in balance over the Core Strategy period (to 2026) (URS Long Term Employment Space Projections, 2011).</u></p> <p><u>Core Strategy Policy SP8 allows for allocated employment sites to be redeveloped for other uses if 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 Council will expect an applicant seeking a release under Policy SP8 to provide information to show that the site has been unsuccessfully marketed, for use of the existing buildings or partial or comprehensive redevelopment, for a period of at least one year, at a time when the site is available or will be available shortly. The Council will expect marketing to have been proactively carried out for uses potentially suitable for the site and at the appropriate price. In addition, the Council will expect the applicant to demonstrate that forecast changes in market conditions will not result in take up of all or part of the site. In considering this forecasting assessment, the Council will, where relevant and amongst other potentially relevant site-specific issues, have regard to the extent to which the evidence from the applicant suggests that:</u></p> <ul style="list-style-type: none"> • <u>there is insufficient forecast demand for the specific land uses currently on the site;</u> • <u>the location and accessibility of the site prevents it from being attractive for business uses, including any specific types of provision (including business start up units or serviced offices) that may be most appropriate for the location;</u> • <u>the quality of existing buildings and infrastructure requires refurbishment or redevelopment which evidence suggests would not be viable, if necessary;</u> <u>and</u> • <u>the redevelopment for alternative uses would provide non-business use (Use Class B) jobs.</u> <p>‡ <u>Core Strategy Policy SP8 promotes a flexible approach to the use of land for business and employment purposes and as such it is the role of this document to formally identify the sites to which Policy SP8 of the Core Strategy applies.</u></p>

MM8 Fort Halstead Policy EMP3

Ref	Page	Policy/ Paragraph	Main Modification
MM8	P.41-43	Fort Halstead Policy EMP3	<p>Fort Halstead</p> <p>4.13 Fort Halstead is a previously developed site within the Green Belt and the Kent Downs AONB that was originally a Ministry of Defence research establishment and is still occupied by defence related industries. It remains a major employer in the District.</p> <p>4.14 Proposals for a major residential-led mixed use redevelopment of the site were considered and rejected through the Core Strategy process. However the Core Strategy states (para 4.5.21) that the main requirements of the current occupiers of Fort Halstead, QinetiQ and the Defence Science and Technology Laboratory (DSTL), may vary during the Plan period. It adds that the implications of a future decline in occupancy of the site will be considered within the policy framework of the Core Strategy and relevant national planning policy</p> <p>4.15 Since the adoption of the Core Strategy, DSTL, the largest employer, has announced its intention to withdraw from the site by 20162017/8. The Council is working with DSTL, QinetiQ and the site owners to assess and mitigate the impact on the local economy of the planned withdrawal. It will also be working with the owners and other interested parties to develop achievable proposals for the future use and redevelopment of the site. <u>The landowners have stated their intention to bring forward a planning application to redevelop the site for a mix of uses including commercial and residential.</u></p> <p>4.16 Any proposals will be tested against the policy framework provided by the Core Strategy and relevant national policy. The Green Belt status of the site constrains the scale of development that can acceptably be accommodated, while its AONB status provides a further constraint on future development. However, there is substantial development on the site at present, as set out in the CLUED granted by SE/03/02897/LDCEX, and it remains an important employment site subject to Core Strategy Policy SP8 on the protection and regeneration of such sites. The Council will therefore expect future redevelopment to be employment-led, though it recognises that in view of the size of the site and the specialist nature of some of the buildings that there may be some scope for widening the mix of uses if required to support the employment-led regeneration, subject to policy considerations. The size of the site makes it feasible to accommodate a range of housing types and tenures. Policy considerations include the requirement for the resultant development to comply with sustainability principles, including conserving and enhancing the Kent Downs AONB, and sustainable transport proposals for accessing the site. The District Council will expect redevelopment</p>

proposals to provide for approximately 1200 jobs which were provided on site prior to the announced withdrawal of DSTL. The departure of DSTL creates an opportunity to redevelop the site to meet modern business needs. Any redevelopment should meet the following broad objectives:

1. It should be employment-led and should maintain the site's role as an important employment site in the District. Provision should be made for a range of employment uses sufficient to provide for approximately 1,200 jobs, equivalent to the level of employment on site prior to the announced withdrawal of DSTL. There should be flexibility to accommodate types of business with different space needs. Employment-uses should include provision for the retention of Qinetiq in premises to meet their needs and opportunities to attract and accommodate similarly high skilled jobs should be fully explored and planned for. Although not an essential requirement there would be some benefit in including a hotel which could complement other development on the site and assist in improving hotel provision in the District.

2. It should be deliverable. The Council recognizes that delivery of employment-led redevelopment is dependent on the development being viable. It has reviewed the viability of options for redevelopment in the light of the landowner's emerging proposals. This review shows that redevelopment for employment use alone would not be viable and therefore unlikely to come forward in a period that would enable the jobs lost by the departure of DSTL to be replaced in a timely manner. However, with the inclusion of residential development alongside the employment uses, there is the prospect of making the whole development viable. There is substantial development on the site at present, and a CLUED has been granted by the Council (SE/03/02897/LDCEX). The existing employment density of the site is relatively low which means there is scope to replace the existing jobs in a redevelopment on only part of the site creating space for significant residential development as part of a comprehensive development while still keeping within the existing developed area. Evidence produced on behalf of the landowner and reviewed by the Council shows that a development providing replacement employment provision and incorporating approximately 450 dwellings could potentially be accommodated within the existing built confines and without adverse impact on the AONB or an increase in development in the Green Belt. Such a development represents a useful addition to the Council's housing land supply and should enable a range of housing types and tenures to be included.

3. It should be comprehensive. Fort Halstead is a large site and the departure of DSTL could effectively render the whole site redundant unless redevelopment is undertaken. Redevelopment needs to be comprehensive and integrated to ensure a high quality outcome for the whole site and secure a viable future for QinetiQ on the site. A development agreement and phasing plan will be needed to ensure that the development is delivered as a whole in a timely way and in a way that is truly employment-led.

4. It should comply with sustainable development principles. This should include provision of appropriate community facilities on site proportionate to the scale of the development, sustainable transport proposals for accessing the site, sustainable construction methods and provision of green infrastructure and measures to conserve and enhance the Kent Downs AONB in which the site is situated.

5. It should result in no increased impact on the openness of the Green Belt and AONB within which the site lies. This means that development should be contained within the Major Employment Site boundary. In addition the overall quantity of development on the site should not increase (with the CLUED used as a reference point) and the height of buildings should also be contained to avoid any increased visual impact on the surrounding area. Existing woodland around the site incorporates ancient woodland that should be protected in its own right but in addition needs to be retained to ensure the developed site remains well-screened. As far as possible, the overall development should contribute positively to the AONB.

4.17 At this stage it is considered premature to set out a detailed proposal for future redevelopment and Policy EMP3 instead sets out broad sets out requirements for future development and the principles that will apply when redevelopment proposals are being considered. The delivery mechanism to the policy proposes the preparation of a development brief for the site to provide a more specific agreed planning framework.

4.18 The Core Strategy states (para 4.5.20) that the defined boundary of the site from the Saved Local Plan will be reviewed to more fully reflect the developed area in business use. This review has been carried out and the new boundary is shown in Appendix 6

Policy EMP3 - Redevelopment of Fort Halstead

Fort Halstead, as defined in Appendix 6, is allocated as a Major Employment Site in the Green Belt.

Redevelopment proposals will be expected to achieve a range of employment uses appropriate to an employment site such as research and development serviced offices and workshops or land-based employment, and generate at least the number of jobs that the site accommodated immediately prior to the announced withdrawal of DSTL from the site. Redevelopment may also include a hotel. Land based employment, such as the management of the woodland and downland will also be supported, subject to the criteria below.

Residential development of up to 450 units may also be permitted provided it forms part of a mixed used scheme that delivers an employment-led development and is designed and sited in a way that is consistent with the

provision of a range of employment uses appropriate to an employment site. It must also comply with other aspects of the policy.

The inclusion of appropriate community facilities and infrastructure to support the sustainable development of the site consistent with the policy will be required.

Redevelopment of the site will maintain or reduce the amount of built development on the site and be fully contained within the Major Employment Site Boundary. It should have no greater impact on the openness of the Green Belt. The height of the buildings must take into account the need to conserve and enhance the natural beauty of the countryside in this location.

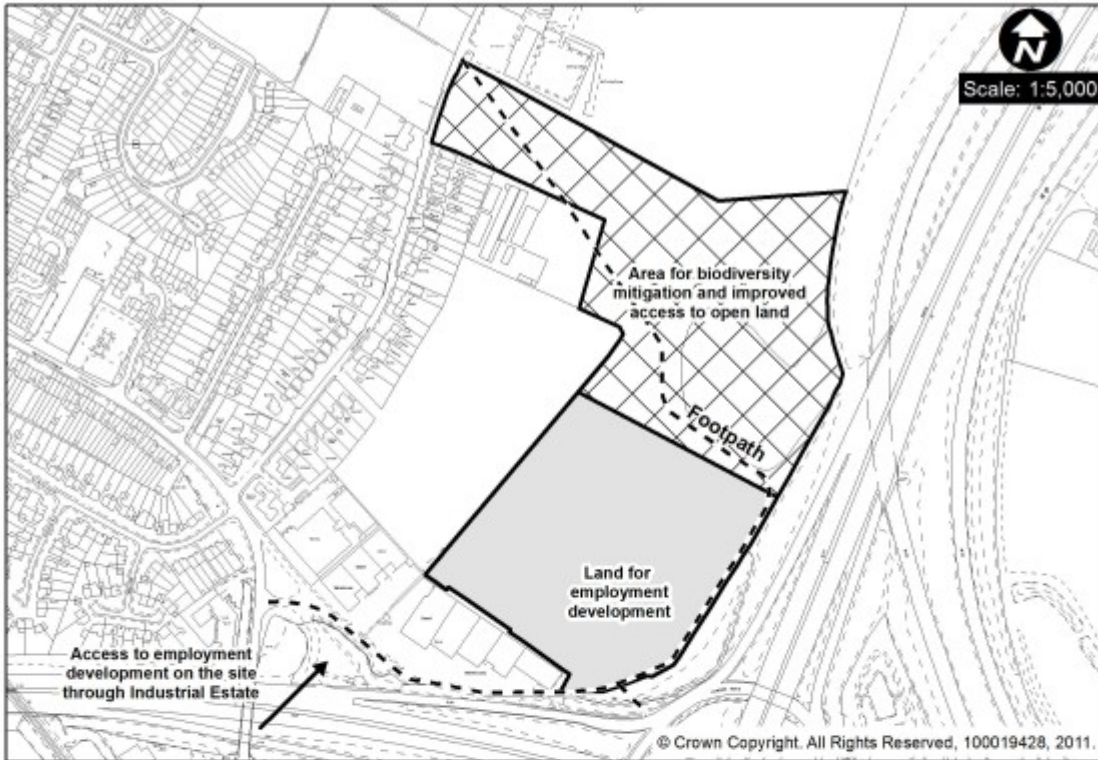
Redevelopment proposals, ~~including those to widen the mix of uses on site, such as including an element of residential development and a hotel,~~ would be expected to:

- Be sustainable in respect of the location, uses and quantum of development and be accompanied by a Travel Plan incorporating binding measures to reduce dependency of future occupants on car use;
- Provide accessibility to jobs, shops and services by public transport, cycling or walking, including proposals for onsite provision proportionate to the proposed development;
- Make a positive contribution to the achievement of aims and objectives of the Kent Downs AONB Management Plan and conserve and enhance the natural beauty and tranquillity of the Kent Downs Area of Outstanding Natural Beauty;
- Confirm, by way of a Transport Assessment, that the development would not have an unacceptable adverse impact on the local and strategic road networks;
- Protect and integrate the Scheduled Ancient Monument and listed buildings into the development with improved access and setting;
- Integrate existing dwellings located in close proximity to the boundary of the Major Employment Site into the new development;
- Incorporate principles of sustainable design and construction to minimise energy consumption in its construction and operation;
- Improve the provision and connectivity of green infrastructure, including the protection, enhancement and management of biodiversity and the provision of improvements to the Public Right of Way network.
- Provide for a comprehensive development and include a phasing plan, including phasing of infrastructure

			<p data-bbox="592 208 1369 275">provision, showing how each phase of the development will contribute to the implementation of the policy.</p> <p data-bbox="592 349 879 387">Delivery Mechanism:</p> <p data-bbox="592 414 1350 539">A Planning Brief will be prepared to guide the redevelopment of Fort Halstead, in consultation with, amongst others, the site owners, local parish councils, the Kent Downs AONB Unit and infrastructure providers</p>
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MM9 EMP4 Land at Broom Hill, Swanley

Ref	Page	Policy/ Paragraph	Main Modification
MM9	P.44	Broom Hill Paragraph 4.30	The 'Employment Land Review' (2007) and the 'Employment Land Review Update' (2011) are based on the development of 4.1ha of the total 8.1ha allocated for employment use at Broom Hill. This provides the opportunity to consider a mix of uses on the site. Planning permission was recently granted for residential development on the western half of the site for up to 61 dwellings, partly on the basis that employment requirements could be met on the eastern half. The Council consider that the site is suitable for a mix of employment proposed allocation remains suitable for employment development, as well as providing opportunities for improved open space provision on the site and land in the Green Belt to the north.
		Appendix 4	EMP4 Land at Broom Hill, Swanley (Note: annotation 'land to be maintained as open space' deleted on the western edge of the site)
		Appendix 9	Delete designation 2053 (Land at Broom Hill) for natural and semi natural open space on the map of Swanley. Delete corresponding entry in the schedule (listed as 2063).



MM10&MM11 Implementation and Monitoring: Performance Indicators and Targets

Ref	Page	Policy/ Paragraph	Main Modification	
MM10 & MM11	Various	Implementation and Monitoring Performance Indicators and Targets	Performance indicator	Proposed Target
			Environment p. 26	
			Number of applications for demolitions in Conservation Areas	No demolitions should be granted contrary to advice from the Conservation Officer and/or English Heritage.
			Housing p. 36	
			Progress on delivering new housing on Housing Allocation sites	Housing allocations completed in line with the phasing set out in the development guidance in Appendix 3 of the ADMP
			Progress on delivering new housing on mixed use allocation sites	All mixed use allocation sites completed in line with the phasing set out in the development guidance in Appendix 5 of the ADMP
			Additional completed units from residential subdivision	No additional completed units granted contrary to policy or overturned at appeal following a refusal
			Number of completed housing sites with a net loss of units	No more than 5% of completed housing sites to have net loss during the plan period.*
			Economy and Employment p. 45	
			Maintenance of Employment Allocations and Major Developed Employment Sites in the Green Belt	No loss of Employment Allocations and Major Developed Employment Sites in the green belt
			Progress on Broom Hill development	Development completed within the Plan period.
			Change in Employment floor space in non allocated sites	No annual net loss of employment floor space across the District
			Town and Local Centres p. 55	
			Percentage of A1 frontage within Primary Frontages	At least 70% A1 frontage within Primary Frontage of Sevenoaks Town Centre

of Sevenoaks Town Centre	
Percentage of A1 frontage within Primary Retail Frontage of Edenbridge Town Centre	At least 45% A1 frontage within Primary frontage of Edenbridge Town Centre
Green Infrastructure and Open Space p. 65	
Development of school playing fields	No development of school playing fields contrary to policy or overturned at appeal
The Green Belt p. 83	
Proportion of additional employment floor space in Urban Confines	90% of newly built employment (B use classes), excluding replacement buildings, to be within the Urban Confines during the plan period**
Proportion of completed housing in Urban Confines	80% housing units to be built within Urban Confines***
Proportion of residential Green Belt applications overturned at appeal for: Extensions, Basements, Outbuildings, Replacement dwellings	No refused proposals for extensions, basements, outbuildings or replacement dwellings overturned at appeal
Net additional caravan/mobile home units for agricultural and forestry workers in the Green Belt	No refused proposals for additional caravan/mobile home units for agricultural and forestry workers in the Green Belt overturned at appeal
Leisure and Tourism p. 87	
Additional Hotel and Tourist Accommodation Units in Urban Confines and Green Belt	No net loss of hotel and tourist accommodation in the District
Additional Tourist attractions and facilities	No net loss of tourist attractions and facilities in the District
Number of equestrian related applications	No refused equestrian related development overturned at appeal

		<table border="1"> <tr> <td><i>overturned at appeal</i></td> <td></td> </tr> <tr> <td><i>Development at Brands Hatch</i></td> <td><i>No refused proposals for development at Brands Hatch overturned at appeal</i></td> </tr> <tr> <td colspan="2">Community Facilities p.89</td> </tr> <tr> <td><i>Development of redundant school buildings</i></td> <td><i>No development of redundant school buildings where the applicant was not able to show that alternative community uses were not previously considered.</i></td> </tr> <tr> <td colspan="2">Travel and Transport p. 94</td> </tr> <tr> <td><i>Number of developments which include publicly accessible electric vehicle charging points</i></td> <td><i>A net increase in electric vehicle charging points over the plan period</i></td> </tr> <tr> <td><i>Number of developments which depart from Vehicle Parking Guidance Note</i></td> <td><i>No developments permitted which depart from Vehicle Parking Guidance Note</i></td> </tr> </table>	<i>overturned at appeal</i>		<i>Development at Brands Hatch</i>	<i>No refused proposals for development at Brands Hatch overturned at appeal</i>	Community Facilities p.89		<i>Development of redundant school buildings</i>	<i>No development of redundant school buildings where the applicant was not able to show that alternative community uses were not previously considered.</i>	Travel and Transport p. 94		<i>Number of developments which include publicly accessible electric vehicle charging points</i>	<i>A net increase in electric vehicle charging points over the plan period</i>	<i>Number of developments which depart from Vehicle Parking Guidance Note</i>	<i>No developments permitted which depart from Vehicle Parking Guidance Note</i>
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<i>Number of developments which depart from Vehicle Parking Guidance Note</i>	<i>No developments permitted which depart from Vehicle Parking Guidance Note</i>															
		<p><u>* Since 2006, 548 housing sites have been completed of which 7 (2.8%) had an overall net loss of units.</u></p> <p><u>** Since 2006, 1.4% of additional newly built (excluding replacements) employment (B use classes) floorspace built within the District was within the Green Belt.</u></p> <p><u>***Since 2006, 80% of net housing was built within the Urban Confines. Of the remaining 20%, 17% completed housing units were considered appropriate development within the Green Belt including rural exception sites, conversions of existing buildings and redevelopment of sites where there is no greater harm to the openness of the green belt.</u></p>														

MM12 Implementation and Monitoring: Core Strategy Performance Indicators and Targets

Ref	Page	Policy/ Paragraph	Main Modification	
MM12	Various	Implementation and Monitoring Core Strategy Performance Indicators and Targets	Core Strategy Performance Indicator	Target
			Chapter 1. Sustainable Communities and Development Principles p.14	
			Proportion of completed housing in main settlements of Sevenoaks, Swanley and Edenbridge	68% of the housing supply in predicted to be within Sevenoaks Urban Area and Swanley. 74% of the housing supply is predicted to be within Sevenoaks Urban Area, Swanley and Edenbridge.
			Change in Employment floor space in the Main Settlements	The overall stock of employment land to be maintained
			Proportion of additional employment floor space in Urban Confines	The overall stock of employment land to be maintained
			Proportion of completed housing in Urban Confines	No new dwellings were allowed on appeal by the Planning Inspectorate within the Green Belt
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements
			Chapter 2. Environment p. 26	
			Performance of new housing against Building for Life criteria	Two thirds of new housing development to be rated good or better against the Building for Life criteria and no development to be rated poor.
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements
			Change in the number of Heritage Assets	No loss of listed buildings, historic parks and gardens, scheduled monuments or sites of archaeological interest.
			Change in Conservation Area extents	No reduction in the extent of Conservation areas due to insensitive development
			Chapter 5. Town and Local Centres p.55	

			Change in Retail floorspace in the main settlements	Approximately 4000sqm net additional floorspace to be provided in Sevenoaks Town Centre by 2026.
			Swanley Regeneration Scheme	A town centre regeneration scheme, consistent with the Core Strategy, to be approved within five years and completed within ten years of the Core Strategy adoption.
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements
Chapter 6. Green Infrastructure and Open Space p.65				
			Protection of Open Space Allocations	To maintain the Open Space allocations
Chapter 9. Community Facilities p.89				
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements

MM13 Commitment to review Core Strategy

Ref	Page	Policy/ Paragraph	Main Modification
MM13	Page 11	Paragraph 1.3 Core Strategy	<p>Core Strategy</p> <p>1.3 The Core Strategy promotes sustainable development. It is the over-arching planning document that sets out the Council's vision, strategic objectives and broad policies for the amount and location where future development should be sustainably located in the District over the period 2006 -2026, as well as a number of generic policies concerning, for example, design quality, sustainable development and infrastructure provision.</p> <p><u>Subject to the findings of an up-to-date Strategic Housing Market Assessment, which the Council will commence in 2014, the Council commits to undertake an early review of the Core Strategy, in part or in whole, within the next five years, in accordance with the National Planning Practice Guidance, in order to ensure that it has an up-to-date suite of policies and proposals in place to deliver sustainable growth in accordance with the NPPF.</u></p> <p>A summary of the approach included in the Core Strategy is set out below.....</p>

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**Planning Policy Team
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1GN**

**www.sevenoaks.gov.uk/ldfconsultations
ldf.consultation@sevenoaks.gov.uk**

**Tel 01732 227000
Fax 01732 451332**

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ADOPTION OF THE DEVELOPMENT IN THE GREEN BELT SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Local Planning and Environment Advisory Committee – 27 January 2015

Report of Chief Planning Officer

Status: For Decision

Also considered by: Cabinet – 5 February 2015

Key Decision: No

Executive Summary:

The Development in the Green Belt SPD provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. It explains how the Green Belt policies that have been found sound in the Allocations and Development Management Plan will be implemented. The guidance will help to ensure consistency in decision making when determining planning applications in the Green Belt.

The SPD has been amended following public consultation in February 2013, and this report seeks the adoption of the document.

Portfolio Holder Cllr. Piper

Contact Officer(s) Emma Boshell (7358)

Recommendation to Local Planning and Environment Advisory Committee:

That the recommendation to Cabinet is endorsed.

Recommendation to Cabinet:

That the Development in the Green Belt SPD is adopted.

Reason for recommendation:

To ensure consistency in decision making when determining planning applications in the Green Belt.

Introduction and Background

- 1 The Development in the Green Belt SPD was drafted in early 2013 and provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. The document builds on the Green Belt policies in the Allocations and Development Management Plan (ADMP), which

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have now been found sound following examination in March 2014. It will help to ensure consistency in decision making when determining planning applications in the Green Belt and provide guidance to applicants on how the policies will be applied.

- 2 The SPD will be used by the Council in determining planning applications.
- 3 Public consultation was carried out between 21 March and 2 May 2013, at the same time as the ADMP, for 6 weeks. All contacts on the Local Plan consultation database were notified by email or by letter, including Parish and Town Councils, and a notice was placed on the Council's website. Copies of the document were placed in local libraries for inspection.
- 4 A total of 42 representations were received from members of the public, Parish and Town Councils, agents and other stakeholders. A summary of these comments is set out in Appendix A.
- 5 A number of amendments are proposed:
 - In response to comments made during the public consultation;
 - In response to updates to government guidance;
 - In response to amendments to the Green Belt policies in the ADMP; and
 - A number of general minor amendments relating to the presentation of the document and the updating of planning terms.
- 6 These amendments are set out in Appendix A, and incorporated into the document itself at Appendix B.
- 7 The Council is unable to make significant amendments to policies in the ADMP without undertaking further consultation and submitting the revised policies for examination again.

Conclusions

- 8 This report seeks approval for the adoption of the Development in the Green Belt SPD.

Other Options Considered and/or Rejected

The Council could choose not to adopt the Development in the Green Belt SPD. However, this is not recommended as it would leave the Council without consistency in decision making when determining planning applications in the Green Belt.

Key Implications

Financial

None – the costs of preparing the Development in the Green Belt SPD are part of the Planning Policy budget.

Legal Implications and Risk Assessment Statement

None – the Development in the Green Belt SPD has been prepared consistent with national planning policy and guidance and is a subsidiary document to the ADMP, which has been found sound.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A – Summary of comments and proposed amendments to the Development in the Green Belt SPD

Appendix B – Development in the Green Belt SPD (as amended)

Background Papers:

[Allocations and Development Management Plan \(submission\)](#)

Richard Morris
Chief Planning Officer

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APPENDIX A – Summary of comments and proposed amendments to the Development in the Green Belt SPD

Chapter 2 – Overview of Green Belt Policies

Comment ID	Consultee Name	Company / Organisation	Support / Object to changes	Summary of Comment	Officer Response
GB17	Christine Lane	Edenbridge Town Council	Support subject to changes	* Concerned that the definition of Green Belt in paragraph 2.1 is misleading, as it could be interpreted that the Green Belt exists to retain countryside.	* Noted, however paragraph 2.1 reflects the definition of Green Belt as set out in the NPPF – no change.
GB38	Brian Lloyd	CPRE Protect Kent	Support subject to changes	<p>* Paragraph 1.2 should be amended – SPDs do not form part of the Local Plan.</p> <p>* The word ‘acceptable’ in paragraph 4.6 should be amended to ‘appropriate’ to reflect the language used in the NPPF.</p> <p>* The description of the term ‘development plan documents’ in the glossary should be amended to remove the reference to SPDs.</p>	<p>* Agree – the NPPF states that SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. Amend paragraph 1.2:</p> <p><u>‘Once adopted the SPD provides additional information to assist with the interpretation and implementation of policies set out in the Core Strategy and Allocations and Development Management Plan (ADMP), and is will form part of Sevenoaks District Council’s Local Plan (also known as the Local Development Framework) and will be used by the District Council in determining planning applications.’</u></p> <p>* Agree – amend paragraph 4.6:</p> <p>‘To avoid increasing impact, conversions that involve disproportionate extensions will not be considered acceptable <u>appropriate</u>...’</p> <p>* Agree – amend the term ‘Development Plan Documents (DPD)’ in the Glossary to exclude Supplementary Planning Documents.</p>

				* References to the 'proposals map' should be amended to 'policies map'.	* Agree – amend paragraph 1.6 and the Glossary to replace the word 'proposals' with 'policies'.
GB39	Liz Shier	Kent County Council	Support subject to changes	* The Green Belt policies in the ADMP are repeated in the SPD – considered unnecessary and should be removed from the SPD.	* Noted, however it is considered that the inclusion of the Green Belt policies in the SPD provide clarity for the reader and prevents cross referencing – no change.
GB40	Liz Shier	Kent County Council	Support subject to changes	* Policy GB4 should be amended to require replacement dwellings to harmonise with the historic character of the surrounding area with respect to layout, materials, massing and scale.	* Noted, however policy GB4 has been found sound by the Planning Inspector – no change.

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Chapter 3 – Limited Residential Infill in Villages in the Green Belt

Comment	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB3	Jennifer Wilson	Environment Agency	Support	No further comments received.	* Support noted – no change.
GB6	Trevor Hall	Kent Police	Object	No further comments received.	* Objection noted – no change.
GB41	Alan Gunne-Jones	Planning & Development Associates	Object	<p>* Paragraph 3.1 states that 'development within villages in the Green Belt is limited to small scale infilling'. This is not consistent with Core Strategy policy L07 which refers to 'infilling and redevelopment on a small scale' or the NPPF which refers to limited infilling.</p> <p>* Paragraph 3.2 misrepresents the NPPF – limited infilling is not inappropriate development, and there is no reference to preserving the</p>	<p>* Noted, however it is considered that paragraph 3.1 is consistent with Core Strategy policy L07 and NPPF paragraph 89 – no change.</p> <p>* Agree in part – NPPF paragraph 89 considers exceptions to inappropriate development in the Green Belt. Amend paragraph 3.2 for clarity:</p>

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				<p>openness of the Green Belt.</p> <p>* Paragraph 3.3 definition of infilling is considered too restrictive and contrary to the NPPF. The paragraph should be deleted.</p> <p>* Paragraph 3.4 definition of substantially built up frontage too restrictive and precludes appropriate development within Core Strategy policy L07 settlements. The paragraph should be deleted.</p>	<p>'The National Planning Policy Framework (NPPF) states that <u>limited infilling in villages, and limited infilling of brownfield sites which would not have a greater impact on the openness of the Green Belt, are is not inappropriate development in the Green Belt, provided it preserves the openness of the Green Belt.</u>'</p> <p>* Noted, however neither the NPPF nor NPPG provide a definition of 'infilling', therefore the SPD aims to provide clarity on what is and is not acceptable. The main aim of Green Belt policy is to keep land open, therefore infill development beyond an appropriate scale would compromise the purposes of the Green Belt. It is considered that paragraph 3.3 provides such clarity – no change.</p> <p>* Noted, however neither the NPPF nor NPPG provide guidance on what constitutes an appropriate location for infilling, therefore the SPD aims to provide clarity on where infilling is and is not acceptable. By its very nature, in order to 'infill' a piece of land, it requires existing development either side, and Core Strategy policy L07 resists development outside of defined boundaries. It is considered that paragraph 3.4 provides such clarity – no change.</p>
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Chapter 4 – Conversion of Buildings in the Green Belt

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB11	Phil Aelen	DHA Planning	Support subject to changes	* The reference in paragraph 4.2 to Core Strategy policy SP8 which sets out the Council's preference for	* Noted, however Core Strategy policy SP8 is an adopted policy and cannot be changed through the SPD – no change.

				<p>commercial re-use rather than residential is not consistent with NPPF paragraph 55 and should be deleted.</p> <p>* NPPF paragraph 90 notes that the re-use of buildings is not inappropriate providing that they are ‘of permanent and substantial construction’. However ADMP policy GB7(b) states that they should be ‘capable of conversion without major or complete re-construction that would detract from their original character’. This is a more onerous test than the NPPF and should therefore be deleted.</p> <p>* Paragraph 4.4 requires ‘at least 75% of the original structure maintained’ – this is an unjustified approach and should be deleted.</p>	<p>* Noted, however neither the NPPF nor NPPG provide guidance on what constitutes a building that is ‘of permanent and substantial construction’, therefore the SPD aims to provide clarity on the matter. By quantifying what the applicant needs to demonstrate in submitting an application for the re-use of a building within the Green Belt, it is considered that criterion b) in policy GB7 provides such clarity. In addition policy GB7 has been found sound by the Planning Inspector – no change.</p> <p>* Noted, however paragraph 4.4 sets out that the conversion of a building that requires substantial rebuilding in order to make it suitable for re-use will not be permitted. In order to quantify this, the Council suggests that at least 75% of the original structure should be maintained to protect its character. However, this is only a starting point, and the paragraph is suitably flexible to recognise that a lesser proportion could be acceptable – no change.</p>
GB18	Holly Ivaldi	Eynsford Parish Council	Object	<p>* ADMP policy GB7 is much weaker than Local Plan policy GB3B.</p> <p>* The wording needs to be robust enough to prevent agricultural buildings being built under permitted development where the intention may be to convert to residential at a later date – applications should require agricultural justification for proposals. Suggested wording: ‘Where little or no</p>	<p>* Noted, however policy GB7 has been found sound by the Planning Inspector – no change.</p> <p>* Noted, however paragraph 4.7 addresses this concern. There has been a recent change to the General Permitted Development Order affecting agricultural buildings therefore an additional paragraph is proposed under paragraph 4.7: <u>‘4.8 In April 2014, permitted development rights were amended to allow the change of use of</u></p>

				<p>agricultural use has been made of the building and a request for conversion is received, removal of the building should be the preferred option’.</p> <p>* ADMP policy GB7 may encourage speculative building in the Green Belt.</p>	<p><u>agricultural buildings and land to residential to be considered under prior approval, rather than the submission of a full planning application. This applies to agricultural buildings up to 450 square metres for conversion to a maximum of three dwellings, providing there is no increase to the external dimension of the existing building. Home owners and developers who are considering such conversions are encouraged to refer to this guidance.’</u></p> <p>* Noted, however policy GB7 has been found sound by the Planning Inspector – no change.</p>
Page 81	J L Phillips	Tandridge District Council	Support	<p>* Agrees that the re-use of buildings in the Green Belt may be appropriate, providing there is no additional impact than the present use on the openness of the Green Belt.</p> <p>* Considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p>	<p>* Support noted – no change.</p> <p>* Support noted – no change.</p>

Chapter 5 – Residential Extensions and Replacement Dwellings

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB1	Cllr John Scholey	Edenbridge and District Community Link	Support subject to changes	<p>* ADMP policy GB1(c) – does the reference to ‘outbuildings within 5m of the existing building’ mean outbuildings that are wholly or partly within 5m of the existing building?</p> <p>* Paragraph 5.20 – if a loft is</p>	<p>* Noted, policy GB1 does not require outbuildings to be wholly within 5m of the existing dwelling, only partly within 5m – no change.</p> <p>* Noted, however paragraph 5.20 addresses</p>

				converted to habitable space by the use of roof lights, will this floorspace form part of the floorspace of the 'original building' when calculating the 50% limit for future extensions?	this concern – no change.
GB12	Phil Aelen	DHA Planning	Support subject to changes	<p>* ADMP policy GB1 should be amended to delete criterion (c). The floorspace limit of 50% does not reflect the NPPF.</p> <p>* Supports ADMP policy GB4(b) and considers this policy wording should be used in policy GB1 as well, rather than reference to a floorspace limit.</p>	<p>* Noted, however policy GB1 has been found sound by the Planning Inspector – no change.</p> <p>* Noted, however policies GB1 and GB4 have been found sound by the Planning Inspector – no change.</p>
GB14	C Milligan	N/A	Support subject to changes	* Insufficient emphasis on design in ADMP policy GB4 – the document should include reference to design guidance e.g. the Kent Design Guide.	* Noted, however the SPD includes a section on design guidance, at chapter 11 – no change.
GB20	Holly Ivaldi	Eynsford Parish Council	Support subject to changes	<p>* Is newly created floorspace in the roof included in the total floorspace for future calculations? Would parish councils be sent plans of such applications for reference in assessing future applications in order to calculate cumulative increases?</p> <p>* Is newly created floorspace in the basement included in the total floorspace for future calculations? Would parish councils be sent plans of such applications for reference in assessing future applications in order to calculate cumulative increases?</p> <p>* Are granny annexe type developments included in the definition</p>	<p>* Noted, however paragraph 5.20 addresses this concern. Parish councils will receive the plans that are applicable for the consideration of the planning application – no change.</p> <p>* Noted, however paragraph 5.26 addresses this concern. Parish councils will receive the plans that are applicable for the consideration of the planning application – no change.</p> <p>* Noted, a granny annexe is an outbuilding if it is a separate building to the main dwelling, and of</p>

				<p>of 'outbuildings'?</p> <p>* Strongly agree with paragraph 5.6.</p>	<p>an ancillary use – no change..</p> <p>* Support noted – no change.</p>
GB28	J L Phillips	Tandridge District Council	Support	<p>* Agrees with ADMP policy GB5 and considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p> <p>* Agrees with ADMP policy GB1 and considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p> <p>* Agrees with ADMP policy GB4 and considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p> <p>* Agrees with ADMP policy GB3 and considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p>	<p>* Support noted – no change.</p> <p>* Support noted – no change.</p> <p>* Support noted – no change.</p> <p>* Support noted – no change.</p>

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB24	Holly Ivaldi	Eynsford Parish Council	Support	<p>* Typo in ADMP policy GB9(b) – ‘not’ used twice.</p> <p>* ADMP policy GB9(c) – would be clearer if the text said ‘use class’ rather than ‘use’.</p>	<p>* Noted, this is a typo in the reproduction of ADMP policy GB9. Amend criterion b):</p> <p>‘b) the design and volume of the proposed replacement building would not be not materially larger than the ‘original’ building...’</p> <p>* Noted, however policy GB9 has been found sound by the Planning Inspector – no change.</p>
GB29	J L Phillips	Tandridge District Council	Support	<p>* Agrees with ADMP policy GB8 and considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p> <p>* Agrees with ADMP policy GB9 and considers that such development should not result in any adverse impact on the character of the openness of the countryside in Sevenoaks District adjoining the Tandridge/Sevenoaks boundary.</p>	<p>* Support noted – no change.</p> <p>* Support noted – no change.</p>

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Chapter 7 – Previously Developed Brownfield Site Redevelopment

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB2	Cllr John Scholey	Edenbridge and District Community	Support subject to changes	* Clarification sought on what (c) refers to in paragraph 7.4.	* Agree – amend paragraph 7.3 to replace the bullet points with small letters a), b) and c).

