

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 11 September 2018

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PROPOSED RESPONSE TO SEVENOAKS AND TANDRIDGE DISTRICT COUNCILS' DRAFT LOCAL PLAN CONSULTATIONS

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Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

Sevenoaks District Council and Tandridge District Council are consulting on their Draft Local Plans which, when adopted, will guide future development in their areas. Under the "Duty to Cooperate" local planning authorities are required to identify cross-boundary issues and engage positively with their neighbours in preparing their Local Plans. This report sets out key aspects of the Draft Plans which could impact upon Bromley and includes a suggested response to the consultations.

2. **RECOMMENDATION(S)**

That the Development Control Committee:

- a) Agree the suggested response to Sevenoaks District Council's Draft Local Plan (Regulation 18) consultation as set out in Appendix 2.
- b) Agree the suggested response to Tandridge District Council's Draft Local Plan (Regulation 19) consultation as set out in Appendix 3.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Corporate Policy

1. Policy Status: New Policy:
 2. BBB Priority: Excellent Council Quality Environment:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning
 4. Total current budget for this head: £1.667m
 5. Source of funding: Existing Revenue Budget for 2018/19
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Personnel

1. Number of staff (current and additional): 65.86ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement: Further Details
 2. Call-in: Not Applicable: Further Details
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Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

Sevenoaks District Council's Draft Local Plan Consultation (July 2018)

Background

3.1 In October 2017, Bromley Council responded to Sevenoaks District Council's "Issues and Options" consultation, the first stage in preparing a new Local Plan. Bromley supported the overall objective to promote a housing choice for all as well as its general approach to meeting housing need by maximising supply in built up areas. The response stated that Bromley would be unable to help meet any unmet housing need due to its own constrained nature and that any release of Green Belt land should be subject to the very clear demonstration of exceptional circumstances. Sevenoaks is now consulting on a further iteration of its developing Local Plan which includes suggested site allocations and some potential Green Belt amendments. There will be a further opportunity to comment when Sevenoaks produce their final draft which they intend to submit for examination in 2019. Sevenoaks' Local Plan will be examined using the revised NPPF 2018.

Sevenoaks approach to housing need and supply

3.2 The consultation document states that the District's "Objectively Assessed Need" for housing over the plan period is 13,960 units, the equivalent of 680 units per year. The Council acknowledge that this is "a huge challenge for this constrained District" which is 93% Green Belt. **Table 1** below summarizes the sources of housing supply that could potentially contribute to meeting this need.

Table 1. Sevenoaks Potential Housing Supply

Description	Potential units
Baseline supply <ul style="list-style-type: none"> • Completions 2015-2018 • Sites with planning permission 	2,888
Maximising Supply <ul style="list-style-type: none"> • Windfall/ small sites allowance (including allowance for additional rural exception sites) • Existing site allocations, reassessed to make "most efficient use of land" (within existing settlements) • Sites within existing settlements 	2,290
Sites on "Previously Developed Land" (NPPF definition) and on "Brownfield land" (local definition) Not proposed to be removed from the Green Belt in the Local Plan <ul style="list-style-type: none"> • Sites on "sustainable previously developed land in the Green Belt" 318 • Sites on "sustainable locally defined brownfield land" 276 • Sites on a mix of Previously Developed Land and Brownfield land In the Green Belt including Fort Halstead (at a higher density) 710 	1,304
Development with heritage constraints not fully assessed	100

Sites for which there may be exceptional circumstances to amend the Green Belt boundary (i.e. sites to be removed from the Green Belt)	6800
9 sites including Land north and east of Westerham (Which Way Westerham) and Broke Hill Golf Course	
TOTAL POTENTIAL UNITS	13,382

3.3 Sevenoaks consider that 6,582 units could be delivered without Green Belt release, but even if all the potential sources of supply were to be delivered to their full identified capacity, the District would still fall short of meeting their Objectively Assessed Need.

“Previously Developed Land” and “Brownfield Land” sites in the Green Belt

3.4 The term “Previously Developed Land” has a very specific meaning in land use planning and is defined in the Glossary of the National Planning Policy Framework (NPPF). It excludes uses often found in the Green Belt including land occupied by agricultural and forestry buildings and that developed for mineral extraction. NPPF Para 145 sets out where the construction of buildings in the Green Belt is *not* considered inappropriate and that includes clause (g) and the exceptions on “Previously Developed Land”. Sevenoaks rely upon this to justify some of their site allocations, i.e. •sites on “sustainable previously developed land in the Green Belt” in **Table 1**.

