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**Our ref:** 14724/05/MH/KP/16302804v1

Dear Sir/Madam,

### **Representations to Sevenoaks Draft Local Plan (July 2018)**

We write on behalf of our client, U+I Group Plc ("U+I"), in response to the consultation on Sevenoaks District Council's ("SDC") Draft Local Plan (July 2018).

U+I has a long term interest in Sevenoaks, having acquired the Swanley Square Shopping Centre in 2004 (the Site). In line with SDC's early masterplan vision for Swanley, U+I has sought to regenerate the centre and adjoining land, introduce with a view to improve the experience of the second largest town centre in the District and deliver new homes for Swanley.

U+I welcomes the opportunity to comment on the Draft Local Plan and supports the continued allocation of the site in line with the current Housing and Mixed Use Allocation in the adopted Allocations and Development Management Plan (ADMP)(ref. H2(c): Swanley Centre, Nightingale Way, Swanley). U+I is encouraged that the Draft Local Plan identifies the site (at Appendix 2) as having a capacity to accommodate new homes, however the Council are underestimating the sites capacity as a town centre location. As directed within the updated National Planning Policy Framework (NPPF) (July 2018), town centres/brownfield land should be identified to deliver a significant number of homes and thus reduce growing pressures on green field and ultimately Green Belt sites.

U+I's comments on the Draft Local Plan are set out below. For clarity, suggested tracked changes to draft policy wording is provided at Appendix 1 of this letter and comments have been made in light of the recently published new NPPF.

### **Planning Policy Context**

The NPPF states that the planning system should be genuinely plan-led. Local plans should be prepared positively, in a way that is aspirational but deliverable. Only policies that *"are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"* should be included in the plan (paragraphs 15-16).

Crucially, local plans are required to provide a positive vision for the future of each area and a framework for addressing housing needs (paragraph 15). Planning policies should therefore identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraph 67).

*of 'brownfield' land is limited and therefore this is not a solution in itself."* Draft Policy 1 therefore states that *"...sustainable patterns of development by permitting development in the Green Belt only in 'exceptional circumstances', in the most sustainable locations..."*.

As a result, it is recognised that draft Policy 2 (Housing and Mixed-Use Site Allocations) proposes up to 87 new housing and mixed-use site allocations as well as the retention of 13 unimplemented existing housing and mixed-use site allocations from the ADMP (2015), including our client's site (ref. H2(c)). A large number of the emerging allocations comprise sites located within existing settlements or brownfield land and U+I support this. However, almost a quarter (24%) of the draft allocations are located within the Green Belt and require further testing to demonstrate that 'exceptional circumstances' exist for their release before they can be taken for inclusion within the new Local Plan.

The new chapter of the NPPF, 'making effective use of land' (Chapter 11), requires planning policies and decisions to support development that makes efficient use of land. Where there is an existing or anticipated shortage of land for meeting identified housing needs, this means avoiding *"...homes being built at low densities, and ensure[ing] that developments make optimal use of the potential of each site"* (paragraph 123). In line with this, draft Policy 12 (Housing Density) places increased emphasis on delivering housing at higher densities than past development and states that this will be expected from new developments. U+I agree with this approach but does not consider that it is reflected in the emerging site allocations.

For example, recent planning applications relating to existing allocation ref. H2(c) seek to deliver more than 300 units. However, the Draft Local Plan indicates a capacity of only 250 units. The site is a brownfield town centre site which is well served by public transport and identified for regeneration in both the adopted and emerging plans. Therefore, in accordance with the NPPF, it is a site which should be optimised.