		Link			
GB4	Paul Carter	Paul Carter Planning	Object	* The document does not acknowledge that infilling may be acceptable and provides no guidance on how such proposals will be assessed.	* Agree in part – NPPF paragraph 89 considers exceptions to inappropriate development in the Green Belt. Amend paragraph 7.2 for clarity: 'Paragraph 89 (bullet 6) of the NPPF states that <u>considers exemptions to inappropriate development in the Green Belt, including 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)...</u> '
GB8	Mark Carter	Carter Planning Ltd	Support	* Supports chapter as it is in accordance with NPPF paragraph 89.	* Support noted – no change.
GB35	Craig Noel	Strutt & Parker LLP	Object	* Chapter is too restrictive in respect of Green Belt PDL sites. In particular GB1 permits extensions by up to 50%, but there is no allowance for this in paragraph 7.3. The document should be silent on the interpretation of the NPPF or be re-drafted. * Concerns with the wording of paragraph 7.5 which suggests that the dispersal of buildings may have an adverse impact on the openness of the Green Belt. This is the reverse of the suggestion at paragraph 5.31 which states that 'clusters of buildings would have a more intrusive impact on the openness of the Green Belt'. Paragraph 7.5 should be deleted because it is inconsistent with paragraph 5.31.	* Noted, however policy GB1 has been found sound by the Planning Inspector – no change. * Noted, however paragraph 5.31 relates to residential outbuildings in the Green Belt and paragraph 7.5 relates to brownfield site redevelopment. The Council considers that both paragraphs are consistent with the respective parts of the NPPF – no change.
GB36	Hannah Whitney	Nathaniel Lichfield & Partners	Support subject to changes	* The document should include a list of the 4 major developed sites that are in the Green Belt, including the GSK site.	* Noted, however these sites are already listed in the Core Strategy and the Allocations and Development Management Plan. The Council

				<p>* Paragraph 7.3 should clarify how the Council will deal with applications for major developed sites in the Green Belt. The following text is suggested:</p> <p>‘In line with the NPPF the Council will consider proposals for limited infilling or the partial or complete redevelopment of brownfield sites (including major developed sites in the Green Belt) based on whether they would have a greater impact on the openness of the Green Belt.’</p>	<p>considers it unnecessary to repeat them in the SPD – no change.</p> <p>* Noted, however paragraph 7.1 already references major developed sites in the Green Belt, and paragraph 7.3 sets out how the Council will consider proposals for these brownfield sites – no change.</p>
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Chapter 11 – Design Guidance

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB37	Keith Nicholson	Kent Wildlife Trust	Support	* Supports the document and particularly pleased to note the protection that is given to existing trees, shelterbelts and other biodiversity features.	* Support noted – no change.

Glossary

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB27	Y Tredoux	Kemsing Parish Council	Support	* Clarity required for the term ‘floorspace’.	<p>* Agree – amend the Glossary to include the term ‘floorspace’:</p> <p><u>‘Floorspace – Total floor area enclosed by the exterior walls of a building.’</u></p>

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Appendix 2 – Practical Example of how the Council will determine an application against Policies GB1 and GB3: Limited Extensions or Outbuildings to Existing Dwellings in the Green Belt

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB26	Holly Ivaldi	Eynsford Parish Council	Support	* Supports the approach which places responsibility onto the applicant for supplying measurements and calculations.	* Support noted – no change.

General Green Belt comments

Comment ID	Consultee Name	Company / Organisation	Support / Object	Summary of Comment	Officer Response
GB7	Mark Carter	Carter Planning Ltd	Support subject to changes	<p>* Paragraph 2.5 should include reference to NPPF paragraph 54 relating to local needs housing on rural exception sites.</p> <p>* The document should set out the steps that are necessary to provide affordable housing as an exception site on the edge of a settlement in the Green Belt.</p> <p>* Welcomes the commitment to review the Green Belt boundary in the ADMP</p>	<p>* Agree – this is a consequential change following an amendment to the ADMP. Amend paragraph 2.5 to include an additional bullet point:</p> <p><u>'local needs housing on rural exception sites in accordance with Core Strategy policy SP4.'</u></p> <p>* Noted, however the SPD doesn't seek to cover rural exception sites. See Core Strategy policy SP4 – no change.</p> <p>* Support noted – no change.</p>
GB10	A Howells	Westerham Town Council	Support	No further comments received.	* Support noted – no change.
GB13	John Lister	Natural England	Support	* Supports the approach.	* Support noted – no change.

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GB15	Alison De Jager	Ash-cum-Ridley Parish Council	Support	No further comments received.	* Support noted – no change.
GB16	Kevin Bown	Highways Agency	Support	* Supports the approach.	* Support noted – no change.
GB42	Jennifer Bate	Kent Downs AONB Unit	Support subject to changes	* Concerns that there are no criteria based policies relating to the countryside and AONB other than those covered by the overarching Sustainability and Environment policies in the ADMP.	* Noted – this has been addressed by a modification to the ADMP – no change.

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Appendix B

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1. Introduction

What is the Supplementary Planning Document?

1.1 This Supplementary Planning Document (SPD) provides detailed guidance on the implications of applying for planning permission for development located within the Green Belt. The guidance will help to ensure consistency in decision making when determining planning applications in the Green Belt.

1.2 The SPD provides additional information to assist with the interpretation and implementation of policies set out in the Core Strategy and Allocations and Development Management Plan (ADMP), and is used by the District Council in determining planning applications.

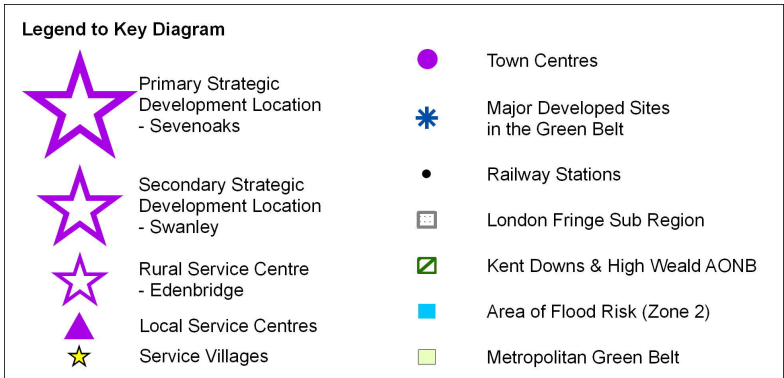
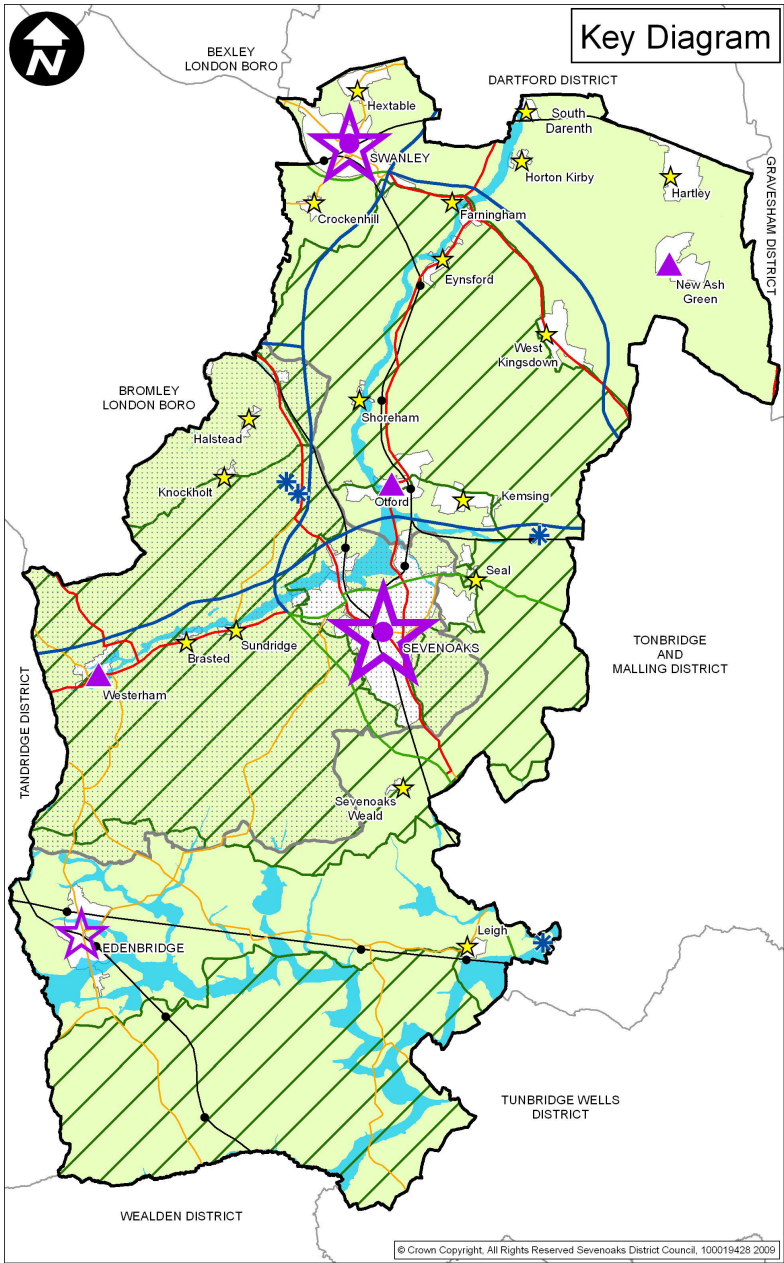
1.3 The District Council will take a positive approach to development in the Green Belt that accords with the Sevenoaks District Local Plan, including the guidance set out in this document and, where relevant, guidance contained within the Residential Extensions SPD (adopted August 2009).

1.4 Some minor development is permitted by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 without the need for a planning application (usually known as 'permitted development'). Home owners and developers who are considering such alterations are encouraged to refer to the guidance in this SPD when considering even minor development. This guidance clarifies the implications of development built as permitted development on future planning proposals in the Green Belt.

The Green Belt in Sevenoaks District

1.5 Sevenoaks is a large District lying to the south east of London with an overall area of just over 143 square miles (370 square km). Despite adjoining the outer edge of London it is predominantly rural in character with 93% of the District designated as Green Belt.

1.6 The Core Strategy Key Diagram outlines the extent of the Green Belt in Sevenoaks District whilst the Local Plan Policies Map illustrates the detailed boundaries.



The Core Strategy Key Diagram highlights the extent of the Green Belt

2. Overview of Green Belt Policies

National Planning Policy Framework

2.1 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent uncontrolled spread of urban areas by keeping land permanently open. The essential characteristics of the Green Belt are its openness and its permanence.

2.2 The Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

2.3 The Green Belt performs all these purposes in Sevenoaks District.

2.4 The National Planning Policy Framework (Paragraph 87) sets out that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in *Very Special Circumstances*. Inappropriate development in the Green Belt is harmful in principle, even if it is not visible from a public viewpoint.

2.5 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development; or*
- *local needs housing on rural exception sites in accordance with Core Strategy policy SP4.*

2.6 Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- *mineral extraction;*
- *engineering operations;*
- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *development brought forward under a Community Right to Build Order.*

The Sevenoaks Local Plan

Sevenoaks District Core Strategy

2.7 The Core Strategy Development Plan Document (adopted February 2011) is the key strategic development plan document produced by Sevenoaks District Council.

2.8 The document sets out the strategic approach to the Green Belt and demonstrates that existing Green Belt boundaries should be maintained. The Core Strategy also states that Green Belt land is not required for the Council to meet development needs up until 2026. In line with the Core Strategy (Paragraph 4.1.17) the case for any small scale adjustments to cater for situations where land no longer contributes to the Green Belt is considered through the Allocations and Development Management Plan (ADMP).

Allocations and Development Management Plan

2.9 The ADMP sets out policies applying to development in the Green Belt:

POLICY GB1	LIMITED EXTENSION TO DWELLINGS IN THE GREEN BELT
POLICY GB2	BASEMENTS WITHIN RESIDENTIAL DEVELOPMENTS IN THE GREEN BELT
POLICY GB3	RESIDENTIAL OUTBUILDINGS IN THE GREEN BELT
POLICY GB4	REPLACEMENT DWELLINGS IN THE GREEN BELT
POLICY GB5	DWELLINGS PERMITTED UNDER VERY SPECIAL CIRCUMSTANCES OR AS RURAL EXCEPTIONS IN THE GREEN BELT
POLICY GB6	SITING OF CARAVANS AND MOBILE HOMES IN THE GREEN BELT
POLICY GB7	RE-USE OF A BUILDING WITHIN THE GREEN BELT
POLICY GB8	LIMITED EXTENSIONS TO NON RESIDENTIAL BUILDINGS IN THE GREEN BELT
POLICY GB9	REPLACEMENT OF A NON RESIDENTIAL BUILDING IN THE GREEN BELT

2.10 Advice about how the District Council interprets the policies of the NPPF and the Local Plan is set out in the subsequent sections of this document.

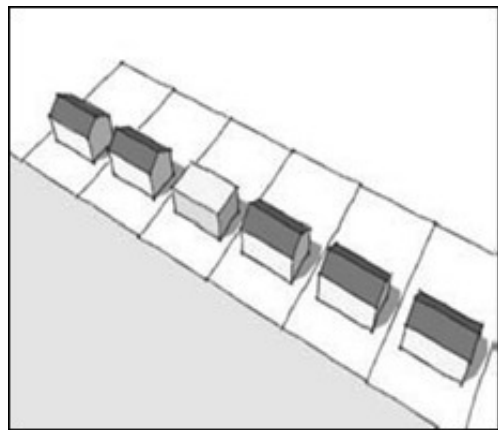
3. Limited Residential Infill in Villages in the Green Belt

3.1 Development in rural settlements is covered by Core Strategy Policy L07, which sets out that small scale redevelopment and infilling will be permitted in the Service Villages, which have defined Green Belt boundaries. Development within villages in the Green Belt is limited to small scale infilling only, due to the limited range of services and facilities in these settlements and the need to protect the openness of the Green Belt.

3.2 The National Planning Policy Framework (NPPF) states that limited infilling in villages, and limited infilling of brownfield sites which would not have a greater impact on the openness of the Green Belt, are not inappropriate development in the Green Belt.

3.3 The District Council defines limited infill development as the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only.

3.4 The District Council defines a substantially built up frontage as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.



Edge of settlements with Green Belt boundaries

3.5 For settlements where a Green Belt boundary has been defined, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to more loose-knit development. Where this is the case, infill development beyond a defined settlement boundary would compromise the purposes of the Green Belt and would constitute inappropriate development.

3.6 Where a change of character is not apparent between the defined settlement and development within the adjoining Green Belt, there may be circumstances where infill development is appropriate in the Green Belt, provided the purposes of the Green Belt would not be compromised.

Villages washed over by the Green Belt

3.7 Sevenoaks District contains villages which are 'washed over' by the Green Belt. Some of these have substantially built up frontages whereas others are loose knit. There may be opportunities for limited infill development within parts of villages washed over by the Green Belt which have substantially built up frontages. Limited infilling will not be acceptable in low density areas, where gaps between dwellings form part of the character of the area and contribute to openness. Limited infilling is also not acceptable in isolated or loose-knit groups of dwellings, where there is a break between the dwellings and the continuous built-up frontage of the village in order to protect the openness of the Green Belt.

Openness of the Green Belt

3.8 The NPPF states that one of the essential characteristics of Green Belts is their openness. Infilling should not therefore compromise the openness of the Green Belt.

4. Conversion of Buildings in the Green Belt

4.1 There is pressure in rural areas to convert existing buildings to residential or commercial use. The re-use of buildings in the Green Belt may be appropriate, providing there is no additional impact on the openness of the Green Belt.

4.2 In accordance with Core Strategy Policy SP 8 - Economic Development and Land for Business, the reuse of existing buildings for a commercial use that would make a positive contribution to the rural economy is preferred to residential conversion in the Green Belt.

4.3 The conversion of buildings in the Green Belt will be supported providing the proposal meets the criteria contained in Policy GB7 of the ADMP, which states;

POLICY GB7 - RE-USE OF A BUILDING WITHIN THE GREEN BELT

Proposals for the re-use of a building in the Green Belt which would meet the following criteria will be permitted:

a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and

b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.

Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.

Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.

4.4 Conversion of a building that requires substantial rebuilding in order to make it suitable for re-use will not be permitted. As a starting point when determining whether a proposal constitutes substantial new rebuilding, the Council will wish to see at least 75% of the original structure maintained to protect its character. However, the Council recognise that in some instances proposals may be able to protect the character of the existing building with a lesser proportion of the original structure being retained.

4.5 Further detailed guidance regarding information that should be submitted with a conversion application is included at **Appendix 1**.

4.6 To avoid increasing impact, conversions that involve disproportionate extensions will not be considered appropriate. Extensions to converted buildings may be controlled by the removal of Permitted Development Rights at the time of permission. Any proposals to extend a converted building will be reviewed with particular attention to ensure that the proposals do not detract from the character of the original building.

4.7 There is concern that permitted development rights in respect of agricultural buildings should not be abused as a way of obtaining residential or non-agricultural businesses development in the countryside. The Local Planning Authority will examine the history of buildings recently erected under agricultural permitted development rights where these come forward with proposals for change of use. Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, the applicant should demonstrate that the building is no longer required or fit for agricultural purposes.

4.8 In April 2014, permitted development rights were amended to allow the change of use of agricultural buildings and land to residential to be considered under prior approval, rather than the submission of a full planning application. This applies to agricultural buildings up to 450 square metres for conversion to a maximum of three dwellings, provided there is no increase to the external dimension of the existing building. Home owners and developers who are considering such conversions are encouraged to refer to this guidance.

4.9 Where the conversion of existing buildings would lead directly to a need for a replacement building and this could have a significant detrimental effect on the Green Belt, the Council will not generally permit the future construction of new agricultural buildings of the same type and nature and will consider the need to attach a condition to the permission removing permitted development rights for the erection of new buildings. The purpose of this control is to ensure that new agricultural buildings in the Green Belt are not permitted solely for the intention of subsequent conversion.

5. Residential Extensions and Replacement Dwellings

5.1 The NPPF and ADMP policies allow additions and alterations to buildings in the Green Belt provided they do not result in disproportionate additions in relation to the original building.

5.2 This section relates solely to proposals for residential buildings and outlines the approach to determining whether a proposal is proportionate to the original building. Guidance on the policies for non residential buildings is included at Chapter 6.

What is the Original Dwelling?

5.3 In determining proposals for residential extensions or replacement dwellings in the Green Belt an assessment will be made against the impact of the 'original' existing development.

5.4 Establishing what the Council deems to be the 'original dwelling' depends on when the property in question was first built and whether it pre-dates the modern planning system. In many cases the 'original dwelling' will refer to the floorspace of the dwelling when it was first constructed.

5.5 However for older homes constructed prior to July 1st 1948, the 'original dwelling' refers to the floorspace of the dwelling as it was on this date, when the Town and Country Planning Act was first introduced.

5.6 In either case any additions that have occurred since the 'original' dwelling date will be considered cumulatively and will be counted as part of the overall increase in floorspace of the dwelling when new additions are being assessed. This is because small reductions in openness, repeated many times, can have a cumulatively detrimental effect.

5.7 The original dwelling relates solely to the main dwelling and does not include ancillary outbuildings, whether subsequent or original, more than 5m from the dwelling. Any original outbuilding within 5m of the original dwelling may be included in the floorspace of the original dwelling.

5.8 Applications that seek the development of a former historic dwelling site, which has been demolished and the land returned to open use, will be resisted unless *Very Special Circumstances* have been demonstrated (see section 12).

Approach to Considering Residential Proposals

5.9 Policy GB1 of the ADMP is the policy by which a residential extension in the Green Belt will be considered. The policy states that;

POLICY GB1 - LIMITED EXTENSION TO DWELLINGS IN THE GREEN BELT

Proposals to extend an existing dwelling within the Green Belt which would meet the following criteria will be permitted:

- a) the existing dwelling is lawful and permanent in nature; and
- b) the design is in keeping with the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the 'original' dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and

If the proposal is considered acceptable when considered against criteria a) and b), the following criterion will then be assessed and must also be met for the proposal to be considered appropriate:

- c) the applicant provides clear evidence that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally) including outbuildings within 5m of the existing dwelling.

Planning applications that include the conversion of loft space through the addition only of roof lights will be permitted and will not be subject to the floorspace allowance in criterion c), provided there is no increase in volume or bulk to the existing building as result of the proposal. Proposals for loft conversions that include the addition of dormer windows or other alterations that create volume or bulk will be subject to criterion c).

5.10 Policy GB4 of the ADMP is the policy by which replacement dwellings in the Green Belt will be considered. The policy states that;

POLICY GB4 - REPLACEMENT DWELLINGS IN THE GREEN BELT

Proposals to replace an existing dwelling within the Green Belt which would meet the following criteria will be permitted:

- a) the existing dwelling is lawful and permanent in nature;
- b) the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;
- c) the proposal adheres to the "original" dwelling curtilage; and
- d) the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not

result in an increase of more than 50% above the floorspace of the "original" dwelling (measured externally).

Construction of permanent dwellings as replacements for mobile homes or caravans will not be permitted.

Lawfulness and Permanence

5.11 Policies GB1 and GB4 adopt a sequential approach to considering proposals for extensions or replacement dwellings in the Green Belt.

5.12 Criterion a) for both policies requires that the existing dwelling is lawful and permanent in nature.

5.13 The term lawful means that planning permission was granted for the original construction of the dwelling, that the dwelling was constructed prior to the introduction of planning controls or that the dwelling was constructed unlawfully but a certificate of lawfulness has since been granted. An existing dwelling can also be lawful if created through an approved change of use or conversion.

5.14 Criterion a) also requires the dwelling to be permanent in nature. For the purpose of these policies permanent in nature means it must be built on permanent foundations with connections to water supply and electricity. Non permanent buildings such as summerhouses or portacabin buildings, even though they may have such infrastructure connections, do not constitute permanent buildings and consequently Policies GB1 and GB4 do not apply to such buildings.

Consideration of Volume, Scale and Bulk

5.15 The volume, scale and bulk of an extension or replacement dwelling should not result in a large, bulky or intrusive building which would adversely impact on the character of the countryside or the openness of the Green Belt.

5.16 The impact of the development on the countryside is clearly greater if located in a highly visible location. However, the test of impact still applies even if there are limited or no public views of it as, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. In some locations any extension or replacement dwelling may be inappropriate.

5.17 Where a development is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. Rural buildings often have a simple form or may possess a visual symmetry which should not be significantly altered.

Floorspace Increase

5.18 National and local policies allow for a limited extension or moderately increased replacement dwelling directly related to the original dwelling. The size of the original building rather than the size of the plot will be used in assessing the appropriate size increase that is likely to be acceptable.

5.19 An appropriately proportioned enlargement, for the purpose of dwellings in the Green Belt is considered to be a floorspace increase of no more than 50% of the original floorspace of the dwelling and does not constitute a 50% increase per planning application. This is consistent with the approach of the previous Local Plan, but Policies GB1 and GB4 also emphasise the scale, bulk or visual intrusion; impact on openness and any cumulative impact.

5.20 Development proposals that increase the floorspace of the original dwelling by 50% are likely to be substantial in size, and most likely to increase the impact of the dwelling on the Green Belt.

5.21 Applicants should be aware that an addition may be considered 'disproportionate' or 'materially larger' as a result of unacceptable design even where it is below a 50% floorspace increase, depending on the other individual circumstances of the site, and what type of development is proposed.

The conversion of loft space through the inclusion of roof lights

5.22 Whilst the 50% floorspace approach has been successful in principle, the Council acknowledges that the floorspace does not always fully reflect the impact of extensions or replacement dwellings on the size of the original building. Alterations to the roof can be made to a building that increase the floorspace without significantly affecting the size of the building. For example the use of loft space that includes roof lights can create extra accommodation in the roof space without any significant harm in terms of height and bulk, and consequently without any significant impact on openness. Consequently, planning applications that include the conversion of loft space through the addition only of roof lights will not be subject to the floorspace allowance.

Residential Curtilage Restrictions for Replacement Dwellings

5.23 To ensure replacement dwellings do not result in a significantly greater impact on the Green Belt, Criterion c) of Policy GB4 restricts the replacement of dwellings to the originally defined residential curtilage to ensure the wider extent of the Green Belt is protected.

Basements

5.24 The introduction of basements to residential properties is covered in AMDP Policy GB2.

POLICY GB2 - BASEMENTS WITHIN RESIDENTIAL DEVELOPMENTS IN THE GREEN BELT

Proposals to extend or replace a dwelling in the Green Belt that includes the provision of a basement which would meet the following criteria will be permitted and will not be subject to the floorspace allowance as set out in Policies GB1 and GB4:

- a) The basement would not exceed the footprint of the original dwelling (based on the footprint of the original building as at 1st July 1948 or, when it was first constructed, if this is later;
- b) The basement would be situated entirely underground with no part of it visible at any point externally;
- c) There would be no external windows, entrances or exits to the basement;
- d) The extension or replacement dwelling would not be artificially raised above natural ground level to accommodate the extension; and
- e) The elements of the proposal situated above ground would comply with Policy GB1 (extension) or GB4 (replacement dwellings) in all other respects;

For basement proposals that do not comply with the above, the floorspace of the basement shall be included within the calculation for the purpose of Policy GB1 or GB4.

5.25 The policy restricts basements to the footprint of the extension or replacement dwelling in order to ensure that only an acceptable proportion of accommodation is provided underground and that basement accommodation does not expand beyond the extent of the dwelling. For this reason basements will also be restricted to single storey underground.

5.26 The policy supports basements which would be situated entirely underground with no part of it visible at any point externally, no external windows, light-wells, entrances or exits and no artificial raising of the building above natural ground level to accommodate a basement. Compliance with these three criteria is essential if an applicant wishes to have the basement floor space excluded from the 50% floor space increase criterion. Where these criteria are not met the Council will include any floorspace created by the inclusion of a basement as counting towards the floorspace increase.

5.27 Where a basement is accepted as an exclusion to the 50% increase allowance, permitted development rights for further extensions may be removed to prevent unreasonably large sized dwellings (by controlling their scale and appearance) and to prevent any potential negative impact on the openness of the Green Belt.

Residential Outbuildings in the Green Belt

5.28 The ADMP recognises that permitted development rights exist for certain outbuildings and that many proposals will not require planning permission.

5.29 For those outbuildings which would need planning permission, Policy GB3 states:

POLICY GB3 - RESIDENTIAL OUTBUILDINGS IN THE GREEN BELT

Proposals for residential outbuildings, within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the proposed outbuilding would be located within 5m of the existing dwelling.

Outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

5.30 Where planning permission is required for these structures in the Green Belt, and where the outbuildings are more than 5m from the existing dwelling, outbuildings will be permitted in addition to the allowance under Policies GB1 or GB4 if the design and cumulative impact would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion. The outbuilding should be well designed in relation to the dwelling, compatible with the character of the area and designed and sited to minimise visual intrusion. In order to minimise the impact of outbuildings on the openness of the Green Belt, the Council will seek to restrict any outbuildings to a limit of 40sqm (measured externally).

5.31 Clusters of buildings would have a more intrusive impact on Green Belt openness and therefore, if the proposed outbuilding would be located within 5m of the existing dwelling, proposals for residential outbuildings will be treated as an extension under Policy GB1, or as part of the replacement dwelling under Policy GB4.

5.32 The Council will seek to ensure that such proposals do not dominate the main dwelling or its setting. Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes should not normally need to exceed a single storey in height or have excessive volume. Such buildings should be clearly ancillary to the main dwelling in terms of function and design.

5.33 Whether planning permission is required or not, the design of outbuildings should not impact detrimentally on the space surrounding buildings and should be limited in scale.

5.34 Outbuildings should not compete with the main house. Often secondary buildings were traditionally erected with a simplicity of design. This may be used to good effect to reinforce the distinction between the original building and the secondary building. The

form of garages and outbuildings (including roof pitches) and architectural features should be in keeping with the existing and surrounding properties.

5.35 Where permission is granted for an outbuilding, a suitably worded condition may be imposed, or legal agreement required, to ensure that outbuildings are retained for purposes ancillary to the main dwelling and to prevent their conversion without the approval of planning permission. Consideration will also be given to the need to remove permitted development rights.

Dwellings Permitted Under Very Special Circumstances or As Rural Exceptions

5.36 The NPPF provides opportunity for applicants to pursue development in the Green Belt based on a *Very Special Circumstances* case if proposals are contrary to national and local Green Belt policy (see section 12). Where developments are, or have been, allowed under *Very Special Circumstances* they have been permitted in instances where development would not usually have been allowed, and it is reasonable that further extensions or a replacement dwelling that would impact on the openness should be resisted. Policy GB5 of the ADMP therefore removes permitted development rights for developments allowed under *Very Special Circumstances* and will refuse future proposals for extensions and outbuildings that impact on Green Belt openness in any way. Consequently Policies GB1, GB2, GB3 and GB4 will not apply to dwellings permitted under Very Special Circumstances or as rural exception (local needs) affordable housing schemes.

5.37 Similarly, the NPPF allows the construction of agricultural workers dwellings in the countryside, where there is an 'essential need for a rural worker to live permanently at or near their place of work in the countryside'. As above, the Council will remove permitted development rights and refusal future proposals for extensions and outbuildings that impact on Green Belt openness.

5.38 Policy GB5 states:

POLICY GB5 - DWELLINGS PERMITTED UNDER VERY SPECIAL CIRCUMSTANCES OR AS RURAL EXCEPTIONS IN THE GREEN BELT

Where new dwellings are permitted in the Green Belt on grounds of very special circumstances or as part of a rural exception scheme, the Council will remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively impact upon the openness of the Green Belt.

Applications to extend dwellings or erect or extend outbuildings to dwellings that have or are permitted on grounds of very special circumstances or as part of a rural exception scheme will not be permitted.

5.39 A worked example of how the Council will consider planning applications against Policies GB1 and GB3 is included at Appendix 2, whilst an example against Policy GB4 is included at Appendix 3.

6. Non Residential Extensions, Replacement Buildings and Redevelopments

6.1 Commercial buildings vary widely in form, size and function and a general floorspace increase allowance would not be appropriate or workable for the extension or replacement of non residential buildings.

6.2 Instead, the Council will adopt a design based approach to assess proposals against the impact that they would have on Green Belt openness, as detailed within this chapter.

Approach to Considering Non Residential Extensions and Single Replacement Buildings

6.3 Policy GB8 of the ADMP sets out how the Council will consider extensions to non residential buildings in the Green Belt. It states that:

POLICY GB8 - LIMITED EXTENSION TO NON-RESIDENTIAL BUILDINGS IN THE GREEN BELT

Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:

- a) the existing building is lawful and permanent in nature; and
- b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion

6.4 Policy GB9 of the ADMP sets out how the Council will consider non residential replacement buildings in the Green Belt. It states that:

POLICY GB9 - REPLACEMENT OF A NON-RESIDENTIAL BUILDING IN THE GREEN BELT

Proposals to replace an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:

- a) the existing building is lawful and permanent in nature;
- b) the design and volume of the proposed replacement building would not be materially larger than the 'original' building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and
- c) the replacement building would be within the same use as the building to be demolished.

Lawfulness and Permanence

6.5 Criterion a) for both policies requires that the existing dwelling is lawful and permanent in nature.

6.6 The term lawful means that planning permission was granted for the original construction of the building, that the building was constructed prior to the introduction of planning controls or that the building was constructed unlawfully but a certificate of lawfulness has since been granted.

6.7 Criterion a) also requires the building to be permanent in nature. For the purpose of these policies, permanent in nature means it must be built on permanent solid foundations. Portacabins, caravans and mobile homes are not considered to be permanent buildings and are not considered to be entitled to rights to extend or be replaced under Policies GB8 or GB9.

Consideration of Volume, Scale and Bulk

6.8 The volume, scale and bulk of an extension or replacement building should not result in a large, bulky or intrusive building which would adversely impact on the character of the countryside or the openness of the Green Belt.

6.9 The impact of the development on the countryside is clearly greater if located in a highly visible location. However, the test of impact still applies even if there are limited or no public views of it as, if allowed, the argument could be repeated, with a potentially more serious cumulative impact on the openness of the Green Belt and the urbanisation of the countryside and for these reasons would be unacceptable. In some locations any extension or replacement building may be inappropriate.

6.10 Where a development is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the building. Rural buildings often have a simple form or may possess a visual symmetry which should not be significantly altered.

Future Use of a Replacement Building

6.11 In order to comply with National Planning Guidance, criterion c) of Policy GB9 requires that the replacement building would be within the same use as the building to be demolished.

7. Previously Developed Brownfield Site Redevelopment

7.1 Sevenoaks District has a number of historic previously developed brownfield sites within the Green Belt, including sites identified as Major Developed Sites in the Green Belt in the Core Strategy.

7.2 Paragraph 89 (Bullet 6) of the NPPF considers exemptions to inappropriate development in the Green Belt, including:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

7.3 In line with the NPPF the Council will consider redevelopment proposals of brownfield sites based on whether they would have a greater impact on the openness of the Green Belt. The Council will consider the impact of proposals on a case by case basis and the unique circumstances of the site but in order to maintain the same impact on the openness of the Green Belt and fulfil its purpose, the Council would generally expect redevelopment proposals to:

- a. have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- b. not exceed the height of the existing buildings; and
- c. not occupy a larger area of the site than the existing buildings.

7.4 The most relevant area for the purpose of (c) is the aggregate ground floor area of the existing buildings (the "footprint"), excluding temporary buildings, open spaces with direct external access between wings of a building, and areas of hardstanding. However the Council will consider alternative approaches to determining impact where there is justification to do so.

7.5 The character and dispersal of proposed redevelopment will need to be considered as well as its footprint. For example many buildings may together have a much smaller footprint than a few large buildings, but may be unacceptable because the dispersal of the buildings and their curtilages over a large part of the site may have an adverse impact on the openness of the Green Belt and its purposes.

7.6 Proposals for protected employment sites and designated Major Developed Employment Sites in the Green Belt will also be subject to relevant policies contained in the ADMP and the Core Strategy, including Policy SP8 that seeks to protect existing employment sites.

8. Agriculture and Forestry

8.1 New buildings that are demonstrably essential for agriculture or forestry purposes are considered to be appropriate development in the Green Belt.

8.2 Where possible these buildings should normally form part of a group, rather than stand in isolation and should relate to existing buildings in size and materials. However, where new buildings of modern design are proposed, they may be best separated from a group of traditional buildings to avoid visual conflict.

8.3 Where it is at an acceptable distance, the site selected should be close to an existing highway in order to avoid long obtrusive driveways. The development should respond well to landscape features such as local topography, woodland or hedgerows and not harm views of the skyline.

8.4 Applicants should include arrangements for siting, access, curtilage, boundary treatment, materials and landscaping in their plan proposals.

8.5 Although many agricultural and forestry related proposals may benefit from permitted development rights, the Council may request details of siting, design and external appearance to be submitted prior to approval for works to commence.

Agricultural and Forestry Workers Accommodation

8.6 Applications for agricultural or forestry workers dwellings are excluded from permitted development and therefore always require full planning permission in addition to fulfilling relevant functional and financial tests of their business.

8.7 If the proposal is to enable an agricultural or forestry worker to live at, or in the immediate vicinity of, their place of work on a temporary or permanent basis, as part of their planning application, applicants should demonstrate that they have first examined the possibility of providing the accommodation by alternative means other than locating it on the land.

8.8 Where workers accommodation cannot be provided in the local area or by conversion of an existing building on site, there will be a requirement to provide evidence in support of both financial and functional tests. For permanent accommodation, the Council will need to be satisfied that there is a long term need for such accommodation.

8.9 Workers accommodation should be sited close to existing farm buildings wherever possible. An occupancy condition tying the accommodation to the employment use will be applied as a matter of course. Permitted development rights from the proposed new buildings are likely to be removed, in order to safeguard the openness of the Green Belt from further development.

9. Leisure, Tourism and Equestrian Development

Leisure Proposals

9.1 Sevenoaks District has a wide range of natural and cultural attractions throughout the area. They form the basis of the tourism industry that is vital to the local economy.

9.2 The Core Strategy has an objective to safeguard existing open spaces, sport and recreational facilities that meet community needs and improve provision where necessary.

9.3 The erection of new buildings for the purpose of leisure or tourism would be considered to be inappropriate development in the Green Belt unless it would provide essential facilities for outdoor sport and recreation that preserve the openness of the Green Belt and do not conflict with its overall purpose. Where this would not apply, *Very Special Circumstances* must be demonstrated for any proposals for tourism.

9.4 The Council will encourage the conversion, extension or replacement of buildings into tourism facilities providing the proposal complies fully with respective Policies GB7, GB8 and GB9 of the ADMP. Any proposal should also comply with the other relevant general policies set out in the ADMP and the Green Belt design guidance contained within this document.

Equestrian Development

9.5 The Core Strategy identifies horse riding as a significant recreational activity in rural areas of Sevenoaks District, which offers benefits to local communities.

9.6 Horse and other equestrian-related activities are popular forms of recreation in the countryside that can fit in well with farming activities, and help diversify the rural economy.

9.7 The Council will support equine enterprises in the Green Belt that maintain environmental quality and countryside character.