3.5 The term “Brownfield Land” has been coined by Sevenoaks to expand the uses in the NPPF Glossary. They state that they have taken a “broader, more inclusive” definition of Previously Developed Land “in order to maximise the potential of land that has been subject to some form of development”. This includes agricultural buildings, plants nurseries or mineral workings.

3.6 Whilst it is acknowledged that Sevenoaks has made considerable efforts to identify potential sources of housing supply, there are concerns that its approach may not be compliant with the NPPF. Specifically, there are concerns that:

- it has adopted a definition of locally defined “Brownfield” land which is not consistent with the NPPF definition of “Previously Developed Land”, and
- it is trying to preempt the demonstration of “very special circumstances” by allocating development on sites which have not yet reached a planning application (those which it suggests come under NPPF Para 145 (g)).

3.7 The risk to Sevenoaks’ housing strategy is that this element of supply relies upon a local definition which needs in itself to be tested and/ or a very particular set of circumstances to be in place at the time a planning application is determined in order to demonstrate “very special circumstances”. The alternative is to remove these sites from the Green Belt in the Local Plan process, but, as set out below, the bar to achieve this is set very high.

Release of “Greenfield” Green Belt sites

3.8 The NPPF states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Before concluding that exceptional circumstances exist, all other reasonable options for meeting development needs should be examined. The strategy should make as much use as possible of suitable brownfield sites (the NPPF glossary cross-refers to the entry on Previously Developed Land), it should optimise the density of development in accordance with the NPPF and should be informed by discussions with neighbouring authorities about whether they could accommodate some of the need.

- 3.9 Sevenoaks state that they have included previously developed sites in their housing supply options, and have committed to reviewing densities on existing allocations, such as Fort Halstead. They have entered into discussions with neighbouring authorities including Bromley and they document that no other authorities have agreed to help meet their unmet housing need. It appears, therefore, that the justification to examine the case of exceptional circumstances may have been achieved.
- 3.10 The Draft Local Plan acknowledges that the District is “*still assessing whether the infrastructure proposed meets a genuine evidenced need and whether the exceptional circumstances proposed are sufficient to warrant a Green Belt amendment*” so it has not set out the full argument for the release of all the 9 sites presented. Sevenoaks contend that the sites are in sustainable locations relating to the District four town’s (Sevenoaks, Swanley, Edenbridge and Westerham) to directions of growth with adequate access to services and facilities and considering the relative constraints and opportunities presented by each settlement.
- 3.11 However, it is unclear how the Green Belt assessment (2017) which recommended parcels to be considered for release informed the selection of these sites. Bromley has concerns that the proposed Green Belt release sites may have been prioritised due to the contribution that they could make through infrastructure proposed by promoters. However, these potential benefits are yet to be tested and infrastructure needs are unsupported by the evidence in the Sevenoaks Infrastructure Delivery Plan which is still being updated. Whilst the consultation process provides the opportunity for stakeholders to comment on the proposals, a considerable amount of technical information is still required to demonstrate viability and deliverability as acknowledged in one of the Draft Local Plan appendices.

Proposed Green Belt release development sites

Broke Hill Golf Course

- 3.12 Of particular concern are the potential impacts of the proposal to allocate land at Broke Hill Golf Course, Sevenoaks Road (see location map in **Appendix 1**) for 800 housing units and associated infrastructure (see **Table 2** below for further details). The site is currently in the Green Belt and is situated around 240m from Knockholt station, on the border with Bromley. Sevenoaks intend to assess whether exceptional circumstances can be demonstrated to justify the removal of this site from the Green Belt.
- 3.13 Bromley has a number of concerns about the impact of this proposed development on transport services and local roads in Bromley. Whilst much is made of the site’s ‘unrivalled accessibility and public transport credentials’ with reference to the proximity of Knockholt station, this development will not have been taken into consideration as part of the Kent Route Study which identified capacity issues on service going through Knockholt. The 2 trains per hour service is unlikely to make an attractive travel option in comparison to car use in this suburban location. The capacity of the commuter station car park would need to be assessed by Network Rail as the proposed development would have a significant impact during the morning and evening peak hours. Equally there are also concerns about rail heading into Bromley to take advantage of lower fares from other fare zones close to London.
- 3.14 The employment centre (care home, gin distillery and start-up businesses) proposed may lead to trip generation by train and road from outside the village and impact local roads, despite the claims made to “unrivalled access to the District’s main arterial roads including the A21 and the M25.” The development may also lead to car borne trips to secondary schools in the surrounding area and to and from the primary school proposed as part of the development.