Whilst the inclusion of a draft capacity is a marked improvement on the current position, paragraph 123(a) states that such sites should be subject to a minimum density standard which *"...should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate"*. Car parks and service yards are also specifically identified (NPPF para. 118(d)) as 'under-utilised land' where planning policies should seek to promote and support development *"especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."*

To ensure that the Draft Local Plan is consistent with national planning guidance, we recommend that the capacities for the emerging and retained urban and brownfield site allocations are reviewed to ensure that first and foremost they are optimised to make as much use of previously-developed land as possible. This should include existing allocation ref. H2(c) which is capable of delivering up to 350 new homes, as well as commercial, community and other complimentary town centre uses at ground and lower floor levels. Linked to this, Policy 1 should explicitly encourage the optimisation of previously developed land as suggested below:

***"We will make as much use as possible of suitable previously developed brownfield sites and underutilised land. This will involve optimising the density of development in accordance with Policy 12. encourage the re-use of previously developed 'brownfield' land, including land in the Green Belt, where it is situated in sustainable locations. However, the supply of 'brownfield' land is limited and therefore this is not a solution in itself."***

Comprehensive suggested tracked changes to draft policy wording is provided at Appendix 1.

Due to the absence of specific site allocations, or detail within the proposed allocations (including H2(c)), it is unclear how the anticipated retail needs identified in the Retail Study will be accommodated over the plan period. This should be clarified.

In relation to parking, the draft policy states that *“town centre parking will be managed to ensure adequate and convenient provision and appropriate provision for long stay car parking.”* We agree that adequate provision needs to be retained but alongside this, SDC should be pursuing opportunities to promote walking, cycling and public transport use, through this plan. This is emphasised within the NPPF which states that maximum parking standards should be set (paragraph 106). SDC need to review their existing parking standards in light of the NPPF (2018), but more importantly to reflect 21<sup>st</sup> century levels of activity and car ownership.

Suggested amendments to draft Policy 14 are provided at Appendix 1.

### **Draft Policy 15 (Design Principles)**

In recognising the need for the creation of high quality developments, the NPPF states that *“plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.”* Draft Policy 15 provides design considerations, design criteria and key questions to be addressed. It does not currently provide a clear design vision.

We agree that design guidance is fundamental to the planning and development process and that clear design expectations are key to achieving this. Nonetheless, the overly prescriptive details required by draft Policy 15 would be better suited as a Supplementary Planning Guidance Document and/or site-specific guidance rather than standalone policy.

Core Strategy Policy SP 1 sets out a general framework for design consideration of development proposals and is supported by the ADMP which establishes a detailed basis for control of development. This approach is considered suitable in setting the design aspirations against which planning applications shall be assessed. Accordingly, U+I object to the overhaul of the prevailing policy basis (as outlined at Policy 15) and suggest that the policy is revised to establish more applicable design criterion against which applications should be assessed.

A requirement of draft Policy 15 is to submit a supporting statement to show how the development proposals have met the Council’s No. 8 design criteria and No. 13 key questions. This is excessive and unnecessary.

In its current form Policy 15 conflicts with the NPPF paragraph 127 which states that planning policies should ensure that developments *“...e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.”* We recommend that the wording of draft Policy 15 is amended as below to better reflect the more flexible approach established under Chapter 12 of the NPPF to ensure that a clear design visions is set out:

***“The form of the proposed development must respond to take into account the scale, height, density, materials and site coverage of the area, together with regeneration opportunities presented by the sites context.”***

The suggested wording is contained at Appendix 1.

### **Concluding Remarks**

U+I welcome the opportunity to comment on the Draft Local Plan and supports the continued allocation of the Swanley Centre site (H2(c)) for mixed use development. The site presents the opportunity to

## Appendix 1: Amended Policy and Allocation Wording

The below recommends revised wording for the relevant emerging plan policies with the bold text representing new text inserted by Lichfields on behalf of U+I Group plc.

### Appendix 2 – Allocations and Development Management Plan (ADMP): Existing Housing and Mixed-Use Allocations

ADMP ref.	Site Address	ADMP Units	Draft Local Plan Units
H2(c)	Swanley Centre, Nightingale Way, Swanley	0	<b>250 Up to 350</b>

#### Policy 1 (A Balanced Strategy for Growth in a Constrained District)

*Development will be focused within the boundaries of existing settlements, including building at higher density on non-Green Belt land. The four towns within the District - Sevenoaks, Swanley, Edenbridge and Westerham, will be the initial focus for development, with more moderate development within the settlements further down the Settlement Hierarchy.*

***We will make as much use as possible of suitable previously developed brownfield sites and underutilised land. This will involve optimising the density of development in accordance with Policy 12.** encourage the re-use of previously developed 'brownfield' land, including land in the Green Belt, where it is situated in sustainable locations. However, the supply of 'brownfield' land is limited and therefore this is not a solution in itself.*

