

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

24 July 2018

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 LOCAL PLAN

The purpose of this report is to update Members on progress towards preparing the Local Plan, respond to the comments made at the previous Board meeting and propose a recommendation to Cabinet and Council to approve the Local Plan for public consultation and submission of the Plan to the Secretary of State.

1.1 Background

- 1.1.1 The Borough Council has been preparing a new Local Plan since 2012, shortly after the National Planning Policy Framework (NPPF) was first published in March of that year. The NPPF is in the process of being revised by the Government and in March of this year a draft was published for consultation.
- 1.1.2 For the first time a transitional period was proposed, which would enable those Local Planning Authorities submitting their Local Plans to the Secretary of State within six months of the final publication of the NPPF to proceed using the current version of the NPPF and, importantly, locally derived housing need assessments. As of the time of writing this report the NPPF has yet to be published, meaning the proposed transitional period is likely to extend into January 2019. On our current approved programme it is anticipated that the Local Plan will be submitted during December 2018, within the transitional period.
- 1.1.3 At the June meeting of this Board Members considered a draft Local Plan document for the first time following the previous 'Regulation 18' public consultation. A range of comments were made, which have been given further consideration and, where appropriate, amendments made to the revised Local Plan document attached to this report at Appendix 1. These are explained in more detail in this report.
- 1.1.4 Further progress has been made in respect of the Local Plan evidence base and this is also set out in this report.

1.1.5 Subject to Members agreeing the report recommendation and any further material points being addressed, the Cabinet and Council, at meetings on 3rd and 12th September respectively, will be asked to consider the approval of the Local Plan for the purposes of further public consultation following which the Plan may be submitted to the Secretary of State.

1.2 Matters raised at the Board meeting on 5th June 2018

1.2.1 Major Sites and Infrastructure

1.2.2 Whilst accepting the importance of planning to meet future needs for housing and employment, Members remained concerned over the potential impacts of the additional growth, particularly in respect of infrastructure. Capacity issues on certain parts of the local highway network as a result of the major site proposals was highlighted.

1.2.3 In response officers explained that the proposed strategy had been refined to take into account transport evidence to ensure that the impacts of new development could be accommodated. For example, the proposed allocations at South Aylesford and Broadwater Farm, north of Kings Hill have been substantially reduced from that indicated in The Way Forward document. This was, in part, to take into account the results of the Visum traffic modelling work.

1.2.4 New road infrastructure is addressed as part of the major sites policies in the Local Plan, which include a relief road for the existing A25 at Borough Green and Platt, a new road at the Whitepost Field site in south Aylesford to bifurcate the traffic currently using Hermitage Lane, a new access road for Broadwater Farm, north of Kings Hill linking to the existing bypass at West Malling Station and a new link to Court Road to serve the proposed development around Eccles (together with further potential traffic mitigation in the locality)

1.2.5 Indicative routes of these new roads were illustrated on the refined strategy map forming Annex 2 of the Local Plan report to the last Board meeting. More detailed maps will emerge once the master planning work progresses.

1.2.6 In addition, Kent Highways are bringing forward a number of junction improvements along the A20 corridor to alleviate existing issues and increase capacity for the future. Significant improvements to the Quarry Wood junction and Coldharbour Roundabout are being brought forward as part of the Maidstone Integrated Transport Strategy.

1.2.7 The Transport Assessment covering the rest of the Borough has identified some junctions where further improvement measures will be beneficial during the plan period and this is the subject of further detailed work which will be completed in advance of September.

1.2.8 Members requested further investigation regarding the delivery of the new relief road within the proposed allocation at Borough Green to ensure that this was

completed at an early stage in the housing development. Policy LP29 in the draft Local Plan document had suggested that no more than 15% of the total number of dwellings within the masterplan area be completed before the relief road is opened. This would have equated to 450 dwellings representing 15% of 3,000 and is comparable with the proportion of development permitted to be occupied at Peter's Village prior to the completion of the new Peter's Bridge across the Medway.

