

4.1 – SE/14/03793/FUL Revised expiry date 31 January 2016

PROPOSAL: Demolition of the former Birchwood Primary School, and the construction of 65 No. dwellings with associated infrastructure provision. As amplified by additional survey results and amended plans received 11th May 2015.

LOCATION: Birchwood County Primary School, Russett Way, Swanley BR8 7TP

WARD(S): Swanley White Oak

ITEM FOR DECISION

The application is referred to Development Control Committee at the discretion of the Chief Planning Officer.

RECOMMENDATION A: That subject to referral of the planning application to the National Planning Casework Unit planning permission be GRANTED subject to:

- a. The conditions set out below.
 - b. A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 31st January 2016 (PROVIDED THAT if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice of no more than three further months).
 - c. The S106 legal agreement shall include the following requirements:
 - i Provision of 40 affordable dwellings
 - ii Provision of open space
- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) No development shall take place until details of all proposed engineering works including:
- existing and proposed levels, including proposed slab levels,
 - the proposed extent of any cut and fill; and
 - existing and proposed site sections have been submitted to and approved in writing by the Council.

The works shall be carried out in their entirety and in accordance with the approved details before the land is first brought into use for the development here permitted.

To protect the openness of the Green Belt and safeguard the visual appearance of the area as supported by policies SP1 of the Council's Core Strategy and policies EN1 and EN2 of the Allocations and Development Management Plan. The Local Planning

Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

3) No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the Contaminated Land Exposure Assessment (CLEA) guidelines and methodology) and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval in writing.

1) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

2) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

3) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. Prior to any remediation commencing on site, approval shall be obtained from the Local Planning Authority of any such remedial works required. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

4) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

5) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. This shall include photographic evidence. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, together with the necessary documentation detailing what waste materials have been removed from the site and evidence of the final point of disposal of any contaminated material, i.e. Waste Transfer Notes. This shall include results of all sampling undertaken and certification of imported soils. This condition shall not be discharged until a closure report has been submitted to and approved in writing by the District Planning Authority.

To ensure that risks from land contamination to the future users of the land and adjoining land are minimised as supported by policy SP1 of the Council's Core Strategy and policy EN2 of the Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4) No development shall take place, including enabling, demolition and construction works, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to

throughout the construction period. The Statement shall include the following details:

A scheme to minimise the noise and vibration impact of enabling/demolition/
construction activities complying with guidance found in BS5228-1:2009 +A1:2014 and
BS5228-2:2009,

Hours of noisier types of working, such as piling,

A scheme to mitigate/suppress the emission of dust inline with the Control of Dust from
Construction Sites (BRE DTi Feb 2003),

Details of construction lighting together with measures to minimise light pollution,
Measures to regulate disturbance and disruption to the local community caused by
construction activities,

Details of public relations providing on site contact details in case of complaint,
emergency, query and updates to local residents of activities on site.

The development shall be carried out in accordance with the approved details.

In the interests of protecting the amenity of adjoining/nearby residential properties in
particular and safeguarding the amenities of the surrounding area in general as
supported by policy EN2 of the Allocations and Development Management Plan. The
Local Planning Authority is satisfied that it is fundamental to the development permitted
to address this issue before development commences and that without this safeguard
planning permission should not be granted.

5) Prior to the commencement of any works on site, details of effective wheel
washing plant and/or equipment, to be installed on the site shall be submitted to the
District Planning Authority for approval in writing. The plant and equipment shall be
installed on site prior to commencement of works and shall be maintained in full working
order in accordance with the approved details until the development has been
completed. No vehicles shall leave the site until their wheels, chassis, and external
bodywork, have been effectively cleaned and washed free of earth, mud, clay, gravel,
stone, or any other similar substance.

In the interests of safeguarding the amenities of the surrounding area as supported by
policy EN2 of the Allocations and Development Management Plan. The Local Planning
Authority is satisfied that it is fundamental to the development permitted to address this
issue before development commences and that without this safeguard planning
permission should not be granted.

6) Due to the proximity of residential properties to the proposed site the site, working
hours should be controlled to protect residential amenity. During the enabling,
demolition and construction phase, the hours of working, including deliveries and
collections to and from site, shall be restricted to: Monday to Friday 08:00 to
18:00; Saturday 08:00 to 13:00; No work on Sundays or Public Holidays.

In the interests of protecting the amenity of adjoining/nearby residential properties as
supported by policy EN2 of the Allocations and Development Plan.

7) No development shall be carried out on the land until samples of the materials to
be used in the construction of the external surfaces of the dwellings hereby permitted
have been submitted to and approved in writing by the Council. The development shall
be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing
character of the area as supported by Policy EN1 of the Sevenoaks Allocations and
Development Management Plan. The Local Planning Authority is satisfied that it is

fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

8) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection for any retained tree as indicated on the Tree Protection Plan shall be undertaken in accordance with the details set out in the Barrell Tree Consultants Arboricultural Impact Appraisal and Method Statement dated November 2014 and accompanying Tree Protection Plan no. 13231-BT3. In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to above. Also:

A) The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

B) Within a retained tree protected area, unless strictly in accordance with details set out in the report referred to above;

-Levels shall not be raised or lowered in relation to the existing ground level;

-No roots shall be cut, trenches cut, or soil removed;

No buildings, roads, or other engineering operations shall be constructed or carried out;

No fires shall be lit;

No vehicles shall be driven or parked over the area;

No materials or equipment shall be stored.

To prevent damage to the trees during the construction period and secure their retention afterwards as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

9) Once development has begun to be carried out on the land no retained tree or hedging within the site as indicated on the approved Tree Protection Plan 13231-BT3 and Landscape Plan LPS-P-2013-001/B as being retained shall be cut down, up-rooted, topped, lopped or destroyed, nor shall any hedge within the site be cut down or grubbed out, without the prior approval in writing of the Council.

To safeguard the character the area and the amenities of neighbouring occupiers as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

10) Subject to details of further enhancement landscaping planting along the eastern boundary of the site, which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site, the soft landscaping proposals shall be carried out in accordance with the Landscape Plan no.: LPS-P-2013-001/B hereby approved. All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted. The development shall be carried out strictly in accordance with the details so approved and shall be

maintained as such thereafter.

To safeguard the visual appearance of the area and the amenities of neighbouring occupiers as supported by EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

11) Prior to commencement of development, a scheme of hard landscaping to include details of materials for all public and private driveways and paths, unit paving and if applicable synthetic surfaces shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out strictly in accordance with the approved details.

To safeguard the visual appearance of the area and the amenities as supported by EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

12) Prior to commencement of development, details of all means of enclosure, including the brick specification for any boundary walls and the precise siting and design of proposed cycle barriers to be located on the eastern boundary of the site between the junction of the site and the public open space beyond, shall be submitted to and approved in writing by the District Planning Authority. No means of enclosure shall be erected on the site at any time without the prior written approval of the District Planning Authority other than in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

13) The garages, forecourt parking spaces and communal/visitor parking spaces shown on the approved Site Layout Plan no.: AA2606-2301 Rev.G shall be provided concurrently with the development and shall be kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garages and parking spaces.

To ensure permanent retention of vehicle parking for the properties as supported by policy EN1 of the Allocations and Development Management Plan.

14) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture shall not be laid out or constructed other than in accordance with details which shall have first been submitted to and approved in writing by the District Planning Authority. These works shall not be carried out other than in accordance with the approved details.

In the interests of highway safety and to ensure a satisfactory for of development as supported by EN1 of the Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard

planning permission should not be granted.

15) No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority of:

- a) Details of the footways and/or footpaths to serve the dwellings;
- b) Details of the surfacing of carriageways including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and any highway signage or structures; and
- c) A programme of implementation.

No development shall be carried out other than in accordance with the approved plans and details.

In the interests of highway safety and the convenient circulation of all traffic as supported by policy EN1 of the Allocations and Development Management Plan.

16) Prior to commencement of works details of the provision of parking facilities for site personnel and visitors shall be submitted to the District Planning Authority for approval in writing. The approved parking facilities shall be provided prior to commencement of building works and retained as approved for the duration of construction.

In the interest of the amenities of the area as supported by policy EN2 of the Allocations and Development Management Plan. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

17) No tree or scrub clearance works shall be undertaken during the main bird breeding season (April to June inclusive).

In the interests of nature conservation as supported by Policy SP11 of the Sevenoaks Core Strategy.

18) No works shall commence on site until details of a reptile receptor report has been submitted to the District Planning Authority for approval in writing. Such report to provide the following information:

- Location of the proposed receptor site.
- Confirmation that the carrying capacity is sufficient.
- Details of any ecological enhancements required.
- Details of who will be managing the site once the translocation has been completed.
- A timescale for undertaking the above mitigation works.

No works shall be carried out on site other than in accordance with the details approved above and in accordance with the reptile mitigation strategy, as detailed within the ecological report.

In the interests of nature conservation as supported by Policy SP11 of the Sevenoaks Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

19) No external lighting shall be permanently installed on any roadway, public footpath or open areas on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in

accordance with the approved details and maintained as approved thereafter.

In the interests of nature conservation as supported by Policy SP11 of the Sevenoaks Core Strategy.

20) Prior to first occupation of any dwelling, details of the ecological enhancements measures proposed as recommended in Chapter 6 of the Aspect Ecology Protected Species Report dated November 2014 shall be submitted to the District Planning Authority for approval in writing. The approved ecological enhancement works shall be carried out in accordance with an agreed timescale.

In the interests of nature conservation as supported by Policy SP11 of the Sevenoaks Core Strategy.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, D or E of Part 1 of Schedule 2 or within Class A, Part 2 of Schedule 2 of the said Order shall be carried out to the dwellings hereby approved.

To prevent inappropriate development in the Green Belt and protect the amenities of the occupiers of the site and neighbouring dwellings as supported by Government advice in the form of the National Planning Policy Framework policy L08 of the Council's Core Strategy.

Informatives

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) The applicant is advised that any external lighting should be designed to comply with the following requirements:

Bats and Lighting in the UK
Bat Conservation Trust and Institution of Lighting Engineers
Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer, this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

3) With regard to Condition 15, the applicant is advised that the Highway Authority require completion of footways and carriageways, with the exception of the wearing course, and the other measures referred to prior to occupation of any dwelling and it is recommended that the implementation schedule reflect this.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice
- 2) Was updated on the progress of the planning application.
- 3) The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 4) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

RECOMMENDATION B:

- (a) In the even that a satisfactory legal agreement is not completed within the timescale set out in Recommendation A above, planning permission be REFUSED for the following reasons:

The proposed development of the site for 65 dwellings with associated infrastructure provision represents inappropriate development which by definition is harmful to the Green Belt. The proposals are therefore unacceptable in principle.

Furthermore, by virtue of the scale, design and degree of development on the site and loss of open space, the proposals would be harmful to the purposes of the Green Belt, would significantly erode the openness of the Green Belt, and would detract from the setting of Swanley and Hextable to the extent that they would be seriously harmful to the landscape character and setting of the urban areas in this

location and to the character and appearance of this part of the Green Belt.

Without the ability to secure the proposed affordable housing in perpetuity and provision of open space within the site through completion of a legal agreement, the Very Special Circumstances advanced fail to clearly outweigh the harm identified above.

The proposals are thus contrary to Government advice in the form of the National Planning Policy Framework, policies L01, L04, SP1, SP10 of the Sevenoaks District Council Core Strategy and policies EN1, GI2 and CF1 of the Allocations and Development Management Plan.

Site location and description:

- 1 The site is located at the northern extremity of Swanley, approximately 1.7km from the town centre.
- 2 It comprises a large, roughly rectangular parcel of land. It lies immediately to the east of the edge of the built up area, which comprises rear gardens to the residential housing in Russett Way and Wisteria Gardens. The northern boundary of the site is bounded by Leydenhatch Lane, beyond which, opposite the site are several dwellings and a nursery garden. The south of the site is bounded by a footpath and rear gardens to houses in Alder Way. To the east and south-east, the land is open and undeveloped and is an extension of Swanley Park.
- 3 The application site area is 2.9ha in total and comprises the former Birchwood Primary School. Within the site are several buildings; the former single storey flat roof school building itself, which is located just the north of the centre of the site, a single, 2-storey dwelling located at the north-west corner of the front of the site (fronting Leydenhatch Lane) and between the 2, a smaller ancillary school building. The buildings themselves cover an area of approximately 1,409m².
- 4 The remainder of the site is open, with an area immediately to the north and south of the school comprising open tarmac areas, previously used for parking and play ground. Beyond the extent of the developed footprint is open grassland. The boundaries to the site comprise open metal railings, with medium scale tree planting peppered along the northern, eastern and southern boundaries.
- 5 The site generally falls in level from the west to east, with the north-western corner the highest point and the south-eastern corner lowest.
- 6 The school was closed in August 2007 and the site has been vacant since.

Proposals:

- 7 The proposals seek a mix of 25no. 3, 4 and 5 bed houses for private or market sale and 40no. 2 bed, affordable units comprising 20 affordable rented and 20 social rented bungalows, together with associated landscaping and open space.
- 8 The market housing would occupy approximately the northern third of the site and would be served by the Leydenhatch Lane vehicular access. The affordable units would occupy the southern two-thirds of the site and would be served by access

from Russett Way. Each element of the proposals would have its own distinct internal access road, with no vehicular access through the entire site. However, there would be a formal pedestrian link to the east (close to the Russett Way access) and the open space along the eastern boundary would provide an informal link.

- 9 The market housing would be set around a roughly “U” shaped access drive, with the houses spread along both sides and also fronting Leydenhatch Lane. Several different house designs are proposed. As *originally* submitted, these are as follows:
- Ardleigh (10 units): This comprises a 2 storey, 4 bed house with total gross floor area (GFA) of approximately 140m². The roof would pitch front and rear with gable ends. It would be 4.9m to eaves and 8.2m to ridge level. It would have a double width garage with 2 parking spaces in front.
 - Dersingham (4 units): This comprises a 2 storey, 3 bed house with total GFA of some 109m². It would have a steep roof pitching to the sides with gabled front and rear elevation. It would be 4.9m to eaves and approximately 8.9m to ridge. Of these units 2 would have an attached single garage with additional forecourt parking; 2 would have forecourt parking for 2 vehicles.
 - Eversden (7 units): This comprises a 2 storey, 4 bed house with a total GFA of some 158m². The roof would be fully hipped with the house incorporating a shallow, 2 storey front projection with gabled roof above. It would be 4.9m to eaves and 8.5m to ridge. Each unit would have a double width garage also with gabled roof, with 2 additional forecourt parking spaces.
 - Victoria (4 units): This comprises a 3 storey 5 bed house with 2 of the bedrooms within a large roof, served by 2 small dormers to the front elevation and rooflights to the rear. It would have a total GFA of approximately 189m². This design incorporates a modest 1 ½ storey, 1.1m deep rear projection. The main roof would pitch front and rear, with ½ hipped flanks. It would be 5.7m to eaves and 9.5m to ridge. Each house would have a double width garage with gabled roof with 2 additional forecourt spaces.
- 10 The house designs are mixed through the layout and some are “handed” versions of the same design, with several small variations on the main theme.
- 11 The bungalow units would be separately accessed from an extension to Russett Way, which would enter the site, turn southwards and then turn eastwards, with a further spur extending south.
- 12 The affordable units would comprise 40no. 2 bed single storey bungalows, each with a total GFA of approximately 80m². Of these units, 2 would be wheelchair accessible (HCA Wheelchair Standard) and would have a slightly greater floor area. The units are arranged as semi-detached pairs, with several short terraces of 3 or 4 units. All are designed with a dual, mono-pitched roof form sloping up from the flanks with gabled front and rear. The highest ridge point would be approximately 4.7m high. Each unit would have a dedicated forecourt parking space, with 10 further visitor spaces dotted throughout the development.