9.8 Policy LT2 of the ADMP covers Equestrian Development in the Green Belt and states:

Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other buildings, does not harm the openness of the Green Belt. Where stables or associated equestrian buildings are proposed they should be designed and constructed in materials appropriate to a rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future.

Buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view;

9.9 Any proposal for equestrian development should also comply with the other relevant general policies set out in the ADMP.

10. Change of Use of Green Belt Land

10.1 Permission is required if a proposal would result in the change of use of land. The use of land can by its very nature have a greater impact on the openness of the Green Belt than the current authorised use, for example the use of land as a car-park or domestic garden and therefore impact would need to be assessed. A common change of use in the Green Belt is from an agricultural use to a garden / curtilage extension or recreational use such as horse riding. The following section explains how change of use applications will be considered.

Garden / Curtilage Extensions

10.2 Owners of homes in the Green Belt sometimes want to extend their garden, or 'curtilage', into the surrounding countryside. These types of extensions are considered to be a change of use and can detrimentally impact on the openness of the Green Belt. This process can be cumulative and over time can lead to suburbanisation and urban sprawl.

10.3 For these reasons, the Council consider garden and curtilage extensions in the Green Belt to be inappropriate development which will not be permitted.

Recreation

10.4 Use of land in the Green Belt can provide opportunities for outdoor recreation and outdoor sporting activities near urban areas. Provision may be made for structures related to outdoor recreation as long as they are considered to be appropriate.

10.5 Where outdoor recreation activities are acceptable in principle, they may still result in unacceptable adverse impacts. The landscape character and the visual amenity of the countryside may be affected as well as other possible impacts from noise, traffic generation, car parking, lighting, and disruption to residential amenity.

10.6 New buildings should be limited to facilities that are the minimum essential for the operation of the associated activity, for example small changing rooms. 'Appropriate Facilities' means that they are genuinely required for uses of land that preserve the openness of the Green Belt and do not conflict with the purposes of the Green Belt.

10.7 The erection of horse related structures such as stables, fences, and jumps can fall within the definition of appropriate Green Belt development provided that they are small in scale. Such developments may not require the benefit of planning permission subject to certain criteria being met, providing the use of the land is authorised for the keeping of horses.

11. Design Guidance

11.1 The following considerations are applicable to all development in the Green Belt, unless otherwise stated. These issues should be considered thoroughly by the applicant when preparing any proposal and Design and Access Statement within the Green Belt.

Siting

11.2 Careful consideration should be given to the impact of the proposal when viewed from locations in both the immediate vicinity and the wider countryside. The view of the proposal from roads, public footpaths and settlements will be given significant weight when assessing planning applications.

11.3 Applicants should give careful consideration to the siting of proposed buildings.

11.4 Buildings located on the crest of a hill are visually intrusive. If such a location is unavoidable, special consideration will be necessary to minimize the impact.

11.5 On sloping sites it is normally best to align a building parallel with the contours and use cut and fill as opposed to underbuilding. If different floor levels are practicable, the building should be stepped down the slope.

11.6 Existing trees and hedgerows should be retained and new buildings should respect the existing field boundary pattern.

Form

11.7 Where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the original building. Rural buildings often have a simple form or may possess a visual symmetry which should not be significantly altered.

11.8 Extensions should not overwhelm or destroy the original form of the building, but should appear secondary to it. The scale of an extension should fit unobtrusively with the building and its setting. An extension which infills a void between existing parts of a building, such as a space in an 'L' shaped house, may be less obtrusive and could reduce impact on the openness of the Green Belt.

11.9 Roof shape is critical to creating a successful built form. The pitch of extension roofs should be as, or similar to, the main house roof pitch. It should be noted that a flat roof extension in the countryside designed in order to reduce the bulk of the proposal is unlikely to be acceptable in appearance. The pitch of replacement dwelling roofs should be as, or similar to, the original house roof pitch to reflect the character of the original dwelling and surrounding area. Roof shape also determines the rate at which run-off enters the drainage system in periods of intense rainfall and this should be taken into consideration.

11.10 Particular account will be taken of the cumulative impact of extensions, including the effect on the character of the original property. Repeated extensions to properties impact significantly on the original form and can have a cumulatively detrimental effect.

Landscape Features and Setting

11.11 The landscape is very important to the openness and visual amenity of the Green Belt. All applications for development in the Green Belt will be required to demonstrate how they protect the openness and visual amenity of the Green Belt, through the form and design of buildings and all external areas, landscape works and planting. Further information on the landscape character of the area in which the proposed development is located can be found in the Sevenoaks District Countryside Character Assessment SPD.

11.12 Consideration must be given to the best way of integrating a new building with its immediate surroundings and landscape.

11.13 Existing trees, shelterbelts and other biodiversity features (e.g. ponds, unimproved grassland, etc) should be retained, and where appropriate enhanced.

11.14 Wherever possible, native trees should be used for new planted areas, rather than fast growing conifer hedges. Any new planting should be first agreed with the Council. Any areas proposed for new planting should take account of any plans for future development.

11.15 Sustainable drainage systems should be included as part of on site green infrastructure to reduce the risk of surface water flooding. Any systems should have appropriate management arrangements. Planting assists in water retention and amelioration of any flooding.

11.16 Waste material and redundant machinery should be removed, as should obsolete buildings except where those constructed in the local style and are worth retaining.

11.17 Consideration should be given to how hard-surfaced areas will link together and where resurfacing is needed, materials that are in-keeping with the surrounding area should be used. Non-porous surfaces that aggravate water run-off should be avoided where feasible.

Materials

11.18 Materials should be sympathetic with the location, minimising visual impact. Applicants should take into consideration any local vernacular when selecting materials and colours for their building.

11.19 The use of dark colours for window and door frames, guttering and other such elements is often preferable to lighter colours but this will also depend on the materials used within the building fabric. The use of overly bright colours should generally be avoided.

11.20 In relation to agricultural buildings, with a wide range of cladding materials and colours available, applicants should consider using materials and colours that have been used on similar buildings, if located within a farm complex. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area.

12. Very Special Circumstances

There are some situations that may allow certain developments to take place in the Green Belt, which under any other circumstances would not be allowed. These are known as '*Very Special Circumstances*' and if proven, are treated as a departure from the Development Plan.

12.1 When attempting to prove *Very Special Circumstances* the onus is on the applicant to prove that the exceptional nature of the proposal outweighs the harm that it would cause to the Green Belt.

12.2 Circumstances that are accepted as being "very special" are very rare, but will usually involve a specific judgement being made that no other option is available in light of the unique circumstances and individual case. These circumstances are not common and are unique 'one-offs' that are rarely likely to be repeatable.

12.3 If a proposal is against Green Belt policy it would therefore be inappropriate development. In such circumstances an application may still be submitted, however the Council would have to judge there to be *Very Special Circumstances* for it to be permitted.

12.4 Each '*Very Special Circumstances*' argument will be judged on its own unique set of circumstances. Any accepted case would not necessarily result in a precedent for similar arguments on the same or alternative sites.

12.5 Where new dwellings are permitted in the Green Belt on grounds of very special circumstances or as part of a rural exception scheme, the Council will remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively impact upon the openness of the Green Belt.

'Departures' from the Local Plan

12.6 If the Council receives an application considered to be inappropriate development in the Green Belt, yet considers approving it, the decision is considered to be a departure from the Development Plan. The Council may need to send the planning application to the Secretary of State giving them the opportunity to 'call it in' to make their own determination.

12.7 This process ensures that the Secretary of State has the opportunity to consider whether to call-in the more significant and potentially most harmful proposals for inappropriate development, thereby helping to strengthen planning controls in the Green Belt.

12.8 Applications will be referred to the Secretary of State if:

- the Council does not plan to refuse the application; and
- the application is considered to be inappropriate development in the Green Belt and involves either:

- a) the construction of a building or buildings with a floor space of more than 1,000 square metres; or
- b) any other development that, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

Glossary

Explanation of some planning terms commonly used:

Amenity - positive element that contributes to the overall character or enjoyment of an area.

Cumulative Impact - A number of developments in a locality or a continuous activity over time that together may have an increased impact on the environment, local community or economy.

Curtilage - The enclosed area immediately surrounding a building.

Departure - A proposed development that is not in accordance with the Development Plan, but for which the local planning authority proposes to grant planning permission.

Development Management/Control - The process whereby a local planning authority receives and considers the merits of a planning application and whether it should be given permission.

Development Plan Documents (DPD) - The documents that a local planning authority must prepare (to make up its Local Plan), and which have to be subject to rigorous procedures of community involvement, consultation and independent examination. Should include the following elements:

- Core Strategy;
- Site specific allocations of land and development management policies; and
- Policies Map (with inset maps, where necessary).

Dwelling - A self-contained building or part of a building used as a residential accommodation, usually housing a single household.

Floorspace - The total floor area enclosed by the exterior walls of a building.

Green Belt - A designation for land around certain cities and large built-up areas, which aims to keep this land permanently open or largely undeveloped.

Infill Development - The completion of an otherwise substantially built-up frontage, by the filling of a narrow gap normally capable of taking one or two dwellings.

Local Plan - The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

Local Planning Authority - The authority entitled to make a particular planning decision. Sevenoaks District Council determine all planning applications in their administrative area.

National Planning Policy Framework - Produced by the Government in March 2012 to guide Local Authorities when they are producing their Local Plans and determining planning applications. The NPPF replaced most of the guidance previously contained in Planning Policy Guidance Notes and Policy Statements (PPGs/PPSs).

Planning Permission - Permission to carry out development issued by a local planning authority.

Rural Exception Sites - Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

Supplementary Planning Documents - Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Urban Sprawl - The uncontrolled or unplanned extension of urban areas into the countryside.

Very Special Circumstances (VSC's) - unique and rare situations that may allow certain developments to take place in the Green Belt, which under any other circumstances would not be allowed. If proven, VSC's are treated as a departure from the Development Plan.

Washed Over - If a settlement is 'washed over' by the Green Belt, it is treated as being part of the Green Belt and the Green Belt policies apply to any development in the village.

Appendix 1 - Conversion Guidance

For any proposed conversion the Council needs to be satisfied that:

- A building is structurally sound at the time the application is submitted.
- That it is capable of being converted without significant re-building, and
- Can remain standing as existing throughout the construction process.

Minimum information required:

- A structural survey of the existing building, to include an internal inspection.
- Attached to the survey should be plans and elevations of the existing building highlighted to show any remedial work such as under-pinning or replacement roof timbers that would be required and to show any areas that would or may need re-building, even if this is only localised, such as demolition of the wall under a window to make it a door. Clarify whether the roofing material and structure is to be removed and replaced.
- Where there are concerns about the stability or amount of re-building proposed, this should be clarified or the application refused due to lack of information to confirm whether the building is capable of conversion.
- A method statement should set out how you intend to keep the building standing and stable in its current state throughout the construction process. They may need to refer to how vulnerable walls will be protected when new openings are formed or when there is under-pinning. If the existing structure is not going to be load bearing, will it be strong and stable enough to remain standing whilst the new structure / foundations are built around it. Identify which parts of the existing structure and materials will remain, be repaired or replaced.

Typical Brief for Structural Survey

Outline: The survey should include:

- The inspection of visible, exposed and accessible parts of the fabric of the building.
- Refer to building services, drainage, outbuildings as well as the load bearing structure and general fabric of the building.
- Details of all defects or potential defects.
- If the survey indicates that the condition of the building's structure or the potential for future movement or deterioration cannot be accurately predicted, this should be stated.

Detailed requirements to consider:

- Are the walls, roof and any other load bearing elements adequate on their own and in their current condition to allow for the conversion of the building for the purpose intended? If not, what remedial work is required e.g. repairs, replacements of some parts, a new roof structure, an independent internal load bearing structure.
- Confirm whether there are any existing foundations and if so, whether they are adequate to allow for the conversion of the building for the purpose intended.

- If new foundations are required in whole or part or the existing foundations need to be re-enforced, comment on the impact this may have on the existing structure. For example, could such work affect the stability of a wall?
- Do any parts of the structure require work to guarantee structural stability?
- Is the structural stability of the building sufficient to be maintained whilst work is undertaken to convert the building for the purpose intended?
- A defects drawing and report is required.
- A drawing and report to confirm the extent of remedial works is required.

When considering the structure and whether it is adequate for the purpose intended, consideration should be given to the requirements of the Building Regulations.

Please note that for conversion of buildings in the Green Belt the Council needs to be satisfied that any conversion can be carried out without the need for significant rebuilding and without additions. The survey should need to bear this in mind.

Appendix 2 - Practical Example of how the Council will determine an application against Policies GB1 and GB3: Limited Extensions or Outbuildings to Existing Dwellings in The Green Belt

The Council will require full floorspace and elevation drawings of the existing and proposed dwelling, clearly indicating, if applicable, the extent of any previous extensions in order to calculate the floorspace. Failure to submit such drawings may make the application invalid.

The Council will also require a breakdown of the applicant's floor space figures detailing how the proposals comply with the details of the policy.

Upon receipt of a valid planning application, the Council will assess an application based on the following steps;

Step 1: The Council will determine whether the existing dwelling is lawful and permanent in nature.

Step 2: The case officer will visit the site and determine whether the design and proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the 'original' dwelling and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

If the proposal is considered acceptable when considered against steps 1 and 2, the council will review the floorspace figures as detailed below.

Step 3: The Council will determine what they believe to be the floorspace of the original dwelling **(A)**.

Step 4: The Council will determine the total floorspace that the proposed extension or alteration seeks to add **(B)**

Step 5: The Council will determine the floorspace of any previous extensions or alterations **(C)**.

Step 6: Calculation

If the floorspace of the dwelling as proposed, plus the floorspace of any previous extensions are equal or less than the total floorspace of the original dwelling plus 50% increase, then the proposal will be considered to comply with criterion c) of the policy.

If it is greater than an 50% floorspace increase, the Council will consider the proposal a disproportionate addition contrary to the policy unless *Very Special Circumstances* apply.

Appendix 3 - How the Council will determine an application against Policy GB4: Replacement Dwellings in The Green Belt

The Council will require full floorspace and elevation drawings of the existing and proposed dwelling, clearly indicating, if applicable, the extent of any previous extensions in order to calculate the original floorspace. Failure to submit such drawings may make the application invalid.

The Council will also require a breakdown of the applicant's floorspace figures detailing how the proposals comply with the details of the policy.

Upon receipt of a valid planning application, the Council will assess an application based on the following steps;

Step 1: The Council will determine whether the existing dwelling is lawful and permanent in nature;

Step 2: The case officer will visit the site and determine whether the design and proposed volume of the replacement dwelling would materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

Step 3: The Council will ensure that the curtilage of the proposed replacement dwelling adheres to that of the original dwelling.

If the proposal is considered acceptable when considered against steps 1, 2 and 3 the council will review the floorspace figures as detailed below.

Step 4: The Council will determine what they believe to be the floorspace of the original dwelling **(A)**.

Step 5: The Council will determine the total floorspace of the replacement dwelling **(B)**

Step 6: The Council will determine the floorspace of any retained extensions, alterations or outbuildings **(C)**.

Step 7: Calculation

If the floorspace of the replacement dwelling, plus the floorspace of any retained extensions, alterations or outbuildings are equal or less than the total floorspace of the original dwelling plus 50% increase, then the proposal will be considered to comply with criterion d)

If it is greater than an 50% floorspace increase, the Council will consider the proposal a disproportionate addition contrary to the policy unless 'Very Special Circumstances' apply.

Appendix 4 - Pre-Application Advice

Pre-Application Advice

Pre-application advice is valuable in ensuring the best possible development outcomes for the community. It is also of benefit to any prospective applicant for the following reasons:

- It gives you an opportunity to understand how our policies will be applied to your development and you can identify and resolve potential problems before an application is submitted. This can help prevent costly and time-consuming amendments to schemes later;
- It may indicate that a proposal has little or no realistic chance of success, thus saving you considerable time and money;
- It may lead to a reduction in time spent by your professional advisers in working up the proposals in more detail;
- It can identify at an early stage whether any specialist advice is necessary (e.g. listed buildings, trees, landscape, transport, ecology or archaeology);
- We can give advice that can help you prepare a better planning application so we can process it more quickly and give you a decision sooner.

The Council introduced charges for pre-application meetings and letters from 1 July 2008. These charges apply to enquiries or meeting for planning officer advice prior to the submission of a new application or following the refusal of planning permission. For up-to-date details or the fee required for pre application advice, please visit the Council's website via the below link;

http://www.sevenoaks.gov.uk/environment/planning/pre_application_enquiries/3373.asp

What information we require for pre-application advice

All proposals;

- Site location plan with the site clearly marked (to a recognised scale, Nth point etc)
- Written details of the address and proposal
- Sketch block plan for any built development (to a recognised scale)
- Photographs showing key features of the site (directions shown on plan)

Residential extensions or replacement dwellings in the Green Belt;

- Existing floor plans and proposed floor plans to scale and detailed calculations of original floorspace and resulting floorspace

How to submit your pre-application

There are a few ways in which you can submit your pre-application:

By email to: planning.preapplication.advice@sevenoaks.gov.uk

By post or in person: Community and Planning Services, Sevenoaks District Council, Argyle Road, Sevenoaks, Kent, TN13 1HG.

ADOPTION OF THE LOCAL DEVELOPMENT SCHEME (LDS) TIMETABLE

Local Planning and Environment Advisory Committee – 27 January 2015

Report of Chief Planning Officer
Status: For Decision
Also considered by: Cabinet – 5 February 2015
Key Decision: No

Executive Summary:

This report seeks approval of the latest Local Development Scheme (LDS) timetable.

Portfolio Holder Cllr. Piper

Contact Officer(s) Helen French Ext.7357

Recommendation to Local Planning and Environment Advisory Committee:

That the recommendation to Cabinet is endorsed.

Recommendation to Cabinet:

That the Local Development Scheme (LDS) timetable is agreed.

Reason for recommendation:

To ensure the timely production of planning policy documents in accordance with the Local Development Scheme (LDS).

Introduction and Background

- 1 The Local Development Scheme (LDS) is a rolling project plan that sets the work programme for the development of Local Plan (formerly Local Development Framework) documents. The LDS no longer has to be submitted to the Secretary of State for approval, but has to be made available and published on the Council's website.
- 2 The latest formally adopted version of the Local Development Scheme was agreed by Cabinet in March 2012 and is out of date.
- 3 Advisory Committee and Cabinet considered a draft timetable in July 2014, but given the uncertainties at that time over the examination of the ADMP and the Gypsy and Traveller Plan, it was agreed to postpone the adoption of a new Local

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Development Scheme until later in the year, when there would be greater certainty regarding the adoption of the ADMP and progress on the Gypsy and Traveller Plan.

- 4 The LDS has been updated to reflect the current timetable for the preparation of local planning documents. It is proposed that the LDS be updated to include the timetable as set out in Appendix A. This edition of the LDS includes amendments to bring the LDS up to date in the following ways:

Development Plan Documents (DPDs):

- 5 The timetable reflects the anticipated adoption date for the ADMP in February 2015, and the actual adoption date of the CIL Charging Schedule (February 2014).
- 6 The work programme for the Gypsy and Traveller Plan has been updated to reflect the anticipated dates for consultation and examination. Publication is now programmed for summer 2015, with the examination to take place in spring 2016 and adoption in summer/autumn 2016. Central government has recently consulted on potential changes to planning policy for Gypsy and Travellers, and therefore the proposed programme may need to be revised if these potential changes in national policy are implemented.
- 7 An additional work-stream has been added to the LDS, namely the Local Plan Review. This is a commitment from the ADMP examination, that the Council will undertake an early review of the Core Strategy, in part or in whole, within the next five years. The Council's evidence base will be updated, starting with a Strategic Housing Market Assessment (SHMA), as agreed by Cabinet in July 2014. Options will then be developed and a revised Local Plan will be prepared, culminating in initial public consultation at the end of 2016. The draft revised Local Plan will be published and submitted to the Planning Inspectorate in 2017, for examination and adoption in 2018.

Supplementary Planning Documents (SPDs):

- 8 LDS are not required to include SPDs. However, the main SPDs are included here for information to show how the timetable for their preparation relates to the proposals for DPDs. The list of SPDs is not intended to be complete and it should be noted that Conservation Area Management Plans and Neighbourhood Plans are not included.
- 9 Residential Character Area Appraisals for Swanley and Edenbridge are scheduled to be prepared in 2016, provided there is sufficient capacity within the team. However, the preparation of the Gypsy and Traveller Plan and Local Plan Review are the priorities, and the Character Area Appraisals will be re-scheduled if necessary.
- 10 The Green Belt SPD has been prepared and has been subject to public consultation. This document provides further explanation of the green belt policies contained in the ADMP and therefore will be adopted at the same time as the ADMP (programmed for February 2015).
- 11 An update of the Statement of Community Involvement was prepared and adopted in 2014.

Next Steps

- 12 Once approved, the updated LDS will be made available and published on the Council's website.

Conclusions

- 13 This report seeks approval for the updated Local Development Scheme timetable.

Other Options Considered and/or Rejected

As the LDS is out of date it cannot remain unchanged. The reasons for the changes in its content and programme are explained above.

Key Implications

Financial

None – the costs of preparing the LDS are part of the Planning Policy budget.

Legal Implications and Risk Assessment Statement

None – the Council is required to publish an up to date LDS.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A – Updated Local Development Scheme 2014 and timetable

Background Papers

[Inspector's Report on the ADMP](#)

[Inspector's letter to the Council regarding 'main modifications'](#)

[ADMP Main Modifications consultation document](#)

[ADMP Draft for Submission](#)

[CIL Charging Schedule](#)

Richard Morris
Chief Planning Officer

Sevenoaks District Council
Local Development Scheme





**Local Development Scheme
December 2014**

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3	TIMETABLE FOR PRODUCTION OF SPDs	8
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1 INTRODUCTION

Background

- 1.1 This Local Development Scheme (LDS) is the **project plan** for the production of the Local Plan for Sevenoaks District Council and has been prepared in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

- 1.2 This Local Development Scheme sets out the Council’s programme for the preparation of Development Plan Documents (DPDs) for the period up to 2017. The LDS no longer needs to include the programme for preparing Supplementary Planning Documents (SPD). However, information on the Council’s current proposals for preparing SPDs is included for information. Readers should check with the Council’s website for any updates to the SPD programme.

- 1.3 Progress in producing Local Plan documents will be assessed on an annual basis and reported in the Council’s ‘Authority Monitoring Report’ (AMR) published in December. The AMR will consider whether any changes are needed to the LDS in the light of changing circumstances or whether additional actions are needed to maintain the current timetable.

- 1.4 Following approval copies of the document will be made available for inspection at the Council Offices. Alternatively it may be viewed online on the Council’s website at www.sevenoaks.gov.uk

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About The District

- 1.5 Sevenoaks District Council has an area of 142 square miles and is located in West Kent bordering Greater London, Surrey and Sussex. The District covers three main towns, namely Sevenoaks, Swanley and Edenbridge, together with many other small towns and villages and extensive areas of countryside.

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Strategic Planning Context

- 1.6 The District is subject to a number of statutory national planning designations. 93% of the District lies within the Metropolitan Green Belt and over 60% is within either the High Weald or Kent Downs Areas of Outstanding Natural Beauty. There are 24 Scheduled Ancient Monuments, approximately 2000 Listed Buildings and over 40 Conservation Areas within the District. In addition Sevenoaks has 17 designated Historic Parks and Gardens, the highest number in Kent.

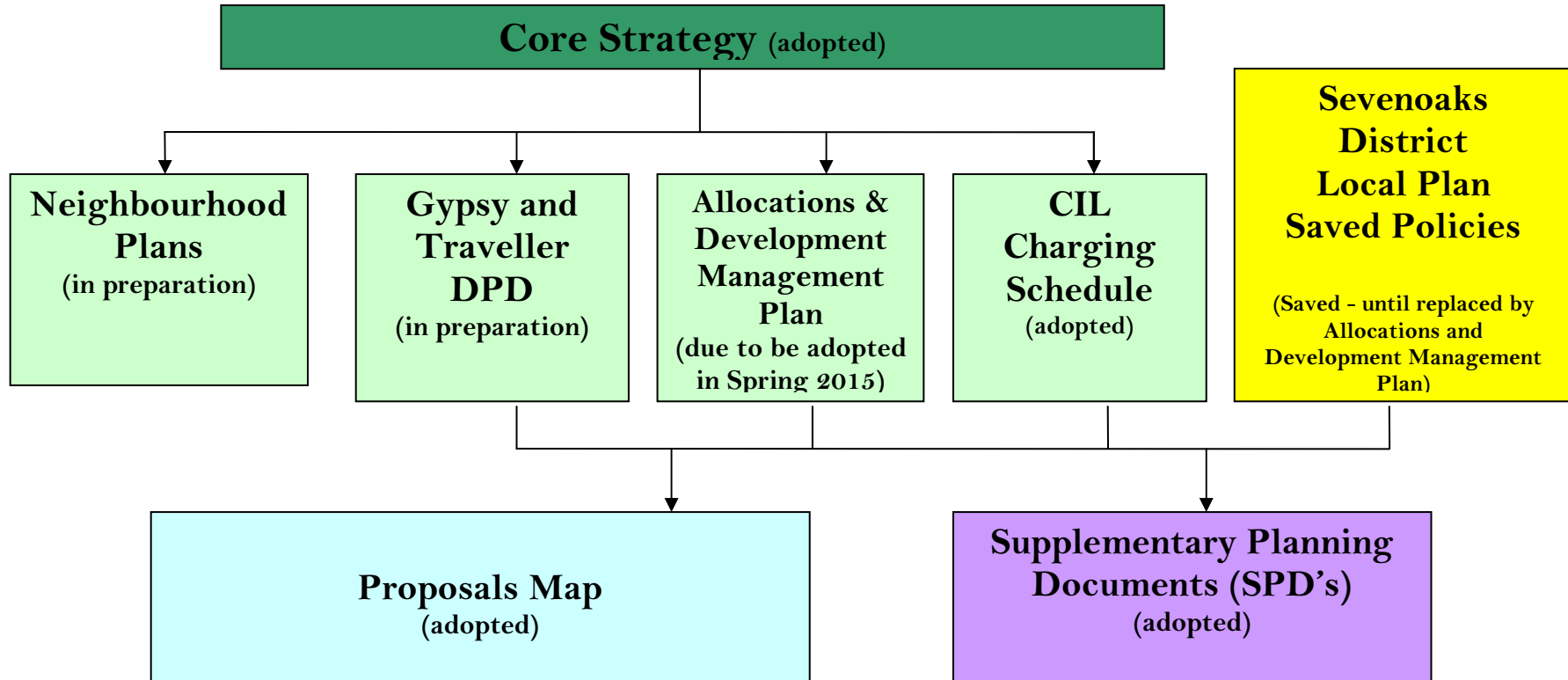
Current Statutory Development Plan

- 1.7 Following the adoption of the Core Strategy for the District in February 2011 the current Development Plan for the District comprises:
- *The Sevenoaks District Core Strategy 2011*
 - *the remaining saved policies from the adopted Sevenoaks District Local Plan 2000*
 - *the saved policies from the Kent Minerals Subject Plan: Brickheath Written Statement adopted 1986*
 - *the saved policies from the Kent Minerals Local Plan: Construction Aggregates adopted 1993*
 - *the saved policies from the Kent Minerals Local Plan: Chalk and Clay adopted 1997*
 - *the saved policies from the Kent Minerals Local Plan: Oil and Gas adopted 1997*
 - *the saved policies from the Kent Waste Local Plan adopted 1998*

Local Plan

- 1.8 The figure over the page outlines the relationship between planning policy documents which will be or have already been produced.
- 1.9 The Council adopted the Core Strategy in April 2011. The Council has several adopted SPDs. Kent Design was adopted as SPD in 2007, whilst the Residential Extensions SPD was adopted in May 2009. The Affordable Housing SPD and Countryside Assessment SPD were adopted in October 2011 and the Sevenoaks Residential Character Area Assessment was adopted in April 2012. These documents, together with the SCI and LDS and a number of adopted Village Design Statements and Parish Plans, form the Local Plan for the District. The timetable for the production of additional Local Plan documents can be found in Chapter 3 Overall Programme and detailed descriptions of the documents can be found in Chapter 4 LDD Profiles.
- 1.10 The Council has recently adopted a revised Statement of Community Involvement (SCI). Future consultations to be carried out on all Development Plan Documents will be subject to the requirements set out in the SCI.

THE SEVENOAKS LOCAL PLAN KEY DIAGRAM



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2 TRANSITIONAL ARRANGEMENTS

Saved Plans

- 2.1 A series of policies from the adopted Sevenoaks District Local Plan 2000 have been saved from 27 September 2007. The Core Strategy replaced some of these policies and those still remaining in force will be replaced by the Allocations and Development Management Plan, in spring 2015.

3 TIMETABLE FOR PRODUCTION OF DPDS

3.1 The following is an indicative timetable for the production of the Local Plan. Whilst the Council is no longer required to include SPDs within the timetable, they are included for information purposes. Priority will be given to the preparation of DPDs. The District will support the preparation of Neighbourhood Plans but they are not included as their preparation is led by local parish and town councils. Planning Briefs for other key development sites identified in the Core Strategy may also be required.

	2014												2015												2016												2017													
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Development Plan Documents																																																		
ADMP																																																		
CIL Charging Schedule																																																		
Gypsy and Traveller Plan																																																		
Core Strategy / Local Plan Review																																																		
Supplementary Planning Documents																																																		
Residential Character Area - Swanley																																																		
Residential Character Area - Edenbridge																																																		
Green Belt SPD																																																		
Statement of Community Involvement																																																		

Development Plan Documents

- Preparation / Evidence Base
- Informal Consultation (Regulation 18)
- Pre-Submission Publication (Regulation 19)
- Cabinet/Committee Approval
- Submission (Regulation 22) - Key Milestone
- Pre-Hearing Meeting
- Hearing
- Main Modifications Consultation
- Inspector's Report
- Adoption - Key Milestone

Supplementary Planning Documents

- Preparation
- Consultation
- Adoption

4 DOCUMENT PROFILES

- 4.1 The following table profiles the Development Plan Documents to be prepared by the Council up to the end of 2017.
- 4.2 This edition of the LDS includes amendments to bring the LDS up to date. The timetabling of Gypsy and Traveller Plan and Local Plan Review has been updated to reflect the anticipated dates for consultation and examination.

Local Development Document	Area	Chain of Conformity	Led By	Other Contributors	Resources Required	Reasoned Justification
<p>Core Strategy DPD (adopted Feb 2011)</p> <p>The Core Strategy sets out the vision for the District. It contains spatial policies that deal with the distribution of development in the District and general policies that help to deliver the vision.</p>	Whole District	National Policy ▼ Core Strategy	SDC Policy Team	Adopted	Adopted	The Core Strategy is the first stage in preparing the spatial expression of the Community, and other strategies. It is a statutory requirement. It provides a strategic framework for the preparation of other local planning documents.
The Allocations and Development Management Plan	Whole District	National Policy ▼ Core	SDC Policy Team	Chief Planning Officer Chief Officer	Officer and Member time Local Planning &	This deals with the allocation and designation of areas of land. In terms of new allocations it will identify housing sites to meet the Core Strategy

<p>The DPD identifies new land use site allocations including housing and other land use designations such as the Green Belt and AONB boundaries. It also includes detailed policies for the management of development that will be used in the determination of planning applications and to ensure that development will achieve the vision of the Core Strategy.</p>		<p>Strategy ▼ Allocations and Development Management</p>		<p>Communities & Business Chief Officer Housing Chief Finance Officer Parish/Town Councils</p>	<p>Environment Advisory Committee (LPEAC) time Sevenoaks District Strategic Board time Financial resources for consultation, publication, postage and publicity</p>	<p>provision. It will also show national designations such as Green Belt AONBs and local designations which aim to protect existing uses under development pressure such as green spaces, shopping frontages and business areas. It will also include detailed development management policies where needed that will replace the remaining Saved Local Plan policies and provide an up to date local policy framework for the detailed consideration of development proposals.</p>
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<p>The Community Infrastructure Levy (CIL) Charging Schedule</p> <p>The charging schedule sets out the charges applicable to new developments to fund necessary infrastructure improvements for the District</p>	Whole District	<p>National Policy ▼ Core Strategy ▼ CIL Charging Schedule</p>	SDC Policy Team	Adopted	Adopted	<p>The preparation of a charging schedule is a requirement for authorities introducing CIL. Funding from CIL is necessary to support necessary infrastructure improvements required to support new development in the District. The charging schedule is supported by evidence of infrastructure needs and costs drawing on the Core Strategy Infrastructure Delivery Plan.</p>
<p>The Gypsy and Traveller Plan</p>	Whole District	<p>National Policy ▼ Core Strategy ▼ Gypsies and Travellers DPD</p>	SDC Policy Team	<p>Chief Planning Officer</p> <p>Chief Officer Communities & Business</p> <p>Chief Officer Housing</p> <p>Parish/Town Councils</p>	<p>Officer and Member time</p> <p>LPEAC time</p> <p>Sevenoaks District Strategic Board time</p> <p>Financial resources for consultation, publication, postage and publicity</p>	<p>The Gypsy and Traveller Plan will make provision for sites for gypsies and travellers in response to local needs and historic demand taking account of national policy and relevant Core Strategy Policy, including Policy SP6. The DPD is supported by a local needs assessment completed in 2012.</p>
<p>Local Plan Review</p>	Whole District	<p>National Policy ▼ Local Plan</p>	SDC Policy Team	<p>Chief Planning Officer</p> <p>Chief Officer Communities & Business</p>	<p>Officer and Member time</p> <p>LPEAC time</p> <p>Sevenoaks District Strategic Board</p>	<p>An additional work-stream has been added to the LDS, namely the Local Plan Review. This is a commitment from the ADMP examination, that the Council will undertake an early review of the Core Strategy, in part or in whole, within the next five years. The Council's evidence</p>

				Chief Officer Housing Parish/Town Councils Neighbouring Authorities Statutory Consultees	time Financial resources for consultation, publication, postage and publicity	base will be updated, starting with a Strategic Housing Market Assessment (SHMA). Options will then be developed and a revised Local Plan will be prepared, culminating in initial public consultation at the end of 2016. The draft revised Local Plan will be published and submitted to the Planning Inspectorate in 2017, for examination and adoption in 2018.
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5 SUPPORTING STATEMENT

Background Studies

- 5.1 The Council has commissioned a number of background studies that will be used as an evidence base for the preparation of the Local Plan. These are set out in the table below:

Study	Comments
Affordable Housing Viability Study	Completed November 2009 Being Updated in 2015/16
West Kent Strategic Housing Market Assessment	Completed December 2008 Being Updated 2014/15
Strategic Housing Land Availability Assessment (SHLAA)	Completed July 2008 Updated September 2009 Being Updated in 2015
Hotel Study	Completed August 2007 Being Updated in 2015/16
Employment Land Review	Completed January 2008 Being Updated in 2015
Retail Study	Completed May 2005 Updated October 2007 Updated June 2009 Being Updated in 2015/16
Open Space Study	Completed January 2009 Partial Update in 2015/16
Settlement Hierarchy	Completed October 2009 Being Updated in 2014/15
Strategic Flood Risk Assessment	Completed May 2008 Being Updated in 2015/16
Transport Study	Completed January 2007
Sevenoaks District Strategy for Transport	Completed July 2010 Being Updated in 2015/16
Gypsies and Travellers Local Needs Assessment	Completed February 2012
CIL Viability Assessment	Completed July 2012
Employment Land Review – Site Specific Update	Completed December 2012
Business Survey	Completed October 2013

Sustainability Appraisal

5.2 Sustainability Appraisal (SA) of all DPDs will be required to assess how they will impact on the social, economic and environmental fabric of the District. SA involves five stages and the preparation of three key reports as follows:

- *Stage A: Setting the context and objectives, establishing the baseline and deciding on the Scope (Scoping Report)*
- *Stage B: Developing and refining options (Initial SA Report)*
- *Stage C: Appraising the effects of the plan (Final SA Report)*
- *Stage D: Consulting on the plan and SA Report*
- *Stage E: Monitoring implementation of the plan*

5.3 Sustainability Appraisal was carried out at all stages in the preparation of the Core Strategy and Allocations and Development Management Plan.

Reporting Structures

5.4 Cabinet is responsible for making executive decisions affecting preparation of Local Plan documents, scrutinised by the Local Planning and Environment Advisory Committee (LPEAC). Draft LDDs will go to Full Council for approval prior to Formal Submission.

Resources

5.5 The Planning Policy Team is located within the Planning Services section of the Council. Members of the team have other duties in addition to the preparation of the Local Plan.