- 1.2.9 A suggested alternative was that in the order of 200/250 dwelling completions might be a more agreeable limit before the relief road is fully opened in order to minimise the impact of additional traffic on existing roads before the benefits of the relief road can be delivered. It was, however, noted in debate that given the cost of delivery, that this might not be viable, but it was agreed that the issue should be further examined.
- 1.2.10 Following further consideration, including discussions with the consortium proposing the development at Borough Green, it has been confirmed that given the significant cost of the construction of the relief road, limiting the number of houses that could be built before the whole road is completed to 200 or 6.7% of the total, would seriously impede the deliverability of the overall site. However, what has been examined is the assurance of the completion of the first part of the relief road, from the Dark Hill roundabout on the A25 in the west to the A227, within phase 1 of the development and before the completion of 200 dwellings. The remainder of the relief road will then follow immediately as part of the second phase and be completed as previously envisaged.
- 1.2.11 Policy LP29 has therefore been amended to replace the original criterion 4 with two new criteria 4 and 5 requiring the first phase of the relief road to be open by the completion of the 200th dwelling and the whole relief road to be open and operational before no more than a total of 450 dwellings are completed.
- 1.2.12 In addition to new road improvements there will be other forms of infrastructure requirements, such as schools and health care facilities to accompany the new development in the Local Plan. Where appropriate this is set out in the strategic sites policy requirements (LP27-31). Further details will be included in the Infrastructure Delivery Plan.
- 1.2.13 Distribution of planned development across the borough
- 1.2.14 Some issues were raised about the concentration of development in the major sites and particularly at Borough Green suggesting that a more dispersed and proportionate distribution may be more equitable. Similar points were made in respect of the major sites in the north east of the borough at Bushey Wood and South Aylesford and alternative sites were mentioned to replace or scale down the strategic site at south west Tonbridge.
- 1.2.15 The Way Forward document set out the guiding principles behind the development strategy, which seek to address the objectively assessed needs for

new housing and employment identified by the evidence base, while delivering wider planning objectives. This means meeting the needs where they arise across the two housing market areas that cover the borough and delivering significant infrastructure improvements where the evidence suggests these are needed.

- 1.2.16 Currently the strategy seeks to meet the identified need by bringing forward sites that are evenly distributed between the two housing market areas, with the site at Borough Green playing an important part in contributing to the need arising in the west Kent HMA.
- 1.2.17 These principles and the proposed development strategy based upon them, were the subject of public consultation in the autumn of 2016. This Board received a report in July last year summarising the main themes of that consultation response, but did not recommend any fundamental changes to the proposed strategy and the distribution of development.
- 1.2.18 At the last Board meeting it was explained that the strategy has been refined in the light of responses to that consultation, new evidence and other relevant information as it has become available. That had resulted in significant reductions at some of the strategic development locations, but the broad distribution of development has remained unchanged. To significantly amend the strategy at this stage in order to redistribute the development sites more evenly across the borough would require further work to identify and assess alternative sites, revisit the evidence base, revise the policies in the draft Local Plan and carry out an additional round of public consultation.
- 1.2.19 In deciding whether to recommend this Local Plan to Cabinet, the Board should be aware that such a shift in strategy could not be practically achieved within the transitional period following the publication of the NPPF later this summer. Consequently this would require a more significant revision to the plan to address the new housing need for the borough set by the standardised methodology in the NPPF, which is currently expected to result in a 23% uplift in the housing need that will have to be planned for. This could potentially lead to a delay of over a year in the timetable during which time the current Local Development Framework would become increasingly out of date, the borough's 5 year housing land supply would continue to deteriorate, particularly once the 23% uplift is included in the calculation and there would be a growing risk of intervention by the Secretary of State for lack of progress towards adopting a new Local Plan.
- 1.2.20 Another consequence of redistributing some or all of the development at various locations would be to risk the viability of key infrastructure that is currently an integral part of the Plan.
- 1.2.21 Funding new infrastructure as an integral part of new development is a pragmatic solution to delivery. However, to justify the significant costs involved it has been necessary to focus development at certain locations at certain scales in order to make the schemes viable. The relief road planned as part of the Borough Green

development will alleviate the problems associated with the existing A25, but will also be the most significant item of new infrastructure delivered as part of this plan requiring a corresponding quantum of development to fund it.