- 13 The bungalows are to be designed to the Lifetime Homes Standard, which include features such as level access and turning circle space for wheelchairs and accessible bathrooms.
- 14 Means of enclosure throughout the site would comprise largely 1.8m high close boarded timber fencing between dwellings, with the delineation between private amenity space and the public realm comprising of 1.8m high brick walling.
- 15 Materials for the buildings are intended to reflect those seen in the locality, with use of a variety of brick, render and some timber cladding with roof coverings including concrete interlocking tiles and for the bungalows a mixture of brick and coloured boarding under a single ply membrane roof. A comprehensive landscaping scheme is also proposed.
- 16 All dwellings are to be designed to Code for Sustainable Homes Level 4 (or equivalent) with energy efficient measures and the incorporation of Low or Zero Carbon Technologies. They are to use the latest construction materials in additional photovoltaic panels are proposed to reduce carbon dioxide emissions.
- 17 The proposals include several pedestrian links through to the public open space to the east of the site. The south-eastern corner of the site is to comprise public open space. A further pedestrian link to the south (to link to the footpath to the rear of Aisher Way) is shown as “potential link”, as the footpath to the south is not formally made up.
- 18 Numerous documents have been submitted in support of the application, including a planning and affordable housing statement, transport statement, ecological reports, an Arboricultural Impact Appraisal and Method Statement. A viability assessment has been submitted to show that the bungalows as affordable units would not be viable without the market housing also being provided. In addition, results of a West Kent Housing Association Consultation (November 2014) has also been submitted.

Amendments & additional information:

- 19 Following initial consideration of the proposals and consultee responses, especially those raised by the Highway Authority and concerns regarding the height, scale and detailed layout of the development, the applicant submitted amended plans and additional information. In summary, this comprised as follows:
 - Additional information in the form of the West Kent Tenants Consultation results breakdown by Parish.
 - Changes to the layout and design of some of the houses.
 - More specifically, Units S2 and S25 either side of the main entrance are the larger “Victoria” units, whilst S16 and S17 are replaced by a smaller units with S16 rotated so that the rear elevation overlooks the footpath to the north-east corner of the site.
 - Units S4 and S5 are swapped, with Unit S4 located immediately to the rear of properties in houses in Russett Way now comprising a smaller house.

- Opening up of northern loop road (between Units S18 and S14) and tree replaced by raised table traffic calming measure.
- Roof design to garages amended from gables to hipped roof form with some associated reduction in height.
- Amendments to roof of Ardleigh units (reduced in height by approximately 0.4m and fully hipped) and Dersingham units (gables replaced by half hips).

20 This information was subject to full re-consultation with third parties at the beginning of June. Any additional comments received are reported below the consultee's original response.

Planning History:

21 SE/13/03751/FUL: Demolition of the former Birchwood Primary School, and the construction of 65 No. dwellings with associated infrastructure provision. Withdrawn prior to determination on 22nd May 2014.

Policies:

Sevenoaks Core Strategy:

22 Policies – L01, L04, L08, SP1, SP2, SP3, SP4, SP5, SP7, SP10, SP11

Allocations and Development Management Plan (ADMP):

23 Policies – EN1, EN2, H1, H2, GI2, CF1, T1, T2

Other:

24 Sevenoaks District Council: Open Space, Sport and Recreation Study (2009)

25 Sevenoaks Countryside Assessment 2011

26 National Planning Policy Framework

27 Planning Practice Guidance

28 SDC Housing Strategy Plan and Under-Occupation Action Plan

Constraints:

29 Green Belt, Area of Archaeological Potential (entire eastern edge, approx. 20m wide strip), Public Right of Way (just outside site adjacent to entire eastern boundary).

Consultations: (The site is within the Parish of Swanley)

Swanley Town Council:

30 Swanley Town Council strongly objects to this application on the following grounds:

- (i) The development is in Green Belt between Swanley and Hextable

- (ii) There is no objection to building on the footprint of the school but the green playing fields should not be built on. Green Belt protects the space between settlements and stops urban sprawl, this open space does exactly that and should be kept.
- (iii) This application would set a dangerous precedent for the area which is surrounded by Green Belt.
- (iv) The Town Council does not accept the special reasons stated by the applicant. Letters were sent to villages and areas outside of Swanley, to people not retired and who have school age children. Recent government guidance states that 'housing need is, in most cases, not enough to overcome the need to protect the Green Belt'. There is not a shortage of retirement accommodation in the town for Swanley residents, and there are sites within the Swanley town area which have already been identified for that purpose.
- (v) This site is not sustainable for elderly or disabled people as it is not a suitable location. Shops and GP services are the other side of town or in Hextable. One part of the development is accessed from Leydenhatch Lane, a narrow lane with no pavements which is very dark and isolated particularly of an evening.
- (vi) The Town Council football pitches being provided at the end of the park are in existing open green space and are not in exchange for the loss of the green playing fields in this application.
- (vii) The proposed development will lead to an unacceptable number of additional traffic movements in Leydenhatch Lane and Russett Way.
- (viii) Swanley is less well-served with open space than other parts of the District and there are no special reasons for this development so the same decision previously given by SDC remains the same.

Response to additional information:

Reiterate their objections above.

Hextable Parish Council:

- 31 The Parish Council strongly objects to this application as the development is in Green Belt between Hextable and Swanley. Although there is no objection to building on the footprint of the school the green playing fields should not be built on. This part of Green Belt provides exactly the intended use of Green Belt and this narrow space between the Town and Hextable Village is very important to maintain the separate character and identity of the two communities.

The playing fields give an open spatial view that should be kept.

- 32 Building on the green playing fields sets a precedent for the playing fields of Hextable School which is also in Green Belt and whose future is uncertain. Residential building on this stretch of Green belt also sets a precedent for the nurseries nearby who have been prevented from development by Green Belt restrictions.

- 33 Some years ago a retirement ground floor complex in Egerton Avenue Nursery was refused permission because of Green Belt restrictions and the Birchwood site has even more restrictions. Planning has to be consistent and there are no reasons submitted with this application that the local community would accept as different from the previous refused proposal.
- 34 The green playing fields give casual use to residents from the nearby large estate for a number of uses and is helpful in providing somewhere for local youths to roam, run and play. This application is very unpopular with the local community.
- 35 The special reasons submitted are not correct. Letters were sent to villages and areas outside of Swanley, and to residents not retired, offering a new bungalow so giving an incorrect result.
- 36 Ground floor social retirement accommodation has been available over recent years in Panters in Hextable but not taken up so accommodation has been let to young couples. Also Emily Court was built recently in a Sevenoaks and Dartford Council partnership initiative for local retired but it is not popular with local residents because it is not near the town. This indicates there is no shortage of social retirement accommodation in this location and any additional retired accommodation should be provided where needed, which is in the town.
- 37 This site will not be accessed from the original school entrance but from a very narrow lane with no pavements and that is very dark of an evening as there is no development in Leydenhatch Lane that gives light. It is the opposite side of Swanley to the town and access to shopping facilities would be difficult. The doctor surgeries are full and it is difficult to obtain an appointment. The surgeries are on the other side of Swanley at the rear of the town so a GP visit or clinic appointment would involve a journey which if elderly and ill, particularly if they do not have a car, would be extremely difficult. This location was identified a few years ago as requiring medical facilities but this has not been addressed by this proposal. This is not a suitable or sustainable location for retired people.
- 38 This site indents into a large estate which is a deprived area and has an above average anti-social youth problem and not a suitable area for ground floor retirement accommodation.
- 39 The community does not accept there are any special reasons for building on this particular area of Green Belt serving an important purpose between settlements when there are other more acceptable sites. Retired accommodation should be in the town to provide day to day facilities and public transport links not an unlit country lane leading to Hextable Village.

Response to additional information: Maintain their original objections.

- 40 *Officer Note: The Housing Policy Manager has considered the issue of the other sites mentioned by the Parish Council above. In the case of Panters, despite the assertion above this accommodation is still exclusively for the over 55's, is sought after accommodation and we are not aware of any difficulties in letting these properties. With regard to Emily Court, this is a shared facility with Dartford Council. There were 3 referrals to Emily Court by SDC in July. At times the Council will not have anyone suitable and fitting the necessary criteria.*

Dartford Borough Council:

41 No observations on the proposals.

Response to additional information:

42 No further response received.

Thames Water: (In summary)

43 No objections.

Response to additional information:

44 No further response received.

Natural England: (In summary) –

45 Does not appear to fall within the scope of applications that Natural England routinely comment on, though this should not be interpreted as a statement that there are no impacts on the natural environment. They would expect the Local Planning Authority to assess and consider possible impacts. They recommend biodiversity enhancements be carried out.

Response to additional information:

46 Nothing further to add to previous comment.

K.C.C Ecology: (In summary)

47 Have examined the additional survey information submitted and raise no objections subject to conditions.

Response to additional information:

48 No further response received.

Sport England:

49 Site does not form part of, or constitute a playing field as defined in relevant legislation. Therefore SE is a non statutory consultee.

50 Their policy is to object to any development which would lead to the loss of, or prejudice use of, all or any part of a playing field, or land last used as a playing field, or allocated for such use because it would permanently reduce the opportunities for participation in sporting activities, unless one of their exception criteria is met.

51 For clarity, the playing field has not been replaced (in line with Exception 4 of Sport England's Playing Fields Policy) by the new sports facility provision at the adjacent Swanley Park as it was not satisfactorily demonstrated as part of the previous application that the new provision at Swanley Park has been provided to replace the playing field to be lost as part of the current planning application. In light of the above SP objects to the proposals because it is not considered to accord with any of the exceptions in the SP playing fields policy."

Response to additional information:

52 Nothing to add to previous comments.

Environment Agency: (In summary)

53 OBJECT as proposals have failed to demonstrate that the risk of pollution to controlled waters is acceptable.

Response to additional information: (In summary)

54 In response to further information submitted in the form of a detailed Geo-Environmental Assessment, no objection is raised to the proposals subject to the imposition of several conditions relating to remediation of any soil contamination and verification prior to occupation of the site for habitation and surface water drainage.

55 Conditions are proposed relating to soil contamination and remediation.

KCC Archaeology: (In summary)

56 The site lies within a possible dry valley system cutting through the chalk and these can be favoured areas for prehistoric activity. In addition there are ring ditches recorded as cropmarks to the east which may represent prehistoric or later human activity in this area.

57 In light of the above a condition is recommended seeking implementation of a watching brief.

Response to additional information:

58 No further response received

Public Rights of Way Officer: (In summary)

59 The development turns its back on the existing public footpath at the north-east corner of the development. Requests up front fees for green waste collection or green waste bags provided for each house. The cycle barriers appear to be outside the site and should be located where users cannot simply cycle around them.

Response to additional information:

60 No further response received

N.H.S Property Services: (In summary)

61 Request contribution towards health care facilities.

Officer Note: This is now covered by any CIL contribution

Response to additional information:

62 No further response received.

Environmental Health: (In summary)

- 63 Environmental Health raise no objection subject to seeking conditions relating to contamination investigation and remediation of the site and a limit on working hours.

Response to additional information:

- 64 No further response received.
- 65 A number of conditions are proposed relating to soil contamination, remediation and site hours of operation.

Highway Authority: (In summary)

- 66 A number of site specific amendments have been requested including the positioning and widths of footways/footpaths, the removal of a tree which prevents use of the northern road as a loop and its replacement by traffic calming such as a raised table, identification of areas for adoption, parking layout and clarification that various technical standards are met (eg. Size of turning heads etc).

Response to additional information/amendments:

- 67 In principle a residential development of the scale proposed served partially from Russett Way and partially from Leydenhatch Lane is acceptable from a highway perspective. Vehicular access is proposed to be split between Leydenhatch Lane and Russett Way which will result in various available access routes in respect of connecting with the wider highway network. Ultimately, 25 units will have to use some part of Leydenhatch Lane for vehicular access and likewise, 40 units will have to use part of Russett Way for access but wider vehicular access routes will be dependent on approach direction and destination. As a result, associated increases in flow will be spread across a number of existing junctions and minimal at those junctions beyond the direct site access routes with the proposals not generating any measurable peak hour junction capacity increases on the classified road network above levels of potential daily background fluctuation.
- 68 I can therefore confirm that subject to various conditions, no objection is raised on behalf of the local highway authority.
- 69 Conditions are proposed as recommended by the Highway Authority.

Arboricultural Officer:

- 70 The central area of this site is generally void of trees with the only mature trees located adjacent to the existing building. These trees are generally of limited value although I note that some are to be retained as part of the new scheme. The boundary trees are the important trees for this proposal as their screening and partitioning benefits should be maintained. In addition to those boundary trees that are to be included as part of this proposal. I suggest that additional planting is added to ensure any gaps are closed. I have noted the proposal to retain a number of mature Conifers within the far north eastern corner of the site. I do not consider these particular specimens suitable for the area that is shown to be created. It would be better to remove them completely and replant with more suitable species. The detail supplied for new planting appears acceptable as does the tree protection details supplied.

Response to additional information:

- 71 No further response received
- 72 Conditions relating to tree protection and landscaping are recommended.

Council's Valuation Consultant: (in summary)

- 73 The Council's viability consultant has examined the proposals and their comments are summarised below;
- 74 It is noted that the site is within the Green Belt and also that Kent County need to demonstrate they have achieved value for money on the site. It is also noted that the mix of affordable bungalows and market homes for sale is critical to the viability and deliverability of the Kent Kier initiative. To take a view on the viability, the viability of the site is first considered without any affordable housing contribution to test base assumptions; and then include contributions to review its impact.
- 75 Firstly, it is agreed that the affordable housing units will be "cost neutral" in that they will not generate any land value. The land value will only come from the open market units.
- 76 In considering development appraisals, it is usual practice to allow an appropriate level of return for the developer. The costs and sales values of the 25 market houses presented by the applicant is considered reasonable and is accepted. The developers other costs and interest rates on finance have been assumed using standard practice. These costs are used to determine the residual land value (calculated by subtracting the cost of achieving the development from the revenue generated by the completed scheme).
- 77 It is also important to note that recent guidance in such financial viability states the following:

"Site Value should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan. So far as alternative use value is concerned, the Valuation Standards at VS6.7 state: 'where it is clear that a purchaser in the market would acquire the property for an alternative use of the land because that alternative use can be readily identified as generating a higher value than the current use, and is both commercially and legally feasible, the value for this alternative use would be the market value and should be reported as such'. In other words, hope value is also reflected and the answer is still market value. Again, in arriving at market value via alternative use value, the planning status of the land/building set out in paragraph 3.3.4 should be applied. This is also consistent with the NPPF for 'willing sellers' to receive 'competitive' returns."
- 78 In this instance, it should be noted that the applicants maintain that the minimum land value required by Kent County Council is £2,100,000. However, this land value is required by Kent County Council to carry out other projects elsewhere in Kent however it is *not required to make this particular site viable*.

