Sevenoaks District Local Plan: Matters, Issues and Questions

Matter 2: Soundness of the Plan

Issue 6:

Is the Local Plan positively prepared, justified and effective in respect of housing?

Graham Simpkin Planning on behalf of:

42 A Tickle – LPS949; LPS960; LPS966; LPS 967; LPS962; LPS963; LPS964; LPS968; LPS969; LPS971; LPS973; LPS1057; LPS1070;

1687 Fort Knight Group Plc – LPS883; LPS876; LPS889; LPS897; LPS901; LPS908; LPS914; LPS918; LPS924; LPS927; LPS930; LPS933;

1957 H Prosser – LPS1205; LPS1209; LPS1212; LPS1214; LPS1220; LPS1223;

2191 J Gardiner – LPS1092; LPS1093; LPS1094; LPS1095; LPS1096; LPS1100; LPS1101; LPS1099

3392 M Johnson – LPS1111; LPS1102; LPS1103; LPS1104; LPS1107; LPS1109; LPS1112; LPS1105; LPS1106; LPS1108; LPS1110;

3984 Mr A Lee and Mr N Lee – LPS1236; LPS1243; LPS1246; LPS1253; LPS1250; LPS1257; LPS1262; LPS1264; LPS1267; LPS1269

6058 Dalligan – LPS1114; LPS1115; LPS 515 (GSP)
Question 35:

**Does the Local Plan clearly set out the Council’s Objectively Assessed Need for the plan period?**

The changed Objectively Assessed Need figure is noted. The new OAN applies a 40% cap which reduces the minimum number generated by the standard method.

The ‘cap’ has been applied by Sevenoaks District Council but this does not remove the housing need, which will still need to be met in the future. The Council seeks to compound this problem by failing to meet the ‘capped’ need. It is unacceptable that the Council has not made every effort to meet this housing need in the plan period. Overcrowding will persist and unsustainable commuting patterns will continue to be exacerbated when people are forced to live outside the area.

It is open to the Council to make a case that minimum OAN cannot be delivered, but this would need to be scrutinised carefully. Careful assessment of the council’s case should include site level investigation. Meeting housing need is important and should not be hampered by ‘sweeping’ sites with excessively high-level assessment.

Question 38:

**Does the plan provide for the Objectively Assessed needs in full, as a minimum, in accordance with Paragraph 11.b of the revised NPPF? If not, would either paragraph 11.b i) or ii) apply in this case?**

The plan does not provide for the OAN in full and evidence has not been provided to demonstrate that housing needs cannot be met. Whilst it is possible that harm or impact to a designated site (e.g. Green Belt or AONB) could restrict the scale / type / distribution of development, it is important not to ‘sweep’ out potential sites by using excessively high-level (strategic) assessment, such as the Green Belt Assessment. In the case of the Sevenoaks District, the Council have not considered sites in sufficient detail to conclude that needs cannot be met. A Green Belt Review or at least a detailed assessment of sites would be an appropriate starting point.

The potential contribution of small / medium sites at settlement edge sites in the Green Belt should be considered in detail. It is not appropriate to discount such sites, based on the moderate/strong performance of a vast Green Belt parcel. Green Belt parcel 81 which extends to 3345ha, for example, includes all the Green Belt land around Hartley and New Ash Green and stretches all the way to Horton Kirby and South Darenth. There is clearly variation in the extent to which different parts of the ‘parcel’ meet the purposes of the Green Belt and the potential for such nuances is recognised by the study.

Site proposal MX6 (Land north of Chapel Wood Road and Butchers Lane, Ash), which sits adjacent to the settlement boundary of New Ash Green, is a good example. The site is separated from other settlements by significant distances and intervening valleys. This, together with site features, such as containment by woodland, and the relationship to existing built development and the settlement edge, means it is logical to conclude that the impact on Green Belt purposes would be minimal or absent. The Green Belt Assessment recognises that ‘around New Ash Green, the sense of rurality is diminished’. It is inappropriate to use the result of the high-level Green Belt Assessment to make a negative conclusion about allocation. The sustainable location of the site adjacent to a Tier 3 settlement, and the location/features of the site which result in a minimal impact on Green Belt purposes, means that detailed review of the Green Belt is necessary. The only negative key message from the SA in this
assessment is in relation to a bus stop. It is clearly essential to investigate this site further. HO72 also at New Ash Green has similar outcomes.

