

4.1 – SE/13/03751/FUL Date expired 17 April 2014

PROPOSAL: Demolition of the former Birchwood Primary School, and the construction of 65 No. dwellings with associated infrastructure provision. Additional information received 28 March 2014.

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

WARD(S): Swanley White Oak

ITEM FOR DECISION

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

RECOMMENDATION: That 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 the development on the site the proposals would be harmful to the purposes of the Green Belt, would significantly erode the openness of the Green Belt and adversely affect the character and appearance of the Green Belt in this location. The Very Special Circumstances advanced fail to clearly outweigh the harm identified above and the other harm identified. The proposals are thus contrary to Government advice in the form of the National Planning Policy Framework.

The application site is considered to have a predominantly open and verdant character, which acts as a visual buffer between the open land to the east and the dense urban area to the west and as such contributes positively to the setting of Swanley and Hextable and the separation of these urban areas. By virtue of the density, scale and extensive spread of development across the site, the proposals would introduce a form of development which 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. As such the proposals are contrary to policy SP1 of the Sevenoaks District Council Core Strategy Development Plan Document and supplementary Planning Guidance in the form of the Sevenoaks Countryside Assessment.

The proposed development would result in the loss of open space without a satisfactory justification or suitable replacement provision being made. Furthermore, the proposals do not include essential facilities for outside sport and recreation. As such the proposal is contrary to policy SP10 of the Sevenoaks District Council Core Strategy Development Plan Document, policies GI2 and CF1 of the emerging Sevenoaks District Council Allocations and Development Management Plan and Sevenoaks District Council supplementary planning guidance in the form of the Open Space, Sport and Recreation Study.

In the absence of full ecological surveys relating to reptiles and bats it cannot be demonstrated that the proposed development will not have a harmful impact on

protected species and habitats, and wider biodiversity. This conflicts with Policy SP11 of the Core Strategy and paragraph 118 of the National Planning Policy Framework.

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) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.
- 2) The applicant was advised that the proposal did not accord with the development plan, that no material considerations were apparent to outweigh these matters and was provided with the opportunity to amend the application and provide further justification in support of it.

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
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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, which is presently overgrown. 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 40 flexible tenure, 2 bed, affordable 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. The only link between the north and south would be a pedestrian access located close to the Russett Way entrance.
- 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 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 pitch front to rear with gabled flanks and would incorporate 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 2 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 gabled flanks. It would be 5.7m to eaves and 9.5m to ridge. Each house would have a double with 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 affordable units would be separately accessed from an extension to Russetts 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, 3 would be wheelchair accessible and would have a slightly greater floor area. Barring 1 modest variation, all 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 through out 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 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-western corner of the site is to remain open. A further pedestrian link to the south (to link to the footpath to the rear of Aisher Way) is shown as “potential link”.
- 18 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.

Additional Information & re-consultation:

- 19 Additional information was received on 28 March seeking to amplify and explain the context of the application. More specifically this included further information relating to the Kent-Kier Initiative (KKI), the demand for bungalows in Swanley,

the need for this particular site to be developed, the viability of the site and the loss of the open space/playing fields that would result. A draft S106 Planning Agreement was also submitted together with an explanation as to how the bungalows could be retained in perpetuity as affordable units. Whether or not this has been demonstrated is discussed later in this report.

- 20 A small scale drawing was also submitted indicating the use of a fully hipped roof form to the houses. However, as full amended drawings were not received, this re-design of the roof does not fall to be formally considered. Thus, in terms of the layout, scale and design, the proposals remain as originally submitted.
- 21 The main points, taken from the applicants submission and justification for the proposal, is summarised further below in the Very Special Circumstances section.
- 22 This information was subject to full re-consultation with third parties. Any additional comments received are report below the consultees original response.

Planning History:

- 23 None relevant.