79 Using the figures provided the conclusion reached is that the residual land value is very similar to the £2,100,000 land value provided by the applicant's figures (using a different appraisal method).

Put simply, the 25 market houses would generate a return of approximately £2million.

However, in order to comply with planning policy (most notably that of the Green Belt), the applicant considers the number of houses should be reduced to 8, though no explanation is given for this and I consider it optimistic. Nevertheless, purely for the purposes of this exercise, this number of houses has been accepted.

80 On the basis of 8 houses, taking into account development plan policies and all other material planning considerations, the true residual land value is considered to be substantially lower, at £525,000.

81 Notwithstanding the above, it is noted that if the 40 affordable bungalows were to be developed, this would generate a land value to be paid to Kent County Council. When calculated at the lower level normally anticipated for an "exception" site, it is estimated that 15 market units would be required to cover this cost. The additional money generated by the additional market housing proposed on this site is to cover the costs of developing other KCC sites elsewhere.

Planning Policy:

82 The Planning Policy team previously commented on this proposal (13/03751) in February and April 2014 and the comments remain relevant regarding the aspects of the application which are unchanged. We provide the following additional comments to support our earlier observations.

83 The key strategic planning policy issues are considered to be:

- The impact of the development on the Green Belt.
- The loss of open space.

The impact of the development on the Green Belt

84 The applicant has demonstrated that the proposed scheme cannot be delivered on three non Green Belt sites in Swanley (sites allocated in the ADMP) due to these sites being too small to deliver the 65 dwelling scheme.

85 In order to justify residential development on this Green Belt site, the application should be assessed in two stages. Firstly, to assess whether there is a need for 40 affordable bungalows in Swanley, and secondly, to assess the viability of the scheme whereby 25 market dwellings are required in order to subsidise the affordable housing.

The need for affordable bungalows in Swanley

86 The Swanley Housing Needs Survey (October 2014) and West Kent Housing Association Consultation (November 2014) studies are noted, suggesting that 19 and 283 bungalows are required respectively. Whilst it is acknowledged that the results from both surveys are very different, the West Kent Housing Association

consultation appears to be a statement of aspiration over a wider area of Swanley, and the weight given to it without any further information has to be limited.

- 87 With regard to tackling under-occupation, Core Strategy policy SP3 is supportive of strategies to make better use of the existing housing stock by providing incentives to reduce the substantial under-occupation of family houses in the social rented sector.

Viability of the scheme

- 88 The applicant is seeking to justify the amount of market housing on the basis that it is subsidising the affordable housing. However it is questioned whether 65 units are essential. Smaller schemes could be developed on non Green Belt sites, and those allocated in Swanley in the ADMP are considered suitable for housing specifically designed for older people (including those with special needs).

Other policy considerations

- 89 ADMP policy GB9 sets out criteria for proposals to replace an existing non-residential building within the Green Belt. Only one quarter of the application site is previously developed land, with the proposal substantially increasing the level of development. In addition, the proposed development would not be in the same use as the building to be demolished. As such, the proposal is not in accordance with ADMP policy GB9.
- 90 Consideration should also be given to ADMP policy CF1, which gives priority to re-using redundant school buildings to address local need for community facilities. Alternative uses may be acceptable providing the applicant has identified that there is no community need that can be facilitated through the site. In this instance, residential care homes or sheltered housing could be acceptable.
- 91 As the ADMP should be read as a whole, it is important that both these policies are satisfied, as well as the Green Belt chapter of the NPPF.

The loss of open space:

- 92 Core Strategy policy SP10 and ADMP policy GI2 are relevant here, and are concerned with retaining existing open space. Where open space is lost, the applicant must demonstrate that the open space is surplus to requirements, equivalent replacement provision is provided, or that the development is for alternative sports use.
- 93 Policy GI2 also goes on to state that “proposals for built development on redundant school playing fields in the Green Belt, other than for essential facilities for outside sport and recreation will be refused”.
- 94 It is noted that the applicant demonstrates that new playing fields have been provided at neighbouring site Swanley Park, and therefore the loss is mitigated by replacement provision. However, the Swanley Park facilities were delivered some time ago and it is questioned whether this was to deliver an existing deficiency in Swanley. It is also questioned whether the provision at Swanley Park is of equivalent provision in terms of quality, quantity and accessibility.

SDC Housing Policy Team:

- 95 “This needs analysis has been based on the assumption that all 40 units of bungalow accommodation would specifically be for those aged 55-plus with 20 designated as affordable-rent and 20 as social-rented tenures, all held in perpetuity.
- 96 The District Council’s Housing Strategy Action Plan 2012 (HSAP) agreed two strategic aims relevant to this application, these being: 1) providing a good mix of decent and affordable homes across all tenures; and 2) meeting the needs of vulnerable and lower income households. Objective 19 of the HSAP includes an objective: Enabling people to remain independent in their own homes. Objective 23 of the same plan includes an objective: Providing decent housing and related services to meet the needs of older people. This all contributes to various objectives contained in the District Council’s Community Plan (2015-25), including sections: Caring Communities; Green Environment; Healthy Environment; Dynamic Economy; and Sustainable Economy. There are also clear links to the District Council’s Health Inequalities Action Plan (Mind the Gap, 2013-15).
- 97 Demographic projections show a growing older population, generally, and even more so in the Sevenoaks District, particularly amongst the +65 and +85 cohorts. The Strategic Housing Market Assessment 2008 (SHMA) found a need for 646 new affordable homes in the District pa to meet existing and newly-arising need going forward 5-years into the future (SHMA, p148, table 11-6). The SHMA also found that the majority of older people wish to remain independent in their own homes and require bungalow accommodation, rather than the more acute and supported housing schemes (SHMA, p133, para 10.9.5). With current and developing assistive technologies, this is becoming increasingly possible and can be supported through good design in new housing, with bungalows being an ideal housing type to address limited mobility and complement support devices etc.
- 98 As well as being practical for older people, bungalows are also a desired choice for households as they age. The SHMA found that 32.6% of older people required bungalow accommodation as their next home (corresponding with a national study which found that 30% of older people wanted bungalows). This is in contrast to just 2.9% requiring a semi-detached and 1.8% requiring a terraced house (SHMA, p133, table 10-10). The SHMA also found that 45.5% of older people required 2-bed housing and 21.6% require 1-bed (SHMA, p133, table 10-7).
- 99 Bungalows, and the scheme environment generally, would benefit from being dementia friendly and considerations given/measures introduced to assist with a growing older population. This is all highlighted in the Kent Housing Group’s and Joint Policy and Planning Board’s Housing Dementia Action Plan 2014/15, of which the District Council is a contributory partner.
- 100 Evidence is patchy, outdated and anecdotal in respect of older people’s housing needs. There is, however, general consensus that a significant need for new bungalow accommodation exists across the UK for a growing older population. This is evidenced in numerous Government reports, think-tank studies and research papers, and professional organisations’ own research work.
- 101 A recent study was undertaken into people’s housing needs in the Swanley area, though this was a general study and did not offer up the proposed Birchwood proposal as a possible option on which people could comment. The response-rate was very poor, though it did indicate a need going forward for older people. As

with the methodology on this type of study, housing need is not extrapolated and so the low response-rate was not a good indicator of need. The consultant therefore recommended further detailed analysis be undertaken to better identify need. West Kent Housing Association subsequently polled its own social-tenants, putting forward bungalow accommodation as a potential option. Results were starkly different. This study found a need for 287 bungalow placements across the Swanley area and its neighbouring parishes. The applicants should therefore break-down these numbers and set out the level of need identified in the Swanley wards only, followed by each cascade area. This will provide a much better indicator of need and from the very households this kind of housing would assist.

- 102 With recently-introduced planning rules resulting in far fewer new affordable housing units coming forward, and significantly reduced financial payments in-lieu of on-site provision, the provision of new affordable housing will be even more challenging in the Sevenoaks District. Schemes such as Birchwood, therefore - those where public-subsidy isn't required (through Government-promoted cross-subsidy models) - can help to provide much-needed housing for one of the District's most in-need client groups and a group that will see significant growth over the next few decades. Cross-subsidy models are also a key objective of Better Homes: Localism, Aspiration and Choice (A Housing Strategy for Kent and Medway, 2012-15), of which the District Council is a signatory.
- 103 With very few development opportunities, the District Council must also utilise the existing social housing stock as best it can to meet current and future needs. The District also has a high level of under-occupation in its social housing stock where, over time, families have reduced in size and often leaving only one of the original tenants in a family-sized home. In contrast, there are homeless, overcrowded and other poorly-housed families in acute need of larger social housing. This mismatch in households/stock must be addressed to meet future need and to compensate for fewer new-build affordable housing units coming forward - and housing strategy uses various tactics to tackle this.
- 104 We are consistently told that older people would consider downsizing if they were offered a spare bedroom for grandchildren and carers to stay over, for instance, and/or for the storage of health equipment and personal belongings etc. Similar views are expressed across the UK and this further demonstrates older people's changing requirements as well as highlighting a key issue with older sheltered housing stock. This matter was also raised during an in-depth scrutiny back in 2012 by the (then) Services Select Committee where both 2-bedroom and bungalow accommodation were quoted as being key and effective solutions to encourage older people to downsize from under-occupied general-needs housing. It was also accepted that such accommodation is typically difficult to achieve in the Sevenoaks District, i.e. we generally build to relatively high density to create financially viable schemes.
- 105 The subsequent Under-Occupation Strategy, which was adopted by the District Council in 2012, set the following objectives: 1) to increase the supply of properties that meets the needs of disabled downsizers; 2) to increase the supply of modern supported housing for older people; and 3) to develop sustainable community lettings plans on new development to enable downsizing. Enabling older people to downsize can support a wide-range of housing, health and community outcomes, as well as reducing the burden on acute services. The Mind the Gap plan includes similar housing strategy objectives to achieve key health outcomes.

- 106 Being situated in the vicinity of general needs social housing, this would allow older downsizers to remain in their neighbourhood and amongst established and long-standing support networks. Local solutions would overcome a particular issue which often prevents people from moving, i.e. they do not want to downsize if it means moving out of the local area and giving up everything they've known.
- 107 In respect of bedroom sizes, there is a raft of evidence demonstrating that older people are put off downsizing and/or moving into more practicable accommodation due to the type and size of smaller accommodation on offer. This can be related to older existing sheltered housing schemes which have just one-bedroom; are poorly designed/outdated; and give a distinct feeling of institutional care - something that older people are increasingly resisting.
- 108 Research undertaken by the Social Innovation Lab for Kent (2012) highlighted that people tended to put off thinking about their potential change in housing and care needs for as long as possible. Those people would then move when in a position of urgent need and of an age where the whole moving process was considerably more traumatic. Many people aged in their 70s or older stated that they wished they had thought about their housing options when they were younger (i.e. in their 60s) and were better able to make decisions. Respondents also thought they would cope much better with the transition earlier on and before emergencies arose. This scheme would directly address those issues and be a good strategic move, therefore.
- 109 The current-day social care system is aimed at supporting older, disabled and frail people in their own homes, with outreach support services and technology making this increasingly possible. A significant number of older people are currently living in large and unsuitable housing and these situations typical worsen as people become more infirm. Much of the existing general needs housing is difficult and/or expensive to adapt (adding to the District Council's DFG requirements), and is typically inaccessible, e.g. narrow doors, garden/door steps and stairs (increases trips and falls) etc. The Kent Framework for Delivering Housing for People with Physical and Sensory Disabilities across Kent and Medway (November 2013) recommends bungalow accommodation to address these issues. This proposed model of provision is also much cheaper than extra-care accommodation, for instance, so would be a good option with regards to long-term financial planning and resource requirements across the public sector.
- 110 Kent County Council's Commissioned Services Needs Analysis (2013/14) identified a growth in the number of older people over the next 10-years, with Sevenoaks being highlighted as significantly affected. Future Supporting People strategy will be working towards a more flexible, community-based service for older people. This will be in response to wide-ranging feedback from a study undertaken in Kent by the Chartered Institute of Housing and which highlighted the following: 1) older people want to feel part of the wider community and with good social networks and involvement in activities; 2) a need for accessible services that enable people to stay living at home for as long as possible, with access to help and support as required; and 3) recognising that older people have differing aspirations and providing a range of choices and options.
- 111 With serious constraints in housing choice, a large number of older people tend to stay put and not make use of the Sevenoaks District Housing Register (SDHR). The SDHR can only be used as a part-measure of need and just relate to those actively looking to move through the social housing system. It is not a complete

indicator of need, therefore, and the following data should be considered in this context.

- 112 The SDHR was analysed (February 2014) and found that 30 applicants in the age 55-59 bracket listed bungalow accommodation as their preferred choice, with 10 having Swanley as their preferred location; in the age 60-64 age bracket, 20 listed bungalows as their preferred accommodation with 3 having Swanley as their preferred location; in the age 60-plus age bracket, 92 listed bungalows as their preferred accommodation and 29 having Swanley as their preferred location; in the age 65-plus age bracket and where age-related physical infirmity existed, 23 listed bungalows as their preferred accommodation and 9 having Swanley as their preferred location. This totals 165 people seeking bungalow accommodation and, of those, 51 specify Swanley as their preferred location.
- 113 Should a bungalow project be progressed in the Swanley area, it would be reasonable to expect that additional need would be registered by those seeing an opportunity to improve their living circumstances, i.e. hearing about bungalows being built in the neighbourhood and deciding to apply for one. This is similar to the rural exception site process whereby local residents register a new need on the SDHR when a scheme is proposed in their village. Many of those people would not have done so, had such an opportunity not been put on their radar. It is not possible to quantify such need, however, though the expectation is that additional need would be registered once the community had become aware of such a scheme in the pipeline – and in much greater numbers, with this being a large town rather than a small village. With a recent review of the SDHR (it being found to be too restrictive for older people), a change to qualification rules around asset values has occurred. As a consequence, additional older people are able to bid for specialist housing - so further applications would be anticipated.
- 114 This development would also provide high-quality landscaping, open space and visual amenity, which would help to create a safe and inclusive community for older people. This would address isolation, depression and other mental health issues (including significantly rising cases of dementia going forward), as well as having positive impacts on physical health by creating an environment where older people would be encouraged to get out of the house, interact with neighbours, and participate in local activities.
- 115 Bungalows would be built to Sustainable Homes Code Level 4 and include a number of low-carbon technologies, including photovoltaic devices. The development would also consider flood risks and pollution, as would be expected. These measures would all tie in with Climate Local Sevenoaks, which was adopted by the District Council in December 2013. These low-carbon measures would also help to tackle fuel poverty amongst older people and address what is a high and worrying level of winter-mortality amongst this cohort in the Sevenoaks District (as evidence by Health).
- 116 Should a scheme be approved, the District Council would work with the respective housing association to create a specific sustainable lettings policy. We would look to give priority to those in the Swanley wards and then a cascade to neighbouring areas. A cascade would need to be in place to look wider afield, should nobody take up vacancies. This would be the same process as is used on rural exception sites (they, too, giving priority to those in the respective area) and give housing providers protection from long-term voids. We would not anticipate such a cascade needing to be used, however. Such a plan would need to be supported

and approved via portfolio holder decision, so this would all be subject to formal approval.