**MX6 (Land north of Chapel Wood Road and Butchers Lane, Ash)**
Question 39, 40

As the plan does not propose to meet the objectively assessed need for housing in full, should the plan set out the housing requirement and the level of unmet need? Should the plan set out the housing requirement in a Policy?

Yes, the plan should set out the level of unmet need, as well as the requirement in Policy. The unmet need will need to be provided for in the future, and probably in an early review. Development proposals that satisfy the development strategy should not be refused on the grounds that there is no housing need, even if the requirement is met. However, it is preferable if needs are met by the plan and sufficient evidence has not yet been prepared to demonstrate that this is not possible.

Question 41

Can any neighbouring authorities assist with meeting the unmet housing need in the District?

Neighbouring Local authorities are also reviewing their plans. It is unlikely that they will agree to assist to meet unmet housing need if Sevenoaks Council have not made a thorough effort to identify sufficient sites within its own District.

Question 43:

Does the distribution of housing in the local plan reflect the spatial strategy of focusing growth in existing settlements, including at higher density, redevelopment of previously developed land in sustainable locations; and the development of Green Belt Land only in exceptional circumstances?

Maximising the potential for development in existing settlements is an essential starting point. Redevelopment of previously developed land in the Green Belt is also supported. Although some sites are not located at a settlement edge, there are significant sustainability benefits of redeveloping brownfield sites and a careful design approach can result in enhancement of the countryside in which they are located. Overall, given the level of constraint in the Sevenoaks District, use of brownfield sites in the Green Belt is encouraged, although care should be taken with density expectations so that landscape character enhancement can lead design outcomes. These two elements of the spatial strategy are reflected in the distribution of proposed housing sites.

Because of the level of constraint in the District (including 93% Green Belt) it is necessary to identify Exceptional Circumstances sites. Graham Simpkin Planning objects to the approach the council has taken. It has not resulted in a plan that focuses on sustainable locations, it fails to meet the development needs of settlements, and it fails to meet Objectively Assessed Needs.
Question 44

Should the spatial strategy and distribution of development allow for more development in the Green Belt to meet the OAHN?

The illogical nature of not considering the potential contribution of settlement edge sites is illustrated by a failure to allocate site HO266 (Five Ways Nursery) at the edge of Swanley. The Inspector (Peter Rowbottom) to the Sevenoaks Local Plan (2000) recommended that ‘there are exceptional circumstances to justify amendment to the Green Belt Boundary to bring the site of Fiveways Nursery within the settlement boundary of Swanley’.

HO266 (Five Ways Nursery) at the edge of Swanley

The council has decided not to consider whether sensible, small/medium sites at the settlement edges might be used to meet the housing need. This alternative strategy should have been tested in detail because it may have sustainability benefits compared to the large Pedham Place site, for example. As well as representing a reasonable alternative to the development strategy, it would involve a consideration of the extent to which each site met Green Belt purposes, but would potentially result in allocations that are sustainable in scale and location.

Most the Green Belt Assessment was undertaken at the strategic level and did not consider land at a great enough detail to support the potential release of sites.

Question 45

Have sufficient sites been allocated in the local plan to meet the housing requirement.

No. The Council have suggested that it is unable to meet its full Objectively Assessed Need. If this cannot be achieved, particularly in the context of an acute housing crisis and the
Government desire to boost the supply of housing, then there has to be very sound reasons for not doing so. The Council suggests that it has made ‘every effort’ but that is clearly not the case given that so many sites have not benefited from detailed testing. The development strategy is not sound because there is insufficient justification for the failure to identify sufficient developable sites within the Green Belt. The Green Belt Assessment is (for the most part) at such a strategic level that its findings on the extent to which different parcels meet Green Belt purposes are rendered inaccurate when applied to the site level. A finer grained approach would reveal the variations in how land performs against Green Belt purposes. It would also reveal local constraints and opportunities, including opportunities for improving access to the Green Belt. The council appear to have left some decisions for another day and have suggested a ‘broad location’. Substantial unknowns relating to infrastructure capacity and viability, and clear environmental impacts, mean that the plan does not provide certainty for future housing delivery.

The Inspector to the Welwyn /Hatfield Local Plan Examination made the following observations on their Green Belt Review:

“The actual development strategy finally arrived at is a matter for the Council, providing it is arrived at in a way that is objective and rational. However, if that strategy fails to meet the FOAHN and assuming that all realistic development opportunities outside of the Green Belt have been put forward in the plan, then it is effectively saying that there are no exceptional circumstances justifying a further release of additional land from the Green Belt and that presumably means for as long as current national green belt policy and its interpretation prevails. That may be the case but unless all of the Green Belt has been forensically analysed in some detail then it is difficult to prove”.