5.6 Following is a list of the Officers within the team when it is fully staffed, along with an estimate of the amount of time that each officer will give to the preparation of the Local Plan:

- *Team Manager 75%*

-
- *Principal Planning Officer 75%*
 - *Senior Planning Officer 60%*
 - *Senior Planning Officer 60%*
 - *Planning Policy Officer 60%*
 - *Local Plan Monitoring Officer 80%*
 - *Planning Policy Technical Clerk 10%*

5.8 For the preparation of specific Local Development Documents, the Council will call on the expertise of other appropriate members of staff. These include members of the Development Management Team, Housing Policy team, and Community Development Team.

5.9 The Council will draw on expertise from Kent County Council and also has access to a range of expertise and skills within the Kent Downs and High Weald AONB Units.

5.10 A Service Plan with Performance Management targets based on LDS milestones and internal reporting is prepared annually and will be reviewed in line with the Authority Monitoring Report and any revisions to this LDS. This will be used to inform individual work plans for team members.

Financial Resources

5.11 A 5 year budget plan has been prepared in consultation with the Chief Officer, Finance which will form part of the Council's overall budget setting.

6 GENERAL RISK ASSESSMENT FORMS

Date: December 2014
 Service: Local Plan
 Assessed By: Hannah Gooden
 Location: Planning Policy
 Review Date: December 2015

No	Hazard	Severity 1-5 1=low 5=high	Likelihood 1-5 1=low 5=high	Level of Risk	Control Action / Contingency Action	Result	Triggers for Action
1	External factors such as implications of the National Planning Policy Framework leading to uncertainty in the strategic planning background and potential delay	4	3	12	This is beyond the Council's direct control Maintain close liaison with PINS, and the Department of Communities and Local Government (DCLG). Monitor outcome of comparable DPDs and identify relevant lessons	N	Inspector's advice
2	Government planning reforms may lead to changes in future requirements for Local Plans	2	4	8	The Core Strategy already identifies a significant role for Parish Plans and Village Design Statements and for other initiatives developed at a local level, including Neighbourhood Plans. It is therefore well-placed to take on board the Localism agenda which reduces the severity score. Monitor proposals and be prepared to carry out a further review of the LDS if necessary. Give priority to DPDs if there are additional demands on available resources	A	Progress in implementing the Localism Act and related guidance
3	Staff turnover, sickness or	4	3	12	Incentives maintained to retain staff	N	Appraisal

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	retirement				including market payments and career grade structures. Give priority to DPDs over SPDs should there be an extended loss of staff resources.		System and 1-1 sessions.
4	Production and Council approval of the various components of the Local Plan are late (for whatever reason) with subsequent knock-on effect on the overall timetable	3	2	6	Reporting procedures in place to review progress against timetables and intervene at an early stage to keep Local Plan work on track.	A	Failure to meet targets and milestones in the LDS
5	Extended Citrix failure. Failure of main computer server - inability to access software programs	5	1	5	Return to conventional network system Set up limited paper files for essential records	T	Known problem – if it fails, everything stops
6	The budget for Local Plan work is inadequate financial resources to complete the Local Plan according to timetable.	4	2	8	A long term rolling budget programme has been set and agreed by Members. The LDS has been reviewed to re-programme activity and achieve a substantial saving by reducing the number of separate DPDs Undertake joint working with partners to cut costs Maximise use of the website to reduce printing costs	A	Budget over spend
7	The Inspector for the Examination considers the DPD as unsound resulting in considerable extra work for planning officers and failure to meet planned timescales	5	2	10	The Council will seek to minimise this risk by ensuring that the DPDs are sound founded on a robust evidence base and high standard to stakeholder and community engagement Use of Counsel to advise on procedural and soundness issues Establish and maintain close liaison with key	A	Inspector's Report

					stakeholders and maintain close liaison with PINS, and the CLG Monitor outcome of comparable DPDs and identify relevant lessons Maintain staff training.		
8	There is a legal challenge to the adoption of the DPD	4	1	4	The Council will seek to minimise this risk by ensuring that the DPDs are sound founded on a robust evidence base and high standard of stakeholder and community engagement	T	Notice of challenge

Key;
N = Not adequately controlled (11-25)
A = Adequately controlled (6-10)
T = Trivial risk (1-5)

7 GLOSSARY OF TERMS

Abbreviation	Document Name	Document Description
AMR	Authority Monitoring Report	Authorities are required to produce AMRs to assess the implementation of the LDS and the extent to which policies in the Local Plan are delivering the Council's spatial vision.
CIL	Community Infrastructure Levy	A levy on new development to fund infrastructure improvements. The levy is supported by a charging schedule which sets out the levy for different types of development supported by evidence of future needs and costs of provision.
DCLG	Department for Communities and Local Government	DCLG sets policy on local government, housing, urban regeneration, planning and fire and rescue. In England, it has responsibility for all race equality and community cohesion related issues, building regulations, fire safety and some housing issues.
DPD	Development Plan Document	The Documents that a local planning authority must prepare, and which have to be subject to rigorous procedures of community involvement, consultation and independent examination. The Core Strategy is the key plan within the Local Plan and should be prepared by every local planning authority. Other DPDs may be prepared where necessary to provide additional detail which would not be suitable for a Core Strategy and which needs to have development plan status.
LDD	Local Development Document	LDDs comprise DPDs, and SPDs.
LDS	Local Development Scheme	The LDS sets out the programme for preparing Development Plan Documents.
NPPF	National Planning Policy Framework	Government statement of national planning policy.
NPPG	National Planning Practice Guidance	Government Planning Practice Guidance providing further explanation of the NPPF
PINS	Planning Inspectorate	Independent body which undertakes examination of the Local Plan.
SA	Sustainability Appraisal	Assessment of the social, economic, and environmental impacts of the policies and proposals contained within the Local Plan.
SCI	Statement of Community Involvement	Document explaining to stakeholders and the community, how and when they will be involved in the preparation of the Local Plan, and the steps that will be taken to facilitate this involvement.
SPD	Supplementary Planning Document	Documents which will provide further guidance regarding how development plan policies should be implemented.

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CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN - Proposed updated Westerham Conservation Area Character Appraisal and Management Plan

Local Planning and Environment Advisory Committee - 27 January 2015

Report of Chief Planning Officer

Status: For Decision

Also considered by: Cabinet - 5 March 2015

Key Decision: No

This report supports the Key Aim of the Green and Healthy Environment theme of the Community Plan.

Portfolio Holder Cllr. Robert Piper

Contact Officer(s) Aaron Hill Ext. 7334 Rebecca Lamb Ext. 7399

Recommendation to the Local Planning & Environment Advisory Committee: That it be recommended to Cabinet that the updated Character Appraisal and Management Plan for Westerham Conservation Area be adopted as Supplementary Planning Guidance

Recommendation to Cabinet: That the updated Character Appraisal and Management Plan for Westerham Conservation Area be adopted as Supplementary Planning Guidance

Reason for recommendation. : It is considered that the updated character appraisal and management plan for Westerham conservation area reflects the changing townscape in Westerham and will help local residents and other interested parties engage in the conservation and enhancement of the local historic environment

Introduction and Background

1. This report seeks Members' support for the adoption of the updated Westerham Conservation Area Appraisal and Management Plan as a Supplementary Planning Document.
2. People in the district place a high value on the quality of its landscape, historic character and open spaces according to the Sevenoaks District Sustainable Community Plan.
3. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.' Clear and concise appraisals of the character of conservation areas provide a sound basis for their designation and management

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and will inform local development management proposals and provide a framework for the control of development. The same act also conveys a duty on the local authority to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts.

Updated Westerham Conservation Area Appraisal and Management Plan

4. The current Westerham Conservation Area Character Appraisal was carried out in 2003 and does not include a management plan. The former Character Appraisal also did not reflect the many recent additions and alterations to the area and it is important that the special interest of a conservation area is clearly and accurately articulated so that it is a useful and reliable document for development management decisions. Westerham is one of the district's largest settlements which has a conservation area at its core and is the last to have been recently updated. It was also considered to be important to incorporate a management plan to help support not only the Council's functions but also other bodies that are involved with the area. Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on local planning authorities to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts.
5. This Appraisal and Management Plan is based on best practice contained within the English Heritage guidance, "Understanding Place: Conservation Area Designation, Appraisals and Management". This guidance also states;
6. "1.17 Section 69(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local authorities to carry out reviews 'from time to time' but there is no indication in law how often this might mean. Good practice is generally accepted to be every 5 years."
7. The Appraisal describes the character and qualities of the area as a whole, and has identified different character areas. When adopted as a supplementary planning document the Appraisal and Management Plan will be a material consideration in the determination of development proposals. This means that the all new development will be assessed against the character described within the Appraisal to ensure that it preserves or enhances the character of the area as required by Section 69 of the *Planning (Listed Building and Conservation Areas) Act 1990*. The National Planning Policy Framework (NPPF) is clear that local authorities can not prescribe architectural style but are encouraged to preserve local distinctiveness. The character appraisal describes the local distinctiveness.
8. The management plan considers ways that the character could be better protected and ways that change can be sensitively managed. This section looks in more detail at the other items which effect character like street furniture, signage and surface treatments. It also signposts appropriate good practice guidance produced by relevant bodies like English Heritage and CABE.

Procedure

9. There is no statutory duty to consult when preparing appraisals/ management plans but consultation has been carried out with residents, Westerham Town Council and Westerham Town Partnership in order to comply with the Council's

Statement of Community Involvement. In total there were 4 responses from local residents and for the most part they highlighted factual inaccuracies or omissions or were concerned with issues out of the remit of the consultation. Some small amendments have been made to the draft document in response to these consultations. The results of the consultation and the response are attached at Appendix A.

Key Implications

Financial

The production of the appraisal and management plan has been accommodated within existing budgets.

The cost of printing and map production has been allowed for in existing budgets.

Legal Implications and Risk Assessment Statement.

The Council has a statutory duty under the provisions of section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate and review conservation areas and is now required to produce Appraisals and Management Plans for each area.

The document is based on best practice contained in the English Heritage guidance and has involved local engagement. It is therefore considered to be a sound basis for the future conservation and management of the area.

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

Conclusions

The Council has reviewed the historic and architectural character of Westerham Conservation Area and updated the Character Appraisal to include a Management Plan. The Management Plan will help the local community, developers, local authorities and development professionals engage in the conservation and enhancement of the local historic environment and secure the long term preservation of the character of the area as an important heritage asset.

Appendices

Appendix A – Response to public consultations

Appendix B – Draft Conservation Area - Appraisal and Management Plan, including maps

Background Papers:

[Conservation Principles- English Heritage 2008](#)

[Understanding Place: Conservation Area Designation, Appraisal and Management – English](#)

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[Heritage 2011](#)

[Sevenoaks Core Strategy](#)

[National Planning Policy Framework 2012](#)

Richard Morris
Chief Planning Officer- Community and Planning Services

Appendix A

Respondent	Comments	Response
Westerham Town Council	Approves and supports this Appraisal and Management Plan	Noted
	Map 1 to show relocation of Post Office from London Road to Market Square	The Map 1 does not show the Post Office. The first Map in the document on page 20 is from the Ordnance Survey which often takes a year to update information.
	Various suggested factual inaccuracies	Document amended, where appropriate, to reflect these comments
	Suggested a glossary for architectural terms	To be included within the final document
	Include mention of the Westerham and Crockham Hill Design Statement	To be included within the final document
	Management Plan should say how the proposals can be achieved/funded	The purpose of the Management Plan is to provide an overview of the issues to inform a variety of bodies about the harmful effect on the character of inappropriate development.
	Traffic should have a 20mph speed limit	Traffic management is the responsibility of Kent County Council
	Article 4 Directions – more information on who would prepare these.	Article 4 Directions are prepared by the local authority. An assessment on the requirement was included within the document.
	WTC does not object to the herringbone brick paving	Noted
	Would like an audit of street furniture	Noted
	Agrees that excessive road markings are unnecessary but some are important for road safety	Noted
Westerham Town Partnership	The document omits to mention two other documents 'Westerham and Crockham Hill Design Statements' and the 'SDC Westerham Conservation consultation 2003'. Wants the document to specifically say that it does not	The document has been amended to include specific reference to 'Westerham and Crockham Hill Design Statement'. The document referred to as the 2003 SDC Westerham Conservation consultation' was the previous Westerham

Appendix A

	replace them. If SDC has new policies which alter the meaning of the earlier documents, they should explicitly mention all the specific changes since 2003	Conservation Area Appraisal and this document replaces it. There are no new policies that have altered the meaning of the documents, the update was part of the ongoing work programme.
	The main recommendations relate to shop fronts and shop signs which is thoroughly laudable. Sympathetic to the point raised regarding street signage, but an urgent review of signage is required to help people find somewhere to park.	Noted.
John Edwards	Various factual inaccuracies	Document amended to reflect these comments
Keith Sime	Not viewed the document as unable to view the website.	The letter advised that the document was also available to view in the library and the Town Council Office
	Other amenity concerns regarding Westerham town centre	Noted but not related to the document being consulted on. Quality of painting and dirty frontages are not covered by the planning regime. Concerns relating to traffic will be forwarded to Kent County Council who has responsibility for this area. Parking concerns will be forwarded to the relevant department at SDC.
Mr and Mrs Buckley	Traffic concerns	Noted but not related to the document being consulted on. Concerns relating to traffic will be forwarded to Kent County Council who has responsibility for this area.
Maureen Oakley	Omitted reference to any local historian and concerns over the quality of the historical information used. The workhouse was not demolished and there is no mention of the original market house that is 'Deli de Luca' at the top of London Road.	The purpose of the document is not to provide a historical record of Westerham but to provide context to the character.

Westerham

DRAFT

Conservation Area Appraisal and Management Plan



PLANNING GUIDANCE 2014



Westerham

DRAFT Conservation Area Appraisal and Management Plan

The historic environment is a social asset of immense value and one of the keys to the continuing prosperity of Sevenoaks District. Conservation area appraisals and management plans are part of the process of ensuring that we make the best use of our historic environment. They are tools for the positive management of change, not a means of preventing development. Conservation is focused on the entire historic environment, not just listed buildings. Trees, open spaces, buildings, uses and streets all contribute to the character and local distinctiveness of the District's conservation areas.

The built environment of our conservation areas has used energy and materials moulded by people both past and present. The District Council will creatively manage the fabric of these areas in a sustainable way as a legacy for future generations.

It is intended that this appraisal and management plan will inform the activities of the Council, the public and other bodies where these affect the conservation area. This Appraisal and Management Plan was approved by the District Council

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Published by Sevenoaks District Council
Community & Planning Services
Conservation Team
Council Offices
Argyle Road
Sevenoaks
KENT TN13 1HG

Tel: 01732 227000

Fax: 01732 451332

Website: www.sevenoaks.gov.uk

Email: policy.environment@sevenoaks.gov.uk

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1.0 INTRODUCTION

SUMMARY OF SPECIAL INTEREST

Westerham is a busy town with ancient origins. It was first established as a market town in the 12th century, and then expanded with the coming of the railway and small industries, and later developed into a destination for shopping and tourism. It is set within a unique landscape, being on a small hill but within a valley, in the shadow of the North Downs. Views into the town from the undulating landscape provide a pleasant aspect of a varied, mostly red-tiled roofscape punctuated by landmarks such as St. Mary's Church. Views from the town include vistas of the North Downs to the north, and the rolling, undeveloped pasture land to the south, which helps to retain its rural setting. Westerham has always attracted residents who are drawn to the agreeable market town life whilst being in close proximity to London, as well as local crafts and business people. The built form of the town is therefore a pleasing mix of small cottages and larger dwellings of various periods, with a unifying theme of orange/red brick and hanging and roof tiles, and ragstone and brick walls. Place and building names, building types and landscape features provide clues to past industries, such as Mill Lane, Brewery Cottages and the restored mill ponds, providing continuity to the local identity. The former market square continues to be a bustling centre providing a sense of prosperity.

This document replaces the Westerham Conservation Area Appraisal that was produced in December 2003 by Sevenoaks District Council. Local authorities are required by law to regularly review their conservation areas and produce conservation area appraisals and management plans. These summarise what is important about the area and what improvements are needed.

This Appraisal and Management Plan follows the broad format suggested by English Heritage in its 2011 document *Understanding Place: Conservation Area Designation, Appraisal and Management*. The Appraisal draws heavily on the original document. The boundary was assessed for possible extension and it has been determined that there is no requirement for additions or exclusions at this point in time.

The omission of any particular feature or building does not imply that it is of no significance.

1.1 Definition and Purpose of Conservation Areas

Conservation areas first came into being as a result of the Civic Amenities Act of 1967 and are intended to identify any valuable architectural or historic characteristics in a locality that may need protection and enhancement. Along with World Heritage Sites, scheduled monuments, listed buildings, protected wreck sites, registered parks and gardens, and registered battlefields, conservation areas are defined as 'designated heritage assets' in the National Planning Policy Framework 2012 (NPPF).

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 recognises that there are particular areas of 'architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' and charges

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planning authorities with a duty to designate any such locations within their jurisdiction as conservation areas. This designation then empowers the local authority to pay particular attention to planning considerations and development with conservation areas and gives greater control over such matters as demolition, landscaping and trees, and the display of advertisements.

Designation also raises the awareness of local residents and businesses of the quality of their surroundings and is intended to encourage an active interest in the care and maintenance of their properties and surrounding land, fostering a sense of communal pride.

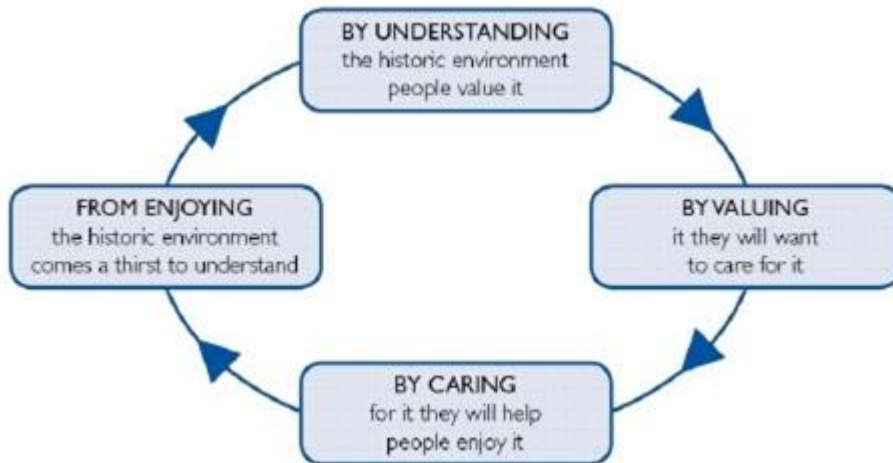
It has been recognised that designation, because of the responsibilities and obligations it places on both owners and the local authority, should only be imposed on areas that are demonstrably suitable. Where the criteria have been met, the area should then benefit from the additional control and protection that designation confers, and from official recognition of the special architectural and historic character and appearance of the locality.

One of the 12 core planning principles for achieving sustainable development within the NPPF is to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'. Historic areas and buildings are now recognised not only as historic assets worth of protection but are increasingly being valued as important tourism, economic, education and cultural assets.

1.2 The Benefits of Being in a Conservation Area

The historic environment is of particular importance for tourism and leisure. English Heritage's annual '*Heritage Counts*' report for the South East in 2012 concluded that the number of visitors to historic sites has grown substantially over the last decade, significantly contributing towards the economy in the South East. In addition, maintaining the appearance of a conservation area and the character of the groups of buildings within it can often sustain or enhance the value of individual properties. Research carried out by the London School of Economics on behalf of English Heritage, published in 2012, proves the value of conservation areas in terms of the economic results of pride of place. Conservation areas can offer attractive living and working conditions that will encourage further investment.

The principles of conservation management planning – that managing any historic place should be based on understanding it and assessing its significance and values – are now accepted as applying to historic areas as much as historic buildings (English Heritage '*Conservation Principles, Policy and Guidance*', 2008)



The Heritage Cycle, English Heritage

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1.3 Purpose of Appraisals and Management Plans

As their number grows, it has become even more important for local authorities to include a well-defined and considered policy for designated conservation areas in their development plans. Development pressures are such that any designation is likely to be subjected to detailed scrutiny and must be readily and demonstrably defensible against adverse criticism. The criteria for designation should be kept as consistent as possible and the public involved in any proposed changes in their area.

The 1990 Act charges local authorities with the responsibility of undertaking a review of their conservation areas from time to time, both to consider the possibility of revisiting their extent, and to identify any past changes or future pressures which may affect the original reasons for their designation. English Heritage published an advisory leaflet on appraisals in 1997 and more detailed guidance on both appraisals and management plans in 2006, which was then updated in the most recent 'Understanding Place: Conservation Area Designation, Appraisal and Management' (March 2011). This document outlines the principles of the approach that local authorities and communities can take in adopting conservation areas and management plans.

Appraisals and management plans define the key elements which together give the areas their special character and appearance, and shows how they interact to enhance their individual impact. Future policies and improvements can be based on a clear understanding of the special architectural and historic qualities of the area that contribute towards its local distinctiveness. The plans will assist the District Council, development professions (planners, architects, landscape architects, highways engineers, etc.) and the local community to engage in the conservation and enhancement of the local historic environment and help secure the long term viability of the Conservation Area as an important heritage asset.

This revised appraisal and management plan for Westerham has been developed from the Westerham Conservation Area Appraisal published in 2003. The plan sets objectives for the protection and enhancement of the Conservation Area, addresses areas identified in the first appraisal and brings forward opportunities to enhance the area.

1.4 Key Purposes of the Plan

The key purposes of this plan are to:

- Review the boundaries of the conservation area and define the key characteristics and features which contribute to its special character or appearance and should be preserved or enhanced;
- provide a basis for making sustainable community-based planning decisions about the future of the conservation area;
- raise awareness of the importance and value of the local heritage;
- record those principal elements that detract from the character or appearance of the conservation area;

- identify distinctive built form and character within the conservation area;
- identify distinctive public realm character within the conservation area;
- identify opportunities for enhancement to be delivered through the accompanying management plan or other initiatives;
- inform key agencies, societies and residents whose activities impact on the conservation area and maximise the investment in the preservation and enhancement of the conservation area to the benefit of the social and economic quality of life;
- provide guidance and set out objectives to preserve and enhance the buildings, structures and features;
- Protect and maintain biodiversity;
- outline the key statutory requirements in respect of development within the conservation area;
- provide guidance and set out actions to secure the proper and effective application of these requirements;
- propose the implementation of management procedures to co-ordinate the delivery of new works and maintenance works within the public realm.

As a Conservation Area Appraisal and Management Plan, the plan will be a material consideration in the determination of development proposals.

1.5 Conservation Area Boundary Review

One building of merit has been identified that is located outside the conservation area boundary, a former oast barn at 21 Croydon Road that has been altered and converted into a house.



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However, extending the boundary to include just this building would afford it protection from demolition but otherwise has little justification for including the other buildings, roads and spaces that would also need to be included. It has been noted on the map as a building of merit and therefore is identified as being a non-designated heritage asset, in accordance with paragraph 135 of the National Planning Policy Framework.

A further considered boundary change is to include the former mill ponds directly to the east of the boundary line that wraps around Squerryes Court. However, the restored mill ponds to the north are included in the boundary, and the other ponds in question are included within the Historic Park and Garden boundary as part of Squerryes. Also, the pump house and corn mill that were associated with the ponds are now gone. Therefore, extension of the boundary in this location is not considered to have sufficient justification.



Oast roundel and barn on Croydon Road

2.0 GUIDANCE AND POLICIES

2.1 National and Regional Guidance

Government advice concerning heritage assets, including conservation areas, is set out in the National Planning Policy Framework (March 2012) and in the Planning Policy Statement 5 Planning Practice Guide, which is due for re-publication following the publication of the NPPF, which superseded PPS5. The intention is to provide three tiers of guidance, from Government online planning practice guidance, to sectoral guidance (such as the PPS5 Practice Guide substitution), through to more detailed technical guidance, including case studies.

Further advice about conservation areas, including the production of management plans, has been produced by English Heritage (2011).

2.2 The Development Plan

The government has introduced a new type of development plan known as the Local Development Framework (LDF). The Core Strategy section of the LDF for Sevenoaks District was adopted in February 2011. The saved policies of the adopted Local Plan of March 2000 will retain development plan status until other parts of the new system are adopted. As an adopted planning document the Appraisal and Management Plan will be a key material consideration in the determination of development proposals during this transition period.

2.2.1 Saved and Adopted Local Policies

The Sevenoaks District Local Plan (adopted March 2000) lists the following policies relevant to Westerham. This policy has been saved, but will eventually be replaced by the Allocations and Development Management Plan Document:

- Policy E23: *'Proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting. The design of new buildings and alterations to existing buildings should respect local character, whilst the treatment of external spaces including hard and soft landscaping, boundary walls, street furniture and signs should be compatible with and enhance the appearance of the area.'*
- Policy E9: *'The Local Planning Authority will safeguard important areas of green space within built confines'*
- Policy EN26: *'The Proposals Map identifies a number of historic parks and gardens and the Local Planning Authority will protect these sites and their settings from intrusive development.'*

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- Policy E27: *'The design of shop fronts should accord with the guidance given in appendix 6 unless material considerations justify a departure from these principles.'*

As part of the Local Development Framework, the Council has adopted the Core Strategy Development Plan Document. This is the key document in the Local Development Framework, providing the overarching principles that will deliver the essential development needs of the District.

- Core Policy SP 1: Design of New Development and Conservation: *'All new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Account should be taken of guidance adopted by the Council in the form of Kent Design, local Character Area Assessments, Conservation Area Appraisals and Management Plans, Village Design Statements and Parish Plans. In rural areas account should be taken of guidance in the Countryside Assessment and AONB Management Plans. In areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment. New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. The District's heritage assets and their settings, including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.'*
- Core Policy LO8: The Countryside and the Rural Economy: *'The countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.'*

Supplementary Planning Documents (SPDs) form part of the LDF, and the following are relevant to Westerham Conservation Area:

- Kent Design Guide Supplementary Planning Document
- Countryside Character Assessment Supplementary Planning Document

2.2.2 Emerging Policies

- A draft Green Belt Supplementary Planning Document has been out for public consultation in spring 2013 and will eventually form part of the Local Development Framework.
- A draft Allocations and Development Management Plan Document has been out for public consultation in spring 2013 and will eventually form part of the Local Development Framework. This DPD will replace saved Development Management policies from the Local Plan.

2.2.3 Westerham and Crockham Hill Village Design Statement (2000)

Westerham Town Council has produced a Westerham and Crockham Hill Village Design Statement that has been adopted by Sevenoaks District Council as Informal Planning Guidance. This means that it is a consideration in the determination of planning applications.

2.3 Buildings Contributing to Character

These are identified on map 3 at the end of this document.

English Heritage’s guidance document *Understanding Place: Conservation Area Designation, Appraisal and Management 2011* recommends that key unlisted buildings that make an important contribution to the character of the conservation area are identified in conservation area appraisals, and provides a checklist in order to assess candidates for this. This checklist, reproduced below, has been used to identify buildings within the Westerham Conservation Area as being of local importance. The Council has therefore identified these buildings as contributing positively towards the character of the conservation area, and therefore as being ‘non-designated heritage assets’.

Paragraph 135 of the NPPF acknowledges this and states that *‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*

Paragraph 132 of the NPPF will also apply so that the impact of any proposed development on a building that contributes to character will be considered in terms of the impact on the significance of the conservation area, a designated heritage asset, as a whole: *‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’*

CHECKLIST
Is it the work of a particular architect or designer of regional or local note?
Does it have landmark quality?
Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?
Does it relate to adjacent designated heritage assets in age, materials or any other historically significant way?
Does it contribute positively to the setting of adjacent heritage assets?
Does it contribute to the quality of recognisable spaces including exteriors or open spaces with a complex of public buildings?
Is it associated with a designed landscape, e.g. a significant wall, terracing or a garden building?
Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?
Does it have significant historic association with features such as

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the historic road layout, burgage plots, a town park or a landscape feature?
Does it have historic associations with local people or past events?
Does it reflect the traditional functional character or former uses in the area?
Does its use contribute to the character or appearance of the area?

One building outside the conservation area has strong associations with the history of Westerham and has therefore been identified on the map as being a building contributing to character. This is the former oast house on Croydon Road, also mentioned in the Westerham and Crockham Hill Guide as being the last oast house in Westerham. Whilst not located within the conservation area boundary and therefore not subject to control over demolition, proposals that would impact on this building as a 'non-designated heritage asset' that may also affect the setting of the conservation area will be taken into account.

2.4 Conservation and Enhancement

The Planning (Listed Building and Conservation Areas) Act 1990 states in section 71 that Local Planning Authorities should undertake detailed assessments of conservation areas and prepare proposals for their preservation and enhancement. This includes the assessment of elements of the conservation area that contribute positively towards its special character.

Development proposals will be judged against their overall contribution to the enhancement of the character and appearance of the area. An assessment of this and the detailed analysis of the area contained should form part of any application for development within a conservation area (paragraph 128 of the NPPF).

Westerham is an historic town with a distinctive landscape and townscape of high quality. This appraisal aims to ensure that this rich context is respected and that only design solutions of a high standard are introduced, allowing the West Kent area to continue to maintain its quality and status as one of the most desirable places in the south east.

There is a richness, variety, quality and history of townscape and landscape within this area that is special and a need to maintain and enhance this is crucial. Attention to context and quality design is vitally important in reinforcing the character of this area and this character must not be harmed through undue pressure for poorly designed infill development or redevelopment of an unacceptable nature.

2.5 Special Controls within Conservation Areas

Emerging Government policy and legislation such as that being introduced through the Enterprise and Regulatory Reform Bill will have an impact on planning regulations relating to the historic environment. The requirement for conservation area consent for demolition will eventually be abolished and this type of development will instead require planning permission.

Designation of a conservation area does not mean that changes within it or close to it cannot occur, but that any change should preserve or enhance the features which make up its special character. Controls are imposed in addition to normal planning restrictions, in order to maintain the character and appearance of the area. The effect of this and the maintenance of a high quality environment are perceived by most people who live and work in conservation areas as beneficial to the value and local distinctiveness of the area.

Additional controls within conservation areas are outlined here for information. However, other planning controls may still apply and are not altered by conservation area status, such as those indicated within the Town and Country (General Permitted Development) Order 1995 (GPDO).

Any proposals should always be discussed with the Council at an early stage.

2.5.1 Permitted Development Rights

A wide range of minor works are permitted through the GPDO without the requirement for formal planning permission, granted by the Secretary of State. In conservation areas certain forms of these types of development are restricted in conservation areas (identified as Article 1(5) land in the GPDO). These include, but are not restricted to:

- Installation of flues, chimneys or soil and vent pipes
- Certain types of extension
- Alterations to the roof, including dormer windows
- Certain positions within the curtilage of outbuildings
- Positions of satellite dishes
- Positions of micro-generation equipment such as solar panels

Further information can be found on the Planning Portal website, www.planningportal.gov.uk, where you can also find an interactive house tool.

2.5.2 Demolition

Please see note above regarding forthcoming changes to controls over demolition in conservation areas, through the Enterprise and Regulatory Reform Act, which mean that changes to the legislation will require planning permission for demolition. Currently, the legislation requires conservation area consent to totally or substantially demolish a building or structure, including boundary walls, within a conservation area. Exemptions to this are set out in paragraph 31 of Government Circular 1/01, and further information can be found on the Planning Portal website.

2.5.3 Trees

Six weeks notice must be given to the Council before any work to a tree within a conservation area is carried out. The Council will then advise if it wishes to make an objection and make a Tree Preservation Order. If a response is not received from the Council within the six weeks, work may go ahead. This does not apply to trees which

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have a diameter less than 75mm (3") when measured at a height of 1.5m (4'11") above the ground, and trees already covered by a Tree Preservation Order, in which case any works will require consent.

2.6 Unauthorised Works and Development

Sometimes, landowners and others carry out works without first obtaining any necessary consent from the District Council. The Council does have certain legal powers to deal with such situations, but can only take enforcement action if it is made aware of any alleged unauthorised works and has undertaken an investigation. It is also a criminal offence to demolish a building or structure not made exempt by Government Circular 1/01, without conservation area consent.

2.7 Maintenance and Repairs

The Council has a duty to pay special attention to the character or appearance of conservation areas, in exercising its planning powers. However, these powers are limited. The principal guardians of the character and appearance of the area are the residents and business people who live and work in the conservation area and who are responsible for maintaining their individual properties.

The character of conservation areas can be altered or lost due to the use of inappropriate materials, not only on the buildings themselves but also on the ground, roads, and along boundaries. The introduction of features, such as street furniture, signs, lights, and hard surfacing, can change an area's character. In the proposed conservation area few of the buildings are isolated. Even if they are detached, they are part of a wider street scene, often of buildings of similar style and size. Altering the appearance, form or size of any one building can affect not only that building, but also the whole street.

Unsympathetic replacement windows (particularly where the size of the openings are changed or inappropriate materials used) can alter the appearance of a building considerably. Painting or rendering over original brickwork is another alteration which can dramatically change a property's appearance and irreparably damage the street scene. As well as covering up attractive brickwork, it can obscure original architectural and brick detailing and requires regular redecoration to maintain an attractive appearance. In older buildings paint or render can also trap moisture which may cause damage to walls. Many alterations to older properties using modern materials can upset the balance within these properties and can cause more costly problems, such as cracks, damp, or rot. Care should be taken with any alteration to an older building.

2.8 Boundary Treatments

Boundary treatment, especially to the street, is an essential feature of any property. Original boundaries, whether a brick or Kent ragstone wall, railings, fencing or hedges, should be retained wherever possible and every effort made to reinstate missing boundary treatments with a sympathetic replacement. The particular design and the materials used should take account of the character of the property and the surrounding area. Boundary features, particularly ragstone and brick walls, form an important part of the significance of the Conservation Area and any loss is likely to cause harm.

2.9 Listed Buildings

Many historic buildings are listed by the Secretary of State for Culture, Media and Sport because of their architectural and historic interest. The main purpose of listing a building is to ensure that care will be taken over decisions affecting its future, that alterations respect the particular character and interest of the building, and that the case for its preservation is taken fully into account in considering the merits of any development proposals. Westerham is densely populated with listed buildings.

When a building is listed, this covers the building both internally and externally, any object or structure fixed to it and any extensions whenever constructed. In addition, any object or structure within the grounds or garden of the building, which was there by 1948, is also listed. Listed Building Consent is required for the demolition, extension or alteration of listed buildings in any way that affects its character as a building of special architectural or historic interest, internally as well as externally.

New gates, fences, walls, railings or other means of enclosure surrounding a listed building will require planning permission. Similarly, most sheds, garages and greenhouses and other outbuildings will also require planning permission. The scale and design of these should harmonise with the existing building and its setting.

2.10 Green and Open Spaces

Westerham is surrounded by green spaces, and has two particularly important open green spaces that are essential elements of its special character: the Green, and the churchyard at St. Mary's. These spaces and their settings should be taken into consideration for any changes that are planned that would have an impact. The emerging Sevenoaks District Council Allocations and Development Management, which is likely to be adopted in Summer 2014, identifies areas of open space and green infrastructure within Westerham, which are to be safeguarded and enhanced. The surrounding area is designated as Metropolitan Greenbelt, which is to be safeguarded through the adopted Core Strategy.

2.11 Archaeology and Historic Environment Records in Westerham

The National Planning Policy Framework requires that applications affecting heritage assets include sufficient information about the asset (such as a conservation area) so that the impact of the proposal can be properly assessed. It states in paragraph 128 that, 'as a minimum, the relevant historic environment record should have been consulted.'

Kent County Council maintains Kent's Historic Environment Record (HER), which is a computerised database for any information that can be gathered about the historic environment in the county, which is then recorded on the website. There are several entries in the HER within the Conservation Area boundary, which can be viewed on the Kent County Council website within the Leisure and Culture, and then the Heritage section. They record both lost and existing heritage assets.

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The entries include:

- The former Black Eagle brewery at Black Eagle close;
- the milepost (only the stone backing remaining) at the corner of Market Square and Wells Close and opposite 4-6 High Street;
- Site of 19th century factory buildings behind Stratton Terrace and off of Croydon Road;
- Evidence of a post medieval wall south of Market Square; and
- Site of a group of 19th century laundry buildings in Wells Close.



Mile post marker, High Street

2.12 Squerryes Court Registered Historic Park and Garden

Overlapping with the south western corner of the Conservation Area is the grade II registered Historic Park and Garden, Squerryes Court, which includes the house itself, 9 hectares of formal and ornamental gardens and 60 hectares of parkland and woodland. This is identified in map 5. The gardens are located within the Conservation Area boundary, as are the lodge buildings and the former drive to Park Lodge to the east, which is lined with an avenue of replanted lime trees.

The English Heritage Register of Parks and Gardens of special historic interest in England recognises gardens, grounds and other planned open spaces, such as town squares. Inclusion on the register is a material consideration in the planning process and local planning authorities must consider the impact of proposed developments on the landscape's special character.