- 117 The Housing Policy Team would welcome this kind of housing provision on other sites, but viability generally restricts this from taking place (with the District's developable land typically being at premium levels and way beyond the scope of social housing development, other than through S106 agreements). This particular cross-subsidy model appears to be the only viable option to deliver social-tenure bungalow accommodation in the District and with no significant contribution from the public purse.
- 118 This is considered, therefore, to be a special case with very strong and specific links to housing, health and community strategy. It has the potential to achieve significantly positive outcomes and make a huge difference to the older residents of Swanley - both now and long into the future."

Response to additional information/amendments:

- 119 In response to the additional break-down provided by the applicant the Housing Policy Manager has commented that West Kent Housing Association provided details of a second study which showed significant a need – well above what would be required to justify such a scheme. This would be based on 55+, however, I think the need is so great that it is still demonstrated.

- 120 Clarification was also requested regarding potential Right to Buy and Right to Acquire issues.

Representations:

- 121 A letter has been received from former Cllr George raising the following objections:
- Development should be restricted to the 26% of the site area which is made up of the footprint to the existing school and caretaker's house.
 - The report implies the Green Belt between Swanley and Hextable is of low value, but this open area is important as it helps separate the identity of the two communities.
 - Original Housing survey had very low level of response.
 - West Kent Housing survey is flawed as it asked over 55 tenants one question "Do you think, as you grow older, you might be interested in moving to a two bedroom bungalow?"
 - The survey was sent to surrounding villages, but there is no break down of results.
 - There are other better located sites available within Swanley.
 - The social and private housing is not mixed across the site.
 - Highway issues in Leydenhatch Lane have not been addressed.

Response to additional information:

- 122 A further letter has been received from former Cllr George reiterating the objections raised above and noting that since the original application there has been further affordable housing agreed on the Age Concern site in the centre of Swanley and there are other sites within the town to meet all housing needs. The removal of the closure to the northern loop road will create more traffic on Leyden Hatch Lane.
- 123 Three letters of support have been received from residents in Russett Way raising concerns for the current appearance of the site. One of the writers expresses a desire to move to smaller scale accommodation and one writer expresses support for smaller scale accommodation in principle.

Chief Planning Officer's Appraisal

Executive Summary:

- 124 The appraisal starts by considering the impacts of the proposals on the Green Belt and landscape character and loss of open space. Significant harm is identified in these respects.
- 125 Other material planning considerations are also considered including the layout, design, highway implications, impact on residential amenity, archaeology, ecology, soil contamination and rights of way where no harm is identified. The report also considers the viability of the site and need for school places.
- 126 The report then considers the very special circumstances advanced. These include the issues of need, housing policy which supports affordable housing that would cater for the aging population and that which would support the ability of residents to downsize from larger properties and an effective legal agreement and concludes that the very special circumstances clearly outweigh the harm identified above.
- 127 The detailed consideration is set out below under the following headings.

Principal issues

- Policy Context
- Green Belt implications
- Green Belt – impact on openness
- Layout, design and highway considerations
- Impact on residential amenity
- Potential impact on archaeology
- Ecological implications
- Loss of open space
- Case for Very Special Circumstances

Introduction:

128 Key Government guidance is provided in the form of the National Planning Policy Framework (NPPF), which forms part of the material considerations relevant to the present application. As set out in paragraph 12, it introduces a presumption in favour of sustainable development but the guidance states that this should not be the case where the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate development should be restricted. Whilst this document does not change the statutory status of the development plan as the starting point for decision making, this now only applies where the existing Sevenoaks District Local Plan policies do not conflict with the NPPF.

129 Paragraph 14 of the NPPF also advises that for decision-taking, development proposals that accord with the development plan should be approved and where the development plan is absent, silent or out of date, granting permission unless:

“- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-specific policies in this framework indicate development should be restricted.”

Included in the latter point policies relating to Green Belt are specifically mentioned.

130 Paragraph 17 of the NPPF sets out a number of core planning principles to be followed. In summary, these principles include, amongst other things;

- Be genuinely plan-led to provide a framework which within which decisions can be made with a high degree of predictability and efficiency;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- To always seek to secure high quality design and good standard of amenity;
- Take account of the difference roles and character of difference areas, including protecting the Green Belt and recognising the intrinsic character and beauty of the countryside;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing that it is not of high environmental value;
- Promote use of public transport and focus significant development in locations which are or can be made sustainable.

- 131 Significant weight must also be given to the Councils adopted Core Strategy Development Plan (CS) Document (2011). This is the key document in the Local Development Framework. It draws together the objectives of a wide range of plans, programmes and strategies and provides the overarching principles that will deliver the essential development needs of the District.
- 132 Significant weight must also be given to the Allocations and Development Management Plan (ADMP), which has now superseded the Sevenoaks District Local Plan.

Policy Context:

- 133 The entirety of the application site is within the Green Belt.
- 134 Part of the site has been previously developed in the form of the existing buildings and hard surfacing. However, it should be noted that whilst the NPPF Core Planning Principles encourage the effective use of land by reusing land that has been previously developed (brownfield land), it carries the rider that this is “providing that it is not of high environmental value”. Furthermore, the Glossary in Annex 2 of the NPPF provides a definition of “Previously Developed Land”. This states “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure.”
- 135 The full implications of the proposals in Green Belt terms will be considered further in detail below.
- 136 However, in light of the above, policy L08 is the key Core Strategy locational policy relevant to the proposals. This relates to The Countryside and the Rural Economy. It states that:
- “The extent of the Green Belt will be maintained.
- 137 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...
- 138 Particular regard will be given to the condition and sensitivity of the landscape character and securing the recommended landscape actions in the proposed SPD to ensure that all development conserves and enhances local landscape character...”
- 139 In addition, it should also be noted that the application site was designated as an Outdoor Sports Facility (site 66) in the Council’s Open Space, Sport and Recreation Study (2009). Core Strategy policy SP10 states that open space of value to the local community will be retained and that development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided.
- 140 Policy GI2 of the ADMP relates to loss of open space. It states that change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites including redundant school sites will not be permitted unless the applicant demonstrates that the space is surplus to requirements or mitigated by equivalent replacement elsewhere. Proposals for built development on redundant

school playing fields in the Green Belt, other than for essential facilities for outside sport and recreation will be refused.

141 Policy CF1 of the ADMP relates specifically to the re-use of redundant school buildings. It states that where such buildings become redundant and there is no requirement for an alternative educational use, priority should be given to reusing the buildings or site to address local need for community facilities. Proposals for redevelopment for alternative non community uses will only be acceptable if it is demonstrated that there is no identified community need.

142 Detailed consideration is given to these issues below.

Green Belt Implications:

143 The Government's approach to development in the Green Belt is set out in the NPPF.

144 The following paragraphs set this approach out in detail:

“79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. 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.

81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green

Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”

- 145 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. A list of exceptions is provided. This includes the following criteria:
- 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.
- 146 The definition of previously developed land has been raised in the above section (Principle of development). It is clear that part of the site has been developed. Thus, in my view, there is likely to be potential for limited redevelopment to replace the existing built floorspace on site to constitute appropriate development.
- 147 However, because of the significant degree of site coverage and degree of development proposed it appears to be common ground that the present proposals fail to meet the requirements of this criteria, as the entire site cannot be considered as previously developed land.
- 148 Thus, the proposals represent inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposals are therefore harmful *in principle*.”
- 149 In addition, it is appropriate to consider the impact of the proposals on the purposes of the Green Belt, as listed above.
- 150 The prevention of urban sprawl is one of the Green Belts main purposes. In the present case, development at the application site would extend the built up area of Swanley beyond its existing boundaries. In my view there is a distinct break between the built edge of Swanley adjacent to the site and the western edge of Hextable. Though there are a number of buildings between the 2 settlements, I do not consider they significantly erode the open character. This is because they are generally isolated plots that are neither urban nor suburban in their proximity to other properties. Furthermore, though there are already buildings on the application site, they are of relatively modest scale and compact in form. Viewed in map or aerial form, as well as on the ground, they do not represent a significant visual encroachment and the built edge of Swanley in the form of the Russet Way/Wisteria Garden properties provides, in my view, a strong sense of containment to the urban area.
- 151 Following from the above and considering the site in the context of the open land to the east in the form of Swanley Park and playing fields beyond, I consider the site contributes to the predominantly open and undeveloped character of the land and thus I consider the redevelopment of the site on the extensive format proposed would represent an extension of the urban sprawl and a clear encroachment into the countryside. The site is considered an important “green wedge” which separates Swanley and Hextable.

- 152 In terms of the final purpose of the Green Belt listed above, it is clear, when read in the context of other relevant policies, particularly L01 and L04 of the Core Strategy and policies H1 and H2 of the ADMP, which allocate specific sites for housing development (as highlighted in the Planning Policy Section comments), the fundamental aim of the policy is to assist in urban re-generation and encourage re-use of urban land.
- 153 The question of whether the proposals serve the purpose of preserving the setting and special character of historic towns is considered further under the landscape section below.
- 154 Nevertheless, for the above reasons I consider the proposals fail to meet the purposes of the Green Belt, set out in detail above.

Green Belt – impact on openness:

- 155 As set out above, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 156 It is well established that openness is not reliant upon degree of visibility but upon an absence of built development. The present proposals would represent a conspicuous swathe of new development, which would plainly erode the openness of the site.
- 157 The existing footprint of buildings on site equate to approximately 1,400m² in total area. The proposals would represent a built footprint of some 6,000m², well over a 300% increase. The increase in total floorspace would be much greater. This does not account for the additional roadways, hardsurfacing and outbuildings proposed. Bearing in mind the relatively modest height of the existing school building, the increase in 3D, or volumetric terms, would be even more significant. The 2 storey houses would represent a significant increase in the height and scale of built form on the site. Furthermore, the built form in its entirety would spread across the vast majority of the site. In my view, this would in turn erode the ability of the site to fulfil the purposes of the Green Belt.
- 158 In light of the above, I consider the proposals would have a significantly greater impact on the openness of the Green Belt than the existing site, a large part of which is presently open grassland, with an extensive element of open parking or hardsurfaced play areas which has only a very modest impact on openness, in my view.
- 159 In terms of the character and appearance of the Green Belt, I consider the former school, which is essentially a single storey structure albeit with a large floor area, to have a relatively modest visual impact in its current form and location. The building is sited in a natural dip in the ground levels between the level of properties in Russett Way and the rising level of Swanley Park to the east. Properties to the southern extent of Russett Way and Wisteria Gardens backing onto the site have unrestricted views across the site. Looking back from Swanley Park, because of the lay of the land and the intervening foliage, the school building and house on the frontage are not visually prominent and there is an unrestricted view to the rear of these residential properties. Even viewed from Leydenhatch Lane on approach, the school is set back from the road and from the glimpses gained through the frontage foliage it appears subservient in form within

the spacious, green and open grounds which provide its setting. I would note that the hardstanding's have little impact on this character. Thus the site has a predominantly open character, especially in its present slightly unkempt state and indeed acts as a form of buffer between the completely open land to the east and the dense urban edge to the west. Whilst there is a Cottage on site, it is located at the front north-western corner of the site. In my view it is seen much more in the context of the dense form of housing development to the west. Hence, I do not consider it detracts from the general character of the site identified above.

160 In light of the above, I consider the site appears as distinctly separate from the built form to the west and in character is more akin with, and contributes to, the extensive open areas to the east.

161 In their present form, due to the density of development and the extensive spread across the site, I consider the proposals would harm the character and appearance of this part of the Green Belt and its openness and would undermine the ability of the site to fulfil the purposes of the Green Belt.

Conclusion of Green Belt Impact:

162 In view of the above, I consider the proposals represent inappropriate development within the Green Belt and thus they are unacceptable in principle.

163 In addition to the harm in principle, the proposals would have a significant impact on the openness and the character and appearance of the Green Belt.

164 The proposals would also harm the purposes of the Green Belt, particularly in terms of failing to check the unrestricted sprawl of the built-up area, preventing neighbouring towns merging into one another and failing to safeguard the countryside from encroachment.

165 The NPPF requires substantial weight to be given to any harm to the Green Belts. In this instance, for the reasons set out above, I consider the harm to be significant.

166 Paragraphs 87 and 88 of the NPPF state that:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

167 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

168 The case for very special circumstances is considered in detail below.

Impact on landscape setting:

169 Policy SP1 of the CS is relevant and has been referred to above. It states that account should be taken of guidance including the Countryside Assessment.

- 170 The council's Countryside Assessment (CA) indicates that Swanley itself is excluded from the character assessment (as an urban area). However, the application site, which is located on the extreme north-eastern edge of the town, appears to fall within the landscape character area identified as the "Hextable Fringe". The area is described in the CA as having a "very poor condition", with significantly interrupted visual unity and weak sense of place. It is thus described as having a low sensitivity to change. The Assessment explains that the dominant elements in the landscape are recent in the form of urban fringe and suburban land use.
- 171 The applicant therefore considers the site the most applicable area to accept change without causing irreparable damage to the distinctiveness of the landscape.
- 172 However, the concluding landscape action is to "Create". In order to create local distinctiveness, local landmarks and views should be identified and enhanced and the setting of historic settlement core should be upgraded and maintained. Actions include "retain and enhance historic characteristics of rural lanes and ensure that there is a definition between urban and rural routes.
- 173 Section 5 of the Sevenoaks District Council Countryside Assessment (adopted as SPG in 2011) provides a summary of "Landscape Issues". Particularly relevant to the consideration of the current application, this starts with a sub-section relating to "Fringe Landscapes".
- 174 This explains that "Pressure for new development is the most obvious challenge to existing landscape character. A particular problem is the growth of unremarkable development which has no local distinction or relevance to the site or to the local settlement pattern, and this may include post 1801 linear built development which is frequently cited as a detracting feature within the landscape. New development on the fringe of an existing urban area often introduces an incongruous or harsh urban edge into the adjacent landscape."
- 175 Though a short sub-section, specific reference is made to the settlement of Hextable at paragraph 5.7. This states that "...the conservation of existing cultural elements that create a sense of place will be of prime importance. The enhancement of the settings of historic settlement cores - such as Hextable - would restore a more profound sense of place to many of the expanded settlements."
- 176 The section ends with a concluding sub-section headed "The combined effect of inappropriate land uses, poor design and suburban fringe development."
- 177 The following paragraph 5.19 states that:
- "In many cases, it is the combined effect of the detracting elements - mainly in the landscape areas to the north of the District - which support the perception of a landscape in decline. The contributing factors include: the loss of tree cover caused by Dutch elm disease, poor unremarkable design in the built environment, inappropriate location of development, insensitive agricultural land management, horsiculture and suburban land-uses and boundaries, the introduction of urban edges into the view, the effect of litter and the effect of rural lanes worn by over-use and heavy vehicles.