Land north and east of Westerham

3.15 The proposed development site “Land north and east of Westerham”, also known as “Which Way Westerham” (see location map in **Appendix 1**). Should exceptional circumstances be successfully demonstrated, this site is to be removed from the Green Belt for the development of 600 residential units and the provision of an A25 relief road (further details are set out in **Table 3** below).

3.16 There are concerns about the location of 600 residential units in a location without a railway station or major public transport hub. Development of this scale risks of increasing rail heading to stations within the borough and associated congestion, noise and emissions impacts on the A233 through Biggin Hill and through Keston Mark junction which already suffers from congestion issues.

Table 2

Site Name & Reference	No. of units proposed	Site Area (Ha)	Social and Community Infrastructure proposed as stated by the promoter
Halstead/Pratts Bottom			
Broke Hill Golf Course MX41	800	60.2	<ul style="list-style-type: none"> • Extra care / warden-supported housing • Local Needs Housing • Local service centre (likely to include community hall, a café, health club facilities, and small-scale retail) • Healthcare provision • New Education Facilities, including Primary School, Early Years and Special Education Needs facility • Employment space including incubator business space • Self-build plots • Gin distillery (employment and tourism) • Station car park • A Regional Sports Hub including club/changing facilities and contributions to leisure facilities • Public open space provision

Table 3

Site Name & Reference	No. of units proposed	Site Area (Ha)	Social and Community Infrastructure proposed as stated by the promoter
Land north and east of Westerham			
Land north and east of Westerham (Which Way Westerham) HO371 & HO372 HO373 & HO374 EM17	600	21.8	<ul style="list-style-type: none"> • A25 Relief Road • Common Land extensions -25 ha • Environmental improvements, landscape restoration, flood risk management works - 25 ha • Employment space • Environmental landform screen to M25 - noise, light and air pollution attenuation plus renewable energy generation and storage • Contributions/facilities for GP surgery and primary school, inc. second school access road • Contributions for public realm and parking works in the town centre

Sevenoaks strategy for Gypsies and Travellers

Background

3.17 Bromley's Development Control Committee on July 9th 2014 agreed detailed comments on the Sevenoaks Gypsy and Traveller Plan Site Options Consultation 2014. Sevenoaks did not proceed with their Gypsy and Traveller plan and now propose that traveller needs be addressed through the Local Plan. The Sevenoaks District Gypsy and Traveller and Travelling Showpersons Accommodation Assessment (GTAA) 2017 identified a need for an additional 51 permanent pitches over the plan period 2015-35.

3.18 Sevenoaks Draft Local Plan proposes to allocate gypsy and traveller sites in the Green Belt. These are intended to accommodate the need for pitches by making temporary pitches permanent, achieving a higher density of pitches on existing sites and making small scale boundary amendments to existing sites to accommodate additional pitches. The supporting text recognises that adjacent Local Authorities are unable to meet need.

Concerns about Sevenoaks' approach

3.19 The Government's Planning Policy for Travellers clarifies that traveller sites are inappropriate development in the Green Belt. It advises that local authorities can make exceptional limited alterations to Green Belt boundaries to accommodate site inset within the Green Belt to meet specific identified need for traveller sites. It advises that if land is removed from the Green Belt in this way, it should be "specifically allocated in the development plan as a traveller site only".

3.20 Sevenoaks do not propose to remove the sites from the Green Belt, but rather to adopt a policy which includes criteria to be taken into account when proposals come forward. It is considered that this approach is not consistent with national policy as traveller sites are inappropriate development in the Green Belt. The consequence is that, order to meet their needs, Sevenoaks relies upon preempting the future demonstration of very special circumstances. There is also concern that travellers recently displaced from Sevenoaks due to a lack of sites may not have been reflected in the GTAA and that the allocations for 50 additional pitches may not meet need in full over the plan period.

Tandridge District Council Draft Local Plan Consultation

Background

3.21 Tandridge District Council is consulting on the final iteration of its Draft Local Plan in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012). Comments on this consultation will be submitted alongside the Plan for independent examination, which is intended to be in late 2018. If Tandridge submit before 24th January 2019, their Draft Local Plan will need to be consistent with the 2012 NPPF, under which it was prepared, rather than the revised NPPF which was published at the end of July 2018.