3.0 CONTEXT AND DEVELOPMENT

3.1 General Description

Westerham Conservation Area covers some 36 hectares and contains about 100 listed buildings. It was designated in 1973 and extended in 1994. It includes the historic centre of the town including St. Mary's Church and the Green, some open parkland to the south, the Squerryes Court Estate and some of its associated park, and several well known properties such as Quebec House, Pitts Cottage and the Kings Arms Hotel. The area extends from the junction of the A25 and Hosey Hill to the east, the western boundary of Squerryes Court bordering Goodley Stock Road to the west, and extends up to include parts of London Road to the north.

The surrounding countryside is designated as Green Belt and an Area of Outstanding Natural Beauty, which provides an important green setting for the town.

The town itself is a bustling small town in an attractive setting, which has a good number and variety of retail outlets, pubs and restaurants. It is well known and popular with tourists visiting nearby Chartwell and Quebec House.

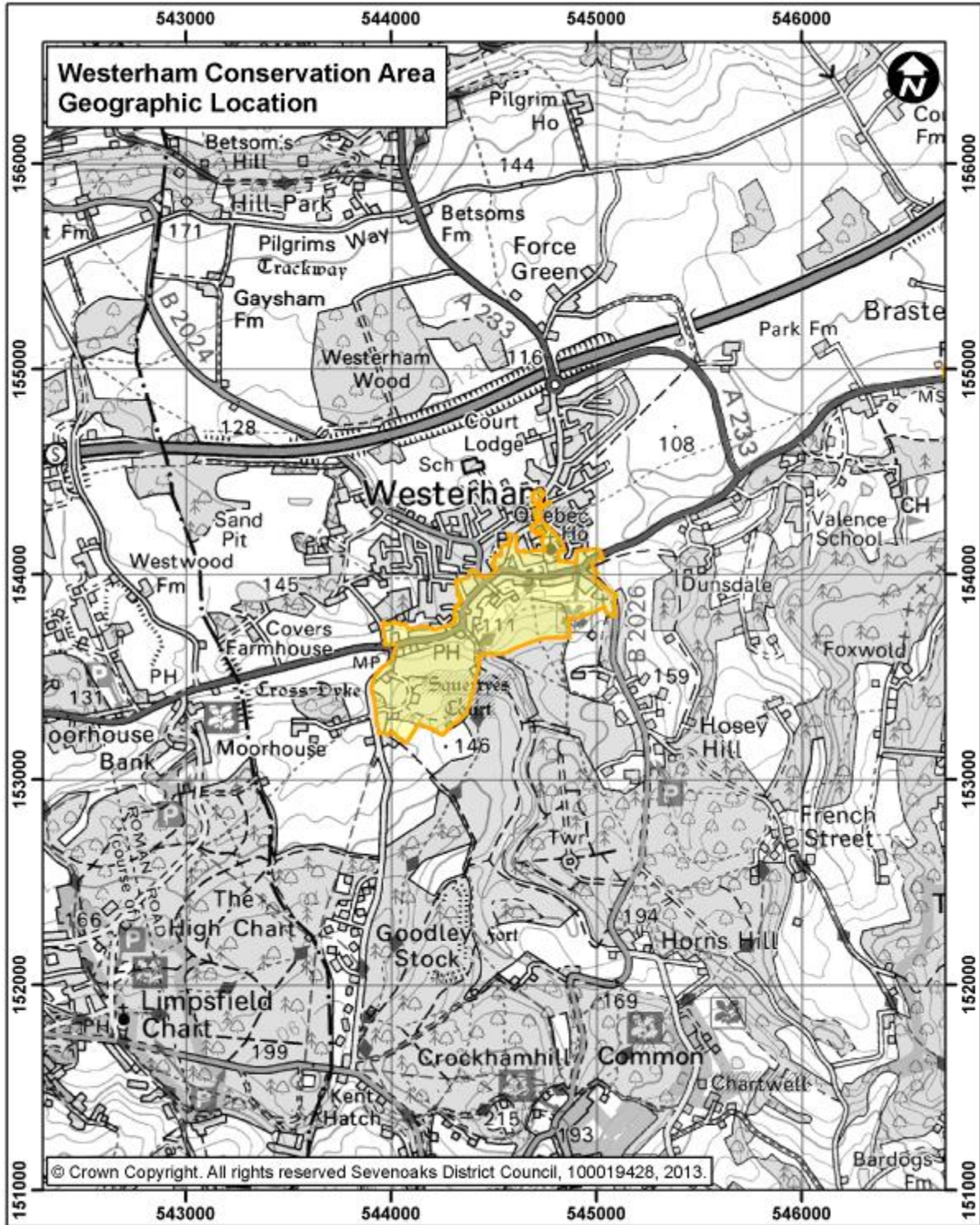
Small industry, long a part of the economic prosperity of the town, continues in the site of the old railway station to the north of the town. There are also several office developments within the centre.

The main housing developments in the 20th and 21st century have developed to the north of the A25, although there have been some recent developments on infill sites along, or just off, the main road.



Squerryes Court

3.2 Location and Geographical Context



Westerham lies on the A25, which runs east/west through the town and intersects with Beggars Lane and London Road, which turn into the A233, connecting the town to Biggin Hill and Bromley to the north.

The river Darent flows through the town, and the surrounding countryside is characterised by farmland to the north, and wooded parkland to the south.

The railway line that served Westerham was closed in 1961, and the M25 now follows the former rail route to the north of the town. The nearest motorway junctions are at Godstone in the west and Chipstead in the east. The nearest railway stations are Sevenoaks, 5 miles away, Edenbridge, 4.8 miles away and Oxted, 4 miles away. Both have connections to London. Biggin Hill, Bromley and Sevenoaks are all within easy reach by car.

3.3 Historical Development

John Newman states in the Pevsner Architectural Guide (*Kent, West and the Weald 2012*) that ‘the “neat handsome well built market-town” that Defoe admired in 1724 retains much of that character today.’ The small town of Westerham has over 1000 years of recorded history, but a find in 1928 of Celtic coins in Hosey Common nearby, dating from the 2nd century BC, indicated much earlier activity. The original settlement grew up from a clearing in the woodland at a point where a number of small streams joined the River Darent. Although the Cantra tribe is believed to have had an encampment on the site of the Squerryes Estate as long ago as 100BC, it was the Jutish tribes that inhabited the area until the time of the Norman conquest. A Roman road connecting London and the south coast passed close by the Westerham.

The manor of Westerham was then granted by William the Conqueror to the knight Eustace, Earl of Boulogne. In the Domesday survey of 1085 the village, as it was then, had a population of 59. At the Town Council building is a mosaic illustrating the ‘Oistreham’ survey, by artist Kenneth Budd. Its installation was sponsored by the Rotary Club in 1980. The Church was recorded on its present site from around 1115 and is believed to have been built on the remains of a Saxon watch tower, at the highest point of the Green. A market charter was granted by Henry III in 1227, with the last cattle market being held in 1961.



Domesday Mural

Squerryes Lodge, to the west of the town, also dates from the 12th or 13th century and there was a chapel by the river in use by monks until the dissolution of the monasteries in 1539. The present building dates mostly from the 17th century. The Squerryes estate changed hands many times after being acquired by Henry VIII along with the manor of

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Westerham. In 1751 it was sold to the Warde family, who still own the property to this day.

The town generally has a modern history of small industry and of wealthy families, given the close proximity of London, settling in large properties. Growth from a small market village didn't occur until the 19th century. Before then, links were improved by the introduction of a turnpike road from Sevenoaks to Bromley, through Westerham, in the late 18th century. Following this, further developments included a town hall, and the introduction of the railway in 1881, which was followed by the establishment of brick and tile works, lime works and a timber and coal merchant. The building of public and private schools also occurred. Other small industries included market gardens, brewing, and building industries, many of which are still evident today either in existing businesses, buildings or place names. Mill Lane, for example, is the site of one of the old corn mills, disused by the end of the 19th century. Black Eagle Close carries on the name of the former brewery in this location – the other brewery, the Swan, was located at the bottom of Hosey Hill. The oast house on Croydon Road, still in existence, is the last oast house in the area. Outside of the Conservation Area but just to the north were the old brickfields, remembered now by the cottages named Brickfield Cottages, near the bridge over the motorway on London Road. 97 High Street is the location of the former Blacksmith's and is known as Verrall's Corner, after the master blacksmith at the turn of the 20th century, George Verrall.



Colthersts Almshouses, Vicarage Hill, said to date from 1572

A notable resident whose legacy is important to the character of Westerham was General James Wolfe. He was born at Westerham in 1727 and lived at Spiers (now Quebec House) during his boyhood. A statue of General Wolfe was unveiled on the Green in 1911.

New housing development occurred in the 1920s and 30s, and in the later part of the 1930s the town centre underwent a substantial change when Winterton House and the Grange passed out of private residential ownership. The demolition of their garden walls opened up the area, and the Grange Estate was subdivided and developed. After the economic depression of the 1930s, there was an increase in light industry. The Westerham trading estate was developed and office accommodation and retail offerings also increased.

Over 50 years ago Westerham established a twin town relationship with Bonneval, France, and formed the Bonneval Association. This is commemorated in the Bonneval Garden next to the Town Council building.



Bonneval Garden plaque

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3.4 Building Forms, Materials, Textures and Colours, and Public Realm

Westerham displays a variety of building and paving materials that reflect its organic history, but there is a strong consistency to the palette, with red/orange tiles and white or other soft shades of render prevalent, as well as ragstone detailing and walls.

The Conservation Area contains examples of most of the vernacular features that are typically found in traditional Kentish buildings. Vernacular is a term to describe forms of buildings and materials used that are typical of a local area, before materials such as Welsh roofing slates were mass produced and distributed throughout the country (and world) as transportation improved. The palette of the town will have been influenced by the local building materials industry.

In Westerham today, the roofs are either covered in slates, with lead hip and ridge rolls, or clay tiles that are hung on pegs or nibs. The use of full or half hips to one side of the roof with a gable end on the other is common.



51-55 London Road – shaped tiles, gablets and tall chimneys

Chimney stacks are often tall and decorative. Dormer windows are often inserted into roof slopes historically, giving light to attic spaces. The pitches of tiled roofs tend to be steep, whilst those that are covered in slates are shallower, and the contrasting heights of the ridge lines lend variety and interest to the street scene. Catslide roofs, which sweep down from the ridge to ground floor ceiling level have long been a popular way of covering a single storey extension to the side or rear of a building.

Many timber framed buildings survive from the era before brickwork became a popular and affordable alternative construction material, although they may now be clad in brick, weatherboarding, tile or render, completely hiding the external evidence of their original construction.

In some cases the first floor timber frame remains exposed, with rendered panels between the structural members; in others the frame is clad with vertical tile hanging or painted weatherboarding. Where brick has been used on ground and first floors to encase a timber frame, a parapet gutter is often formed at roof level to give the building a 'gentrified' classical appearance.

Brick is the most popular building material and the local red stock bricks can be seen in many buildings, together with decorative arches above doors and windows. Patterns formed by the inclusion of blue headers or bands of different colour brick are common.

The use of local stone (ragstone, limestone and sandstone) either on its own or combined with brickwork, adds another colour and texture to the built environment, on buildings, walls and paving.



Substantial brick boundary wall at The Old House, Vicarage Hill

Galleting in the mortar joints is often employed as a decorative and functional feature. A typical feature of buildings in a polite, Classical style from the late 18th century onwards is the use of imitation ashlar stone frontage, which is a cheaper version of using real stone. Rendered facades are painted, originally in a colour to mimic sandstone, and lined out to simulate natural stone coursing.



Ragstone walls

Windows are either painted timber casements or sliding sashes, usually white and sometimes with the frames painted a darker colour. Leaded lights can be found in buildings of many ages, and coloured glass was popular in Edwardian and Victorian doors and windows. The detailing of the joinery to these tends to be more robust than those of earlier buildings.



Local sandstone built Drill Hall at corner of Stratton Terrace

The public realm has been altered quite a few times in the town's past and there are several areas of modern tarmac and highways interventions. In St Mary's Churchyard there is an area of ironstone paving, and there are a few examples of natural stone kerbs, whether granite or limestone. Street lighting is mainly traditional and finished in black, although new versions of early 20th century patterns.

Bollards and other street furniture are generally painted black, as is the bus shelter on the Green. Some of the pedestrian areas within the centre have late 20th century herringbone-patterned brick paving, with cross paths picked out in granite setts. The Green in Market Square has wooden benches with black metal frames, and this is also the location of the two statues that commemorate important Westerham figures – General Wolfe and Winston Churchill.



Statue of Winston Churchill



Ironstone paving



Brick paving, granite setts and cast iron bollards at Fullers Hill

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4.0 CHARACTER APPRAISAL

4.1 Spatial Analysis

4.1.1 Townscape

Westerham is a topographical paradox; on a hill but at the same time nestling in a valley. Look along almost any street from the centre and the road falls away to a backdrop of verdant countryside which provides an important setting for the conservation area. From the centre the wooded hills beyond the town are clearly seen, and form a distinctive part of Westerham's character.

The historic form of Westerham comes from the grouping of buildings around the market square on the western end, where the church is also located, and the otherwise linear format of residential and small industry or retail buildings lining the routes mostly east to west, with some development north to south. Smaller streets lead off the main routes, usually lined with workers cottages. The settlement clearly relates to the river, which gave power to the mills. The 20th century brought expansion to the residential settlement, extending the pattern of development to the north west.

Westerham's built form is mostly modest in scale, with a mixture of two and three storey buildings around the Green and Market Square, and predominantly two storey dwellings elsewhere.

4.1.2 Approaches

Entering Westerham from the east, a bend in the road leads to the first sight of the built environs of the town. From the junction with Hosey Hill at Quebec Square there are views up Vicarage Hill, but another bend in the road hides the town centre. Unfolding views such as these are characteristic of the historic layout and topography of the town.



View east into town from Quebec Square

Vicarage Hill the view opens up to take in the open space of the Green, with the historic buildings surrounding it creating a strong sense of place and enclosure of the most important space in Westerham. The Green and the Market Square are the heart of Westerham and there is a sense of bustle and prosperity about the area.

The main southern route to the town is down Hosey Hill, a very green approach and a steep hill passing first large detached houses set in expansive grounds, to the more tightly grained houses as road enters the western end of town, first passing the Catholic Church of St. John the Baptist. The chimney of the former Vulcan Plastic works, next to new residential development on the site, is also just visible.

From the north, London Road and Croydon Road are both historic routes into the town, the latter being undeveloped until the 20th century, with only the oast house remaining to provide clues as to the former use of the land. The routes both head uphill into Market Square, with Croydon Road's interwar housing leading to the historic centre, and London Road's mix of historic and newer buildings (the boundary line wraps around the historic buildings and excludes others) providing clues to the layout of the historic settlement, starting with the former National School for Girls and Infants at the northern end.

The western route into Westerham is mostly characterised by its rural nature, enhanced by the parkland setting of Squerryes Court. The A25 meets Farley Road at the entrance to the Conservation Area, demarcated by an historic brick boundary wall, and then meets Goodley Stock Road, leading to Squerryes, at the corner of which are the Squerryes Park Cottages. The buildings then start to line the road more densely further into the Conservation Area.

4.1.3 Spaces

The most important space in the Conservation Area is the Green, the focal point of the town and an important part of its special character. Spaces are otherwise mostly private rather than public, relating to former house plots, or the parkland to the south. These are mostly glimpsed from the main routes.



St. Mary's churchyard

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A sense of space is also created by the small streets and passageways leading from the main routes, which also creates a sense of the unexpected. Also important to the Conservation Area is the public space around the Church of St Mary, a large churchyard on the hill above the Green, providing a setting for this important historic building and allowing for views across the roof tops of the town.

4.1.4 Key views, vistas and landmarks

Please see map 4 for key views. The varied topography and winding routes allow for views across the town and to the Downs to the north, and parklands to the south. The roofscape is a very important characteristic which can be seen from these long views, as well as from other elevated points within the town. Glimpses into areas behind the strong built form lining the main routes provide clues to the former uses within the area, and the green setting. Unfolding views of the townscape are provided by the winding of the A25 through the town; new features are revealed at each turn.

Although hidden behind the Green, St. Mary's Church is located at the top of a hill and views to its tower can be seen from most points within, and looking into, the Conservation Area. The church is the most important landmark in Westerham.



Views from hills to the south of town to the church tower.

Specific important views that define the rich character of the area include the following:

- The unfolding view into the town entering on the A25 from the west
- The view to St Mary's Church from the junction of Hosey Hill and the A25
- Glimpses into and out of Mill Street



Mill Street



St. Mary's churchyard

- Unfolding views of the Green from the westerly approach
- Views to the east from St. Mary's churchyard and to the Greensand ridge
- The unfolding views to the north from the footpath adjacent to the church
- The eastern approach to the Green, with its statues prominent, from Market Square
- Glimpses through to the historic settlement along London Road and the North Downs, from the carriageway of the George and Dragon pub.

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George and Dragon

- The intriguing glimpses into the pedestrian area of Fullers hill from the Market Square
- The regular rhythm and planned form of the Victorian Stratton Terrace and New Street, easily viewed from the High Street



Stratton Terrace

- Glimpses into and from Lodge Lane
- The landmark of the old Forge at Verrall's Corner at the junction with Mill Lane, as viewed from the eastern approach
- The change from rural to built form as seen in views from the eastern approach, at the junction with Goodley Stock Road

- Vistas across the town, and to the Downs, seen from the parkland to the south
- Glimpses to the former mill race and ponds from the footpaths to the south



Mill race

4.2 Character Areas and Key Unlisted Buildings

4.2.1 Quebec Square and Vicarage Hill

The public car park, largely hidden down a bank adjacent to the A25, is the first feature notable when entering towards Quebec Square. To the left is an uphill bank of trees and vegetation, a positive feature contributing to the green setting of the Conservation Area. A substantial brick wall with heavy coping, a key characteristic of Westerham, lines the right hand side of the road at the boundary to Westerham Place nursing home, a former Victorian house with large 20th century extension. Next is Quebec House, a grade I listed Jacobean House with distinctive gables, which is partially hidden behind its walls and amongst mature trees, but the grouping of the grade II listed neo-classical Quebec Cottages, with later shop fronts, on the road junction is the first real indication of the quality of the built environment of the town.

To the left at the junction of Hosey Hill is the attractive picturesque West Lodge at the edge of the former Dunsdale Estate. On the opposite side is the site of the former Swan brewery. Behind the houses here is a water course of the river Darent used by former industries and footpaths leading to the open rising park and woodland that extends along the southern border of the town as far as Squerryes Court. New development on the site of the Vulcan Plastic works is a mix of traditionally designed houses with vernacular detailing, and, in Swan Place, housing of a more contemporary design but of an appropriate modest scale that utilises the spaces and is clad in brick and render to blend in well with the area.



Swan Place at site of Vulcan Plastic works

The Conservation Area includes buildings on the south west side of Hosey Hill up as far as the Old Well house. This area contains the Roman Catholic Church of St. John the Baptist, a pleasant early 20th century church with tower, as well as residential properties.

Turning the corner up Vicarage Hill, the road leads past a former public house, probably related to the brewery, and up the hill past a number of imposing and attractive residences, mixed with some more modest artisan houses, and a continuation of large brick walls with dentil course underneath the coping. Grosvenor House on the south side, and Darenth on the north are both impressive examples of their type. Darenth is a Wealden hall house with widely spaced timber frame. Otherwise, the character at this point is defined by polite, 18th and early 19th century architecture. The Old Vicarage's early 19th century façade hides a Wealden hall house behind.

20th century houses on the right hand side break the pattern of tight enclosure of the road, with buildings against the footpath, but otherwise utilise materials and roof forms that complement the area. Most of the other buildings lining the route are either listed, or buildings of merit. The Coultherst's Almshouses on the right purportedly date back to the 16th century, but appear more recent from the front, with tile hanging on the first floor and local ragstone fronting the ground floor, and modern casement windows. To the left is a long ragstone wall, another important boundary feature.

4.2.2 The Green, Market Square and Fullers Hill

The historic centre of the town boasts an abundance of listed buildings, grouped in a picturesque manner around the Green and Market Square. The Green is a focal point, with a range of historic buildings on the north side and the sweeping view down to Breaches and the Pheasantry on the south side. On the north side is the Grasshopper Inn, a popular meeting place that takes its name from the grasshopper incorporated in the crest of the Gresham family, who owned the Manor of Westerham from the time of Henry VIII till the late 17th century. At the highest point of the town St. Mary's Church is tucked behind the Green, but its elevated position means that the spire is visible from much of the town. Another landmark here, but for different reasons, is the grade II listed Church Cottage, a timber framed 17th century listed cottage that forms part of the

various views to the church, and whose exposed timber frame provides clues as to the age of the town.

The two statues, of Winston Churchill and General Wolfe, on the open expanse of the Green are well known landmarks. The Green is a pleasant open space surrounding by dwelling houses, natural paving, some of which is historic, and a number of benches for exploring the space; this contrasts with the bustling nature of the start of the Market Square. On the south side of the Green a footpath, Water Lane, leads south towards the valley of the river Darent and open countryside beyond. Detractors in the area include the long flat dormer window on the roof of Owl House, and the car parking around the Green, which detracts from its otherwise tranquil atmosphere.



View from Fullers Hill to Market Square

The triangular shape of the Green and the rising land draw the eye up to the Market Square, where the buildings are taller, and more closely spaced. The majority of the buildings both around the Green and along Market Square and Fullers Hill are either listed, or identified as buildings of merit. This includes the Grade II listed Kings Arms Hotel. The buildings to the north of the Market Square are set in a triangle between Fullers Hill and London Road, and these roads lead back down the hill, with views to the Downs beyond. Buildings are mostly dignified and substantial with enough variety to maintain interest. For example, the tiny building, tucked between two larger 'gentrified' facades of No. 24 and No.26 comes as a delightful visual surprise.

There is a mix of building ages and styles here, but most are historic and date from the 18th and 19th century, often with older cores. There is a mix of brick and rendered frontages, and many sliding sash windows. Shop fronts are mainly historic or follow the traditional pattern, and present a regular rhythm with a similar height along Market Square. Nos. 17 to 23 Market Square is an arcade of shops dating from 1890, with intact shop fronts, a good example of preserved architectural harmony. There are some exceptions to the retention of well proportioned historic shop fronts, where signage or shop fronts do not relate well to the host building, in terms of materials, scale and design.



17 to 23 Market Square

The road narrows from the wider expanse of the Market Square, and Fullers Hill has a number of listed buildings and little lanes leading off it to the characteristic small enclaves of former workers cottages, such as the grade II listed 17th century Duncan's Cottages, a terrace complete with an historic row of privies. Set back from the thoroughfare and behind Duncan's Cottages is the 1839 Evangelical Congregational Church, its Greek Revival style unique within the town. The entrance to Fullers Hill is marked by a change to a more pedestrian character, with granite setts and brick paving, and seating to either side. At the bottom of Fuller's Hill a triangular space, formerly the site of the fire station and now a small car park, allows views back up the hill to the George and Dragon public house and the centre of town.

4.2.3 London Road

The northern spur of the Conservation Area takes in a number of interesting buildings, along the busy north/south route of London Road. These include the restored Victorian, neo-Tudor Moretons Almshouses with the separately listed lych gate and wall to the front. Also a key survivor of the history of Westerham in this area is the remaining part of a goods yard where the railway station was located, at Hortons Way.



Moretons Almshouses, London Road

To the south of the almshouses and behind Westerham Hall is a former barn that has been sensitively converted into a residence, a rare remaining feature in this now largely residential area.



Barn conversion behind Westerham Hall



Station House Hortons Way

At the northern point of the conservation area is the former National School for Girls and Infants, London Road, opened in 1861, now in use as an office building. The other national school was located on Hosey Hill.

4.2.4 Lodge Lane to Verralls Corner

At the junction of Croydon Road and the High Street a small lane, Lodge Lane, leads south to Squerryes Lodge, a grade II* listed building with 13th century origins, and later additions, which was later used as the Dower House to Squerryes Court. It is mostly hidden from view except from the higher parkland beyond. Lodge Lane itself is a remarkable catalogue of architectural styles, but with a consistent palette and form characteristic of the area, dating from the 14th century to the 20th. There are a number of listed cottages on the west side, and a larger house behind a high brick wall to the east.

To the other side, where Croydon Road meets Market Square, are two of the most significant detractors to the area; the row of shops that do not relate well architecturally or in terms of layout, to the street and area, including the parking to the front, and the apartment buildings which are slightly out of scale, with uncharacteristic juliet balconies and also include parking to the front, leaked space with a poor public realm. These are excluded from the Conservation Area but have a direct impact on its setting. On the northwest side of the junction is a landmark building which draws the eye when travelling west. The Old Manor is a large manor house clad in brick dating to the late 17th century, and is an impressive presence in the street scene.

There are few listed buildings in this section, but the majority of the historic buildings are considered to be buildings of merit. These include the pleasant Victorian terraces of Stratton Terrace and New Street, which may have been related to the factory buildings just to the north east or to house other residents working within the small industries in the town. The smaller residential streets off the High Street are a quiet contrast to the busy main road.



Lodge Lane

From Lodge Lane the High Street runs southwest and south through an area of mainly residential properties, set close to the road and interspersed with the occasional larger property and office development. Some of these were former shops, with shop fronts and, in some cases, tiled plinths still remaining. At the site of the former laundry on the south side is Wells Close, a new residential development that also blends in well by using vernacular detailing and materials. An historic ragstone and brick wall borders the High Street to the entrance to the close, where the remaining stone backing of a mile marker can be seen. Opposite, The Drill Hall (now used by the Sea Cadets) is a striking building faced with randomly coursed ragstone. Shaped tiles on the first floor of buildings is particular prevalent in this area.

Heading up Mill Lane, the built form is less dense, dominated by the hall building and ragstone walls, and leading to the parkland and Park Lodge, a pleasant early 20th century lodge building. Also located behind Park Lodge is the former pond to the mills located on this site.

4.2.5 The Forge to Farley Lane

The old forge at Verralls Corner forms a node at the sharp bend in High Street, and is a landmark within the area in terms of its former use and position. Opposite to it is a small green space, opening up this corner, with a red telephone box on one side. The buildings at this end of high street maintain the consistent modest scale and red brick, tile and painted brick or render of the rest of the Conservation Area. Most are listed. The road dominates, again as with rest of the route of the A25 through the area.

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On the north side is a series of reminders of the brewing history of the town, such as the General Wolfe public house, Brewery Cottages, and the old Black Eagle Brewery house, the brewery site itself having been redeveloped as housing behind.



Brewery Cottages

Across from here is the restored Long Pond, which had been silted up and became wasteland after the war, until its restoration as a millennium project. The south side of the road here becomes markedly rural in nature, with the parkland beyond, mature trees and post and rail fencing.

Beyond the General Wolfe is a building known as Moretons, Great Moretons and Moretons End, a striking building with Dutch gables, substantial iron gates and burnt brick facade with red brick dressings. This was originally one house divided into three. Next to this is Pitts Cottage, a grade II listed timber framed building with a plaque commemorating the fact that William Pitt lived here. Wolfelands, formerly known as Farley, completes this group. This is a former farmhouse and the associated buildings to the north, and substantial brick and ragstone wall, mark the western limit of town.

4.2.6 Squerryes Court and Park, and Parkland to the South

Across the A25 at Farley Lane is Goodley Stock Road and Squerryes Cottages. Further along Goodley Stock Lane is Squerryes Court Lodge which marks the entrance to the grounds of the grade I listed Squerryes Court. Squerryes Court is a substantial Renaissance house dating from the late 17th century and set within landscaped grounds and parkland, with a home farm which is outside of the Conservation Area, but within the Squerryes Court Registered Park and Garden. Opposite the house is an ornamental pond, and to the south are the former stables, farmyard and dovecote. A grade II listed cenotaph just north of the dovecote commemorates the spot where General Wolfe, aged 14, first received news of his army commission.



Squerries Park Cottages

From Park Cottages to the west side of Hosey Hill runs a swathe of wooded parkland that rises steeply to the south. The river runs at the bottom of the valley and there are a series of ponds on both public and private land. The area is crossed by footpaths and gives some panoramic views across the town, and glimpses of Squerries Court among the trees. One of the footpaths connects to Water Lane, a pedestrian route to the Green. The parkland is an important part of the green setting of Westerham, a town of a reasonable size and close proximity to a motorway, but retaining its rural setting.

4.3 Negative Features

Westerham has largely retained its architectural and historic character, making it worthy of its designation as a conservation area. However, there are a number of features which, although mostly minor, together detract from the area's special character. These are as follows:

- Inappropriate street furniture and excessive road marking, resulting in visual clutter;
- heavy traffic;
- replacement architectural features of inappropriate modern materials, such as uPVC windows and concrete roof tiles;
- loss of historic paving and kerbs;



Replacement windows and concrete roof tiles

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- areas of poor landscaping and leaked space;
- satellite dishes at the front of properties;
- weak architecture within or affecting the setting of the Conservation Area;
- replacement shop fronts that are out of scale or of inappropriate materials, and excessive or inappropriate signage.



uPVC windows



5.0 MANAGEMENT PLAN

5.1 Conservation Area Management

Management of change which allows for the preservation or enhancement of the special character of the Westerham Conservation Area, and recognises local distinctiveness, is the key aim of this appraisal and management plan. The last section of the appraisal highlights areas where there may be potential for harmful change, or where there are opportunities for enhancement. The management plan sets out how pressure or neglect will be managed to ensure that the Westerham Conservation Area retains the special character that is identified in the appraisal.

5.2 Current and Future Pressures

5.2.1 New development

Westerham town is surrounded by land designated as Metropolitan Green Belt, and some of the areas within the Conservation Area boundary are located within the designated area. This is therefore afforded a level of protection as laid out in the Core Strategy. In the draft Allocations and Development Management Plan DPD (due for adoption around Summer 2014), there are no sites allocated for new housing development in the area. The Westerham Trading Centre, which is located just outside the Conservation Area boundary on the north side at Hortons Way, is supported as an employment site in Core Policy SP8 and more specifically within the Allocations Development Management Plan DPD as an area where the use will be retained, intensified and regenerated, and appropriate new development will be supported. It is important that any new development within this site looks for opportunities to enhance the setting of the Conservation Area, and does not harm its significance.

Development pressure is inevitable within Westerham and there are recent examples of new housing within the boundary. There are some areas identified as negative features in or adjacent to the Conservation Area within the appraisal where appropriate new development or landscaping could better reveal the significance of the area. The leaked space and poor architecture of certain buildings around the junction with Croydon Road, for instance, which is just outside the Conservation Area, could be improved with new landscaping or development which could better reveal the significance of the Conservation Area. Where infill development is proposed inside the Conservation Area, it must respond to its environment and context, in terms of scale, density, form, materials and detailing. Westerham boasts a diverse range of architectural form and style, of various periods, but there is a consistent palette as identified in the appraisal section. A useful guide for new development in historic areas, published by English Heritage and CABI, is *Building in Context: New Development in Historic Areas*, and its accompanying toolkit for assessing proposals for new development. Its eight principles are as follows and are useful measures for objective assessment to ensure that development within the Westerham Conservation Area maintains or enhances its significance:

Principle 1: A successful project will start with an assessment of the value of retaining what is there.

Principle 2: A successful project will be informed by its own significance so that its character and identity will be appropriate to its use and context

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Principle 4: A successful project will sit happily in the pattern of existing development and the routes through and around it.

Principle 5: A successful project will respect important views.

Principle 6: A successful project will respect the scale of neighbouring buildings

Principle 7: A successful project will use materials and building methods which are as high quality as those used on existing buildings.

Principle 8: A successful project will create new views and juxtapositions which add to the variety and text of the setting.

Place names are very important to the local distinctiveness of Westerham as they often reflect past uses that are no longer in existence, such as the mills and breweries. Retention of names should be considered with any new development.



5.2.2 Alterations

Article 4 Directions

Minor inappropriate alterations to buildings, spaces and the public realm can cumulatively detract from an area's special character. In Westerham Conservation Area, as identified in the appraisal, this includes replacement or loss of architectural features and boundary treatments, which may be a permitted development right for dwelling houses, and alterations to shop fronts and signage.

The District Council could consider making an Article 4 direction under the Town and Country Planning (General Permitted Development) Order 1995. This would require home owners to submit planning applications for any number of different minor alterations, such as replacement windows, replacement doors, or alterations to boundary treatments. As this would only apply to dwelling houses and the proportion of these within the Conservation Area boundary is not high and the process for making and subsequently enforcing an Article 4 direction is resource-heavy, it is not considered to be an effective measure to take at this time. If in the future funds may be made available to concurrently offer grants to encourage people to apply for permission to reinstate original features, this could be reconsidered. For instance, a high number of dwellings have unfortunately replaced original windows with uPVC windows, which detract from the special character of the area.

Guidance notes for minor alterations

An alternative to making an Article 4 direction that does not provide the statutory control, but could be effective in other ways, is to produce a guidance note specific to the Westerham Conservation Area that celebrates its special character and raises awareness of the importance of retaining features that contribute towards this character. A guidance note could also provide advice on maintenance and appropriate replacements where necessary. English Heritage research carried out in relation to the Conservation Areas at Risk campaign, and available on their website, provides useful information for homeowners about the value of living in conservation areas, and the effect of harmful change. This could be included in any guidance notes.

Shop fronts

There are a number of surviving Victorian and Edwardian shop fronts in the Conservation Area, including some that survive even where the building has been converted into residential use. It is very important in maintaining the significance of the Conservation Area that these shop fronts be retained, as they were designed to complement the building in which they sit, are appropriately proportioned and provide a sense of place and retention of historic character. Management of this will be through the Development Management process, and the guidance note on shop fronts that accompanies saved Policy EN27 of the Local Plan. It would be beneficial, however, to create a specific guidance note for Westerham, which acknowledges outstanding shop fronts, such as the surviving row next to the Kings Arms Hotel on the Market Square, and provides guidelines on alterations, design of new shop fronts, and advertisements. There are a few instances of signage where, for instance, the fascia sign is too deep and out of proportion with the shop front, or obscures features of the building, that should be avoided.

5.2.3 Streetscape and Public Realm

Traffic is, despite the creation of the M25 in 1986, often heavy along the A25 route through Westerham. Traffic calming measures may be a consideration, although the winding route and change in levels through town help to naturally slow traffic down. It is important that any measures taken would not produce clutter within the Conservation Area, such as excessive signage or barriers, or inappropriate colouring of surfaces. Regular liaison between traffic engineers and local authority planning and conservation officers is a constructive way of ensuring that change is effectively managed, and a formal system could be considered for this. Statutory undertakers are also required to permanently reinstate a highway where they disturb it with the existing materials, or if not possible, with the closest possible match. The historic character of the traffic and pedestrian routes, including their orientation, widths, materials and names, should be maintained. Best practice and helpful case studies can be found in the following, which should be taken into consideration for works to the public realm in the Westerham Conservation Area:

- *Manual for Streets 2, Department of Transport 2010*. This document provides guidance on delivering more contextually sensitive designs, including historic context.

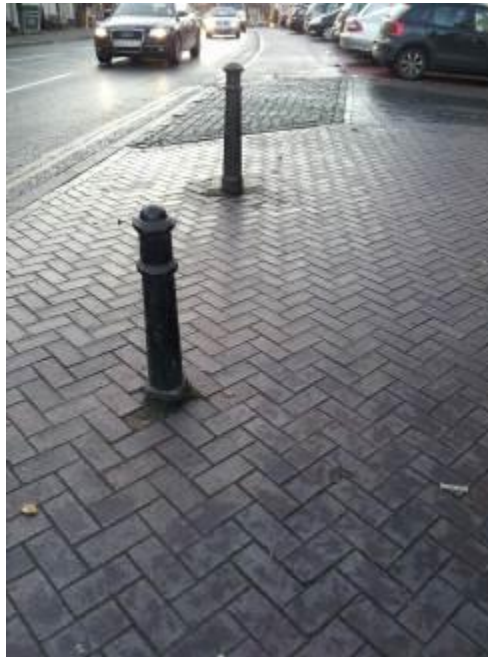
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- *Streets for All South East, English Heritage, 2005.*

The guidance provided in these documents provide best practice principles to be adopted for the following:

Surface Materials

Quality of surface materials in the public realm, and the retention of historic surfaces, is vital to the significance of the Westerham Conservation Area. There are some surviving stone kerbs which should be maintained, and consideration should be given to reinstatement where materials are made available through reuse. Parts of the pedestrianised area have herringbone brick pavers as surfaces, which is a generic and visually distracting surface that has no historic precedent. Where management plans are in place to replace these when necessary, materials used should better reflect the local distinctiveness of the area, taking into consideration what was available locally in the past (stone), or what historically was imported, such as granite setts. There are several areas of hard limestone paving and kerbs that could be replicated and should also be maintained, which historically may have been either ragstone or ironstone. Local stone such as Kentish rag stone may be an appropriate choice of material.



Generally, these principles should be followed:

- Relate ground surfaces to the local context.
- Keep paving simple and avoid discordant colours.
- Maintain and restore historic paving and detail such as kerbs and gulleys.