178 In light of the above, it is my view that the site contributes positively to the setting of Swanley and Hextable. That said, I consider the site would be clearly set within the context of the adjacent built edge of Swanley and the extensive open land including playing fields to the east of the site would, in my view, retain a reasonable visual separation between the settlements. Appropriate enhancement planting, particularly along the eastern boundary could provide a clear visual separation from the open tracts of land to the east which separates the site from Hextable.

Layout, Design and highway considerations:

179 In summary, Policy SP1 of the Sevenoaks District Core Strategy Development Plan Document (CS) states that 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. Policy SP2 of the CS seeks Sustainable Construction and Low-Carbon Energy Generation.

180 Policy EN1 of the ADMP sets out the general Design Principles which should apply to all development. In summary, the policy states that proposals which would create high quality design and meet the following criteria will be permitted where the form of the proposed development would respond to the scale, height, materials and site coverage of the area, respect the topography and character of the site and preserve the character of the area. The design of new development should be permeable and provide connectivity with neighbouring areas and should ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policies T1 and T2 explain that new development would mitigate any adverse travel impacts and should meet the required parking standards.

181 The proposals would provide for a mix of housing types. The layout, design and form of the development – larger 2 and 3 storey market houses to the north of the site and bungalows to the southern part has been described in detail above. Although this layout results in the private and social housing elements of the scheme being distinctly separate (linked by a footpath and public open space), I do not consider this would flaw the proposals. Furthermore, there is some advantage in trying to minimise the wider impact of the development on the more open, exposed and undeveloped southern two-thirds of the site by proposing single storey bungalows. Although the Code for Sustainable Homes itself is no longer supported by Government, all dwellings are designed to meet Code for Sustainable Homes Code 4, or equivalent. This serves to illustrate that the design and sustainability of the buildings would be of a high standard and this is to be encouraged.

182 The 2 and 3 storey houses would be larger than those in Russett Way immediately adjacent to the site, but would generally reflect the size, scale and more spacious layout of houses close-by, for example in Selah Drive. These houses would comprise several alternate designs interspersed throughout the northern part of the site. They would be well articulated, with some containing subservient front and/or rear projections with subservient attached or detached garages. Materials would be varied and would reflect those seen elsewhere in the locality. In the circumstances, I consider this element of the proposals would be compatible with existing development in the locality.

- 183 The layout and design of the market housing has been amended since the original submission in a number of ways which are considered beneficial. A number of the dwellings have been “swapped”. This has resulted in the largest of the houses being located more centrally within the site, indeed flanking the main entrance into the northern part of the site. The dwelling at the extreme north-eastern corner of the site is now smaller and has been rotated, as suggested by the Public Rights of Way officer, so that the rear would look towards the public footpath. The northern access loop has also been opened up, as requested by the Highway Authority, to allow free flow of traffic.
- 184 Most importantly perhaps is the amending of the roof of the numerous garages to a hipped form with a consequent reduction in height and overall bulk. There have also been amendments to the roof form of the Ardleigh houses to provide a fully hipped roof form with lower ridge height by some 0.4m and amendments to the Dersingham houses to provide half hips rather than a gabled roof form. In my view, these amendments are not only acceptable generally in design terms but have the advantage of reducing the apparent scale of these dwellings. As these changes relate to a number of the units, this also has advantages in terms of reducing the overall scale, bulk and massing of built form across the site in general. These amendments are advantageous in terms of not only the reducing the potential visual impact on the locality but also seeking to limit the impact on the openness of the Green Belt.
- 185 The bungalows would occupy roughly the southern two-thirds of the site, with an area to the south-east and a strip to the east linking the footpaths maintained as open space. The bungalows are mostly arranged in short terraces or as semi-detached pairs. Their design is regular and would only be likely to be differentiated by subtle variation of the boarded elements to the main elevation. This element of the proposals would have a rather more regimented appearance, though is more reflective of the density (in terms of plot size) and layout to the neighbouring properties in Russett Way and Wisteria Gardens. The bungalows would clearly be of modest height and overall scale and in conclusion I have no strong objections to the design or layout proposed.
- 186 Details of materials for the development are indicated in the submission and could be subject to condition in the event of a grant of permission.
- 187 Landscaping proposals would result in the loss of some trees within the site, but propose a fair amount of new tree planting within the site. It is proposed to retain existing trees along the Leydenhatch Road frontage and between the development and houses in Russett way in particular, with some new screen planting adjacent to the Russett Way access on entry to the site. Much of the tree planting along the southern and eastern boundaries lies outside the site and would thus not be directly affected. New tree planting is proposed adjacent to the south eastern edge of the site, with a section of hedging and more modest tree planting further north along the eastern boundary. Planting within the site would be reasonably varied and comprehensive and would in time help soften the appearance of the development, in my view. Again, detailed proposals could be subject to condition in the event of permission being granted.
- 188 I would note that the proposals include various elements of high brick boundary walls and fencing, particularly where the market housing would front a highway. However, the more formal use of walls would be largely restricted to the interior of the site. The means of enclosure are clearly intended to provide a degree of

security and privacy to the houses. Whilst I do not have a strong objection to this in terms of the general appearance of the site, this would inevitably contribute to the urban character of the development and have some impact on the general open character of the site.

- 189 In terms of impact on the highway network, the Highway Authority are satisfied with the proposals in amended form, with the northern loop road open to enable traffic to circulate the site. Because there would be 2 separate accesses serving the separate elements of the proposals this would in turn limit the amount of traffic using each. Thus the impact beyond the site is considered very limited and well within the capacity of the road network. Thus there is no objection in principle to the proposals on highway grounds. Furthermore, the parking proposed on site in connection with the development proposed is considered acceptable.
- 190 Details of landscaping, boundary treatments and parking could all be subject to conditions in the event permission were to be granted.
- 191 In conclusion, it is considered that the proposals represent an acceptable layout, design and scale.

Impact on residential amenity:

- 192 Policy EN2 of the ADMP states that proposals will be permitted where they would safeguard the amenities of existing and future occupants of nearby properties. Of particular relevance here is the impact in terms of visual intrusion, potential overlooking and loss of privacy and the impact of associated vehicular movements.
- 193 Much of the development to the south of the Russett Way access point would be single storey and set at a lower ground level than the neighbouring properties in Russett Way and Wisteria Gardens. Though the bungalows would clearly be visible, views would largely be of the upper portion of the roof or indeed views across the roof tops. There is no right to a view in planning terms. The key issue is whether the bungalows would appear so large and imposing as to result in an overbearing or unduly unneighbourly form of development. Bearing in mind the distances involved (20+m in the majority of cases, though I note several instances where the distance is between 15-17m if measured obliquely), the potential for boundary screening (1.8m high timber fencing proposed), the difference in levels and the scale of proposed development, I do not consider this element of the proposals would have an unacceptable impact on the amenities of these neighbouring properties.
- 194 Properties to the south in Aisher Way, which back onto the site, are set at an oblique angle to the site and would be screened by existing trees along the existing lane between the sites. These properties would have a comfortable relationship with the site and thus I consider the impact on these properties also acceptable.
- 195 The properties most significantly affected by the proposals in my view would be nos. 38 and 40 Russet Way, which back onto the north-western boundary of the site. At worst these properties would be between a minimum of approximately 17-18m from the closest rear corner of the proposed unit S4. However, Unit S4 was originally to comprise a larger dwelling. This has now been swapped with Unit S5. The design of the proposed house is smaller, with reduced width facing the

Russet Way properties, more space around the house and hence a more comfortable relationship with the adjacent boundary trees along the western boundary of the site. Furthermore, unit S4 has been sited so that it is angled slightly obliquely with regard to the Russett Way properties. Thus the single habitable first floor window (bedroom) would be set slightly further from the neighbouring houses, with main outlook towards an existing established tree. Landscaping on the western boundary (including trees) is proposed to be retained and this could be adequately covered by condition. In the circumstances, I consider the relationship to properties in Russet Way to be an acceptable one.

- 196 The proposed house towards the north-western front corner of the site would have a similar siting to the existing cottage and would have a flank elevation facing nos. 28 and 30 Russett Way, with a minimum separation of 21m. Bearing in mind the spatial character of the area and distances between dwellings, I consider the impact on this house would not be considered a harmful impact. Similarly, the majority of the 2 storey houses would be set further from properties in Russett Way, thus the direct physical impact on the amenities of the existing properties would be limited in my view.
- 197 I consider there to be sufficient separation and tree screening between the proposals and Brambleside, the property on Leydenhatch Lane directly opposite the site.
- 198 In light of the above, I consider the proposals would have an acceptable relationship with the neighbouring properties and would not have an overbearing or unneighbourly impact or result in an unacceptable degree of overlooking or loss of privacy.

Impact on Archaeology:

- 199 Paragraph 132 of the NPPF states that “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.” Paragraph 133 continues “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Local planning authorities should refuse consent.” Paragraph 134 states that “Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”
- 200 Policy EN4 of the ADMP relates to Heritage Assets. In summary, the policy states that development will be permitted where it conserves or enhances the setting of the asset. Where the application is within or would affect an area of archaeological importance an assessment should be undertaken to ensure protection of remains.
- 201 The proposals would result in the excavation of footings and installation of services will result in extensive impact (described as moderate-high). However, an archaeological assessment of the area has been undertaken and has concluded site is within an area of low archaeological potential.
- 202 The assessment has been examined by the County Archaeologist, who has raised no objection, subject to an appropriate condition in the event of permission being forthcoming.

Ecological Implications:

- 203 In summary, there is legislation which requires the Local Planning Authority to have regard to conserving biodiversity and to consider the potential ecological impacts of a proposed development and provide enhancement where possible.
- 204 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 205 Various reports have now been submitted with regard to ecology. Initially a "Preliminary Ecological Appraisal Report was undertaken in February 2014, with a further update in April 2014. The reports concluded that the semi-mature tree, dense scrub and introduced scrub offer moderate potential to support nesting birds. Building 1 and 2 offer moderate potential to support roosting bats. Building 3 offers low potential to support roosting bats. In addition the poor semi-improved grassland and scrub edge habitats offer moderate potential to support common reptile species. In light of this a number of further surveys were recommended if clearance of trees, scrub and/or poor semi-improved grassland and/or demolition of buildings is planned, including bat and reptile surveys.
- 206 Further survey work has been undertaken and details submitted in the form of a Protected Species Report in November 2014. This identifies a foraging/commuting population of bats within the site, breeding birds and a low population of reptiles. The impact on these species can be satisfactorily mitigated by suitable conditions. Enhancements are also proposed in the form of bird and bat boxes.
- 207 On the basis of the information received to date and proposed mitigation, the County Ecologist raises no objections to the proposals, subject to conditions.

Loss of open space:

- 208 Chapter 8 of the NPPF relates to promoting healthy communities. Paragraph 69 states, amongst other things, that planning policies and decisions should aim to achieve places which promote safe and accessible environments and safe and accessible developments, containing clear and legible pedestrian routes which encourage the active and continual use of public areas. Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust assessments to determine what open space, sports and recreation provision is required.

Paragraph 74 states that:

- 209 "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or

- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”
- 210 The Council’s Open Space, Sport and Recreation Study 2009 included an audit of all open space in the District and provides priorities for future provision. Whilst identified in the study (as Site 66), Birchwood School has not been specifically identified as an allocation as the site lies within the Green Belt and, as such, is already protected from inappropriate development.
- 211 At local level, Core Strategy policy SP10 states that open space of value to the local community will be retained and that development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided.
- 212 In addition, the following policies in the Allocations and Development Management Plan are also relevant.
- 213 Policy GI2 (Loss of Open Space) states that the redevelopment of redundant playing fields will not be permitted unless the space is surplus to requirements, the loss can be mitigated by replacement provision or the development is for alternative recreational use (in line with NPPF para 74). The scheme does not meet any of these criteria. It also states that Proposals for built development on redundant school playing fields in the Green Belt other than for essential facilities for outside sport and recreation will be refused.
- 214 Policy CF1 (re-use of redundant school buildings) states that where school buildings become vacant/redundant and there is no requirement for an alternative education use, priority should be given to re-using the building in addressing local need for community facilities.
- 215 I would also note the continued objection from Sport England to the loss of potential playing fields without adequate replacement. This appears to be a purely quantitative issue, where despite new facilities being provided on the adjacent site, this has not resulted in the provision of new open space.
- 216 The objections raised above must be given weight, not least as the local policies are consistent with Government policy. It seems to me that these objections cannot be addressed unless the existing site is regarded as surplus to requirements, in terms of an alternative recreational or community use, there must be provision of alternative facility provided *on site*.
- 217 That said, I consider it is worth giving some further consideration to the background for originally identifying the Birchwood site for recreational as an “outdoor sports facility”.
- 218 The original identification of the site in the Council’s Open Space, Sport and Recreation Study is explained at paragraph 9.29 of the document, which relates to provision in Swanley. This states that “Swanley Town Council has stated that, due to the closure of Birchwood School (adjacent to Swanley Park), there is an under provision for junior and youth football. They have stated that there is a need to support the provision of football pitches in the Birchwood area of Swanley (Site 66).”

- 219 The conclusion of this section relating to playing field provision explains that the vast majority of Sevenoaks District residents are within the recommended catchment area of an outdoor sports facility. However, as many of the outdoor sports facilities are school sites, access can be difficult. Many school sites do not allow community access at all, despite being the only outdoor sports facility in some towns or villages. It should be a priority for the Council to try and open up formal access to such sites where no other facilities exist and to protect such facilities from development.
- 220 Whilst it appears from the application documents that Swanley Town Council were originally considering using Birchwood School grounds to provide new facilities, they instead gained permission in the beginning of 2012 for the remodelling of an area of Swanley Park immediately adjacent to the school grounds to create 1 full size football pitch and 3 five a-side football pitches with spectator mounding, informal landscaped parkland area with new planting and biodiversity enhancement, laying out of new footpaths and informal parking area. (Reference SE/11/02859/FUL).
- 221 Thus, whilst this does not result in a net gain in terms of the area of open space, as clearly the site in Swanley Park already existed, I do consider that this facility does provide better provision to that previously available in terms of quality. I consider this to be the case because the former open space/playing fields on the site was private space and not accessible to the public. Furthermore, the school closed in 2007 and whilst some efforts have clearly been made to use the site for the provision of playing fields for public use, the interested party (Swanley Town Council) decided to improve the land immediately adjacent to the site and have provided new playing field facilities here.
- 222 Whether or not there remains a shortfall of playing pitches in the Birchwood area will not become clear until the Council have carried out a Sports Facilities/Open Space/Green Infrastructure Study which is timetabled for the beginning of 2016.
- 223 I am not aware of any other interest in the site for recreational or community use having been advanced and I do consider some weight should be given to the provision of public playing fields on the adjacent land.
- 224 In addition, whilst the proposals do not include alternative playing fields, they would include the provision of a reasonably large area of public open space (approximately 2,800m² in area) to the south-eastern corner of the site, with a strip extending northwards along approximately two-thirds of the eastern edge of the site. Also proposed is the incorporation of a number of public pedestrian links through the site, including through the public open space. Hence the proposals would create public open space on the site where none exists presently and would improve public access to the open recreational grounds to the east.