The extent to which the ‘broad location’ is a sound approach is doubtful, given that a Green Belt Review has not been completed, and the impact on Green Belt purposes (and other impacts on community needs, landscape, and highway capacity) still needs further assessment. The plan has not been prepared positively and with determination to provide certainty and meet housing needs if possible.

Furthermore, a reliance on large (council defined) Exceptional Circumstances sites introduces uncertainty and challenges to anticipate lead-in time and build out rates. This is another benefit of small and medium sized sites. Delivery can be more responsive and they can contribute to meeting the requirement in the early years of the plan. Given the uncertainty that surrounds the delivery of some sites, including Sevenoaks Quarry, the council should allocate more small and medium sized sites that can be more response and delivered early periods of the plan.

Question 47

Has the housing site selection process been based on a sound process of SA and the testing of reasonable alternatives?

The relationship between SA and site selection is not evident and it appears that only key negative messages contribute to final recommendations. The Site Appraisal forms are not responding to a sustainable strategy (and an essential reasonable alternative has not been tested), it uses unsuitable information for making decisions (such as strategic Green Belt Assessment) and it fails to ensure a consistency of assessment (adds in assessment of Green Belt recommended when they occasionally occur). Most importantly, it is very unclear the extent to which Sustainability Appraisal has informed decision-making.
The adding in of a bespoke Exceptional Circumstances definition relating to social and community infrastructure makes it challenging to clearly understand the relationship of allocated and non-allocated exceptional circumstances sites to sustainability appraisal. It is noted that (with the exception of Peddenham Place) that the small number of Exceptional Circumstances sites proposed for allocation in the Regulation 19 plan are at the edges of settlement. Graham Simpkin Planning have not objected to these sites at the settlement edge of Sevenoaks and Edenbridge but do believe that the remainder of the OAN should be met by allocating edge of settlement (or close to edge of settlement) sites at a scale that responds to the size of the settlement.

In other Hearing Statements Graham Simpkin Planning has made it clear that a strategy to allocate a suite of allocations at settlement edges and at a scale relevant to the position of the settlement in the Settlement Hierarchy should be first tested as a reasonable alternative to the proposed plan strategy.

The site selection process has not been robust, partly because there is no side by side comparison of all the potential housing sites. In the absence of a clear comparison of sites and an equal treatment of sites, the decision making cannot be considered robust and justified. The council has given weight to unspecified social and community infrastructure benefits without giving due regard to the sustainability of location or scale, or impact on communities and the environment. If development responds appropriately to the position of a settlement within the hierarchy of villages and other centres then the need for school places etc could be better met by making contributions to existing services and facilities. In such cases the inclusion of big items of social and community infrastructure, such as schools and doctor surgeries would not be viable, sustainable or supported by service providers.

It is essential that settlement hierarchy is prominent in the selection of sites and the scale of those sites. The Councils Settlement Hierarchy (April 2018) uses the following illustration:

![Settlement Hierarchy Diagram]

It concludes with the following arrangement which should be key to site selection. Given the unmet need, there is no reason why the towns, local service centres and villages could not meet some of that need, subject to SA comparison of sites within that tier, assessment of impacts and capacity of existing services etc.
The Settlement Hierarchy for Sevenoaks District has 5 settlement classifications, ranking from the most sustainable (Principal Town Centre) to the least sustainable type of settlements (Hamlets):

- **Principal Town** – Sevenoaks Urban Area (Sevenoaks Town including Bessels Green, Chipstead, Dunton Green and Riverhead).
- **Towns** – Swanley, Edenbridge (Including Marlprit Hill) and Westerham
- **Local Service Centres** – Hartley, New Ash Green and Otford
- **Villages** – West Kingsdown, South Darenth, Hextable, Seal, Brasted, Kemsing, Eynsford, Crockenhill, Halstead, Leigh, Farningham, Sevenoaks Weald, Knockholt (with Knockholt Pound), Sundridge, Shoreham, Four Elms, and Horton Kirby,
- **Hamlets** – Penshurst, Hever, Fawkham, Ide Hill, Chiddingstone, Chiddingstone Causeway, Badgers Mount, Cowden, Underriver, Crockham Hill, Fordcombe, Hodsoll Street, Ash, Stone Street, Mark Beech, Swanley Village, Chiddingstone Hoath, Toys Hill, Well Hill, Chevening, Knatts Valley, Bough Beech, Bitchet Green, Heaverham, Godden Green, Mark Beech and Pratts Bottom.