1.2.22 Broadwater Farm

- 1.2.23 In the case of Broadwater Farm a new road is proposed to serve the proposed development providing access from the A 228 at the existing station junction. This has been judged as the most appropriate way to provide for growth in this vicinity and the dispersal of traffic movement. The new road will be an integrated feature of the development and in practical terms will need to be constructed as the new development commences and completed before occupation.
- 1.2.24 The strategic landscape issues related to this development were also raised at the last Board meeting. Policy LP30 has now been amended to recognise the importance of the northern edge of the development and the detailed alignment and design of the access road, bearing in mind the sensitivity of these matters in relation to the local landscape and conservation area.

1.2.25 The Former Aylesford Newsprint Site

- 1.2.26 In response to Member's concerns, a new site-specific policy has been included in the Draft Local Plan for the former Aylesford Newsprint site (Policy LP35). The new policy recognises the importance of the site in delivering future employment needs and also includes a requirement that a new vehicular access between Bellingham Way and Station Road is provided as part of any redevelopment of the site.

1.2.27 Other site specific queries and amendments

1.2.28 Policy LP25 - Site aa: Adjacent Larkfield Library

- 1.2.29 Members sought clarification of what exactly would be included as part of a future development site and whether the library would be replaced or relocated.
- 1.2.30 Following further discussions with Kent County Council who submitted the site under the Call for Sites, there now appears to be some uncertainty as to whether the site could deliver housing during the plan period and therefore this site has been removed from Policy LP25.

1.2.31 Policy LP25 - Site ff: Coblands Nursery, Trench Road Tonbridge

- 1.2.32 The site has been amended to remove the allotments site previously shown as part of the allocation.

1.2.33 Policy LP36: Employment Land Allocations

- 1.2.34 Part of the Rochester Airfield site located in Tonbridge and Malling, but owned and being brought forward for employment uses by Medway Council, has been

added to the list of employment land allocations in Policy LP36. This adds 3.77 hectares of land towards meeting our employment needs.

1.2.35 Comments relating to the Draft Local Plan document

1.2.36 The approach to contaminated land in respect of developments

- 1.2.37 A Member requested that the Local Plan policy addressing Contaminated Land be strengthened to recognise some of the matters that have arisen in the past in relation to development proposals on contaminated land.
- 1.2.38 While there are complementary regulatory frameworks for dealing with contamination issues and national planning policy in the NPPF, which in general should not be repeated in Local Plans, Tonbridge and Malling has a history of extraction, landfill and other industrial processes that have resulted in a number of sites where contamination may be an issue for future development proposals.

- 1.2.39 To reflect this amendments have been made to Policy LP22 and the accompanying text to remind any future applicants that the developer is responsible for ensuring these matters are dealt with appropriately and the process by which the Council as local planning authority can control such matters. This is designed to bring more clarity in the Plan to address this issue. Where there is a risk of contamination on a site, development proposals will have to be accompanied by a desktop study and, in the event that contamination may be an issue, a detailed strategy for site investigation works to inform a risk assessment.

1.2.40 The approach to Air Quality in respect of developments

- 1.2.41 In response to a similar request to that for contaminated land, the introductory text to air quality policy LP20 has been enhanced to include a cross reference to other relevant policies and proposals that are intended to address some of the impacts of development on air quality or improve the air quality in existing AQMAs. Identified, detailed mitigation measures will also be sought to inform the decision making process and demonstrate compliance with LP20, having regard to the prevailing national air quality standards.

1.2.42 The robustness of viability assessments

- 1.2.43 Reference was made at the Board meeting to examples of planning permissions where developer contributions were subsequently renegotiated on the grounds of viability. These matters are more within the remit of Development Management than Policy as there will always be the option for developers to make an argument on viability grounds. However, the whole plan viability assessment, forming part of the evidence base for the Local Plan, will provide a more robust starting point in future with the assumption that having been tested through the Local Plan process the expectation is that previously agreed levels of affordable housing and other infrastructure contributions will not be diluted.

1.2.44 Car parking and parking standards

1.2.45 Members raised a number of concerns relating to parking standards including the effectiveness of the current standards and how to make provision for commercial vehicles. Significant amendments have now been made to Policy LP42 and the supporting text to make clearer the fact that the Kent wide standards set out in Interim Guidance Note number 3 are only a starting point and that local circumstances concerning the character of a locality, the particular type of development proposed, existing parking pressures and other local matters are equally important in determining parking requirements for new development. This will enable a greater flexibility to be applied when considering individual planning applications without losing the robustness required of a planning policy.