Street furniture

There is no particular pattern for street furniture in the Conservation Area, but the majority of the bollards, street lighting and sign posts are finished in black. This is an appropriate finish where historic colours are not known, although it needs to be acknowledged that true black is a relative latecomer to painted street furniture and railings, since the late 19th century onwards. All new or redecorated street furniture in the area should be finished in black to maintain a consistent character. The exception to this are the timber bollards surrounding the Green, which set apart this important space and soften the landscaping with the use of natural materials.

There are no historic street lamps within Westerham, but there are a few on Market Square that are replicas of Victorian patterns, and are painted black. New street lighting is likely to be more successful if it is based on historic photos of past lighting columns, or is an appropriate contemporary design and complements the area, which again would need to be finished in black.

In general, the following should be taken into consideration:

- Identify and remove superfluous or redundant items.
- Minimise signage and locate signs on existing bollards, lampposts or walls and buildings at the back edge of the pavement.
- Unify street furniture by finishing in black.
- Reduce guard rails to a minimum and use simple designs that relate to local character.
- Avoid standardised lighting and choose the design and light source most appropriate for the area.
- If traffic-calming measures are required, they should be fitted sensitively into the street scene.
- Adopt a minimalist approach. Any works should involve minimal visual interference with the established streetscape and respect the historic street layout.
- Limit road markings to those essential for highway safety and use a muted yellow colour where double lines are absolutely necessary.

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Street furniture in need of maintenance



Bespoke black painted street furniture

A positive step, along with liaison with traffic engineers, could be a complete audit of street furniture and subsequent removal of any redundant signage or other furniture.

APPENDIX 1 - Maps

Map 1 – Conservation Area Boundary

Map 2 – Designations

Map 3 – Character Appraisal

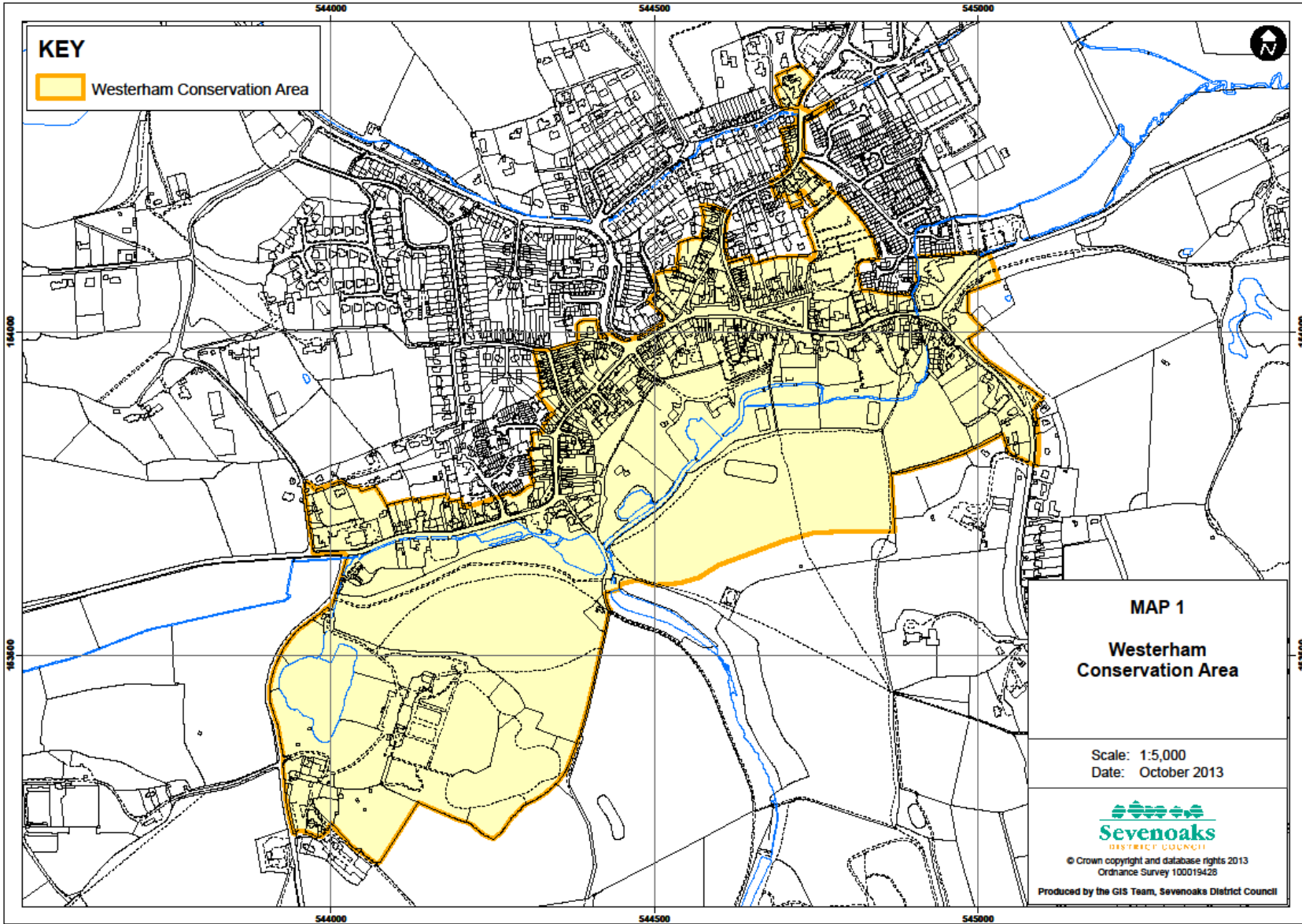
Map 4 – Views

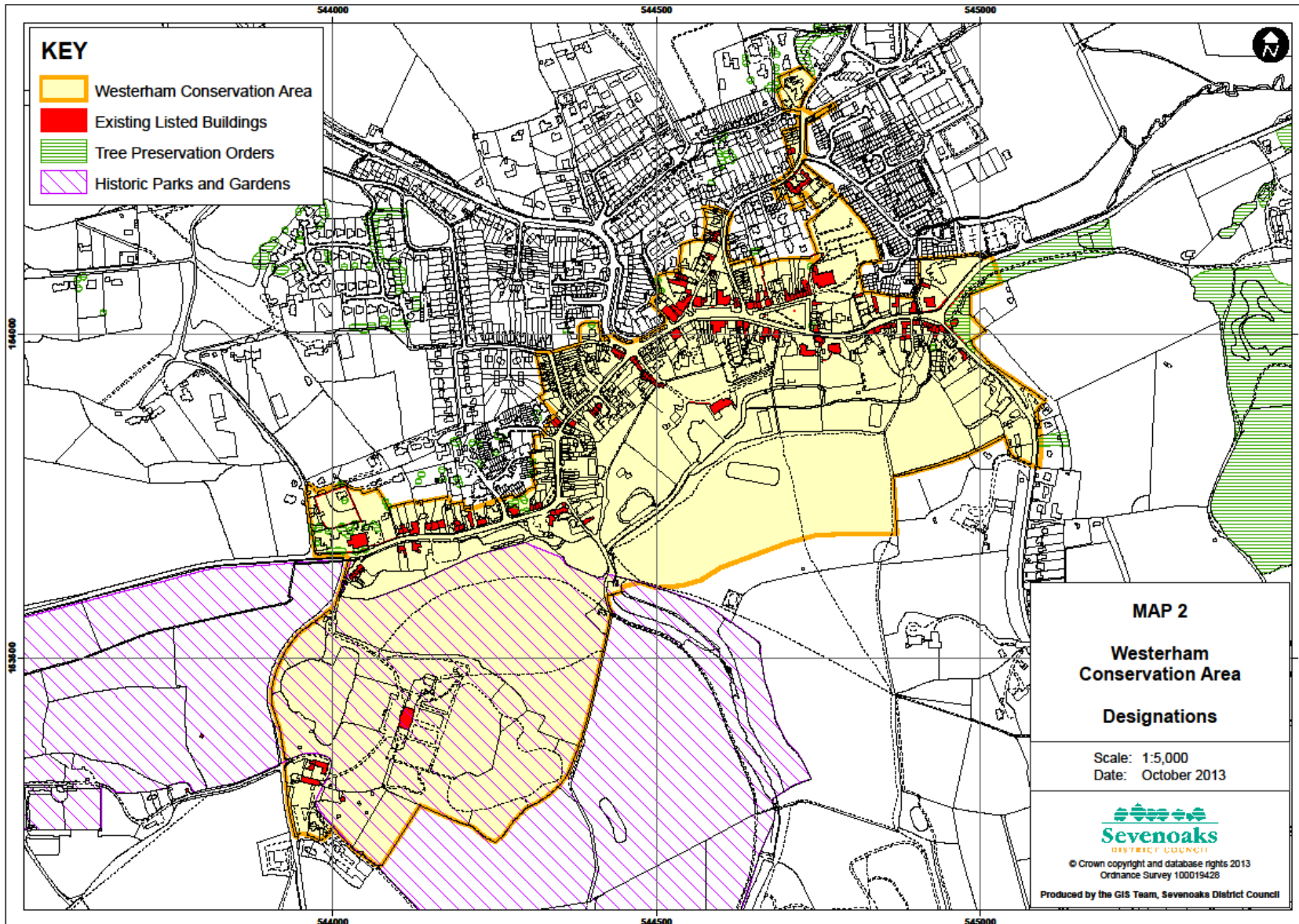
Map 5 – Squerryes Court Historic Park and Garden

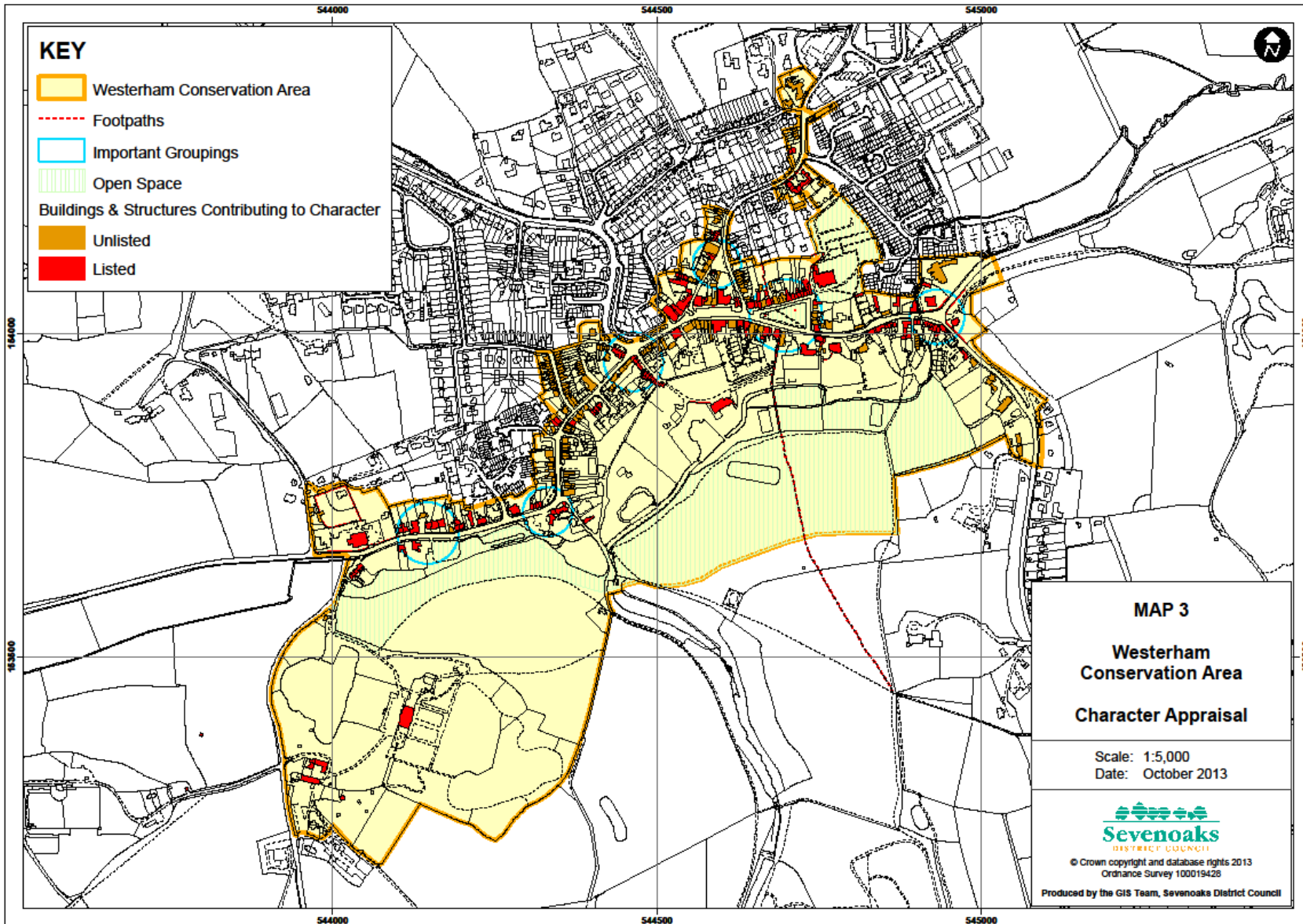
Map 6 – Westerham 1884 – 1894

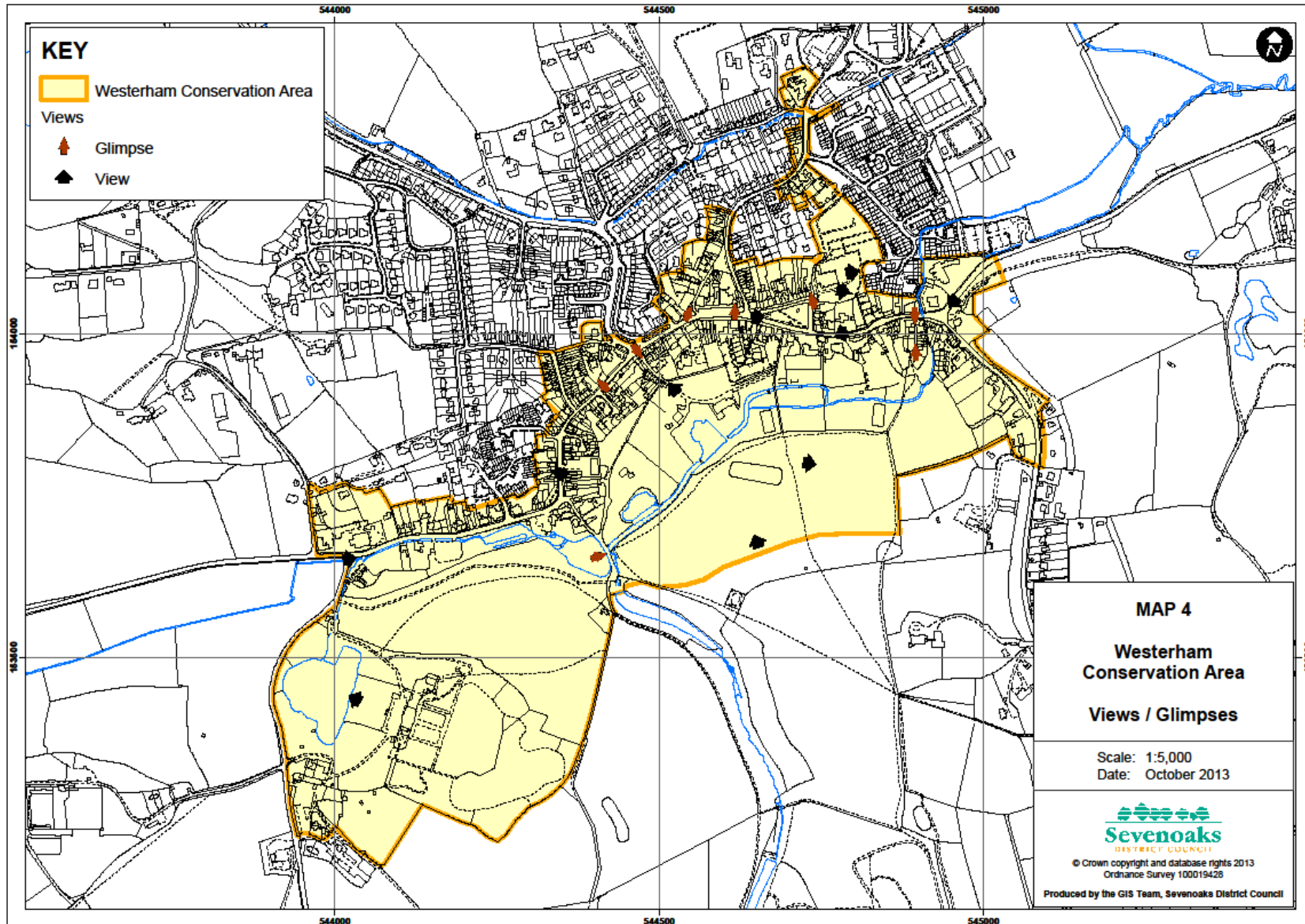
Map 7 – Westerham 1909

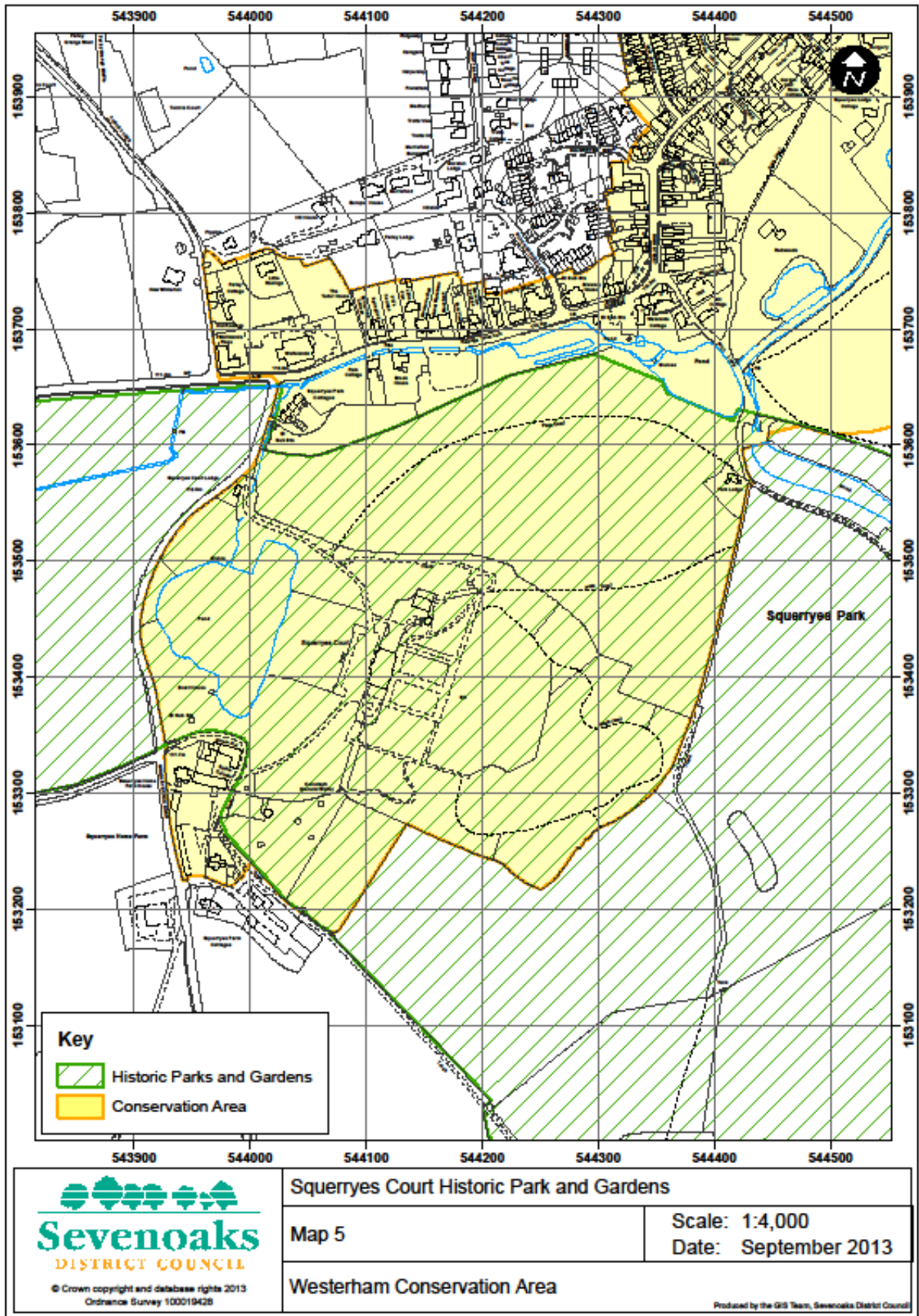
Map 8 – Westerham 1938 - 1939

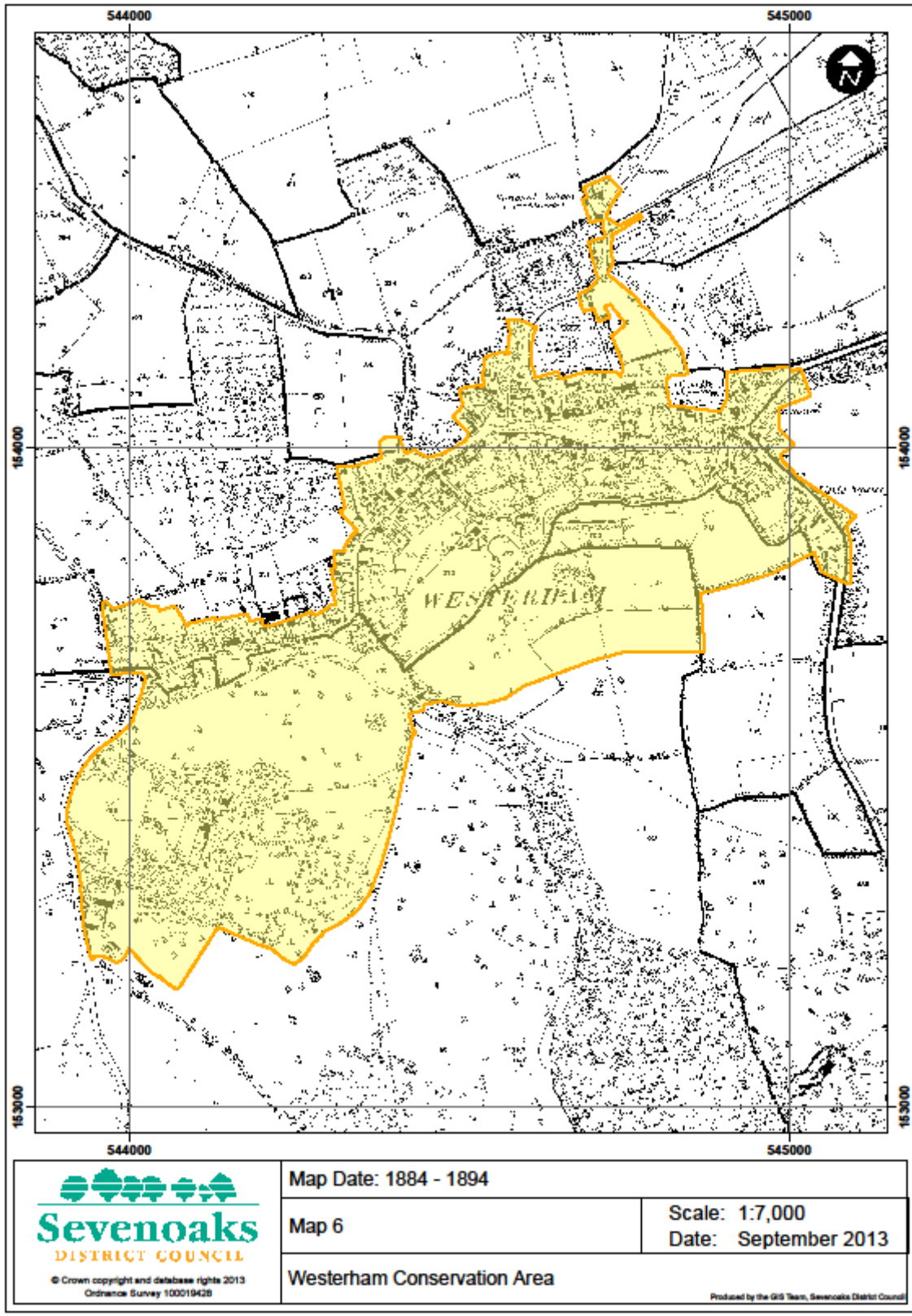


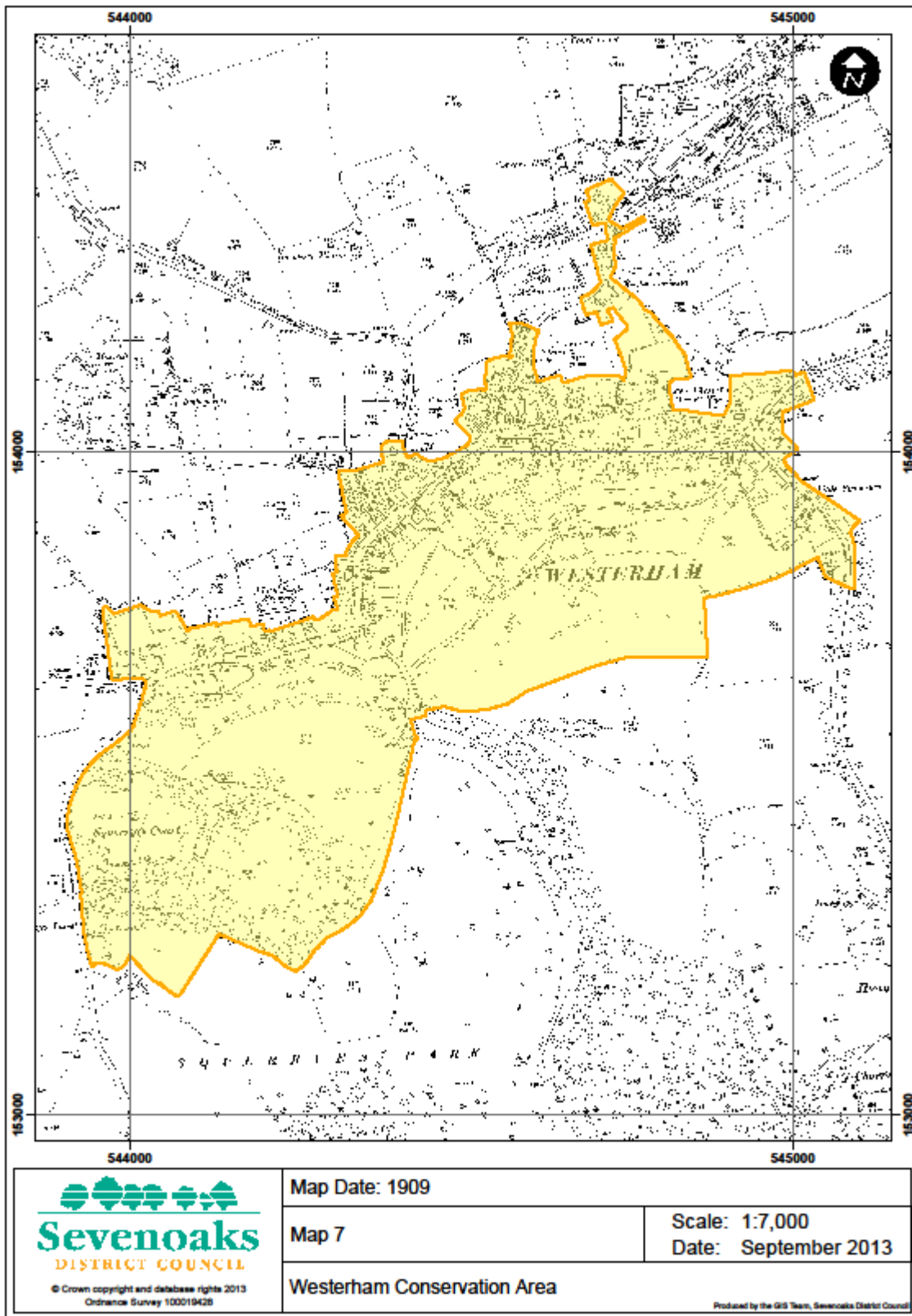


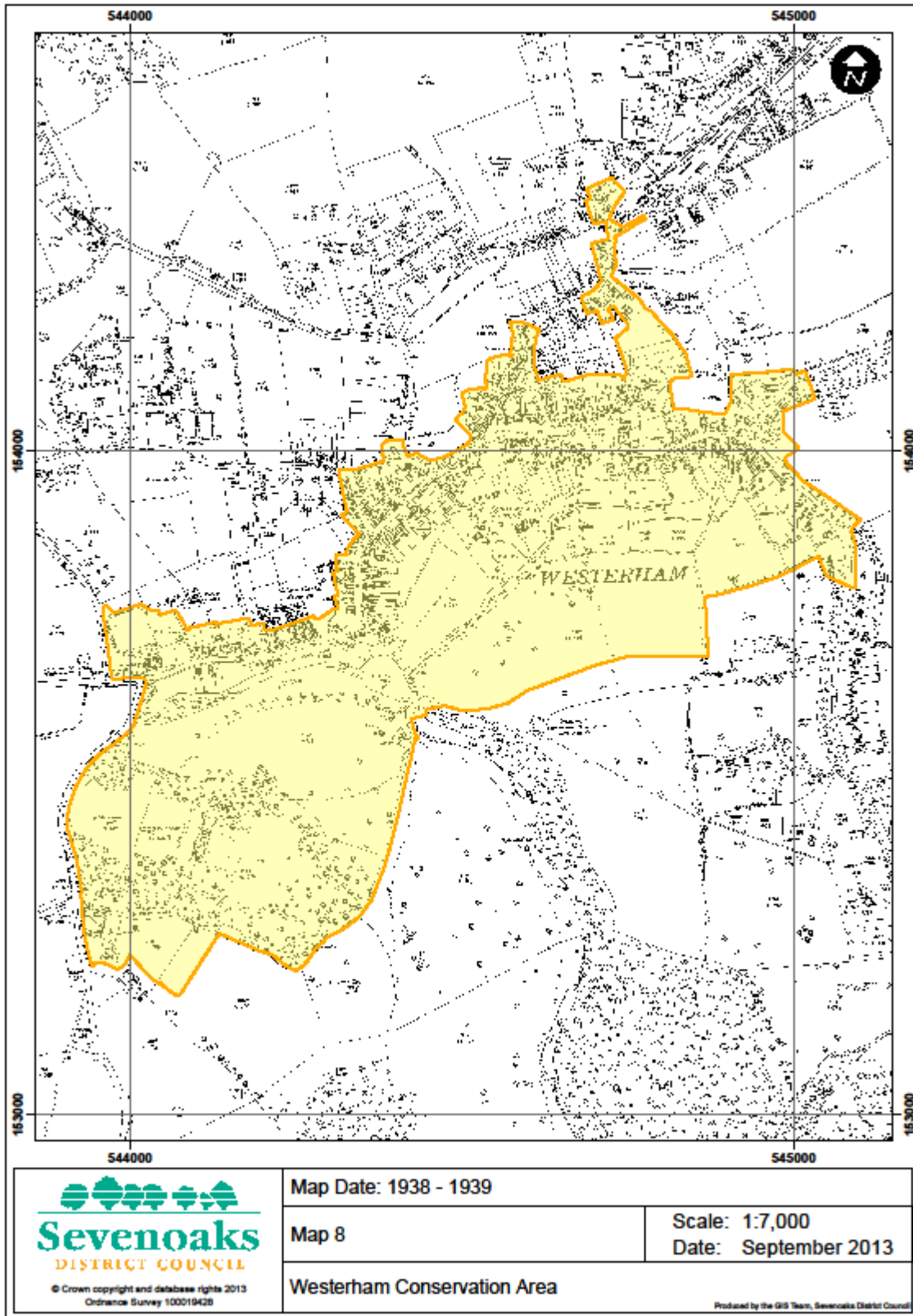












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APPENDIX 2 - Bibliography

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Kent Historic Environment Record

Westerham and Crockham Hill Guide 1984

Curtis, Bill. Westerham: A Social and Commercial History 1865 – 1915. 2012

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Newman, John. The Buildings of England. Kent: West and the Weald. 2012

Building in Context: New Development in Historic Areas (2001), and the Building in Context Toolkit (2006). English Heritage and CABE@Design Council

APPENDIX 3 - Glossary

Ashlar – Walls or facings of dressed stonework laid in courses with thin joints.

Catslide roof – A roof with one side longer than the other, continuing at the same pitch over an extension to a building

Dentil - one of a number of small rectangular blocks resembling teeth, usually found as a decoration under the moulding of a cornice at eaves level.

Hip roof – a pitched roof which has four slopes instead of the two of a gable roof.

Gable – The triangular part of an end wall of a building with a pitched roof.

Gabled roof - The commonest type of roof with sloping sides meeting at a ridge and with a gable at each end

Gallet – a flake of stone (or flint) used for filling the joints in rubble stone walls

Parapet – A low wall standing on top of an external wall or a separating fire wall, at roof level. Often obscuring guttering.

Weatherboard – Horizontal boards used to externally clad walls, typically on timber-framed buildings

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LOCAL ENFORCEMENT PLAN

Local Planning and Environment Advisory Committee – 27 January 2015

Report of Chief Planning Officer

Status: For consideration

Also considered by: Cabinet – 5 February 2015

Key Decision: No

Executive Summary: This report introduces a Local Enforcement Plan (see Appendix A) which is a document setting out how the Council will respond to breaches of planning control.

This report supports the all the key aims of the Community Plan

Portfolio Holder Cllr Piper

Contact Officer(s) Alan Dyer Ext. 7196

Recommendation to Local Planning and Environment Advisory Committee: That Cabinet is recommended to agree the Local Enforcement Plan for adoption.

Recommendation to Cabinet: That the Local Enforcement Plan be adopted and published.

Reason for recommendation: The Local Enforcement Plan provides information to customers on how the Council will deal with enforcement and the powers available so that complainants and those subject to complaints will know what to expect from the service.

Introduction and Background

- 1 The Improvement Plan for the Planning Service includes a proposal to review, revise and re-launch the 'Enforcement principles' document, last updated in 2003, as an Enforcement Handbook - a user friendly, informative, easy to read and understand guide which will explain our priorities, the options available to us and set out our service standards.
- 2 The National Planning Policy Framework (NPPF) recommends that local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate

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alleged cases of unauthorised development and take action where it is appropriate to do so (NPPF para 207).

- 3 The Government's recently published Planning Practice Guide also advocates the preparation of a Local Enforcement Plan.
- 4 The proposal in the Improvement Plan is very similar to what the Government envisages in a Local Enforcement Plan and the Improvement Plan proposal is therefore being taken forward as a Local Enforcement Plan.
- 5 The Council's enforcement service has a very high workload arising in large part from the number of complaints received. In 2013/4:
 - It received 1,272 complaints about breaches of planning control (equivalent to just over 100 new complaints every month)
 - It visited 93% of sites subject of complaint within three working days
 - It checked 829 commencements for potential breach of control
 - It rectified breaches of planning control in 319 cases (either by formal action, informal agreement or through the grant of permission)
 - It served 8 enforcement notices, 10 breach of condition notices and 19 planning contravention notices

Structure of the Plan

- 6 The plan is structured as follows:
 1. General Introduction
 2. Key Principles of the Enforcement Service. Listing six key principles which guide our approach. These are:
 - We will investigate all complaints received about breaches of planning control and aim to visit the site concerned within three working days.
 - We will give priority to the most serious complaints based on the degree of harm caused by the development subject of the complaint.
 - We will use our statutory powers to remove harmful development.
 - We will explore solutions to remove harm caused by unauthorised development.
 - We will keep complainants and those who are the subject of complaints informed throughout our investigations.
 - We will keep the identity of complainants confidential.
 3. Investigating Complaints. Covering what complaints will be investigated, how they will be prioritised and how investigations will be carried out.
 4. Securing Compliance. Setting out the powers available to the Council and the circumstances in which they will be used.
 5. Monitoring Implementation of Planning Permissions. Covering the monitoring that is carried out when development starts.

6. Commitments to Customers. Including how we communicate with people who complain and people who are subject of complaints.

Additionally there is an appendix covering relevant legislation.