Policies:

Sevenoaks District Local Plan –

- 24 Policies - EN1, EN17B, EN25A, VP1

Sevenoaks Core Strategy:

- 25 Policies - L01, L04, L08, SP1, SP2, SP3, SP4, SP5, SP7, SP10, SP11

Other:

- 26 Sevenoaks District Council: Open Space, Sport and Recreation Study (2009)
- 27 Sevenoaks Countryside Assessment 2011
- 28 National Planning Policy Framework
- 29 Planning Practice Guidance
- 30 Following the recent examination of the emerging Allocations and Development Management Plan (ADMP), policies contained within the ADMP are in the final stages of preparation and can now be attributed some weight in decision taking. The relevance of these policies to the proposals and the degree of weight to be attributed to them are considered below. Limited weight is given to policies which may be subject of main modifications. Moderate weight can be given to those policies where there are objections but no main modifications are proposed. Significant weight is given to policies where there are no objections and no modifications are proposed.

Emerging Sevenoaks District Allocations and Development Management Plan (ADMP)(Nov. 2013):

- 31 Policies - EN1, EN2, H1, H2, G12, CF1

ADMP Policy	Weight	Amendment to recommendation required?
EN1 Design Principles	Moderate	No
EN2 Amenity Protection	Moderate	No
H1 Residential Development Allocations	Moderate	No
H2 Mixed Use Allocations	Moderate	No
GI2 Loss of Open Space	Moderate	No
CF1 Re-use of Redundant School Building	Moderate	No

Constraints:

- 32 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:

- 33 The site is within the parish of Swanley.

Swanley Town Council

(original comment):

- 34 No objection subject to Green Belt constraints and the mix of housing.

Response to additional information:

- 35 No further comment received to date.

Hextable Parish Council (neighbouring Parish)

(original comment):

- 36 Object to building on green field site that is the border between Hextable and Swanley, not enough parking for the number of properties, numbers of private versus social housing is not balanced.

HPC strongly object to this overdevelopment.

Response to additional information:

- 37 Have written raising strong objections to the loss of the open part of the application site which is within the Green Belt and promoting Egerton Nursery site in Egerton Road as a preferable alternative as it is a partly brownfield site and indents into Egerton Avenue. They have no objection to development on the footprint of the school itself.

Highway Authority:

- 38 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-

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.

However, there are some detailed on-site issues requiring clarification and/or amendment and it is therefore recommended that the following be addressed prior to the proposals being progressed to a formal approval:

- 1) Proposed highway adoption areas should be formally identified.
- 2) Carriageway widths should be secured at 4.8m minimum width.
- 3) An indication of the proposed drainage details (and proposed highway drainage adoption method) should be included.
- 4) Both access roads appear to combine areas of conventional segregated footway and carriageway with additional areas of shared surface. However, there are resulting concerns in respect of pedestrian accesses and links emerging directly onto the carriageway and secondary issues of reduced visibility in respect of vehicular accesses onto the highway where no service margins are apparent. There is a need to rationalise this issue by giving a clear and logical distinction between areas of conventional segregated footway/carriageway and areas of shared surface (plus any transitions between the two) which safely incorporates all pedestrian/cycle accesses and links and all residential vehicular accesses. There are particular areas of concern in respect of both site accesses at their junctions with the existing highway and in respect of the pedestrian link between the two separate halves of the development site where in each case pedestrians appear to have to use the carriageway in a locality where a shared surface is neither indicated or appropriate.
- 5) Overall off-street parking provision is well in excess of the recommended minimum guidance provision within the adopted IGN3 KCC residential vehicle parking guidance document and is therefore principally acceptable at the levels

proposed. However, it should be noted that the length of proposed hardstanding for units no 15 and 26 (off the Russett Way access) is likely to result in residents attempting to park a second vehicle off-street on a hardstanding of insufficient length to do so and thus encroaching onto the adjacent footway. It is therefore recommended that both hardstandings be reduced in length to better reflect the length of a single off-street parking bay which is the necessary off-street parking requirement in each case.

In conclusion, I would strongly recommend that the above issues be adequately addressed in order to progress with a complete assessment of the proposals.