Contamination:

- 225 Paragraph 120 of the NPPF states that the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 226 Neither the Environment Agency or the Council's Environmental Protection Section have raised objections to the proposals subject to a number of detailed conditions dealing with potential contamination, amongst other things, which could be attached in the event permission were to be granted

Public Right of Way

- 227 KCC PROW does not object to this proposal, but would like mitigation for potential littering and other measures. The NPPF and National Planning Policy Guidance states that planning obligations should be used to mitigate the impact of unacceptable development to make it acceptable in planning terms; be directly related to the development and fairly reasonably related in scale and kind. The information provided does not demonstrate that the provision of measures to address potential littering, install cycle barriers and dedicating an additional right of way, would pass these tests.
- 228 However, the applicant has indicated cycle barriers at the junctions of the new pedestrian links from the site into Swanley Park to the east and the provision of these could be subject to a suitable condition. The Rights of Way Officer had also recommended that the dwelling at the north-eastern corner of the site should be able to oversee the adjacent Public Right of Way. The amended proposals under consideration have included the re-orientation of this dwelling (Plot S16) to achieve this.

Case for Very Special Circumstances:

Background:

- 229 Kier with Town and Country Housing Group are the developers and applicants and are seeking planning permission to develop this Kent County owned site. Kier have access to investment from a number of institutions with funding available for investment in housing who are seeking a long term inflation-linked return.
- 230 The initiative requires the public sector to provide the land under a long lease (normally 125 years) and to enter into agreement and/or with housing association to pay the rent for all tenancies index linked for the full term of the lease. This is normally between 20-50 years depending on the rental terms, at the end of which the public sector would retain ownership of the land and homes subject to a peppercorn rent. Capital, headroom and revenue surpluses can be generated from the model through the introduction of an element of market sales and market rent.
- 231 The Kier Kent initiative is linked to 3 sites within Kent; Hersden in Canterbury, Faversham in Swale and the current application site in Swanley, Sevenoaks.

The applicant's case, in summary is as follows:

- 232 The proposals seek a total of 65 dwellings, 25 of which are for private or market sale. The proposed market housing is included within the development proposals to cross-subsidise the delivery of the proposed 40 affordable bungalows and without the inclusion of the proposed market sale dwellings the proposals to develop the 40 affordable bungalows would not be viable.
- 233 Sevenoaks District Council in conjunction with Tonbridge & Malling B.C. and Tunbridge Wells B.C. undertook a Strategic Housing Market Assessment (SMHA)

to provide an evidence base for the nature and level of current housing demand and need in West Kent (2008 SMHA). The SHMA identifies that as April 2012, there were 1,485 households registered as needing social housing on the Sevenoaks District Housing Register, with insufficient social housing stock.

- 234 The SHMA identifies an affordable housing need of 948 units per annum for the period 2006-2026 for Sevenoaks District. After allowing for existing stock net re-let supply, there is an annual shortfall of 646 affordable dwellings per annum in Sevenoaks District. This will result in a significant shortfall over the 20 year period 2006-2026 (equating to a need of 12,920 additional affordable dwellings).
- 235 The last 4 years shows not even SDC targets were being met. Thus there is a significant shortfall.
- 236 The proposals would provide 40 new affordable units, which would represent 62% of the annual target and reduce the current overall shortfall. It would exceed Core Strategy policy SP3 requirements for a minimum 40% of total units to be affordable (62% proposed) and at least 65% rented (100% proposed to be rented).
- 237 The applicant concludes that based on historic levels of affordable housing development the need will not be met through conventional approaches and that the approach taken in this application, the “Kier Kent Initiative”, will meet an identified need.
- 238 In addition to the above, there is a pattern of aging population in the West Kent area. In Sevenoaks District the predominant population group is in the 45-64 age group. Between 2006-2026 it is predicted that the age range 65-84 will increase by 6,400 (37%) and for the 85+ age range by 2,800 (94%).
- 239 The bungalows would be built to lifetime home standards and would have the potential to address the housing needs of the elderly. They would also have the benefit of potentially enabling households to down-size, freeing up family housing. This is considered to contribute to wider sustainability.
- 240 There are no other sites within Swanley which could accommodate the number of bungalows proposed.
- 241 Retention of the affordable bungalow units for those aged 55 years and over in perpetuity can be adequately controlled by a legal agreement.
- 242 The following details are provided in amplification of the above:
- The Swanley application is one of 3 linked schemes in Kent. The land to be developed is provided by Kent County. Kier would purchase the land. Keir use their Investment Funding to construct the entire development. Kier then sell the private units on the open market to recoup their costs, whilst the return to the Investment Funding is provided by long term rental from the affordable units which are to be managed and rented out by Town and Country Housing Group. An annual rental income would also be achieved by KCC.
 - The proposals would provide a total 172 dwellings over the 3 sites with 50 being for private sale, 20 for social rent, 62 for affordable rent and 40 for

affordable rent with an ability to reach market rent. Affordable units would account for 69% of the dwellings at Hersden, 100% of the units at Faversham and 61% of the units in Swanley. Financing of the sites is linked and thus the scheme as a whole is only viable if the development of all 3 sites can be achieved. This is, according to the applicants, because KCC have to achieve “best Consideration” for the value and use of their land and because the Faversham site does not contribute to the land receipt (as no private market housing on this site).

- 26% of the Swanley site comprises building and hardstanding. Thus part of the site is previously developed land. Its contribution to the “green wedge” between Swanley and neighbouring settlements is limited.
- The UK has an aging population which is growing rapidly. Studies identify the increasing need to provide housing for older people, including bungalows. This trend is reflected in Sevenoaks District. There is a general demand for bungalow accommodation and 2 beds better suit the need of older people who wish to downsize from larger houses. This move would in turn allow large family houses to be re-used more efficiently as family housing. The Swanley site is located immediately adjacent to an existing affordable housing community. A report by Kent Homechoice indicated a very high demand for bungalows to let across Sevenoaks District.
- Other sites in Swanley are physically incapable of accommodating the number of bungalows proposed and in any event landowners would be likely to maximise the value of their sites by seeking higher density developments.
- With regard to the legal planning agreement, the applicant states that it is possible to prevent acquisition of the affordable units by tenants as they would not benefit from the “Right to Buy” and “Right to Acquire”. This is because no public funding is involved in the construction of these units. Furthermore, the affordable units would only be available to those over 55 years and a “cascade” system would ensure priority for the units is given to local residents, amongst other criteria.
- The loss of the former school playing fields has been compensated for by the development of pitches on the adjacent land by Swanley Town Council.
- The KCC Education Commissioning Plan confirms that it is intended to meet future demand for primary school places through expansion of neighbouring schools and that the existing school site is not required for this purpose.

Consideration of very special circumstances:

- 243 Notwithstanding the applicant’s case above, the development proposals would represent inappropriate development within the Green Belt.
- 244 As explained above the NPPF states 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.”

- 245 Paragraph 88 states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, *and any other harm*, is clearly outweighed by other considerations.” (My italics)
- 246 In this instance, other harm includes harm to the purposes of the Green Belt, harm to the openness of the Green Belt and to its character and appearance and also harm in landscape terms. As the harm to the Green Belt is significant, there will only be justification, if the very special circumstances advanced are even more significant.
- 247 It has been previously stated that the proposals fail to provide community facilities on site and that they would result in the loss of the redundant playing fields without equivalent replacement.
- 248 However, in terms of layout, design and highways impact, I am satisfied that the revised proposals address the concerns raised previously and consequently no objections are raised in these regards. Furthermore, I consider there are no other objections (eg. Ecology, contamination, archaeology), which could not be adequately addressed by suitable conditions attached to any permission.
- 249 I acknowledge the applicants contention that the market housing is (principally) required to cover the cost of purchasing and constructing the bungalows and making them available as affordable housing. (There will be more discussion of this later in the report). In addressing the above, in my view it is necessary to demonstrate not only that there is an overriding need for the housing proposed but that it can only be addressed by permitting the development proposed on this particular site in this form and that those circumstances clearly outweigh all the harm identified.

Relevant policy background regarding development within Swanley:

- 250 Having acknowledged the inappropriate nature of the development within the Green Belt in detail above, it is also worth considering the background to the policies relevant to controlling development within Swanley.
- 251 In this regard, much of the information referred to by the applicant in justifying the proposals (eg. Strategic Market Housing Assessment (SHMA)) has been taken into consideration during the formulation of the Core Strategy and the Allocations and Development Management Plan (ADMP).
- 252 The policies particularly relevant to the proposals are L01 and L04 of the Core Strategy. In view of the application proposals for housing on this Green Belt site, it is worth examining these policies in some detail.
- 253 Policy L01 relates to the Distribution of Development generally within the District. It states that development will be focussed within the built confines of existing settlements. Swanley will be the secondary focus for development with the emphasis on maintaining and enhancing its role and promoting regeneration to meet the needs of the local community in accordance with policies L04 and L05 (which relates specifically to the town centre and thus is not directly relevant to this application)

Paragraph 4.3.5 of the supporting text to L04 states that:

- 254 “Swanley is surrounded by Green Belt land...to the north and north east the Green Belt plays an important role in separating Swanley from the nearby communities of Hextable and Swanley Village...The Green Belt can play a significant role in assisting regeneration by focusing investment on existing urban land. For these reasons there are no proposals to release Green Belt land around Swanley.”
- 255 As a consequence of the above, housing provision is based on the findings of the Strategic Housing Land Availability Assessment. Furthermore, following scrutiny of the Sevenoaks Housing Land Availability methodology and process during the Core Strategy, in which the Inspector deemed the methodology to be appropriate, the Council updated its housing supply to a base date of 1st April 2013. Based on this assessment the Council can currently demonstrate a housing land supply of 3,697 dwellings for the plan period (2006-26), a surplus of approximately 400 units over and above the 3,300 units identified in the Core Strategy (para.3.8 ADMP).
- 256 Thus policy L04, which relates to Development in Swanley states that (in summary):
- “In Swanley provision will be made for approximately 660 dwellings (2006-2026) throughout the town on a range of sites suitable for residential use within the urban area. *(It should be noted that this provision includes completions to date, extant permissions and windfalls as well as the sites allocated.)*
- 257 In allocating sites for development in the Allocations and Development Management Plan, the emphasis in this area will be on (amongst other things):
- Providing additional public open space where opportunities arise: and
 - Protecting the setting of the town and the physical and community identity of the adjoining settlements, and prevention of coalescence.”
- 258 It is evident that the above policies and the subsequent housing allocation in Swanley has been formulated to limit development to the built up areas and to prevent encroachment in to the Green Belt.
- 259 Following on from the above, the adopted ADMP sets out a number of specific sites for housing development within Swanley (policy H1 and mixed use including residential units policy H2). These include Bevan Place (46 units), Land West of Cherry Avenue (50 units) and United House (185 units).
- 260 This approach is consistent with the core planning principles of the NPPF set out at paragraph 17, which advocates a plan-led approach with a framework for decisions on planning applications to provide a high degree of predictability.
- 261 The applicant has reviewed the likely potential for accommodating some or all of the affordable housing on the sites allocated for housing development within Swanley and contends that the proposed bungalow development could not be accommodated on these sites. I consider it worth considering this in more detail.
- 262 The development guidance in the ADMP sets an allocation for Bevan Place at 46 units based on a density of 100 dwellings per hectare. This is likely to be most appropriately provided in the form of apartment blocks. There are issues of air quality and traffic noise relating to the site, which are likely to add to the cost of

development. The applicant contends that transposing the density of bungalow development proposed, the site would only be likely to accommodate 12 bungalows.

- 263 Cherry Avenue is a much larger site. It is allocated within the ADMP for approximately 50 dwellings at an approximate density of 50 dwellings per hectare. A mix of housing types are envisaged (specified as semi-detached, terraced and detached). The applicant contends that the site would only accommodate 22 bungalows.
- 264 With regard to the Bus Garage/Kingdom Hall site, the ADMP allocates 30 units at a density of 40 dwellings per hectare. Attached housing is likely to be the most appropriate form of development on the site. It is also considered suitable for housing specifically designed for older people. The applicant contends that a bungalow development would only provide 22 units.
- 265 In short, the applicant contends that the allocated sites are not suitable for the quantum of bungalow development proposed.
- 266 In my view, because bungalows are designed with all accommodation at ground floor level, with no opportunity to place accommodation at upper level, they will inevitably require a greater footprint with the consequence that less units can be built on a site. The Core Strategy and ADMP deliberately seek to maximise the development potential of urban sites. For these reasons, whilst it may physically be possible to accommodate bungalows on the allocated sites, they would fail to achieve the density of development sought in the ADMP. Furthermore, a reduction in the total number of units on site would also result in a reduction in the number of affordable units provided. In addition, the sites are not in Kent County ownership and it is reasonable to assume that the site owners will seek to maximise the value of their land. This will be largely reliant on higher density development to maximise profit and also off-set the cost of including affordable housing.
- 267 This is in my view, in a nutshell, the main reason why inevitably so few bungalows are built. That is not to say that they are not being built, rather that they are a result of an individual choice relating to a single unit rather than multiple unit schemes.
- 268 In light of the above, I do not consider there to be a reasonable prospect of achieving affordable housing in the form of bungalow development on these allocated sites. I consider it appropriate that significant weight should be given to the lack of suitable alternative available sites for this form of bungalow development.
- 269 Notwithstanding the above, it is worth bearing in mind the potential “windfall” sites within the urban confines should not be underestimated. An example being the decision (Ref: SE/12/03421/OUT) to grant up to 61 houses at Broom Hill (including not less than 24 affordable units) to the extreme south-east of Swanley. This site was not allocated for housing, but is within the built confines. However, whilst this will provide some affordable housing, the proposals again seek to maximise the development potential of the site within the urban area and hence does not include bungalows.