- 7 The plan places greater emphasis than previously on securing compliance while remaining within the framework of Government guidance and legislative constraints. It sets out the powers that are available to the Council, including enforcement notices and stop notices, and the circumstances in which they may be used.
- 8 The powers include the ability to serve a Section 215 Notice requiring the improvement of untidy land or buildings. The Council has used this power with success, for example in tackling a house and garden in Dunton Green that had become an eyesore, and has also achieved success where it has threatened to serve a notice. It will be looking for additional opportunities to use the power in the future and will investigate all complaints received.
- 9 The plan recognises that in some cases a breach of planning control will not have a harmful impact sufficient to justify taking enforcement action. In such cases the enforcement team will always try to get a planning application submitted so that the unauthorised development can be brought under control. Where no application has been forthcoming a decision has to be made whether to close the case with no further action taken. To ensure adequate democratic oversight of the closure decision the plan proposes that local Members will be consulted on any decision to take no action on a case where there is a breach of planning control and given the opportunity to refer the matter to Development Control Committee. This is in addition to the existing power for the Local Member or the Committee Chairman to refer any enforcement case to the Committee.
- 10 Members also now receive a monthly report of all new enforcement complaints received.
- 11 Following agreement by Cabinet it is proposed that the plan be published on the Council's web site and made available to those involved in the process including complaints and those who are subject to complaints. It will also be publicised via forthcoming Town and Parish Councils and Agents' forums. Publishing the plan should raise awareness of how enforcement operates and the powers available, together with providing accessible information on the service customers can expect.

Other Options Considered and/or Rejected

There is no statutory requirement to prepare a Local Enforcement Plan and there is an option of not proceeding with the plan. However, it is considered that there are substantial benefits from adopting and publishing the plan as set out above.

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Key Implications

Financial

There are no significant financial implications from publishing the plan as the limited cost of printing can be met from existing budgets. The plan does not introduce any new procedures that have additional costs. Some potential enforcement actions do have potential financial implications for the Council and these are considered before taking action.

Legal Implications

The Legal Services Manager has been consulted on the preparation of the document and comments have been incorporated.

Equality Impacts

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and has the potential to vary between groups of people. The results of this analysis are set out immediately below.

Enforcement does have the potential to adversely affect certain groups including those with limited understanding of Planning, those with difficulty reading documents and those without access to IT. The EQIA for Enforcement which was updated in 2013 identifies potential adverse impact and measures to overcome them, including offering home visits, translation services and maintaining paper copies of documents. The Enforcement Plan should aid understanding of the service and will be made available in different formats to help those without computer access.

Conclusions

It is considered that the Local Enforcement Plan will offer benefits in aiding understanding of the service and clarity for customers in understanding what to expect from enforcement investigations. It is therefore recommended for adoption.

Appendices

Appendix A – Draft Local Enforcement Plan

Background Papers:

None.

Richard Morris
Chief Planning Officer

Sevenoaks District Council

Local Enforcement Plan

1. INTRODUCTION

Effective operation of the planning system depends on the ability to enforce against development carried out without planning permission and planning legislation gives District Councils powers to take action where necessary against development that does not have permission.

The Government provides guidance to local authorities on enforcement in its National Planning Policy Framework. It says:

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

The Government's Planning Practice Guidance also advocates the preparation of a local enforcement plan.

This document is the Council's Local Enforcement Plan. It was adopted on [insert date].

2. KEY PRINCIPLES OF THE ENFORCEMENT SERVICE

The Council's approach to enforcement is based on the following key principles.

- **We will** ...investigate all complaints received about breaches of planning control (*) and aim to visit the site concerned within three working days.
- **We will** ...give priority to the most serious complaints based on the degree of harm caused by the development subject of the complaint.
- **We will** ...use our statutory powers to remove harmful development.
- **We will** ...explore solutions to remove harm caused by unauthorised development.
- **We will** ...keep complainants and those who are the subject of complaints informed throughout our investigations.
- **We will** ...keep the identity of complainants confidential.

(* Except that we do not investigate anonymous complaints)

The following sections explain our approach in more detail.

3. INVESTIGATING COMPLAINTS

3.1 How to Report Alleged Breaches of Planning Control

The Council welcomes the reporting of suspected breaches of planning control and looks to the public to be its eyes and ears. As development can gain immunity from enforcement action over time, it is important that any suspected breaches are reported as soon as possible in order that harmful development can be removed or minimised. Those reporting a breach of planning control are asked to do so via the Council's website:

<http://www.sevenoaks.gov.uk/services/housing/planning/planning-enforcement>

The Council will not disclose any information that would identify a complainant. Maintaining confidentiality is intended to ensure that people are not deterred from reporting breaches or possible breaches. The personal information of a complainant will be processed in accordance with the Data Protection Act 1998.

Anonymous complaints cannot be investigated. But if you do not want to reveal your identity to the Council you can ask your local Member or your local Parish or Town Council to put forward your complaint.

3.2 What is a Breach of Planning Control?

A breach of planning control is either: -

- Carrying out development without the required planning permission (this includes carrying out development contrary to approved plans);
or
- Failing to comply with any condition or limitation imposed on a planning permission that has been granted

Some development, referred to in the legislation as "permitted development", does not need an express grant of planning permission and we cannot take enforcement action against it.

The Council also has powers to take action against untidy land or buildings where their condition causes harm to the amenity of the area.

The Planning Enforcement Team only deals with breaches of planning control. There are some things that are covered by other departments or other authorities, such as on street parking, the safety of a building, fly tipping, noise/smell complaints and licensing restrictions. If complainants are unsure whether their complaint relates to a planning matter the Enforcement team can provide advice.

The Council will not intervene in private civil disputes such as breaches of restrictive covenants, boundary disputes or disputes that relate to damage to or reduction in value of land or property.

3.3 Prioritising Complaints

Taking enforcement action can be a complex process requiring significant staff time. The Council must therefore prioritise cases to ensure that prompt action is taken against the most damaging developments. In very urgent cases, a site visit will be made immediately. However, in all cases, we aim to make a site visit within 3 working days.

Complaints are prioritised as follows: -

Very Urgent

- Unauthorised works to listed buildings
- Unauthorised works to protected trees
- Any other development that causes irreversible demonstrable harm.

Urgent

- Any unauthorised development/activity which causes clear harm to the locality including the living conditions of adjoining residents
- Breach of a condition which results in demonstrable harm to amenity in the neighbourhood

Less Urgent

- Unauthorised developments which may receive planning permission
- Minor breaches, including breaches of conditions
- Unauthorised advertisements

3.4 Site Visits

In all but the most straightforward cases, officers will visit sites to establish whether a breach of planning control has taken place and establish the nature of the breach. The majority of site visits are made without prior warning so that sites can be seen in their normal state.

Officers are required to identify themselves as investigation officers as soon as they enter a site. The Council's planning investigation officers have powers of entry, for the purpose of investigating alleged breaches of planning control (see appendix).

Where site visits are made and no occupier can be found at the time of visit, officers have power to inspect the land in his or her absence, though not to force entry into any

dwelling house. Where appropriate, officers will leave a business card requesting the occupier of the land to contact the Council.

If, during a site visit, officers are refused entry onto land or buildings, the Council has the right to apply to the Magistrates' Court for a warrant to enter the property.

Whilst on site, officers will ask questions of any present occupiers, and may also take measurements and photographs. Any information gathered will be used to ascertain whether a breach of planning control has taken place. If a breach has occurred, this information will be used to assess the most appropriate course of action to resolve the matter.

3.5 Gathering Evidence

Where a complaint relates to an alleged unauthorised use of land, officers will make a reasonable attempt to determine whether a breach has taken place. In most cases a 'reasonable attempt' will consist of a number of site visits at days and/or times deemed most suitable for the allegation. This approach ensures that the Council's resources are used effectively.

Officers may use a variety of other methods to determine whether or not a breach of planning control has taken place, including obtaining information from witnesses to an alleged breach, and consultation with Council departments, HM Land Registry etc.

The Council may also seek clarification from case law or obtain legal advice where the subject of an investigation is complicated or contentious.

3.6 Planning Contravention Notices

A planning contravention notice is a tool to gather information. It can be served by the Council on owners and occupiers of land where it is believed that a breach of planning control has occurred. The Council may ask questions regarding the alleged breach, to acquire information necessary to determine whether a breach has taken place.

A planning contravention notice is a formal notice and failure to respond, or knowingly to provide false information, is a criminal offence. The notice allows the recipient to explain why there has been no breach of planning control if this is the case. Failure to reply to a planning contravention notice will not stop the Council from taking enforcement action where it is considered appropriate.

Issuing a planning contravention notice does not constitute the Council taking enforcement action. A planning contravention notice is not registered as a land charge and is not included on the Council's Enforcement Register (see paragraph 6.3 below).

3.7 What if there is No Breach of Planning Control?

Sometimes complaint investigations reveal no evidence of a breach of planning control. This may be because the development being complained about is not happening (most likely in relation to alleged change of use), that it does not require planning permission or that it is being carried out in accordance with a valid planning permission. In these circumstances the complainant will be advised of the position and the investigation will be closed. Such cases will not be reopened unless the complainant is able to provide more substantive evidence of the alleged breach of planning control

3.8 Immunity from Enforcement Action

In some cases breaches of planning control may become immune from enforcement action. Where a breach continues undetected and consequently without any intervention by way of enforcement action, it will become lawful by the passage of time. In such circumstances the Council is unable to stop the development.

Immunity timescales are as follows: -

- Four years where the breach consists of unauthorised building, mining, engineering or other operations
- Four years for a change of use of any building to use as a single dwelling house
- Ten years in any other case, including breaches of planning conditions

3.9 Deliberate Concealment

Deliberate concealment of a breach of planning control in order to gain immunity from enforcement action does not necessarily benefit from the statutory immunity timescales. New powers conferred by the Localism Act 2011 allow the Council to apply to the Magistrates' Court for a Planning Enforcement Order, where a deliberate concealment of a breach of planning control becomes evident.

4. SECURING COMPLIANCE

The Council has a variety of enforcement options that may be utilised when resolving a breach of planning control. These range from informal resolution and seeking a planning application to using the range of statutory powers available. The approach followed will depend on the severity of the breach.

4.1 Informal Action

In non-urgent cases where there is a breach of control the Council will initially seek an informal resolution. This may be by requesting a retrospective planning application within a specified period to enable the merits of the development to be assessed or it may be by setting a deadline for compliance. All requests will be made in writing, making it clear that failure to achieve compliance by the end of the period may lead to the use of statutory powers.

In more serious cases where the harmful impact of the development is such that the Council would be very unlikely to grant permission it will not seek a planning application and may go straight to the use of statutory powers rather than giving a period for compliance.

4.2 Considering a Retrospective Planning Application

Where a planning application is received for development that has already taken place the Council will assess its merits on the same basis as if the development had not yet commenced. This includes the ability of Local Members to call applications to the Development Control Committee. The proposal will receive no more or less favourable treatment because it has already taken place.

Where there is a reasonable prospect that permission would be granted for a development that has taken place without permission the Council will strongly encourage the submission of an application. Prospective applicants will be reminded of the benefit to them of obtaining a planning permission and the potential difficulties they may face in the future if there is no record of permission being granted for development, particularly if they ever want to sell the property. Local land charges searches carried out for prospective purchasers will reveal that planning permission has not been obtained and this is likely to cause difficulty for future sales.

4.3 Use of Statutory Powers

The Council has a range of powers to issue notices to remedy breaches of planning control where there is evidence of harm arising from the work carried out.

In deciding whether to use its powers the Council has a duty to determine whether enforcement action is necessary. .

Where a decision is made to take action the type of notice issued will depend on the nature of the breach of planning control. The Council is prepared to use all of the measures listed below where they are necessary to secure compliance.

- **Enforcement Notice**

These will be issued within 28 days of authorisation and are the usual method of requiring the removal of unauthorised development. The notice needs to specify what constitutes the breach of planning control and what steps are required to remedy the breach together with a timescale for compliance. There is a right of appeal against these notices on grounds which include that permission should be granted for the development, that the breach of control specified in the notice has not happened, that the requirements of the notice are excessive and that more time should be allowed for compliance.

As an enforcement notice can be overturned on appeal on the grounds that planning permission should be granted for the development, the Council will not normally take enforcement action against a development for which permission would be granted if an application had been made. An exception is a Positive Enforcement Notice which can be served to impose conditions on unauthorised development in the absence of a planning application.

Failure to comply may result in prosecution in the Magistrates' or Crown Court [maximum fine £ unlimited].

- **Listed Building Enforcement Notice**

These are very similar to Planning Enforcement Notices. They specify the unauthorised works to a listed building and the requirements necessary to remedy the harm. They can be served on their own, e.g. where unauthorised works to a listed building required only listed building consent and not planning permission, or in conjunction with a Planning Enforcement Notice. Failure to comply may result in prosecution in the Magistrates' or Crown Court [maximum fine £ unlimited].

- **Section 215 Notice**

These can be used in relation to untidy land or buildings where their condition adversely affects the amenity of the area. The notice will set out the steps to be taken and the time period for compliance. Works that can be required include planting, clearance, tidying, enclosure, demolition, re-building, external repairs and repainting but cannot include works which would themselves require planning permission. Failure to comply may result in prosecution in the Magistrates' Court [maximum fine £2,500 with additional fine for ongoing non-compliance.

- **Stop Notice**

This is a powerful tool that requires a development to stop by a specified date with no right of appeal. Stop Notices can only be used only in conjunction with an enforcement notice and only in the most serious cases where the breach of planning control is causing irreparable and immediate significant harm. Before serving a notice we will consider the likely consequences of requiring the activity to stop and will review whether there are alternative actions that will achieve the desired outcome. Although there is no right of appeal there are circumstances in which the Council may be liable to pay compensation, notably if the associated enforcement notice is quashed, varied or withdrawn or the stop notice itself is withdrawn. Failure to comply may result in prosecution in the Magistrates' or Crown Court [maximum fine £ unlimited]
- **Temporary Stop Notice**

These take effect immediately from the moment they are issued, and last for up to 28 days. A Temporary Stop Notice is issued only where it is appropriate that the activity or development should cease immediately to safeguard the amenity of the area. Failure to comply may result in prosecution in the Magistrates' or Crown Court [maximum fine £ unlimited].
- **Planning Enforcement Order**

This can be used where unauthorised development has been concealed to avoid detection in the period before it would otherwise become immune from action. Where a local planning authority discovers an apparent breach of planning control, within 6 months of discovery it may apply to the Magistrates' Court for a Planning Enforcement Order. The order allows the authority an 'enforcement year' in which to take enforcement action, even after the usual immunity limits have expired. The Magistrates may make a planning Enforcement Order only if they are satisfied that, on the balance of probabilities, the "actions of a person or persons have resulted in, or contributed to, full or partial concealment of the apparent breach or any of the matters constituting the apparent breach".
- **Breach of Condition Notice**

These will be issued within 14 days of authorisation and can be used where conditions imposed on a planning permission have not been complied with. They are not suitable for all conditions. There is no formal right of appeal. Failure to comply may result in prosecution in the Magistrates' Court [maximum fine £2,500].
- **Injunction**

Where a breach of planning control is causing, or is likely to cause, significant harm, the Council may apply to the Courts for an injunction compelling the breach to stop. In order to grant an injunction the Court needs to be satisfied that it is just and convenient as well as proportionate to do so in light of the Article 8 right

to a private life contained within the European Convention on Human Rights. At the hearing, the Judge will invariably weigh up the public interest of granting an injunction in terms of upholding the integrity of the planning system and abating the material harm, as against the private interests of the landowner/occupier to use his land as he or she sees fit. From a practical point of view, the Circuit Judge who will hear the application may be inexperienced in planning and environmental law. Accordingly, Judges commonly take a common-sense, broad-brush approach. If it can be demonstrated that there has been a flagrant breach of planning (rather than some technical or slight indiscretion), material harm is caused and the defendant shows no sign of rectifying the situation, the Court is likely to look sympathetically upon the application.

4.4 Direct Action

Where the Council has issued a statutory notice and those responsible for the breach have failed to comply, the Council has powers to carry out the works specified in the notice. This is referred to as 'direct action'. Direct action is a useful tool that can resolve many different breaches of planning control, and is generally most effective when used to remove unauthorised building operations. The Council has powers to recover from those responsible any expenses incurred as a result of direct action, and unpaid expenses can be pursued either in the County Court or registered as a land charge payable when the land is sold.

4.5 Prosecution

While it is not a criminal offence to carry out development without first obtaining planning permission, it is an offence to erect unauthorised advertisements, fell a protected tree without consent, carry out unauthorised works to a listed building or fail to comply with an enforcement, breach of condition, planning contravention or stop notice.

A prosecution is more likely to ensue where the individual or organisation has: -

- Deliberately or persistently ignored written warnings or formal notices
- Endangered, to a serious degree, the health, safety or well being of people or the environment

Prosecution may be the most appropriate course of action in other circumstances, or where direct action is considered inappropriate or has proved ineffective in resolving the breach. The Council will pursue a prosecution where there is a realistic prospect of conviction, and where it is in the interests of the wider public to do so.

The decision to prosecute will also take account of the evidential and public interests and tests set down in the Code for Crown Prosecutors.

4.6 Deciding Not To Take Action

There will be occasions where the breach of planning control does not have a harmful impact that would justify taking any enforcement action and attempts to get the submission of a planning application have not been successful. In these cases the Council has to decide whether to continue the investigation.

Where there is a breach of control and Officers propose to close a case because of lack of harmful impact local Members will be consulted and given the opportunity to refer the matter to Development Control Committee.

5. MONITORING THE IMPLEMENTATION OF PLANNING PERMISSIONS

The Planning Enforcement Team is notified of commencements of development by the Council's Building Control Department. These are then checked against the relevant planning application to ensure that:

- All necessary permissions have been granted
- All pre-commencement conditions have been discharged
- All financial contributions that form part of a Section 106 Agreement or, where relevant payments under the Community Infrastructure Levy, have been received by the Council

6. COMMITMENTS TO CUSTOMERS

6.1 Keeping People Informed

We will keep complainants and those in breach of planning control informed at each stage of the investigation. Complainants may contact the case officer and seek an update at any time during the process.

6.2 If You Are the Subject of a Complaint

If the Council believes you to be responsible for an alleged breach of planning control and contacts you in this regard, it will tell you what the allegation is and give you the opportunity to explain your side of the case.

Under the Freedom of Information Act 2000, the Council is not obliged to provide details of the source of any complaint although you will be entitled to know the name of the Councillor who lodges a complaint on his/her own behalf or on behalf of someone else.

Where the complaint is found to be without substance, you will be advised accordingly and the Council's file on the matter will be closed. If there is found to be a breach of planning control, you will be advised of the details of the breach and how it can be rectified.

Your cooperation will be sought to correct the breach, either by removing or modifying the unauthorised development or by ceasing the unauthorised work. A reasonable time period will be allowed for you to do this.

In some circumstances you may be invited to submit a retrospective planning application, although no assurance can be given as to a successful outcome to any planning application. However, if refused, such applications carry a right of appeal.

The Council will try to minimise possible impacts on any business which may be subject of enforcement action, but this does not necessarily mean that the enforcement action will be delayed or stopped.

Enforcement Notices will contain the precise details of the breach, the reasons for the action, the steps required to overcome the breach and the time period for compliance.

In the early stages of an investigation, you may be issued with a 'Planning Contravention Notice' that requires information concerning the development carried out and precise details of those responsible and/or involved. This Notice is used to establish facts so that the Council can determine whether a breach of planning control has taken place and whether formal enforcement action is appropriate. The legal implications of not completing and returning the Notice will be explained to you.

6.3 Enforcement Register

The Council has a statutory duty to hold and maintain an Enforcement Register, which is a public record of all formal enforcement action that is registered as a land charge.

6.4 Complaints Against the Service

The Council aims to investigate and assess all breaches of planning control fully, and to take enforcement action where it is justified. The Council also aims to ensure high customer service standards are maintained with all parties involved in an enforcement investigation.

Where customers have a complaint about the way an enforcement investigation has been carried out the complaint will be investigated in accordance with the Council's Complaints Policy, details of which can be found at www.sevenoaks.gov.uk.

APPENDIX

LEGISLATION AND GOVERNMENT GUIDANCE

1 Primary Legislation

When investigating alleged breaches of planning control, the Council will act in accordance with the provisions of both primary legislation [Acts of Parliament] and secondary legislation [Statutory Instruments].

The primary legislation is the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act, 1991) together with the Localism Act, 2011. This legislation sets out the definition of 'development', and provides the Council with the majority of its planning enforcement powers.

2 Secondary Legislation

Key secondary legislation includes: -

The Town and Country Planning (Use Classes) Order 1987, and all amendments

The Use Classes Order [UCO] separates the many different uses of land into 'classes', and sets out which changes of use of land are outside the scope of development. The UCO deals only with 'primary' uses of land; any use class that is not listed or constitutes a 'mixed use' is defined as 'sui generis' and sits within its own class. The UCO defines the changes of use that cannot be 'material', and therefore advises only which changes of use are excluded from development. The UCO does not define what constitutes a material change of use, therefore if a change of use is not excluded it must be assessed on its own merits as a matter of fact and degree.

The Town and Country Planning (General Permitted Development) Order 1995, (as amended)

The General Permitted Development Order (GPDO) sets out what forms of development have the benefit of 'deemed' planning permission. All works or activities that are defined as being 'development' that are not covered by the GPDO will require express planning permission.

3 Government Guidance

Paragraph 207 of the National Planning Policy Framework sets out the general approach to planning enforcement.

The Council will also have regard to Planning Practice Guidance (Department for Communities and Local Government)

4 Other Legislation, Guidance and Codes of Practice

When investigating breaches of planning control the Council will also act in accordance with the following: -

- Code for Crown Prosecutors
- Human Rights Act 1998
- Equality Act 2010

5 Powers of Entry

The Council's planning investigation officers have powers of entry, for the purpose of investigating alleged breaches of planning control, under the following provisions: -

- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation areas) Act 1990 (as amended)
- Planning (Hazardous Substances) Act 1990 (as amended)
- Planning (Hedgerow Regulations) Act 1997
- Local Government (Miscellaneous provisions) Act 1976, 1982
- Planning (Consequential Provisions) Act 1990 (as amended)

COMMUNITY INFRASTRUCTURE LEVY (CIL) GOVERNANCE**Local Planning and Environment Advisory Committee – 27 January 2015**

Report of	Chief Planning Officer
Status:	For Decision
Also considered by:	Cabinet – 5 February 2015
Key Decision:	No

Executive Summary:

In March 2014, the Local Planning and Environment Advisory Committee resolved that a member/officer workshop should be set up to begin to consider CIL governance issues. Two workshops have now been held and the recommendations in this report represent officers' understanding of the majority view expressed. There was a strong view from the workshops that a new board should be established to decide on CIL expenditure. The report sets out recommendations for the structure of the new board, guidance on the information that will need to be supplied to support bids for funding and the factors that the Council will take into account in making a decision. It is also recommended that the Council prepares an Infrastructure Plan, which will inform the allocation of funding to schemes that support development planned in the Allocations and Development Management Plan.

Portfolio Holder	Cllr. Piper
Contact Officer(s)	Richard Morris Ext. 7268 Emma Boshell Ext. 7315

Recommendation to Local Planning and Environment Advisory Committee:

That the recommendation to Cabinet is endorsed.

Recommendation To Cabinet:

- (a) That a Community Infrastructure Levy (CIL) Spending Board is established to recommend to Cabinet how CIL funding should be prioritised with Terms of Reference consistent with the body of this report.
- (b) That the CIL pro-forma (Appendix A) is published to set out the information that bidding organisations, including SDC, will need to provide.
- (c) That the guidance on the CIL decision making process (Appendix B) is published.

Reason for recommendation:

To ensure that the Council is able to make decisions on how CIL funding is prioritised in an open and transparent manner.

Introduction and Background

- 1 The Council adopted the CIL Charging Schedule on 18 February 2014 and qualifying developments permitted since 4 August 2014 are now liable to pay CIL.
- 2 As part of the process of adopting the CIL Charging Schedule, Cabinet tasked Local Planning and Environment Advisory Committee with developing the CIL governance arrangements. In March 2014, the Local Planning and Environment Advisory Committee resolved that a member/officer workshop should be set up to begin to consider CIL governance issues. It was proposed that, following this workshop, LPEAC would formally debate different CIL governance models and make a recommendation to Cabinet.
- 3 Two CIL governance workshops were held with LPEAC members in October and November 2014. The recommendations in this report represent what officers understand to be the majority view of those in attendance. The workshops focused on the structure and processes that will be used to make decisions on CIL expenditure priorities not on what schemes, or types of schemes, money will be spent on.
- 4 Following a recommendation from LPEAC in October 2014, Cabinet resolved that the Council should publish a regulation 123 list, which sets out broadly what CIL will be spent on. The list is not intended to be exclusive. It also resolved that all town and parish councils should receive the equivalent of 25% of the £125 per sq m residential CIL rate when chargeable development takes place in their area, regardless of whether or not it has a neighbourhood plan. Officers have briefed town and parish council colleagues on CIL on a number of occasions over the past 2-3 years and will continue to do so to ensure that they are aware of the limitations of CIL expenditure and the requirements placed upon them.
- 5 The Government intends that CIL will largely replace the use of planning obligations for securing the provision of infrastructure required to support new development. CIL can not be used to rectify existing deficiencies in infrastructure provision. It has long been identified that **CIL will not fund all of the infrastructure schemes that partner organisations have previously identified as being necessary to support development in the District**. There is a great deal of uncertainty when estimating CIL receipts because of the number of different variables (e.g. house sizes, locations of development, amounts of existing on-site floorspace, percentage of affordable housing). However, it is estimated that between 2014 and 2026 the delivery of the development proposed in the Allocations and Development Management Plan would lead to the Council receiving approximately £6 million (after 25% of £125 per sq m has been passed to town and parish councils). This equates to an average of approximately £500,000 per annum. Costed projects previously identified in the (now out of date) infrastructure planning evidence that the Council used to support the

preparation of the Charging Schedule for the 2014-2026 period sum to approximately £33,000,000.

Structure

- 6 There was a strong view from the workshops that a **new spending board** should be established to decide on CIL expenditure. Whilst this will create additional pressure on member time and work for officers, there is considered to be benefit in a dedicated board considering this issue. This will help to ensure that members are kept up to date with changes in CIL legislation that may affect expenditure and that sufficient time is made available to debate different schemes bidding for funding.
- 7 Those present at the workshops considered that members should not be able to vote on proposals in their ward. Therefore, a **'pool system'** was proposed, which would see approximately 15 members identified as a group from which CIL Spending Boards of 7 members would be called. All relevant ward members, whether part of the 15 member group or not, will be given the opportunity to speak for or against the proposals for a total of 3 minutes. It is proposed that this should be written into the terms of reference rather than be at the discretion of the chairman.
- 8 A **fixed chairman and vice chairman** for the CIL spending boards should be appointed on an annual basis. However, these members would not be able to sit on a board meeting if there is a proposal in their ward. If this is the case then the board should appoint a chairman for that meeting.
- 9 It is considered that CIL expenditure should be a function of the Council's executive. Therefore, the final decision making on CIL expenditure should rest with Cabinet. The view from the workshops was that **Cabinet should be asked to ratify the recommendations of the CIL Spending Board or request that it reconsiders a certain issue**, rather than re-open the detailed debates that will have been had at the Spending Board.
- 10 Meetings of the CIL Spending Board would be held in public. **Interested parties would also be given the opportunity to speak for or against proposals for a total of 3 minutes each.** This would include town/parish council representatives. A representative from the organisation promoting the scheme would be expected to attend.
- 11 It was recognised that the CIL spending board is likely to have to determine applications for CIL funding from SDC. As a result, it was proposed by attendees at the workshop that **members of Cabinet should not be part of the Spending Board group.** For the same reason, it was considered that **representatives of other organisations (such as KCC members) should not be invited to sit on the board.**
- 12 The workshop recommended that **Spending Board meetings should be held 2-3 times per year.** It is likely that 2 meetings will be sufficient in the first year, when receipts are likely to be lower than they will be in future years because of the need for schemes to be granted permission after CIL charging came into effect and then

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built out (CIL is generally paid 60 days after this). There will be the power to call extraordinary meetings, if necessary.

Form of Spending Board Meetings

- 13 It was proposed that CIL Spending Board meetings should assess applications for funding made by relevant organisations (including SDC). Applications should be made by way of the completion of a **standard pro-forma** (along with any relevant appendices) and **attendance by a relevant individual(s) at the Spending Board**, in order that members' questions on the schemes can be answered.
- 14 Applications for CIL funding would first be **validated by the lead officer** appointed to the CIL Spending Committee (it is proposed that this should be the Strategic Planning Manager). This validation process would be carried out with the chairman of the committee to ensure that schemes do not go to Spending Board meetings if:
 - sufficient information is not provided in advance to enable members to make an informed decision (i.e. if the pro-forma is not completed);
 - if the scheme is clearly not a form of infrastructure; or
 - the scheme promoter is not able to deliver the scheme or does not have support from the statutory provider of that form of infrastructure.
- 15 Papers relating to those schemes that are to be considered by a Spending Board meeting will be circulated in advance by Democratic Services in the normal way.
- 16 Spending Board meetings will consider whether or not a scheme should be funded and then, if it is decided that it should not, **reasons will be given**. A potential reason for why a funding bid may not be successful is that further information is required. Where this is the case, the applicant may be encouraged to reapply once this information is available. In some cases an independent assessment of project costs may be sought from the scheme promoter.

Information considered by the Spending Board

- 17 A **pro-forma has been prepared** (appendix A) that organisations bidding for funding would be expected to complete. This requires information to be provided on:
 - The public benefit of proposed schemes;
 - The value for money that a scheme provides;
 - The proportion of funding that CIL will be providing (with the expectation being that it will be some way short of 100%);
 - The deliverability of the scheme;
 - The maintenance arrangements that are in place; and

- The information that will be provided by the bidder following any grant of funding.

Infrastructure Planning

- 18 The Council needs to strike a balance between identifying the infrastructure that is required to support development in advance and providing flexibility to infrastructure providers to address requirements that result from windfall developments. If the Council does not have a plan of the infrastructure that is required to support planned development then there is a risk that CIL receipts necessary to provide critical infrastructure will be spent on smaller, less critical schemes on first come, first served basis. **The Council's CIL receipts should be treated as an 'accumulation fund' to pay for the most critical schemes.** It is not necessary for each meeting of the spending board to allocate the funding available at the time of the meeting. If schemes are not deemed important enough, the money should not be allocated.
- 19 It is proposed that the Council should undertake consultation with infrastructure providers in early 2015 to identify schemes necessary to support the development planned in the Council's Allocations and Development Management Plan. This consultation will be used to **develop a new Infrastructure Plan**, which will inform the allocation of funding to developments that are consistent with development planned in the Allocations and Development Management Plan. The Plan will have regard to likely available funding.
- 20 The **CIL Infrastructure Plan will be considered by Local Planning and Environment Advisory Committee after May 2015** and (subject to any modifications) put to Cabinet to agree. The Infrastructure Plan will be reviewed every two years.
- 21 A Draft CIL Infrastructure Plan was previously prepared to inform the preparation of the Council's Charging Schedule. This is based on information that is now a number of years out of date. It also did not seek to provide a realistic plan for how CIL funding would be prioritised. It should not be relied upon to fulfil the role that the now proposed infrastructure plan will.

Factors considered in determining whether schemes should be funded

- 22 Appendix B sets out the **factors that the Council will consider in determining whether or not a scheme should be funded.** It is proposed that this document should be published as guidance but should not limit members on the Spending Board from giving weight to other factors that are relevant on a case-by-case basis. The factors listed include:
- The public benefit of proposed schemes;
 - The value for money that a scheme provides;
 - Whether the scheme is included in the Council's CIL Infrastructure Plan or there is good reason why it is not;

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- Whether the CIL contribution will be matched by funding from other sources, including funding from the CIL paid to town and parish councils. The Council will not fund 100% of infrastructure schemes;
 - Whether the scheme is supported by the relevant ward member(s).
 - Whether evidence has been provided to demonstrate that the scheme is deliverable and that there are sufficient maintenance arrangements in place.
- 23 Members at the workshops considered that the **support of ward members** should be a prerequisite of funding being granted. It was also considered that the **support of town/parish councils** would be highly beneficial but this was not considered to be vital. Where a scheme would benefit more than one town/parish then support should be sought from all of the relevant councils.
- 24 A scheme would not need to take place in Sevenoaks District to qualify for funding. However, there must be a **clear benefit to residents in Sevenoaks District** and a clear link between the infrastructure scheme and new housing or large retail development in Sevenoaks District.
- 25 There was **no support for weighting the criteria** to be used in reaching decisions. The Spending Board would instead be expected to reach a balanced judgement and give reasons for its decision.
- 26 In some circumstances funding would be agreed 'in principle'. For example, an infrastructure scheme would **not need to have planning permission** to secure an agreement for funding but the funding would not be transferred until the delivery of the scheme was guaranteed.

Once the funding decision has been made

- 27 Successful applicants for CIL funding will be expected to **maintain communication** with Sevenoaks District Council on the progress of their scheme after a decision has been made to provide funding. Where funding has been agreed 'in principle' or where staged payments are agreed, the scheme promoter will be expected to provide information to justify funding being transferred.
- 28 Scheme promoters should **continue to provide information until the scheme has been completed** and all CIL funding has been spent. At minimum, an annual return will need to provide information on the progress of each scheme that funding has been allocated to in order that the Council is able to fulfil its monitoring requirements under the CIL Regulations. A requirement to submit this information forms part of the declaration that the scheme promoter is required to sign.

Timetable

- 29 It is proposed that the new arrangements should come into force from **May 2015**.
- 30 The workshops recommended that any arrangements should be **reviewed after 12 months** (i.e. from May 2016).

Training for CIL Spending Board members

- 31 It is acknowledged that not all board members will have been involved in CIL considerations before. Therefore, initial training will be provided for all board members, after May 2015 but prior to the first meeting.
- 32 Training will cover the most up to date CIL legislation, the information that is to be considered by the board, and the factors to be considered in determining whether or not a scheme should be funded.

Conclusions

- 33 It is recommended that a new CIL Spending Board is established, in accordance with the recommendations in this report.

Other Options Considered and/or Rejected

Cabinet could decide not to agree to the adoption of the proposed governance arrangements. This option is not recommended by Officers on the basis that the proposals have been developed through a member-led process that has considered the issue in some detail. In addition, any identified weaknesses in the system can be addressed through the proposed review process.

Key Implications

Financial

There are no financial implications of this recommendation. However, the establishment of a new committee will place additional work pressures on existing staff, unless there is a reduction in the number of other committee meetings.

Legal Implications and Risk Assessment Statement.

Governance arrangements that are consistent with the CIL regulations must be agreed. If they are not then the Council runs the risk of challenges from developers over the use of CIL to the Ombudsmen being upheld.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

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Appendices

Appendix A – CIL Bid for Funding Pro-forma

Appendix B – Decision Making Process Guidance

Background Papers:

[Draft CIL Infrastructure Plan](#) (July 2013).

Richard Morris
Chief Planning Officer

Sevenoaks District Council
Community Infrastructure Levy Spending Board

Bid for Funding Pro-forma

Scheme name:	
Description of Scheme:	
Is this scheme promoted by your organisation in partnership with another organisation(s)?	<p>Yes / No</p> <p>Organisation Name(s):</p> <p>Responsible individual(s):</p> <p>Signature(s) on behalf of other supporting organisation(s) :</p>
<u>Need for the Scheme</u>	
List of developments that result in the need for this scheme:	
How is the scheme related to these developments (additional information, such as usage forecasts and existing and alternative capacity assessments, can be attached as an appendix):	
Public benefit of the scheme proposed for residents in Sevenoaks District:	

Economic	
Social	
Environmental	
Is the need for the scheme identified in any adopted strategy/plan? If so, which?	
Funding	
Total project cost:	£
Funding required from CIL:	£
Identify other funding sources for this project, what contribution they are making and why these can not be used to fund the scheme in its entirety:	1)
	2)
	3)

	4)
Is the bid for staged payments / will staged payments be accepted?	Yes / No Details of anticipated funding requirements and timetable:
Has a bid(s) for CIL funding been made to relevant town and parish councils?	Bid made: Yes / No Details of bid: Has a decision been made by the town/parish council?: Yes / No Details of decision:
Would the scheme be fully funded if the CIL contribution is agreed:	Yes / No
Has this scheme benefited from CIL funding previously:	Yes / No
<u>Deliverability</u>	
Does your organisation have the legal right to carry out the proposed scheme?	Yes / No If not, you must attach documentation showing that the statutory provider of this service supports this scheme.
Anticipated start date for delivery of the scheme:	
Anticipated completion date for the delivery of the scheme:	
Does land need to be purchased to facilitate the scheme:	Yes / No Details:
Has consultation been carried out on the scheme or is any planned?	Carried out / Planned / No consultation is planned Details:

Is planning permission required for the scheme?	Yes / No If yes, has it been applied for?	
Details of any other consent required (if appropriate):	Consent required:	Date applied for / granted:
Is a relevant SDC ward member(s) supportive of the scheme?	Yes / No Signature of at least one SDC ward member:	
Is the relevant town/parish council(s) supportive of the scheme?	Yes / No Signature of town/parish council chairman:	
<u>Maintenance</u>		
Which organisation will be responsible for ongoing maintenance:		
Are funding arrangements in place for maintenance:	Yes / No Details:	
<u>Declaration</u>		
I am authorised to submit this bid for funding on behalf of the organisation that I represent. At the time of writing, the information contained in this submission (including appendices) is correct and true to the best of my knowledge. If CIL funding is committed and circumstances change prior to the completion of the scheme, the organisation that I represent will notify Sevenoaks District Council, who will reserve the right to reconsider the allocation of funding. If CIL funding is committed to the above project then the organisation that I represent commits to providing Sevenoaks District Council with sufficient information to enable it to undertake its reporting requirements under the CIL Regulations 2010 (as amended), or any subsequent relevant regulations.		
Signature		
Name		
Position		
Organisation		

Name, role and contact details of the person that will be attending SDC's CIL Spending Board to support this bid:	
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Sevenoaks District Council

Community Infrastructure Levy Spending Board

Decision Making Process

Lead Officer's initial validation of bids

The lead officer will undertake an initial validation of bids. The following will not be put to the spending board for consideration:

- Those schemes for which a pro-forma has not been completed.
- Those schemes where the bidding organisation does not have the legal right to carry out the proposed scheme or the support from the statutory provider of that service.
- Those schemes that could clearly not be defined as infrastructure to support development.