It would certainly be appropriate for the plan to allocate additional land of a suitable scale at the Local Service Centres and villages.

It is also noted that the land at Crockenhill (combination of omission sites) could provide a more sustainable location than Pedham Place. It is not in the AONB and there are road and footpath links to the train station and the town centre.

**HO71 – Land at Stones Cross Road, Crockenhill and nearby omission sites**
It is important that site assessments are robust and consistent. Site HO68 incorrectly assessed as woodland in the SHELAA and numerous attempts have been made (including comment LPS914) to correct the following assessment:

“The woodland provides an important habitat for wildlife and should be protected. Any development proposal would be subject to an ecological survey. Overall the site is considered unsuitable for this scale of development given the ecological value of the woodland”.

The council have responded by stating that the site was wooded at the time of the original assessment in 2015. This is not correct and even in 2014 only the boundary was occupied by trees/scrub (shown in the google earth photograph below). This is frustrating for the owner of the site who feels that the ‘level playing field’ does not apply to the assessment of the site.

The call for sites proposal was submitted in 2015. Below is a Google Earth photograph of the site in 2014. Only the boundary had trees. The constraint appears to persist in assessments and the conclusion of the Site Appraisal continues to say that site specific issues cannot be overcome. While development undoubtedly would need to be sensitive to the adjacent woodland and landscapes, there are no known ‘site specific issues that cannot be overcome’.

The errors did not arise from sustainability appraisal and given the above concerns there are significant concerns (at least in West Kingsdown) that a comparison of sites would not be robust, given the limited SA information that is used in site appraisals. The Council has added-on to the SA with assessments about deliverability, viability and Green Belt strength and it needs to ensure that this is consistent and accurate. The SHELAA assessment proforma continues to refer to woodland site.

**HO68 – Land North of Millfield Road, West Kingsdown**
### SITE DELIVERABILITY ASSESSMENT

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<th>Site reference</th>
<th>HO68</th>
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<td>SHELAA category</td>
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<td>0</td>
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<tr>
<td>Density</td>
<td>30 – 40 DPH</td>
</tr>
<tr>
<td>When will development be delivered?</td>
<td>1 – 5 years</td>
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**Will an existing use be lost? If yes, what?**
Grazing land

**Access requirements**
A new access onto Millfield Road would be required.

**Green Belt strength & boundary issues**
Green Belt strength: Strong
The site is located adjacent to West Kingsdown urban confines. Bounded by residential development to the south, industrial park to the east, woodland to the west and open countryside to the north.

**Viability issues**
No constraints that could render the site financially unviable are identified at this time.

**New infrastructure and community benefits**
None

**Input from technical specialists**
N/A

**Other considerations**
Lies fully in the Kent Downs AONB adjacent to ancient woodland and local wildlife site. Additional information was submitted during Summer 2018 Draft Local Plan consultation stating that the scheme would incorporate retirement housing, affordable housing, open space (including allotments), green infrastructure/biodiversity enhancements and leisure opportunities. This revised scheme and additional information does not alter the outcome of the site appraisal process.

**Deliverability summary**
Red – due to no evidenced infrastructure benefits and moderate/strongly performing Green Belt.

### SITE APPRAISAL CONCLUSION

**Deliverability summary**
Red – due to no evidenced infrastructure benefits and moderate/strongly performing Green Belt.

**Key messages from SA**
- High Biodiversity
- Kent Downs AONB
- School
- Health Centre

**Land Use**

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<th>Developable area (ha)</th>
<th>1.50</th>
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Question 51 and 52

Will each of the allocated sites come forward as expected?
Are the housing sites allocated in the Local Plan deliverable and/or developable?

ST2-50: Gorse Hill Nursery – A planning application is expected to be submitted late 2019. The site is part of the owner’s retirement plan and he wants it to come forward as soon as possible. It is expected to be completed in years 1-5 of the Plan, although perhaps to a slightly lower site capacity due to the topography of the site and the need to respond to the AONB.

ST2-59: Egerton Nursery - Planning application 19/02017/FUL was submitted/validated in July 2019. The application is for: Demolition of the existing premises and subsequent residential development comprising of the construction of 43 1 & 2 bedroom apartments and 2, 3 & 4 bedroom houses with associated access and parking including the on site provision of 17 'affordable' housing units. It is expected to be completed in years 1-5 of the Plan.