Tandridge approach to housing need and supply

3.22 Tandridge is a District with 94% Green Belt and as such acknowledges significant challenges in meeting their Objectively Assessed Need (OAN) for housing. Although the OAN is stated in the Draft Local Plan Foreword to be 12,900 units across the plan period, that is calculated using the new Government methodology, brought in by the revised NPPF. The draft Spatial Strategy policy instead refers to the need calculated in 2015 using guidance at that time, which is 9,400 across the plan period and states that Tandridge's housing supply strategy will only allow them to deliver 6,056 units.

3.23 Tandridge contend that their approach, and the fact that they do not propose to meet their full OAN for housing, is justified by national policy in Para 14 of the NPPF (2012), The "presumption in favour of sustainable development" requires that "local planning authorities should positively seek opportunities to meet the development needs of their areas unless... specific policies in this Framework indicate development should be restricted". Footnote 9 lists Green Belt as one of the "specific policies".

3.24 However, in order to reach 6,056 units, Tandridge still consider that exceptional circumstances exist to amend the Green Belt boundary and are proposing to release a number of sites in order to increase their housing supply. The Spatial Strategy is stated to have been determined with infrastructure at its core in recognition of the need for key infrastructure including schools, health services and the road network. Recognising that housing supply cannot be met by building in full on brownfield land, homes and infrastructure are also sought to be delivered through limited development of urban and semi-rural areas and the amendment of Green Belt boundaries where it does not serve its purpose. It contends that exceptional circumstances can be demonstrated having regards to the provision of evident community benefits and boundaries that can be defended for the long term.

3.25 The most significant Green Belt release is for a "garden community" at South Godstone, around 12km from the boundary with Bromley. Details are to be set out in an Area Action Plan but the draft policy states that the area will be required to deliver 4,000 new homes, employment space, new roads and junction improvements, an upgraded railway station, schools and community facilities.

3.26 Bromley acknowledges the considerable constraints upon Tandridge District and the difficult choices that it has to make in order to increase its housing supply, but still has concerns about where the unmet need will be accommodated.

Tandridge's strategy for Gypsies and Travellers

3.27 The Draft Local Plan states that Tandridge's Gypsy and Traveller Accommodation Assessment (GTAA 2017) identifies a need for five additional pitches for Gypsies and Travellers between 2016 and 2033. They do not propose to allocate any sites for travellers in the Draft Local Plan

but they have a criteria based policy for granting planning permission when proposals arise during the plan period. The policy suggests that an acceptable location would be “within or adjacent to the settlement boundary of an urban or semi-rural service settlement” or as part of the comprehensive master planning of the South Godstone Garden Community”. They contend that this strategy is consistent with the PPTS which allows the identification of “broad locations” for travellers.

Concerns about Tandridge’s approach

3.28 Whilst Tandridge acknowledge a small need for travellers sites in the first five years of the plan, they have not considered future needs such as those likely to emanate from household formation as the children of existing traveller families grow up. The PPTS specifies that traveller sites are inappropriate development in the Green Belt, therefore, despite the policy suggesting where travellers might be best located, any proposal which arise in the Green Belt will still need to demonstrate very special circumstances. Whilst the identification of South Godstone Garden Community as a possible area is welcomed, this is not reflected in the actual policy for South Godstone and, in any case, the delivery of that policy is dependent on a forthcoming Area Action Plan. There are concerns that this failure to plan for adequate numbers and to secure sites and plots in the Local Plan may lead to unauthorised encampments in the District and adjacent boroughs, including Bromley.

4. POLICY IMPLICATIONS

4.1 The revised NPPF 2018 para 60 states that, in addition to the local housing need figure, any needs that cannot be met within neighbouring authorities should also be taken into account in establishing the amount of housing to be planned for. Bromley is part of the London housing market area as defined by the London Plan and therefore neighbouring districts outside London would need to engage with the Mayor of London in order to discuss meeting any unmet need.

5. LEGAL IMPLICATIONS

5.1 The Duty to Co-Operate, created in the Localism Act 2011, places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of cross boundary matters.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children Personnel Implications Financial Implications Procurement Implications
Background Documents: (Access via Contact Officer)	Sevenoaks’ Draft Local Plan Consultation (2018) https://www.sevenoaks.gov.uk/info/20069128/new_local_plan/389/draft_local_plan_consultation Tandridge District Council’s Final Draft Local Plan Consultation (2018) https://www.tandridge.gov.uk/Planning-and-building/Planning-strategies-and-policies/Local-Plan-2033-emerging-planning-policies/Draft-Local-Plan