Response to additional information

39 No further response received.

Environment Agency:

40 Thank you for consulting us on the above. We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are two strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

Reason: The site is located on a source protection zone 3 and principle aquifer.

41 National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution.

Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

42 Overcoming our objection:

The applicant should provide information to satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include a preliminary risk assessment.

Response to additional information

The Environment Agency have been provided with a more detailed site assessment by the developer and have considered this information. In summary, they consider planning permission could be granted subject to a number of conditions being attached to any permission. These relate to contamination and remediation, drainage and control of waste (including contaminated soil) from the site.

Thames Water:

43 Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason: - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Response to additional information:

44 No further response received.

KCC Regeneration Projects (In summary):

45 The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

46 They are seeking a contribution of £2360.00 per applicable house (25 market houses, not the bungalows if restricted to occupancy to those over 55 years of age) towards the provision of Primary School places.

There is no requirement for Secondary Education contribution.

They seek a contribution of £8.90 per household towards Community Learning and £144.26 per household for Local Libraries.

Thus contributions sought total £68,979.42.

KCC Public Rights of Way (In summary):

- 47 Public Rights of Way Footpath SD74 runs down the outside of the eastern boundary of the site. I note that nowhere in the information provided is there acknowledgement of this as a public highway, a recorded public right of way. Indeed in some places it is referred to as an informal footpath. The applicants should note that the location of SD74 is indicated on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way.

However, I do not anticipate that it will be affected by any building on the site.

- 48 The design of the north east corner of the development as shown in the master plan appears to turn its back to the existing public footpath resulting in the path being enclosed on one side by rear gardens fences. This design does not accord with the Kent Design Guide nor the “Secure by design” philosophy which dictates that pedestrian routes should be overlooked and in open environment to ensure personal safety and security.

This design can also place an additional burden on the District and County Councils whereby some residents unwilling to pay district council fees for removal of garden waste take the opportunity to tip waste onto the public footpath, or open space to the rear of their gardens. As the area affected is only of relatively small distance the Service is minded not to object on the design layout but requests that mitigation be put in place against the potential littering. The Service therefore formally requests a condition be placed on the developer to either pay up front the fees for the green waste collection service for the development for a minimum of two years, or provides each new property with a minimum of 50 garden waste sacks, whichever the District authority deems most appropriate.

I would also request that the links through the eastern boundary onto SD74 have cycle barriers installed at the edge of the site.

I would suggest that a link is made through the southern boundary to connect up with Wisteria Way allowing pedestrian access to the centre of Swanley. This route could be created or dedicated as a public right of way footpath if the relevant landowners are willing. Details of the legal process involved can be obtained from the Definitive Map Team at the Public Rights of Way and Access Service, Invicta House, County Hall, Maidstone, ME14 1ZZ. I would suggest that this route is metalled. This could be funded by a Section 106 agreement of £8,800 for two radar gates, surfacing (around (£5,000) and legal agreements (around £2,500) including 10% for management of works, payable to the Public Rights of Way and Access Service of Kent County Council.

- 49 The granting of this permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways
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Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

Response to additional information

50 No further response received.

Natural England:

53 Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

54 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

55 We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Local sites

56 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

- 57 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

- 58 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Response to additional information:

- 59 No further response received.

KCC Ecology:

- 60 Thank you for the opportunity to comment on this application. We have the following response to make:

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological scoping survey in conjunction with the data we have available to us (including aerial photos and biological records) the information submitted with the planning application and we advise that additional information is required prior to determination of the planning application.

Additional Surveys:

The ecological survey has detailed that there is a potential for reptiles and roosting bats to be present within the site and recommended reptile and bat surveys need to be carried out. As all the potential habitat will be lost as a result of the development we advise that there is a need for the surveys and details of

any mitigation require to be submitted for comment prior to determination of the planning application.

As the scoping survey was carried out in February 2013 it is very disappointing that the recommended surveys were not carried out last year and submitted with the planning application.