1.2.46 Policy LP5 – Settlement Hierarchy

1.2.47 Clarification was sought about the status of other rural settlements in the hierarchy set out at Policy LP5. This has been made clearer in the amended version.

1.3 Other amendments to the Draft Local Plan

1.3.1 In addition to responding to the comments made by Members at the previous Board meeting there have been a number of other amendments to the draft Local Plan arising from finalising evidence, which can be summarised as follows.

1.3.2 Affordable Housing

1.3.3 The affordable housing policy LP39 (Policy LP38 in the previous draft considered by the Board in June) did not include a percentage figure for requiring developments over a certain size to provide for affordable housing. This was because the whole plan viability assessment was in the process of being finalised. The assessment has now been completed and uploaded to the Local Plan evidence pages of the Council's website. The evidence shows that the north east part of the borough has slightly less viability for delivering affordable housing than the rest of the borough once land values and other costs of development are taken into account. This means that for the first time, it will be necessary to have a different policy approach for affordable housing depending on which part of the borough the proposal is located.

1.3.4 This is not without precedent and is an approach that has been adopted by planning authorities that have different characteristics across their areas. The approach is necessary to demonstrate that the Local Plan is deliverable and is one that, supported by the viability evidence, should ensure that affordable housing requirements negotiated in future are more robust and resilient to challenges on the grounds of viability.

1.3.5 The revised affordable housing policy sets out the policy requirements for the different parts of the borough. For the rest of the borough the requirement for affordable housing will remain at 40% of the total number of dwellings on

qualifying schemes. In the north east of the borough the requirement will be 30% for larger developments over 500 units and 25% for smaller, qualifying proposals.

1.3.6 The accompanying text to the policy is very important in explaining the context for this approach. In particular it notes that the result will be a greater number of affordable homes are likely to emerge over the plan period in comparison to past performance. It is also worthy of special note that affordable rent is proposed to be capped at the relevant Local Housing Allowance level by the new policy approach, to ensure that a greater proportion of people in housing need can practically access these products, which in some cases will require affordable rents below 80% of market rates.

1.3.7 Travellers and Travelling Showpeople

1.3.8 Section 5.4 and Policy LP38 in the revised Local Plan at Appendix 1 has been amended to make clearer the proposed policy approach to accommodating the needs of Travellers and Travelling Showpeople.

1.3.9 Ensuring a High Quality of Design

1.3.10 The importance of seeking a high quality of design in future developments has been recognised. These matters were addressed in the previous draft of the Local Plan (Policy LP14) under the heading of achieving a high quality environment. However, the policy has been renamed and enhanced to ensure that these matters are clearly understood by anyone using the plan.

1.3.11 Future Proofing

1.3.12 Clarification was sought about the meaning of Objective 10 in the Strategic Objectives Policy LP2 in the previous draft Local Plan regarding supporting opportunities for ‘future proofing’ developments. This has been incorporated into the revised version. An opportunity has also been taken to clarify the policy position on addressing climate change at relevant points through the Local Plan.

1.3.13 Community Infrastructure Levy (CIL)

1.3.14 Reference was made to CIL at Paragraph 6.1.22 in the previous draft Local Plan, which noted that subject to the completion of the viability assessment that there may be some scope for introducing a CIL regime in future. The viability assessment does indicate some scope for this and consequently this will be revisited once the Local Plan is more advanced.

1.4 Local Plan Evidence

1.4.1 The Local Plan work is supported by a very wide range of evidence, covering various topics, that was referenced in the report to the last Board meeting and has been discussed in the course of the preparation of the Plan. The key areas of evidence that have been the focus of most recent work are referred to below. The

local Plan evidence base can be accessed on the Council's web site at:
www.tmbc.gov.uk/localplanevidence

1.4.2 Viability Assessment

1.4.3 The whole plan viability assessment has been completed and added to the Local Plan evidence base. Its findings have helped inform the affordable housing policy and the assessment of infrastructure provision within the strategic sites. As noted above it will also provide evidence to demonstrate the deliverability of the Local Plan.