Need for housing/affordable housing:

- 270 If the lack of suitable sites to accommodate affordable bungalows within the built confines is accepted, then in my view, the starting point is to clearly identify the actual need for the affordable housing and in particular bungalows, as opposed to the demand for them which appears to be undisputed.
- 271 Because of the significance of housing need in the consideration of this application, it is worth briefly considering the Council's approach to housing strategy and affordable housing provision in general, how that links with provision of housing in planning terms, actual housing provision within the District and the need for the proposed bungalow development.
- 272 I have considered the applicants case in light of the Council's Housing Section comments. In my view, it is clear that there is general concurrence with main thrust set out above. However, of particular relevance it is worth reiterating following.
- 273 The District Council's Housing Strategy Action Plan 2012 (HSAP) agrees 2 strategic aims relevant to this application; to provide a good mix of affordable housing across all tenures and meeting the needs of vulnerable and lower income households, which includes catering for the needs of older people. Demographic projections indicate that there is an aging population in Sevenoaks, particularly amongst the +65 and +85 cohorts.
- 274 Most significantly, the Sevenoaks District Housing Register (SDHR) shows that in the 55 to 65+ age group there are 165 people seeking bungalow accommodation and of those, 51 specify Swanley as their preferred location.
- 275 I also consider it worth noting the issue of under-occupation of housing. This is where families have reduced over time and there may be only one of the original tenants in a family sized house. In 2012 the District Council adopted the Under Occupation Strategy. This specifically seeks to increase the supply of properties that meet the needs of disabled and older people to help encourage them to move out of properties which may be larger than they need.
- 276 I would also note the Housing Policy comment that in their view, because of high land prices within the District, viability would generally restrict affordable bungalows. This is the conclusion I have reached above with regard to the potential of the allocated housing sites within Swanley.
- 277 Whilst the Council have recently undertaken a new Strategic Housing Market Assessment, it is worth setting this in the context of the existing planning policies, which themselves stem from earlier research.
- 278 With regard to housing, the West Kent Strategic Housing Market Assessment (SHMA) undertaken in 2008 established the nature and level of housing need (both market and affordable) for the three West Kent authorities; Sevenoaks, Tunbridge Wells and Tonbridge & Malling. For Sevenoaks, the SHMA identified an affordable housing need of 646 units per annum for the period 2006-2026. The study recommended a target of at least 40% affordable housing for all suitable sites, whilst considering a range of site thresholds below 15 units to recognise viability issues. It also identified a need for bungalow accommodation for older people to help them remain independent.

279 Recognising constraints in the District, and taking account of land supply, the Core Strategy (CS) set a housing target of 3,300 units over the period 2006-26, equating to an annual target of 165 units. Taking into account the SHMA recommendations, Core Strategy policy SP3 requires 40% affordable housing on developments of 15 dwellings or more, equating to an annual target of approximately 66 units for larger sites.

280 The following table (taken from the Annual Monitoring Plan of the Core Strategy) sets out the quantity of housing that has actually been delivered in the District over the last 4 years, as monitored by the Planning Policy Team.

	2010/11	2011/12	2012/13	2013/14
Market (net)	230	149	156	173
Affordable (net)	51	25	-15	51
Total (net)	281	174	141	224

281 In conclusion from the above, whilst the overall CS housing target for market housing over the last 4 years is being met, overall affordable housing provision has been considerably under target, with only 112 units provided over this period - a shortfall of 152 units from the target of 264.

282 It is clear to see that there is a significant shortfall in the delivery of affordable housing, both in respect of the need identified in the 2008 SHMA and the Core Strategy target.

283 Furthermore, whilst the Government has recently reversed its decision to restrict the circumstances where contributions for affordable housing should be sought following a High Court challenge, it is possible that similar approach may be resurrected in the future, restricting the Council's ability to seek affordable housing/contributions on small sites.

284 Following the adoption of the Allocations and Development Management Plan (ADMP) in February 2015, which allocates sites to meet the Core Strategy housing target, the Local Plan must be reviewed in order to bring it in line with up to date government policy. This process involves refreshing evidence base documents, including the SHMA.

285 In this regard the Council have very recently undertaken a new Strategic Housing Market Assessment (2015). The 2015 SHMA identifies an objectively assessed housing need of 620 homes per year for the period 2013-33. It also identified a need for affordable housing of around 420 homes per year. Whilst the figures are not directly comparable, the affordable housing need makes up around 70% of the total housing need for the District. It should be noted that whilst actual housing targets (which are yet to be set) may well be less to reflect the constraints of the District, they nevertheless establish the baseline figures. It is clear that there is significant pressure to provide both market housing and especially affordable housing.

286 Furthermore, paragraph 7.32 of the section entitled “Types and Tenures of Specialist Housing” of the SHMA 2015 states:

“Our experience when carrying out stakeholder work as part of SHMA commissions typically identifies a demand for bungalows. Where developments including bungalows are found it is clear that these are very popular to older people downsizing. It should be acknowledged that providing significant numbers of bungalows involves cost implication for the developer given the typical plot size compared to floor space – however providing an element of bungalows should be given strong consideration on appropriate sites, allowing older households to downsize while freeing up family accommodation for younger households.”

287 Turning from this general context set out above, the application site is located on the urban fringe. It is not a local settlement away from the urban area and rural towns. Therefore, policy SP4 (which replaced H9 and relates to Affordable Housing in Rural Areas – The “exceptions” Scheme) *does not apply* to the application proposals. Thus there is no policy support in housing terms for the proposals (with the intention that development will be within the built confines of Swanley, as supported by the 5th principle of the purpose of the Green Belt, set out above).

288 However, policy SP4 does set out a list of criteria which must be met for a housing scheme in the Green Belt to be considered as an exception. This does provide a useful method for helping to assess the proposals.

289 The background to SP4 explains that the policy is intended to allow small scale affordable housing in the Green Belt only where there is evidence of local need, identified through a housing needs survey (in rural areas this is carried out through “Action with Communities in Rural Kent”). Sites released as an exception to policy should be made available exclusively for affordable housing to meet strictly defined local needs IN PERPETUITY.

290 For the purposes of this policy local need is defined as (in summary):

The need of those unable to gain access to existing local accommodation suited to their needs at an affordable cost and that fall within one or more of the following categories:

- Those in Parish currently in accommodation unsuited to their circumstances for physical, medical or social reasons and which is incapable of being improved (with grant assistance).
- Dependants of household who have been resident in the Parish either for a continuous period of 3 years or alternatively any 5 years out of the last 10.
- Local connections (family resident in area for at least 10 years).
- Employment link.

291 Policy SP4 states that:

Small scale developments for affordable housing only will be developed to meet local identified need through (rural) housing needs surveys. The following criteria will be applied in identifying sites:

- a. The local need identified through the rural housing needs survey cannot be met by any other means through the development of sites within the defined confines of a settlement within the parish or, where appropriate, in an adjacent parish;
 - b. The proposal is of a size and type suitable to meet the identified local need and will be available at an appropriate affordable cost commensurate with the result of the appraisal. The proposal is accompanied by a financial appraisal proving the scheme will meet the defined need. Schemes which propose an element of cross subsidy will not be acceptable;
 - c. The proposed site is considered suitable for such purposes by virtue of its scale and is sited within or adjoining an existing village, is close to available services and public transport, and there are no overriding countryside, conservation, environmental or highway impacts. The initial and subsequent occupancy of sites developed under this policy will be controlled through planning conditions and agreements as appropriate to ensure that the accommodation remains available in perpetuity to meet the purposes for which it was permitted.
- 292 One of the major concerns of the previous application, (withdrawn prior to determination), which undermined the applicants case, was that whilst there was much anecdotal evidence of a demand for bungalows there was a lack of *any* housing needs survey.
- 293 Three housing surveys have since the previous application was withdrawn; The Swanley Housing Needs Survey, a West Kent Housing Association survey of all tenants over 55 years of age which asked the general question of whether they would be interested in moving to a 2 bedroom bungalow and a further West Kent Housing Association survey to tenants over 55 years of age specifically relating to bungalows on the Birchwood School site. The details of these surveys is amplified below.
- 294 The Swanley Housing Needs Survey was produced in November 2014 (the first survey). This was an independent survey undertaken on behalf of the Council by the Rural Housing Enabler from Action with Communities in Rural Kent.
- 295 In summary, a total of 7,265 surveys were sent to every household in Swanley, with 470 surveys being returned, representing a response rate of 6%. Of the respondents 67% were owner occupiers and 74% had lived in the Parish for 10 years or more. An overall need for 62 households was identified. Of these 10 of the households are older people who need alternative housing; extra care/suitable for older persons. Size and tenure identifies 9no. 1 or 2 bed units to rent to older people and 1 for shared ownership.
- 296 Because the response rate for the survey was particularly low, it was recommended that a more detailed needs analysis be undertaken.
- 297 As a consequence a further survey was undertaken by West Kent Housing Association (WKHA) in November 2014, on behalf of Town and Country Housing Group (the second survey). This was circulated to all tenants aged 55 and over living in general needs rented homes in Swanley and surrounding Parishes (as per the "cascade" usually set out relating to occupation of affordable homes allowed as very special circumstances in rural areas). This asked the general question of

“do you think that as you get older you might be interested in moving to a 2 bedroom bungalow?”. A total of 1218 letters were sent out with 558 responses (46% response rate). Of the responses received 283 replied “Yes” and 275 replied “No”. Of the “Yes” vote 6 people asked if they would be suitable for people with disabilities.

- 298 Unfortunately, however, these results did not provide a detail Parish breakdown of responses.
- 299 In the circumstances, WKHA undertook a further survey in February 2015 (the third survey) This survey was circulated to West Kent Tenants where someone in the household was aged 55 or over who live within the parishes detailed in the draft Local Letings Plan cascade. This survey were specific to the proposals to built 2 bedroom bungalow for the over 55’s to lifetime home standard on the former Birchwood School site. The survey asked the questions whether “you would be interested in moving to a 2 bedroom bungalow in Swanley?” and “If yes, do you require a fully wheelchair accessible home bungalow?”
- 300 A total of 947 letters were sent with 539 responses received (57%). Of the respondents, 220 (41%) answered “Yes”. A detailed breakdown of the result has been provided which reveals that of the Yes votes, 152 respondents were from Swanley, 7 from Hextable and 12 from Crockenhill, with the remainder made up of responses from the northern Parishes of the District generally. Furthermore, of the Yes vote, a further 19 in Swanley responded that they needed a wheelchair adapted bungalow. These results suggest a significant margin of interest in the 40 bungalows proposed.
- 301 Whilst the first Swanley Housing Needs Survey does not directly support the need for 40 affordable bungalows, it is clear that the response rate for the survey was particularly low. This prompted the suggestion that further survey work be carried out. This was carried out by the WKHA. Whilst I would acknowledge the limitation of the questionnaire in asking one specific questionnaire, I do not consider this to entirely flaw the surveys.
- 302 A summary of these surveys is set out in a table appended to this report.
- 303 In this regard, the Council’s Housing Policy Manager notes that having had experience of a wide-range of housing needs surveys, the low level of need identified in the first survey was directly as a result of people being asked to comment on housing need generally, rather than being asked to comment on a proposed housing solution that could assist them personally, as is usual in such surveys. The further surveys, which did provide details of the proposed scheme, confirms this opinion as the need was significantly higher.
- 304 In light of the evidence above, I consider there is sufficient evidence to demonstrate a clear local need for affordable bungalows in the Swanley area, which cannot be met elsewhere within the town. I also consider the site to be reasonably sustainably located. I consider significant weight should be given to the need for affordable housing in the form proposed. Whilst there remains concern over the issue of cross subsidy and the viability of the site, I consider this can only be reviewed in light of all the particular factors of the case and thus there will be further comment on this below.

Legal Agreement and suitable “cascade”:

305 The applicant has been advised that the justification for very special circumstances submitted for this site, and particularly the elements relating to the affordable housing and its availability for local people in perpetuity could only be given significant weight if these ‘benefits’ were secured by a legal agreement.

306 Discussions have referred the applicants to the wording of legal agreements used for exceptions housing sites in the Green Belt, but advised them to submit a full draft of a legal agreement and other supporting information to demonstrate that the required safeguards could be achieved. There is legislation other than the Planning Acts that impacts on whether the housing can be retained as affordable in perpetuity, and the applicant was advised to submit further information on this, to demonstrate whether sufficient controls could be imposed.

307 In summarising the legal advice the applicants received, they state:

“...right to acquire under the Housing and Regeneration Act 2008 does not apply if the provision of the dwelling in question was not publicly funded – it is the case that no public funds will be used to deliver the proposed bungalows.”

308 In terms of tenure, the applicants have suggested the following:

- The units will be for the over 55s
- 50% of the bungalows will be let at social rent levels
- 50% of the bungalows will be let at affordable rent levels
- Housing Association to agree a Local Lettings Plan to outline the criteria and nomination process.

309 Following discussions with the Council’s Housing Policy Team, the lettings criteria would be as follows:

General qualifications (in summary):

- All applicants must be registered on the Sevenoaks District Housing Register (SDHR), i.e. they must* have a proven Local Connection to the District and be unable to afford suitable housing on the open market (*unless exceptional circumstances eg. Fleeing domestic violence).
- Local Connection means the applicant has a strong link to the area (either Parish or, where applying, District). This will be demonstrated by the applicant living in the Parish continuously for the last three years to date, or where they have lived in the Parish previously for at least five out of the last ten years to date, or they have previously been a member of a household currently living in the Parish and they have Close Family (as defined in the SDHR) resident in the Parish for a minimum of ten years to date.
- An applicant can also be considered through having employment in said Parish.
- Any applicant (future tenant) must be aged 55+ at point of letting. Any other members of the household must be aged over 18 years at time of letting.

- The applicant must demonstrate their ability to afford the Affordable Housing to the satisfaction of the landlord Registered Provider.
- In all relevant cases, the applicant (future tenant) may not have savings or assets which exceed £350,000.)

310 Subject to meeting the above requirements, the legal agreement would work with a 'cascade mechanism' that means that when looking to allocate tenants to the affordable housing, the first choice would be those who fulfil the criteria at the top of the list, and if no such tenants came forward, the allocation would widen out to the categories lower down the list in turn. The 'cascade mechanism' proposed is, as first applying to the Civil Parish of Swanley:

1. The applicant is under-occupying social housing – more weight given to those giving up the most bedrooms.
2. The applicant is living in unsuitable housing (as defined in the SDHR eg. lacking facilities, design, layout etc.).
3. The applicant is under-occupying private sector housing – more weight given to those freeing up more bedrooms.
4. The applicant is in permanent employment in the Parish, or needs to move to accept permanent employment in the Parish.
5. The applicant has a Local Connection to the Parish but does not fall within categories 1-4.
6. If insufficient eligible applicants are identified from Cascade Groups 1-5 to fill vacancies, applicants under occupying social housing, given in order of priority, in the adjoining Parishes of Hextable or Crockenhill, followed by the Northern Parishes of Farningham, Eynsford, Horton Kirby & South Darent, Fawkham, Hartley, Ash, West Kingsdown, Otford, Halstead and Knockholt, followed by the remainder of the District of Sevenoaks, become eligible.
7. If insufficient applicants from Cascade Groups 1-6 to fill vacancies, other applicants must have a proven Local Connection to the Parish of Hextable or Crockenhill, in the same order of priority set out in Cascade Groups 2-5.
8. If insufficient applicants from Cascade Groups 1-7, other applicants must have a proven Local Connection to the northern Parishes of Sevenoaks District (i.e. Farningham, Eynsford, Horton Kirby & South Darent, Fawkham, Hartley, Ash, West Kingsdown, Otford, Halstead and Knockholt), in same order of priority set out above in Cascade Groups 2 - 5.
9. If insufficient eligible applicants are identified from Cascade Groups 1-8 to fill vacancies, other applicants must have a proven Local Connection to the District of Sevenoaks, in the same order of priority set out above in Cascade Groups 2 - 5.

311 The previous submission did not include a completed legal agreement. Furthermore, there were a number of specific areas of concern relating to the draft agreement, the future affordability of the bungalows and their retention in perpetuity. These issues have now in the process of being addressed and I am

currently of the view that agreement can be reached. It is worth noting below briefly how these key issues are considered to have been addressed.