Breeding Birds:

There is vegetation on site suitable for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside act 1981 (as amended). As such we recommend that the vegetation is removed outside of the breeding bird season (March – August inclusive). If that is not possible an ecologist must examine the site prior to work starting and if any nesting birds are recorded all works must cease in that area until all the young have fledged.

Bats:

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements :

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

The ecology survey has provided recommendations for ecological enhancements – we advise that the applicant confirms what enhancements will be incorporated in to the site.

Response to additional information:

- 61 No further response received.

Kent Police:

- 62 We have found this development on the weekly planning list, this is a development we would encourage to have a crime prevention input and Designing out of Crime.

We would also be grateful if you could draw the applicant attention to the Kent Design Initiative (KDI), Design for Crime Prevention document dated April 2013 which will also assist them when Designing out of Crime. We would welcome a meeting to discuss crime prevention any notes from a meeting would be forwarded to you.

If the applicant/agent fails to contact us then this may have an effect on the Secure By Design (SBD), Code for Sustainable Homes (CfSH) and BREEAM.

However we would like the following comments and recommendations to be taken into consideration if planning approval is given for this application and no further contact has been made to us by the applicant/ agent.

- 63 We suggest that a condition can be added to ensure that this development has the appropriate crime prevention measures and can be worded something similar to the below :

“The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.”

Reason; In the interest of security and crime prevention and to accord with Policies of Sevenoaks District Council Core Strategy Plan.

Response to additional information:

- 64 No further response received.

KCC Archaeology:

- 65 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.

As such, a condition requiring a watching brief is recommended on any forthcoming consent.

Response to additional information:

- 66 No further response received.

Sport England:

- 67 Thank you for consulting Sport England on the above application.

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use

as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies."

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

- 68 The proposed development involves the demolition of the former Birchwood Primary School, and the construction of 65 No. dwellings with associated infrastructure provision.

Sport England will normally oppose development that would lead to the loss of, or prejudice the use of, all or part of a playing field, without meeting at least one of the specific exception criteria identified in the above policy.

While Sport England has not visited the site, the proposed provision of 65 dwellings would appear to be sited primarily on an existing area of playing field. Locating the proposed development on the existing playing field would prejudice the use of the playing field.

- 69 In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

However, Sport England would be prepared to review this position if it can be demonstrated that one of the above policy exceptions can be met.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

If you would like any further information or advice please contact the undersigned at the address below.

Response to additional information:

- 70 As set out within Sport England's formal consultation response dated 19 February 2014, the proposed development would appear to be primarily sited on an existing area of playing field. Locating the proposed development on the existing playing field would prejudice the use of the playing field.

I note that your email below states 'that the site has not been used by the school or by anyone else since it closed in 2007'. Please could you ask the Council's Leisure Department to confirm if they are aware of if the playing field has been

used within the last five year. If further information is provided regarding if the playing field has been used within the last five years, I will be happy to review if Sport England is a statutory or non statutory consultee on this application.

I have now reviewed the further information provided and the application (Reference 11/02859/FUL) for the adjacent site referred to. Unfortunately it has not been satisfactorily demonstrated that the new playing field provision (under planning application 11/02859/FUL), at the adjacent Swanley Park leisure and sports facility, constitutes replacement provision. If the link between this new provision and the playing field to be lost as part of this current planning application can be clearly and directly demonstrated I would be happy to review Sport England's position in relation to the current application. This information is required to allow an informed assessment to be undertaken of whether the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity i.e. meet exception E4 of Sport England's Playing Fields Policy.

Sport England therefore maintains its objection to this planning application.

Should Sevenoaks District Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Unit for Land Acquisition and Disposal at the Department of Communities and Local Government.

Please note that Sport England has assessed the application and commented accordingly and it is our view that this application does not comply with Sport England's Policy. It is the role of the local planning authority to determine the application taking into account Sport England's comments and all other material considerations. If other material considerations exist which the local planning authority considers outweigh the loss of playing field then the LPA should feel empowered to make this judgement.