*~~We will by permitting development in the Green Belt only in 'exceptional circumstances'.~~ **Following this, we will promote sustainable patterns of development by firstly encouraging the re-use of previously developed 'brownfield' land in the Green Belt, where it is situated in sustainable locations and well-served by public transport. Development in the Green Belt will then only be permitted in order to meet local housing needs where 'exceptional circumstances' can be demonstrated and it is in the most sustainable locations where employment, key services and facilities and a range of transport options are or will be available. Development Proposals Sites will need to be expected to provide social and community infrastructure in addition to housing, to help address evidenced infrastructure needs in the area.***

*We will continue to discuss with neighbouring authorities about whether they can accommodate some of the identified need for development, but the position, as set out in the Statements of Common Ground, is that they are currently unable to assist.*

#### Policy 2 (Housing and Mixed-Use Site Allocations)

***In line with our strategy for growth (as set out in Policy 1) the following new housing (HO) and mixed use (MX) sites as well as unimplemented housing and mixed-use site allocations from the ADMP (2015) (listed in Appendix 2) will provide a range of employment, retail and community facilities in addition to differing housing types, density, mix and tenure.***

***Each site will be subject to specific areas and design guidance relevant to the size, nature and characteristics of the site, as set out in Appendix 1.***

#### Policy 13 (Supporting a Vibrant and Balanced Economy)

***To support the vibrant and balanced economy of the District, the following allocated employment sites will be retained, intensified and regenerated only for other employment generating uses.***

- where the employment capacity of the site, represented by commercial floorspace, is maintained;
- and where a mixed-use development would represent a sustainable approach consistent with the general distribution of development.

We will be serving Article 4 directions on all office accommodation on allocated sites. Appendix 5 sets out the existing employment allocations to be retained, intensified and regenerated for B1-B8 uses.

### Policy 14 (Town and Local Centres)

The distribution of additional retail floorspace required over the course of the Local Plan will **provided in accordance with** ~~be allocated according to the site allocations and~~ most sustainable locations as defined by the Settlement Hierarchy and Retail Study **in order to meet the scale and type of development likely to be needed over the course of the Local Plan period.** Proposals will encourage the **retention and reuse** of existing retail units, where appropriate, to ensure active frontages.

Within the defined town centre boundaries of Sevenoaks, Swanley, Edenbridge and Westerham, town centre uses which meet the needs of the town they serve will be permitted. **In recognising that residential development often plays an important role in ensuring the vitality of centres,** residential development will be permitted in **appropriate locations, providing that in primary shopping areas,** the residential element is not proposed at the ground floor.

New development in the town centre should be of a scale consistent with the existing character of the centre and should contribute to improving the quality of the town centre environment. Town centre car parking will be managed to ensure adequate and convenient provision for shoppers and appropriate provision for long stay car parking but in relation to new development **maximum standards will be applied in accessible locations which are well served by public transport (or have the opportunity to be) in order to promote sustainable travel.** Charging points for electric vehicle charging will be **sought where feasible.**

### **[INSERT TABLE WITH MAXIMUM STANDARDS]**

Within the defined local centres boundaries of Hartley, New Ash Green and Otford, appropriate small-scale town centre uses which better meets the needs of the town centre that they serve will be permitted. New development in the local centre should be of a scale consistent with the existing character of the centre and should contribute to improving the quality of the town centre environment...

### Draft Policy 15 – Proposed Wording Amendments

Proposals must exhibit high quality design and respond to the distinctive local character of the area. New development must create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity. Developments must ~~all~~ be designed to promote healthy living opportunities both mental and physical.

All new developments must **seek to** meet the following design criteria ~~and set out how this has been achieved in a supporting statement. The additional questions and detail is set out in Appendix 6 should also need to be addressed:~~

Design Consideration	Design Criteria
1. Character	The proposal must not result in the loss of buildings, open spaces or blue/ green infrastructure that would have an unacceptable impact on the character of the area;  The form of the proposed development must <del>respond to</del> <b>take into account the</b>