The lead officer's validation of bids will be agreed by the chairman of the CIL Spending Board in advance of papers being published for the spending board meeting.

A written response will be provided to the bidder to explain this decision. This may suggest that a revised submission is considered at a future meeting.

CIL Spending Board's consideration

The CIL spending board's key considerations will be whether there is a public benefit of the proposed scheme for residents in Sevenoaks District and whether the scheme constitutes value for money. In determining this, the spending board will consider the following issues in making its recommendation.

- Whether sufficient evidence has been provided to demonstrate a strong social, environmental or economic justification for the scheme.
- Whether sufficient evidence has been provided to demonstrate a strong link between new development and the scheme.
- Whether the scheme forms part of a planned strategy to address the need for infrastructure.
- Whether the CIL contribution will be matched by funding from other sources.
- Whether the use of other funding sources has been maximised.
- Whether there is sufficient certainty that the scheme will be delivered.

- Whether the scheme is supported by at least one of the relevant SDC ward members (note: this will be a prerequisite of a successful funding bid).
- Whether the scheme is supported by the relevant town/parish council.
- Whether evidence has been provided to demonstrate that there are sufficient maintenance arrangements in place.

The board may also take into account other factors that it considers relevant.

Limited CIL funding is available and it is unlikely that it will fund all of the infrastructure schemes that are considered necessary to support development. Where it is necessary to choose between schemes that could both be appropriate uses of CIL (i.e. they satisfy all of the considerations set out above), the board will give particular consideration to the public benefit of the schemes for residents in Sevenoaks District and the link between development and the scheme.

Types of recommendation

The board may make the following recommendations to Cabinet for it to ratify:

- Funding for the scheme is approved.
- Funding for the scheme is not approved on the basis that other proposed schemes have been given greater priority.
- Funding for the scheme is not approved on the basis that insufficient evidence has been provided to justify it.
- Funding for the scheme is not approved on the basis that the scheme is not considered to be an appropriate use of CIL.

These recommendations should give bidders an indication of whether they should consider bidding for this scheme again and what additional information, if anything, should be provided with any resubmission.

SOLAR FARM PROPOSALS IN THE DISTRICT

Local Planning and Environment Advisory Committee - 27 January 2015

Report of Chief Planning Officer

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Piper

Contact Officer(s) Alan Dyer Ext. 7196

Recommendation to Local Planning and Environment Advisory Committee: That the report be noted.

Introduction

- 1 This report, prepared for Members information, describes proposals that have come forward for development of solar farms in the District and outlines relevant local and national policy.

Proposals for Solar Farms in the District

- 2 There have been three planning applications for solar farms on two sites in the District. These are:

A site of 39.3 ha generating 20MW of power on land adjoining the M20 between Fawkham Road and Crowhurst Lane, West Kingsdown (13/02487). Application withdrawn.

A site of 10.9 ha generating 6MW of power on land at Skinners Farm, Skinners Lane, Edenbridge (14/01270). Application withdrawn

Skinners Farm, Skinners Lane, Edenbridge (14/03361). Current application on the agenda for Development Control Committee on 8 January recommended for refusal on Green Belt and visual impact grounds. (Resubmission of 14/01270 with the same site area and generating capacity).
- 3 In addition there has been a pre application enquiry regarding land at St Clere's Estate, Watery Lane, Kemsing, which the prospective applicants have made public. This covers a site of 45 ha generating 23MW on land adjoining the M26 and extending into Tonbridge and Malling.
- 4 There have been two pre application enquiries on other sites that have not been publicised and have not led to planning applications.

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- 5 Solar farms have the potential to supply energy direct to local communities and/or to supply energy to the national grid. The applications we have received to date are all based solely on supplying to the national grid.
- 6 The Skinners Farm development would generate enough energy to serve approximately 1,500 homes. The West Kingsdown and Kemsing proposals would both generate enough energy to serve about 5,000 homes.

Policy Considerations: National

- 7 Solar farms are a form of renewable energy on which national policy is set out in the NPPF. In this District solar farms are most likely to come forward on Green Belt land because of their space requirements. Para 91 of the NPPF states:

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

- 8 To increase use of renewable and low carbon energy para 97 suggests that planning authorities should;
 - have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
 - support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
 - identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

It add that applicants should not be required to make the case generally for renewable energy and that permission should be granted if impacts are (or can be made) acceptable.

- 9 Prior to the NPPF national policy did not support the identification of locations for renewable energy development in development plans.
- 10 The NPPF gives additional protection to AONBs and states that great weight should be given to their protection. In considering major developments one of the factors to consider is the scope for accommodating development outside the AONB. This suggests a preference for non-AONB over AONB sites in locating large solar farms.

- 11 The National Planning Practice Guidance supplements the NPPF and contains a section on renewables which includes specific guidance on consideration of solar farms. This is reproduced as Appendix A.

Policy Considerations: Local

- 12 At a local level Core Strategy Policy SP2 covers sustainable development and low carbon energy generation. It supports decentralised energy sources (which would include solar farms supplying the local community) and small scale and community based renewable energy developments where such development does not adversely affect the openness of the Green Belt and is consistent with AONB policy.
- 13 An update will be provided for the meeting on the Skinners Farm decision and any other new developments coming forward.

Richard Morris
Chief Planning Officer

Extract from National Planning Practice Guidance

What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms?

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#).
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar

farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the [impact of wind turbines](#). However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

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AIRPORTS COMMISSION – PREFERRED OPTIONS CONSULTATION

Local Planning and Environment Advisory Committee – 27 January 2015

Report of Chief Planning Officer – Richard Morris

Status: For Consideration

Key Decision: No

Executive Summary:

The Airports Commission has been established by Government, to consider the need for additional UK aviation capacity and recommend how this can be fulfilled in the short, medium and long term. It is anticipated by the Airports Commission that it will present its recommendation in Summer 2015, after the General Election. Following its Interim Report in December 2013, the Airport Commission has published its list of Preferred Options for public consultation. This was released in early November 2014. In order to aid the Local Planning and Environment Committee’s discussion, this report provides a summary of the consultation, the comments that the Council has submitted in response to aviation related consultations in the past, and the outline response that is suggested Members should consider and amend if they consider the Council should take a different line.

Portfolio Holder Cllr. Piper

Contact Officer(s) Simon Taylor Ext. 7134

Recommendation to Local Planning and Environment Advisory Committee:

That the Committee consider the outline response and recommend to the Portfolio Holder the approach that the Council should take in responding to the Airport Commission’s consultation.

Reason for recommendation:

In order to ensure that the Council’s response to this consultation has been prepared following discussion at the Local Planning and Environment Advisory Committee, which all interested members are able to attend.

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Introduction and Background

- 1 The Airports Commission has been established by Government, to consider the need for additional UK aviation capacity and recommend how this can be fulfilled in the short, medium and long term. It is anticipated by the Airports Commission that it will present its recommendation next summer (2015), after the General Election.
- 2 Following its Interim Report in December 2013, the Airports Commission has considered the proposals made to it and published its list of Preferred Options in early November 2014. Anyone who wishes to make a representation to the Airports Commission has until Tuesday 3rd February to do so.
- 3 The Council has responded to a number of different aviation-related consultations in relation to Gatwick over the last few years, with a particular focus on noise impacts of existing flights. This remains a priority. The Council, alongside many others, has consistently responded to consultations from various bodies relevant to the issue of aviation noise to ask that, amongst other things:
 - Night time respite is introduced at Gatwick by making a substantial reduction to the number of permitted night flights, as the current level is clearly not equitable in comparison with other airports in the south east, and by introducing a meaningful period in which no night flights are permitted (for example 12AM to 6AM);
 - By setting height limits for approaching aircraft that require them to fly at the maximum safe height at all times and by introducing meaningful penalties for airlines when aircraft fly below these levels without independently-verified valid safety reasons.
 - By considering and consulting local communities on opportunities to disperse flights more widely within the areas already overflown to prevent concentrations of flight paths over particular communities.
- 4 These appear to be reasonable and easily deliverable steps and is disappointed that the suggestions continue to be ignored. The outline response (Appendix A) highlights these points and suggests that if the Government does not take immediate action then the Davies Commission should recommend these actions, amongst others, to Government to help to 'mitigate in advance' some of the issues likely to be caused by the expansion options being considered.

The Airport Commission's Preferred Options

- 5 The Airports Commission published its Interim Report in December 2013, following its Long Term Options consultation in August 2013. The response to this earlier consultation and the Commission's own assessments have allowed the Commission to produce three Preferred Options, which could be recommended to Government (see Background Papers). The Preferred Options are:
 - The construction of a new 2nd runway at Gatwick;
 - The extension of the existing 2nd runway at Heathrow; and

- The construction of a new 3rd runway at Heathrow.
- 6 During the shortlisting process, the Commission rejected proposals including the expansion of Birmingham International, an extension of Stansted Airport, and the construction of new airports near Oxford and the Thames Estuary. The outline response suggests that under at least one of the scenarios considered by the Commission ('low cost is king') there would be a strong strategic fit between the driver of growth in demand for flights (budget airlines) and Stanstead's current business model. In this respect, Stanstead appears to be not too different to Gatwick.

Overview of the Consultation Proposals

- 7 The proposal at Gatwick is to construct a new 2nd runway, which will be parallel to the existing runway. This will include the construction of a new terminal, satellite facility and pier to serve the additional runway. The Commission estimates that the costs of construction have been underestimated by Gatwick Airport Limited (GAL). Under the Commission's costing analysis, the proposal is expected to be £9.3 billion, in respect to GAL's own estimation of £7.4 billion. Surface access improvements to the Airport would cost an additional estimated £790 million.
- 8 Heathrow proposes two schemes to increase aviation capacity. Heathrow Hub Limited (HHL) proposes to extend the existing 2nd runway to allow it to operate as two separate runways with a safety area between. The proposal also includes the development of additional car parking, hotels and an additional terminal. Under the Commission's costing analysis, the proposal is expected to be £13.5 billion, higher than HHL's own estimation of £10.5 billion. This option would involve putting part of the M25 in a tunnel.
- 9 The creation of a new 3rd runway has been proposed by Heathrow Airport Limited (HAL). The proposal includes the construction of a new, full-length runway (3,500 metres) to the north east of the existing north runway. To support the 3rd runway, a new terminal and associated satellite infrastructure. It is envisaged that the new terminal once completed would have similar capacity of Terminal 2 (around 35 million passengers per annum). Under the Commission's costing analysis, the proposal is expected to be £18.6 billion. The Commission noted that an additional £5.7 billion would need to be invested into surface access improvements. In contrast, HAL estimated a lower costing, with £14.8 billion with an additional £800 million required for surface access improvements. This option would also involve putting part of the M25 in a tunnel.
- 10 The Commission has tested all preferred options against 16 appraisal modules, including, but not limited to:
- Strategic fit and regional impact;
 - Economic impact;
 - Environmental impacts including flood risk and biodiversity;
 - Air quality and noise impacts; and

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- Surface access impacts and improvements.

The assessment components can be found in the Background Papers through a series of topic papers and Business Case reports. The remainder of the report and the outline response focus on the issues that are of most importance to the Sevenoaks District, including economic, noise (and related health) and surface access issues. These factors and their impacts will be set out accordingly.

Economic Benefit

- 11 The economic merits and benefits of each scheme are varied at the national, regional and local levels. The Commission has looked at the financial viability and benefit through a number of models with varying factors. The models include greater numbers of domestic and short haul flights, an increase in low-cost airlines and increased numbers of long-haul journeys, and air freight movements. Housing and employment opportunities have also been taken into consideration as part of the analysis.
- 12 The outline response gives recognition to the importance of Gatwick as a regional economic asset to the South East as a significant local employer, and the Commission has shown that the national economic benefit would be significant. The estimated national economic benefit is between £42-127 billion. The Commission's economic impact analysis of the Gatwick proposal is wide-spread, taking into account 15 local authority areas, including those that are part of the "Gatwick Diamond". The report does not include the District, or the West Kent area. It has been noted that less than 1% of the people who are employed by Gatwick currently live within Kent (see Background Papers). On this basis the direct economic benefits and employment opportunities to the District and the West Kent region may be limited. The outline response suggests that improvements to public transport access to Gatwick, namely a reinstatement of the train service between Tonbridge, Edenbridge and Gatwick, should be part of any 2nd runway proposal, if supported by the Commission, to ensure that Sevenoaks District and West Kent can secure greater direct economic benefits. The outline response also notes that indirect economic benefits may be more significant and that access to high quality infrastructure may help the District to attract new business to sites like Fort Halstead and stimulate growth in the tourism industry (including through the development of new hotels).
- 13 The expansion of Gatwick is predicted to create an estimated 30,000 new jobs (direct and indirect employment) by 2050, at the local and regional level. It is expected that 18,400 new homes would be required to be built to accommodate the growth in jobs. Under current planning law, this would almost certainly be an issue that SDC would need to consider with its neighbours through the Duty to Cooperate.
- 14 Both Heathrow options have a greater national economic merit. The extension of the 2nd runway at Heathrow would produce an estimated £101-214 billion of national economic benefit, up to 2050. This is noted in the outline response.

Noise

15 The impact of noise from overflying aircraft is a particular concern of residents in parts of the south of the District. The Commission forecasts for Gatwick show that the proposed extension would increase capacity of the Airport by an additional 50 million passengers per annum (mppa) by 2050. Presently, the existing North and South terminals have a combined capacity of 45 mppa. This complies with GAL's own 2050 capacity predictions of 60 - 90 mppa. Gatwick Airport Limited (GAL) predict that, based on the assumption of a 2nd runway being developed, the number of ATMs will double over the next 40 years, as shown:

- in 2030, there would be 377,000 ATMs (equating 60 mppa);
- in 2040, this would rise to 468,000 ATM (78 mppa); and
- in 2050, this would increase to 513,000 ATMs (87 mppa).

The Commission recognises that the expansion of Gatwick would significantly increase the number of residents that would be affected by aircraft noise, including night-time flights and increased frequencies of arrival into Gatwick. However, the Commission believes that while the number of flight paths over the District will increase, the impact of their increased presence is not as significant as the proposals for Heathrow. The Commission comments that despite the increase in flights, the levels of noise and air quality will not exceed domestic and international regulations.

16 The Commission has published noise contour maps which forecast that noise will intensify in a north-south axis around the airport but reduce over the east-west axis (i.e. noise levels will reduce in Sevenoaks District as a result of a 2nd runway). These noise contour maps currently do not include many parts of Sevenoaks District that are affected by aircraft noise. In addition, they are based on an assumed increased divergence at the east and west of the existing contours, which is inconsistent with recent consultations on changes to flight paths and, at best, must be considered to be uncertain. On this basis, the outline response suggests that limited weight is given to this noise assessment. It goes on to state that 'SDC is not satisfied that the development of a 2nd runway at Gatwick would be delivered along with a reduction in existing noise impacts and is unable to support this proposal'. Members may wish to consider whether this is the approach that they wish to take.

17 In relation to both proposals for Heathrow, the Commission highlights the environmental and noise impacts as a concern. The location of Heathrow is within a highly developed urban area. As this is not an issue that directly impacts on Sevenoaks District, it is not considered in the outline response.

Surface Access

18 All proposals that the Commission are considering forecast significant increases in passenger numbers. It is important that there is sufficient capacity for surface access for passengers. The three schemes outline transport strategies yet are heavily reliant on either already proposed, committed or delivered programmes.

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- 19 Gatwick proposes to utilise the current upgrades and improvements to the Thameslink programme, which will commence in 2018 with more frequent train services running between the airport and London via the Brighton mainline (London Victoria and London Bridge). Combined with the construction of Crossrail, the effect will be greater access to Gatwick via public transport. In addition to increased rail travel, the Gatwick scheme will seek to utilise the recent upgrades to the M23 as well as the M25. Planned enhancements include the widening of slip roads to improve capacity, the realignment of access roads, increased numbers of parking spaces and the construction of new roundabouts and approaches. A final enhancement for the Gatwick proposal is to upgrade the existing Gatwick station into a “multi-modal transport hub”, which will improve greater connectivity between rail, coaches and buses departing and arriving at the Airport. It would also allow passengers to travel to other terminals.
- 20 The Commission predicts that the improvements to surface access will increase the number of passengers using public transport. The predictions indicate a 10% increase in public transport from 2012 (44%) to 54% by 2030. In the same period, the proportion of rail travel is predicted to be greater, from 36% to 43%. Employees at the airport would also use public transport to commute, with forecasts predicting a 15% rise by 2030 (25% of employees travelling via public transport in 2012).
- 21 SDC has lobbied for a long time for the reinstatement of direct services between Tonbridge and Gatwick (via Edenbridge). The outline response again makes the case for this and argues that the reinstated service should be more frequent than that previously operated and should be more effectively promoted by the train operator and Gatwick Airport. The Tonbridge-Gatwick line (via Edenbridge) provides a valuable connection to Kent, for convenience and accessibility to East Kent residents. The Council has previously noted that, under the terms of the Airport’s existing legal agreement, £1 million annually should be spent on public transport initiatives. If the expansion was submitted as its preferred option, the commitment should be increased significantly if a 2nd runway was to be permitted and that some of this should be used to support this improved rail link should it require subsidy. As previously noted, this could secure greater economic benefits for Sevenoaks District if a 2nd runway was permitted. In addition, it could reduce the number of passengers travelling to the airport via the M25, M20 and M26 through the District, all of which are Air Quality Management Areas with the current levels of usage.
- 22 Both the Heathrow extension and 3rd runway proposals are heavily reliant on existing commitments to infrastructure. As the Commission notes irrespective to further surface improvement, both proposals can capitalise on Crossrail and the High Speed 2 (HS2) connection from Old Oak Common. This will help to increase capacity on the existing Heathrow Express and London Underground services, while also improving the frequency and reliability of services. Furthermore, the strategy includes providing a Southern Rail Access link to South London destinations, including Waterloo. The Commission recognises this as sensible, as it would allow greater choice for travel to the Airport directly, while relieving congestion at London Paddington.

- 23 The expansion proposals of Heathrow also include enhancements of the M25, including a tunnel component to mitigate impacts of disruption from the Airport's expanded footprint. The outline response notes that the lack of additional improvements to the M25 is of concern to SDC not only because it will impact on the ability of residents in Sevenoaks District to access the airport but also because it is likely to increase congestion and journey times to the west and north-west of the country. It notes that the proposals are likely, in fact, to limit any opportunities for further capacity increases on a key part of this section of the M25 by placing the road in a tunnel. The implications of this over the long term need to be fully considered if the Airports Commission is to recommend that either of the Heathrow proposals go ahead.

Response Options

- 24 It is suggested that Members consider the outline response and decide whether it is consistent with the approach that they wish to take and whether any changes need to be made.

Next Steps

- 25 Following this consultation, the Airports Commission will consider all representations made on the Preferred Options and it is anticipated that the Commission will publish its Preferred Option for Government to consider. This is certain to be after the General Election next May. It is unclear whether the Government would invite further comments while considering the Option that has been submitted.

Other Options Considered and/or Rejected

- 26 The Council could decide not to respond to this consultation. This was rejected because of the impacts that decisions about future airport capacity will have on the Sevenoaks District.

Key Implications

Financial

This report does not have any financial implications for the Council.

Legal Implications and Risk Assessment Statement.

This report does not have any legal implications for the Council.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

It is suggested that Members of the Local Planning and Environment Advisory Committee consider the issues raised, in response to the Preferred Options consultation. The issues

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raised relate to the most significant impacts to the Sevenoaks District. It is suggested that the Local Planning and Environment Committee recommends to the Portfolio Holder for Local Planning and Environment the approach that should take in response to the Airports Commission consultation.

Appendices Appendix A – Draft outline response to the consultation

Background Papers: [Airports Commission Preferred Options Consultation Main Document](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381912/AC01_tagged_amend_25_11.pdf)
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381912/AC01_tagged_amend_25_11.pdf)

[Airports Commission Additional Airport Capacity: Consultation Supporting Documents](https://www.gov.uk/government/collections/additional-airport-capacity-consultation-supporting-documents) (<https://www.gov.uk/government/collections/additional-airport-capacity-consultation-supporting-documents>)

[Airports Commission Local Economy Impacts: Assessment](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373487/AC09-local-economy-assessment.pdf)
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373487/AC09-local-economy-assessment.pdf)

Richard Morris
Chief Officer for Planning

Appendix A - SDC's Response to the Airports Commission Preferred Options Consultation

Executive Summary

Sevenoaks District Council will respond to the Preferred Options Consultation. It has considered the benefits and disbenefits of both Heathrow options and that for a second runway at Gatwick. SDC is aware of the economic benefits which would accrue to the District from expansion at Gatwick but is also mindful of the impacts of increased flights and traffic going to and from the airport. No mention is given of any improvement to train connections from Kent to Gatwick.

Currently considerable problems arise in the south of the District from the noise of low flying aircraft approaching Gatwick particularly at night. There are steps available to mitigate these problems but these have not been implemented. Given this case SDC are not convinced that a second runway would contribute to any noise reduction but would almost certainly lead to increased noise nuisance.

SDC would urge for noise reduction measures to be implemented now whatever the outcome of this consultation.

Introduction

Sevenoaks District Council (SDC) welcomes the opportunity from the Airports Commission to respond to its Preferred Options Consultation. The response will focus on how the proposals impact on the Sevenoaks District and is, therefore, primarily focused on the proposal of a 2nd runway at Gatwick. The Council recognises, however, that the development of either of the proposed schemes at Heathrow would also have implications for residents in Sevenoaks District and so a short section of this response is relevant to those proposals.

Before responding to the Consultation directly, it should be noted that the Council has responded to a number of different aviation-related consultations in relation to Gatwick, with a particular focus on noise impacts as these are the current, on-going concerns for the Sevenoaks District. SDC recognises that increasing aviation capacity is Government's long term aspiration. However, SDC considers that action needs to be taken now to reduce the current impacts on communities alongside this long term planning. The Council, alongside many others, has consistently responded to consultations from various bodies relevant to the issue of aviation noise to ask that, amongst other things:

- Night time respite is introduced at Gatwick by making a substantial reduction to the number of permitted night flights, as the current level is clearly not equitable in comparison with other airports in the south east, and by introducing a meaningful period in which no night flights are permitted (for example 12AM to 6AM);

- By setting height limits for approaching aircraft that require them to fly at the maximum safe height at all times and by introducing meaningful penalties for airlines when aircraft fly below these levels without independently-verified valid safety reasons.
- By considering and consulting local communities on opportunities to disperse flights more widely within the areas already overflowed to prevent concentrations of flight paths over particular communities.

The Council considers that these are reasonable and easily deliverable steps and is disappointed that the suggestions continue to be ignored. It calls on the Government and the relevant regulatory bodies to act now on this issue. If it does not then the Davies Commission should recommend these actions, amongst others, to Government to help to 'mitigate in advance' some of the issues likely to be caused by the expansion options being considered. The inclusion of such proposals by the promoters of the expansion options would have shown that they were serious about implementing effective mitigation strategies in the delivery stage of their scheme. Disappointingly, this has not been the case with the Gatwick Airport proposal.

SDC is aware that Gatwick Airport is a key local employer within the South East region and that proximity to a major airport can provide a major boost to businesses. Previous consultations by the Airports Commission have considered the opportunities to meet the demand for international and long-distance domestic travel through investment in other forms of transport (such as high speed rail) and the Commission has still concluded that a new runway is required in London and the South East by 2030. SDC does not intend to reopen this debate in responding to the 3 proposals that are the subject of consultation. However, it is disappointing that Stanstead has not made it through to the final consultation. It is noted that, the Airports Commission has based its preferred options on a series of scenarios, testing the viability and benefits that each scheme has for the period up to 2050. Certainly, it appears to the Council that under at least one of the scenarios ('low cost is king') there would be a strong strategic fit between the driver of growth in demand for flights (budget airlines) and Stanstead's current business model. In this respect, Stanstead appears to be not too different to Gatwick.

Gatwick – Economic Impact

The Commission has forecast that the benefits of a 2nd runway at Gatwick will vary depending on the form that growth in the aviation industry takes and the nature of national/international responses to climate change. The national estimated economic benefit is £42-127 billion. This compares to an estimated economic benefit of £101-214 billion of expansion at Heathrow. The greater national economic benefit clearly weighs in favour of the Heathrow proposals.

It is clearly very difficult to forecast how the economic benefits of airport expansion would be distributed across the country/region but it may be expected that Sevenoaks District would see greater economic benefit of development at Gatwick than Heathrow. Despite

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this, the analysis of local economic impact undertaken by the Airports Commission suggests that the majority of the benefits of Gatwick expansion would only be felt within those areas immediately surrounding Gatwick and the Coast to Capital Local Enterprise Partnership area, which only extends as far as Tandridge District. Notwithstanding its concerns about the proposal for a second runway at Gatwick (explained later in this response), the Council considers that if this is the Commission's preferred scheme then more must be done to ensure that those areas that will experience the substantial negative impacts of expansion also enjoy the economic benefits. The Commission predicts that direct employment at Gatwick would result in 43,400 jobs in 2030, increasing to 47,400 by 2050 (top tier estimate across all scenarios) but it appears to be the case that very few of these are expected to be accessed by residents of Sevenoaks District.

Nonetheless, the amount of indirect employment available from the 2nd runway could be largely significant to the District and be complimentary to the Council's own economic development ambitions. The Council is currently in the process of finalising its Allocations and Development Management Plan (ADMP). This document outlines the allocations that are required for housing, as well as major employment sites within the District. Fort Halstead has been allocated to be redeveloped as a major employment site. Given the proximity to Gatwick, the expansion could encourage businesses to relocate to the District who are seeking locations near to high quality infrastructure. The development of a 2nd runway may also encourage the development of new hotels in Sevenoaks District and lead to growth in the tourism industry.

Regardless of whether a 2nd runway is developed or not, SDC considers that any proposals to increase the capacity of Gatwick airport in the future must be accompanied by much improved public transport links with west Kent. Subsidy of improved rail links between Gatwick, Edenbridge and Tonbridge should be an important part of Gatwick Airport Limited's proposals but, at present, is not. As well as improving access to jobs and the economic benefits of the development of the 2nd runway, this would also improve the experience of those local residents travelling via the airport. Whilst it would not alleviate the Council's concerns about the proposed 2nd runway, this would at least provide a stronger positive impact to weigh against the significant negatives of the proposal.

Gatwick – Noise Impact

The construction of a 2nd runway would greatly increase the airport's capacity, both in terms of the number of flights and the number of passengers that it can handle. The Commission states that the new terminal that would service the additional runway would be able to service 50 million passengers per annum (mppa) which is almost double the existing capacity of the existing North and South terminals, increasing the total capacity to 60-96 mppa. In addition, the number of aircraft that would be arriving into and departing from Gatwick is expected to increase significantly. As GAL points out, air transport movements (ATMs) have increased from 50 to 55 per hour since 2009, with

the aspiration to increase this number further by late 2020s to 60 ATMs an hour which equates to 251,000 annual movements. From predictions that GAL produced for 2050 with a 2nd runway, there could be twice the amount of annual movements (513,000) if this proposal goes ahead.

The impacts of noise from Gatwick Airport is a key concern of residents in the Sevenoaks District. A large proportion of residents in the south of the Sevenoaks District are currently being over-flown by the departure, but more commonly, the arrival of aircraft into Gatwick. The south of the District is predominately rural with a number of small villages and the impact of the noise is considered to be relatively more significant than in urban areas because of the relative low levels of background noise. Low flying approaching aircraft is a particular concern in these areas. This is having an increasing detrimental effect on a number of national and regional tourist attractions, including but not limited to, Hever Castle, Penshurst Place and Chiddingstone Castle. The tranquillity and settings of these attractions are important to these businesses, which provide employment and contribute to the local economy. The proposed doubling of flights arriving at Gatwick will create more significant disturbance to residents as well as having potential significant negative impacts on the local economy.

SDC welcomes the Commission's acknowledgment that a 2nd runway at Gatwick will have a greater impact on residents than previously described in the original GAL submission, and welcomes that this has been translated into forecasts for the number of people affected, rather than the Commission relying on noise contour maps alone. Additionally, if the numbers of freight flights were to increase, it may lead to higher noise levels than expected highlighted on the contour maps. There is equal uncertainty over the predicted noise impacts of aircraft that are yet to be designed. The Commission notes in its own Sustainability Appraisal that any expansion of Gatwick Airport will have an "adverse" impact on the levels of noise as the increased number of flights would increase the amount of daytime and night time noise.

SDC has previously stated that it is opposed to any expansion option at Gatwick unless it is possible to deliver this whilst reducing noise impacts from the current levels in Sevenoaks District. It welcomes that the Commission has not simply relied on one industry standard approach of measuring and forecasting noise impacts. However, none of the contour maps prepared capture the extent of the disturbance caused by flights from/to Gatwick over West Kent, which will be apparent to the Commission from the responses it will receive from communities in this area. This brings into question the credibility of simply relying on these metrics, a point that the Commission appears to recognise in the Sustainability Appraisal, where further consideration has been given to those communities outside of the noise contours, which includes the wider Sevenoaks and West Kent area. On this basis, SDC considers that very limited weight should be given to the noise contour maps that suggest that noise will intensify in a north-south axis around the airport but reduce over the east-west axis (i.e. noise levels will reduce in Sevenoaks District as a result of a 2nd runway). In reaching this conclusion, the forecasts

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have assumed an increased divergence at the east and west of the existing contours. This is inconsistent with recent consultations on changes to flight paths and, at best, must be considered to be uncertain.

As a result, SDC is not satisfied that the development of a 2nd runway at Gatwick would be delivered along with a reduction in existing noise impacts and is unable to support this proposal. In its response to GAL on the 2nd runway proposal, SDC reiterated a number of recommendations made in previous consultation responses to reduce the amount of noise disturbance including:

- A significant reduction in the number of night flights, as current levels is not comparable with other airports.
- Establishing and enforcing minimum heights for aircraft arriving at Gatwick Airport and introducing (and enforcing) strict penalties for not meeting this and related noise limits. The residual background noise level of the area without aircraft, should be used as a reference point to set noise limits for aircraft and the level at which penalties will apply.
- Effective use of non-regulatory instruments such as differential landing fees to reduce night time noise further.
- Working to develop a culture amongst pilots, crews and Air Traffic Control that places noise reduction as a key consideration alongside safety.

Despite these suggestions being made, it is disappointing to find that none were taken into consideration as part of the final submission to the Commission. SDC considers that GAL's approach unduly focuses on mitigating the impact of noise rather than setting strategies to reduce noise itself. For example, financial compensation for residents in dwellings within the 57 dB $L_{Aeq,16h}$ contour will not benefit residents of Sevenoaks District and neither will the proposal that planning authorities should take account of Gatwick's noise contour maps. The Commission's background report on noise notes that there may be the opportunity to implement further noise mitigation measures. Whilst it is not SDC's position that it should, if the Commission is to recommend development of a 2nd runway at Gatwick then it must also set out the basis on which it makes this recommendation. SDC considers that, as an absolute minimum, any recommendation must be made on the basis that all responsible organisations (the airport operator, NATS, CAA and Government) do all that is technologically and economically feasible to mitigate the noise impacts. At Gatwick this would certainly need to include, but not be limited to, strict penalties for not meeting minimum approach height limits, a substantial reduction in night flights and the introduction of meaningful respite periods, including the banning of flights from 12AM to 6AM, for example.

Gatwick – Surface Access

The proposal for Gatwick's 2nd runway will need to be supported by improvements in surface access, in order to accommodate the expected growth in passenger numbers and number of trips being made to the Airport. SDC is highly concerned that, in general,

GAL expects that recently completed and already planned improvements to surface access will be enough to accommodate the additional airport capacity. It awaits the responses of the Highways Agency and Network Rail on this issue with interest.

The majority of people that travel to Gatwick (either for employment or leisure) by road from Kent or areas to the North East of London are highly likely use the M25, M20 and/or M26 through Sevenoaks District. All of these sections of the Strategic Road Network are designated as Air Quality Management Areas, due to the levels of congestion and pollution. It is important that public transport between Gatwick and Kent is improved, to reduce the dependency on traveling by the car, reducing the impacts of congestion on major roads and the motorway network. SDC notes from the Commission's sustainability appraisal that the levels of air pollution (particularly NO_x emissions) would increase significantly on the M25 by 2030, as result of the expansion proposal. This would result in an "adverse" level of impact, unmitigated. If the Commission were to recommend the development of a 2nd runway at Gatwick then improvements to public transport must be made/funded by the airport operator to attempt to alleviate this impact and to ensure that residents in west Kent are able to share in the economic benefits of the expansion (see above). Again SDC believes that the onus should be on the Airports Commission to identify what is required in this respect and make it clear that its recommendation is dependent on the supporting infrastructure being provided.

GAL has been a longstanding supporter of re-instatement of rail services between Gatwick and Kent but this does not form any part of the proposals. Whilst SDC understands that recent studies have indicated that there would be a weak business case for the reinstatement of direct services between Tonbridge and Gatwick (via Edenbridge) at the current time, the development of a 2nd runway would require reconsideration of this. Any future assessment should be carried out on a holistic basis, with the economic benefits for west Kent considered alongside the impacts on the Strategic Road Network and air quality if public transport is not improved. The reinstated service should be more frequent than that previously operated and should be more effectively promoted by the train operator and Gatwick Airport. With the planned improvements to Crossrail and to increase the frequency of the Gatwick Express service, SDC stresses that the focus from this longstanding commitment should not be lost in favour of other projects. The Council has previously noted that, under the terms of the Airport's existing legal agreement, £1 million annually should be spent on public transport initiatives. SDC maintains the suggestion that this should be increased significantly if a 2nd runway were to be permitted and that some of this money should be used to support this improved rail link should it require subsidy.

Heathrow

In general, SDC takes the view that the local communities most likely to be affected by the 2 proposals for expansion of Heathrow are best placed to balance the positive and negative impacts of the schemes. However, SDC notes that these schemes would have the greatest national economic benefits and considers that they are most likely to be

Appendix A

supported by the aviation industry, with the major airline alliances having their UK bases at Heathrow and being unlikely to move, regardless of where a new runway is built. As such, it may be assumed that these proposals are more likely to secure the private finance necessary for their construction.

Despite its concerns over Gatwick, SDC does recognise that there are economic benefits of being near a major airport, although the Commission's assessment suggests that direct benefits are limited in the case of Sevenoaks District's relationship with Gatwick. In addition, those local residents that are not affected by noise from overhead aircraft to the point of annoyance are likely to consider ease of access to a major airport a positive characteristic of an area. As such, whilst SDC recognises that major improvements to rail access to Heathrow are already committed, it is concerned that the Heathrow schemes are not accompanied by proposals to improve capacity on the western section of the M25. This is of concern not only because it will impact on the ability of residents in Sevenoaks District to access the airport but also because it is likely to increase congestion and journey times to the west and north-west of the country. The proposals are likely, in fact, to limit any opportunities for further capacity increases on a key part of this section of the M25 by placing the road in a tunnel. The implications of this over the long term need to be fully considered if the Airports Commission is to recommend that either of the Heathrow proposals go ahead.

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Local Planning & Environment Advisory Committee Work Plan 2014/15

27 January 2015	24 March 2015	Summer 2015	Autumn 2015
<p>Westerham Conservation Area Management Plan</p> <p>ADMP and Green Belt SPD adoption</p> <p>Local Enforcement Plan</p> <p>CIL Governance Arrangements</p> <p>Solar Farms</p>	<p>Council's Affordable Housing Policy including its successes and problems and viability arguments with an Authority Monitoring Report to contribute to that item</p> <p>Service Performance</p> <p>Sustainable Drainage (SuDS) with an invitation to the Kent County Council Officer Bronwyn Phillips</p> <p>Fly tipping</p> <p>Local listing of buildings of historic interest</p> <p>Update on climate change matters</p>	<p>Pest Control Service</p>	<p>Budget: Service Reviews and Service Change Impact Assessments (SCIAS)</p>

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