- a) The tenure and cascade have been agreed. The version above follows the format recommended by the Council.
- b) The proposals are for 20 for rent linked to Local Housing Allowance and 20 affordable rent bungalows. The applicant's definition of "affordable rent" refers to a level up to 80% of open market value. Our policy approach has been that Housing Associations (HAs) can charge up to 80% of Open Market Rent, but up to the relevant Local Housing Allowance (LHA). Kier's approach is to exceed LHA in meeting the 80% to increase revenue to make their model work. There was originally concern that this may exceed the level of the Local Housing Allowance and thus become unaffordable.

The Council's Housing Policy Team have considered this aspect of the proposals in detail and accept that these homes would need to be let at 80% Open Market Rate (OMR) without any Local Housing Authority Cap. However, this does meet Government advice in the form of the NPPF and is considered acceptable in the circumstances. The Housing Authority have agreed that all affordable homes will be rebased to 80% OMR at time of each re-let.

- c) The draft legal agreement originally stated that in exceptional circumstances if it was not possible to transfer the properties to a Registered Provider a mortgagee could sell the properties on the open market within 6 weeks. Whilst this may in reality a very unlikely situation, it was clearly not desirable to have a clause on these terms in the legal agreement. The applicant has clearly stated that there is no intention to occupy the bungalows other than as affordable in perpetuity (unless SDC specifically agrees otherwise) and the clause has been amended to address these concerns. As no shared ownership bungalows are proposed (all for rent) clauses relating to this have also been removed from the agreement.
- d) Right to Acquire and Right to Buy – As the site is within a designated area there is no right to acquire and the applicant has submitted legal advice advising that this is the case where affordable housing is not publically funded, as in this case. It is the Council's understanding that KCC/Kier may own the site for an extended period and the Housing Association would only manage the homes. Amending other clauses in the agreement would seek to minimise the risk of Right to Buy.

312 Further correspondence from the Housing Association comments as follows:

"Whilst we are aware of the Government's intention to extend the Right to Buy (RTB) to Registered Providers, we are still awaiting the details of how this would be applied. The industry has lobbied hard for exemptions on specialist accommodation and would hope that properties such as the older persons' units at Birchwood would qualify for exemption from the new proposals. Exemptions for specialist accommodation are already incorporated into current RTB legislation.

- e) Timescale and cascade – The Council would not expect to be involved in the precise timescale within which the cascade mechanism would work.

The key issue is that the cascade is worded to ensure that it does not allow occupation from residents outside the District. The legal agreement is to be worded to ensure this.

- f) Spare room subsidy – There was originally concern that the spare room subsidy could apply to occupants who are below national pensionable age, so this will change depending on gender and over time. Currently, men aged between 55 and 65 are below pensionable age. This may impact on whether some tenants could afford to occupy units that become available. This is linked to the issue of 80% OMR.

The Housing Policy Section have considered this issue further. They comment that the applicant has advised that 20 of the bungalows would need to be set at 80% of OMRs and not capped at LHA, which would normally be the case with AR tenures. Although this is not ideal, in that there would not be a 100% safety net should someone subsequently become benefit reliant, it is still considered as an affordable option. In the circumstances they are satisfied that the proposals would fall within the planning definition of affordable housing.

313 In light of the above, I am satisfied that the main areas of concern in terms of tenure, cascade and the retention of the affordable housing in perpetuity can be satisfactorily controlled through the legal agreement and that the bungalows would be affordable to those they are seeking to provide for in the local area. I am also satisfied that on the basis of the survey work undertaken since the last application, there is sufficient evidence to show an identified local need for the type of affordable housing proposed.

314 In the circumstances, taking into account all of the evidence available on housing need, I am satisfied that a local need for the 40 affordable unit has been demonstrated and that the legal agreement would provide the necessary safeguards to ensure that the affordable housing would be retained in perpetuity.

315 I therefore consider these factors can be given very significant weight as very special circumstances.

316 With regard to the potential need for a Primary School places in the locality, paragraph 72 of the NPPF states that “the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen education choice.” LPAs should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

317 Concern was raised previously that pressure for school places in the Swanley area would be provided. The applicant sought to clarify the position and have stated that:

“KCC’s Education Commissioning Plan does predict some pressure on places for primary school places in the Swanley and Hextable locality over the medium term. Education colleagues would seek to expand existing primary schools in the locality as the key focus for expansion and there are schools in Hextable and Swanley

area that have sites sufficient to accommodate any future expansion. Therefore the former Birchwood School site would not be needed to accommodate any future expansion plans. We would look for appropriate S.106 contributions from the proposed scheme in order to mitigate any additional load to school placements.”

- 318 On the basis of the above, I consider there to be no objections to the proposals on these grounds. As an aside I would note that school contributions would now be covered by the Community Infrastructure Levy.
- 319 With regard to the viability of the site, there appears to be no dispute that the site is not viable on its own merits and that the value of the site has been arrived at taking into account all 3 sites forming part of the Kier Kent Initiative, rather than this individual site itself. Thus the value of the site has essentially been artificially raised to carry out projects elsewhere in Kent, is not required to make the scheme on this site viable and that the maximum amount of open market housing should be that which is not over and above the size of the original buildings on site.
- 320 The provision of market housing on site is essentially inextricably linked to the affordable units. Without an overriding need for the affordable units there is clearly no case to support the market houses.
- 321 However, it is my conclusion that there is a clear case to support the affordable housing. There is much discussion set out above to show a need for the 40 affordable bungalows which, in my view, cannot be met elsewhere in the locality. At this stage, I consider it worth re-iterating the current position with the SMHA, which clearly indicates that there are significant pressures to provide not only more market housing within the District, but significantly more affordable homes – it is estimated that the affordable housing need makes up 70% of the total housing need for the District. In my mind, this must add significant weight in favour of the development of the site.
- 322 Furthermore, in light of the above, I consider it wholly reasonable to take a less parochial view of the application proposals and to acknowledge that they would be of wider benefit, resulting in the provision of a significant number of homes, including affordable housing outside the District, but still within the County. This opportunity can only be achieved as the land owner is the same – Kent County Council.
- 323 Whilst this may or may not be accepted as justifying the viability of the Birchwood site, I do think it is a unique case and one which is very unlikely to be repeated within the Sevenoaks Green Belt. It is therefore my conclusion in this regard that the viability of the site should not be considered as a fatal flaw to the proposals.

Conclusion

- 324 The application site is within the Green Belt and the implications of this have been considered in detail above. It is my conclusion that the proposals represent inappropriate development and thus are harmful in principle.
- 325 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt

by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

- 326 Significant harm has also been identified in terms of the impact on the openness of the Green Belt. There would also be some harm to the landscape setting of the area, though I do not consider this significant.
- 327 There would also be harm arising from the loss of the recreational open space without replacement and the proposals would not provide for a community use on the site. However, the proposals would provide an element of public open space which does not exist at present and would also provide much greater legibility through the site, enhancing access to Swanley Park. On balance, I would attach modest weight to the loss of open space.
- 328 Putting the impact on the openness of the Green Belt to one side, in amended form I consider from the layout, design and highway implications of the proposals to be acceptable, in terms of their relationship with the neighbouring built form and highway network. I also consider the proposals would have an acceptable impact on the amenities of the residential occupiers in Russet Way, Wisteria Gardens and Alder Way who neighbour the site. Subject to conditions, no objections are raised to the proposals in terms of archaeology, ecology, contamination or Rights of Way. These matters are not considered to add to the harm identified above.
- 329 In terms of the benefits of the proposals, I consider the site to be reasonably sustainably located. Though clearly on the outskirts of Swanley, it would readily link to the infrastructure provided by the Town. I note that part of the site is previously developed land and give this some weight in favour of the proposals.
- 330 The key benefits clearly come from providing much needed affordable housing in the specialist form of bungalows for the older population. In my view, this is not so much whether there is a need for affordable bungalows, as whether the need is so overriding that it justifies encroachment into the Green Belt. In this regard, I am satisfied that the present proposals would meet a demonstrable need which cannot be catered for elsewhere in the locality.
- 331 Indeed in light of the evidence, including Housing policy which clearly supports this form of development – affordable housing including which specifically caters for the aging population – I believe that this would satisfy a niche market that will not be met elsewhere. There is also clear evidence that the advantages of providing existing residents the ability to downsize will have a significant knock-on effect, enabling many more associated moves enabling existing affordable housing to be more effectively utilised. The advantages of this in terms of housing provision should not be underestimated.
- 332 Most importantly, I am satisfied that the legal agreement would provide the necessary safeguards to ensure that the affordable housing would be retained in perpetuity and that it would provide the housing to those most in need in the locality.
- 333 The peculiarities of the application site (in terms of the link to other available County owned sites), is in my mind a unique situation and one which is unlikely to be repeated within the Sevenoaks Green Belt. For these reasons, I consider the

need to provide the affordable housing on this site justifies the amount of market housing required to support the proposals.

334 In light of the above, I consider very significant weight should be given to the benefits of the proposals in terms of meeting local need for affordable housing in the format proposed.

335 In my view, notwithstanding the harm identified above, I consider the very special circumstances advanced represent a unique and compelling case which clearly outweighs the harm to the Green Belt and any other harm.

Background Papers

Site and Block Plans

Contact Officer(s): Mr J Sperryn Extension: 7179

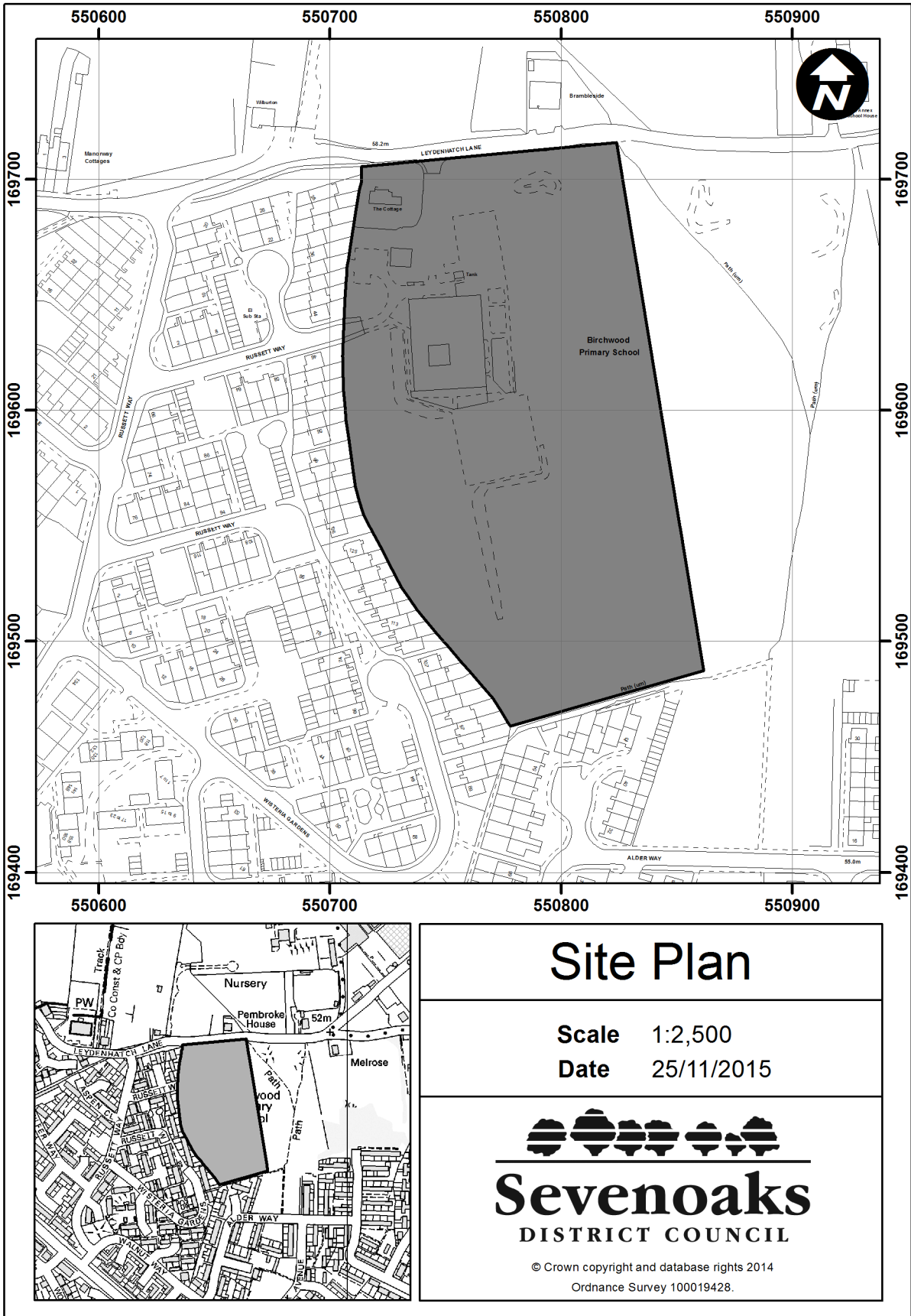
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NGOJHNBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NGOJHNBK0L000>



Site Plan

Scale 1:2,500
Date 25/11/2015



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Ordnance Survey 100019428.

Block Plan



Summary of housing needs surveys.

Question	Survey 1	Survey 2	Survey 3
Date of survey	September 2014	November 2014	February 2015
Who carried it out	Action for Communities Rural Kent	West Kent Housing Association	West Kent Housing Association
Area for survey	Swanley and general questions that were not related to application site or proposal.	Swanley and parishes named in proposed cascade and related to proposed application site, but data could not be broken down.	Swanley and parishes named in proposed cascade and related to proposed application site, and data can be broken down to refer each separate parish.
Weight to attach to the data	Limited due to low response rate.	Limited weight as data includes a wider area than Swanley.	Significant weight

See overleaf for a breakdown of Survey 3 results.

Survey 3 Consultation Results

Consultation of West Kent Tenants where someone in the household is aged 55 or over who live within the parishes detailed in the draft Local Lettings Plan cascade.

The outcome of this survey is as follows:-

In total 947 letters were sent out.

The following questions were asked:

- Are you interested in moving to a 2 bedroom bungalow in Swanley?
- If yes, do you require a fully wheelchair accessible home bungalow?

539 were received back (response rate of 57% rounded up) four had not indicated a preference either way so have been discounted. So total of valid responses was 535 (56% response rate)

No – 314 (59% of valid replies)

Yes – 220 (41% of valid replies – 23% of total surveyed)

Breakdown of “Yes” responses to 2 bed bungalow in Swanley by Parish:

Parish	Yes votes
Swanley	152
Hextable	7
Crockenhill	12
Farningham	1
Eynesford	3
Hartley	9
West Kingsdown	9
Horton Kirby/South Darent	10
Ash	1
Kemsing	4
Halstead	3
Address unknown	9
Total	220

Of the Yes vote – The following also said yes to the question about need for a wheelchair adapted bungalow:

Parish	Yes votes
Swanley	19
Hextable	1
Crockenhill	1
Farningham	1
Eynesford	1
Hartley	0
West Kingsdown	1
Horton Kirby/South Darent	0
Ash	1
Kemsing	1
Halstead	2
Address unknown	0
Total	28