1.4.4 Green Belt Study Stage 2 Report

1.4.5 The Green Belt Study Stage 1 Report in 2016 assessed the current Green Belt designations covering 71% of the borough and found that in general they continue to perform well when assessed against the purposes of including land in the Green Belt set out in the NPPF. The Stage 2 Report sets out the exceptional circumstances for removing the designation from some parts of the borough in order to meet housing needs where they arise and also supports the proposed Green Belt extension.

1.4.6 Should these amendments to the green belt be accepted by the Secretary of State there would be a net increase in Green Belt Land of 204 hectares

1.4.7 Habitats Regulations Assessment (HRA)

1.4.8 The HRA has been completed by the Council's consultants Mott Macdonald and this has also been uploaded to the evidence pages of the Local plan on the Council's website. The HRA, together with the Local Plan and Sustainability Appraisal will form part of the documents subject to consultations required by Regulation 19.

1.4.9 Transport Assessment – Addendum

1.4.10 Further work is being prepared to complement the Transport Assessment, by exploring further measures to enhance those junctions where road safety and queue lengths could be improved. The timing and funding of any improvements identified will be incorporated into the IDP. The SA will also take into account any potential benefits that those further measures may deliver.

1.4.11 The Transport Assessment evidence to date has shaped the Local Plan and the Addendum to refine the work through enhancement measures will be completed before the September meetings of the Cabinet and Full Council.

1.4.12 Infrastructure Delivery Plan (IDP)

1.4.13 The IDP sets out the infrastructure requirements for the Local Plan, when they will be delivered and how they will be funded. It will be complemented by the results of

the Transport Assessment mitigation work currently being prepared by the consultants Mott MacDonald.

1.4.14 Sustainability Appraisal (SA)

- 1.4.15 The Sustainability Appraisal assesses the Local Plan strategy and policies and will form part of the documents submitted to the Secretary of State along with the Habitats Regulations Assessment (HRA). The SA and the HRA will be consulted on at the same time as the Local Plan later this year.

1.5 Summary and Conclusions

- 1.5.1 This report explains how the issues raised by Members at the last Board meeting in respect of the Local Plan have been taken into account in the revised draft appended to this report. It also highlights any other changes that have been made in the light of new evidence and updates Members on the status of the Local Plan evidence base.
- 1.5.2 Subject to the Board's consideration, the next stages in the process are for Cabinet and Full Council to consider and approve the Local Plan for further public consultation required by Regulation 19 of the Town and Country Planning Regulations on the 3rd and 12th of September respectively. Public consultation would then commence by the end of September for not less than 6 weeks after which arrangements will be made to submit the Local Plan to the Secretary of State in accordance with Regulation 22 within the transitional period proposed in the draft NPPF published in March.

1.6 Legal Implications

- 1.6.1 Planning law requires that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. The Local Plan for Tonbridge and Malling will represent a significant part of the development for the borough and needs to be prepared in accordance with the NPPF and be kept up to date.
- 1.6.2 Failure to prepare a Local Plan or having a Plan that is out of date reduces the ability of the Local Planning Authority to manage development proposals that come forward.
- 1.6.3 A planning barrister has now been engaged initially to advise on the procedural and soundness issues to do with the draft plan and then to help prepare for the Public Examination which is likely to take place during next year

1.7 Financial and Value for Money Considerations

- 1.7.1 There are resource implications for preparing the Local Plan, but these can be accommodated within current budgets.

- 1.7.2 Preparing a Local Plan within the transitional period after the revised NPPF is published represents a potential cost saving for the Council as the alternative would be to update existing evidence and delay the adoption of the Local Plan while the implications of the uplift in housing need is addressed.
- 1.7.3 Having an up to date Plan at the earliest opportunity will also re-establish a five year housing land supply and provide a stronger basis for defending appeals.

1.8 Risk Assessment

- 1.8.1 Failure to submit a Local Plan within the transitional period will result in significantly higher risks associated with having an out dated Plan and the associated implications described in the sections above.

1.9 Recommendations

- 1.9.1 That the content of this report be noted; and
- 1.9.2 Subject to any further clarification and updates from officers as required in the interim, the revised draft of the Local Plan at Appendix 1 be recommended to Cabinet for its consideration.

Background papers:

Nil

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