If you would like any further information or advice please do not hesitate to contact me.

SDC Environmental Protection:

- 71 I refer to the planning application in respect of the proposed demolition of the former Birchwood Primary School together with the construction of 65 dwellings, with associated infra structure provision.

Environmental Health wish to make the following observations in relation to the proposal:

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

1) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. 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 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 by the LPA.

Further information on compliance with this condition can be obtained from Environmental Health.

Reason: To ensure that risks from land contamination to both the future users of the land and adjoining land are minimised.

2. Due to the proximity of existing residential properties adjacent to the proposed 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.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties

3. 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 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

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

4. Prior to the commencement of any works on site, effective wheel washing plant and/or equipment, shall be installed on the site. The plant and equipment will be maintained in full working order 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. Details of the wheel wash shall be submitted for approval in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the amenities of the surrounding area.

Response to additional information:

72 No further response received.

Council's Valuation Consultant (in summary):

73 The Council's viability consultant has examined the proposals and their comments are summarised below;

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

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contribution to test base assumptions; and then include contributions to review its impact.

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.

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).

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.”

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*.

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.

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.

Response to additional information:

SDC Housing Policy Team:

- 74 This needs analysis has been based on the assumption that the affordable housing is provided as 40 units of bungalow accommodation which would be designated for those aged 55-plus and at Affordable Rent tenure (as per the Government definition and at rents up to 80% OMR to the relevant LHA level) and available in perpetuity.
- 75 Regarding perpetuity protection, we would expect the applicant to verify that this site (or at least the affordable element) falls completely within the CLG Right-to-Acquire exemption area for the Swanley Civil Parish, i.e. that the relevant element of this site is protected from RTA, ensuring that the bungalows are available in perpetuity as affordable housing.
- 76 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.
- 77 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 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.
- 78 As well as being practical for older people, bungalows are also a desired choice for people as they age. The SHMA found that 32.6% of older people require 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 require 2-bed housing and 21.6% require 1- bed (SHMA, p133, table 10-7).
- 79 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.
- 80 With very few development opportunities, the District Council must 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. This often leaves 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 housing strategy uses various tactics to tackle this.

- 81 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 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.
- 82 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.
- 83 Being situated in the vicinity of general needs social housing, this would allow older downsizers to remain in their neighbourhood and amongst established 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.
- 84 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.
- 85 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.
- 86 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 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 in the social sector.

- 87 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, 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.
- 88 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.
- 89 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.
- 90 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 would be 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, more older people are able to bid for specialist housing, so further applications would be anticipated.

- 91 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.
- 92 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.
- 93 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 (or followed by in various options of order) Hextable and Crockenhill. 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.
- 94 Housing Policy 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 grant requirements from the public purse.
- 95 This is considered 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.
- 96 The Housing Section have clarified that the spare room subsidy applies to those of working age only and this is currently based on the national pensionable age, so will increase as time goes by. Therefore many of those who would occupy these units would be exempt.

SDC Planning Policy:

- 97 The key strategic planning policy issues are considered to be:
- the impact of the development on the Green Belt
 - provision of affordable housing
 - provision of housing for older people

- Loss of school facilities / open space
- 98 Section 7 of the Planning Statement sets out to establish whether the application site is the most appropriate location within the Green Belt to accommodate the proposal. It is suggested that this review should have first considered sites that are not in the Green Belt, i.e. sites within the urban confines of settlements, as this is where development is directed (see Core Strategy Policy LO1 and LO4). For example, there are five sites within Swanley being promoted in the Allocations and Development Management Plan (which is being examined in March 2014), including:
- Land West of Cherry Avenue (50 units) – owned by KCC
 - Bevan Place (46 units)
 - United House (185 units)
- 99 The promoter provides an assessment of the sensitivity of the Green Belt location in terms of its landscape character area (Hextable Fringe). A more appropriate assessment would be consideration of the land's contribution to the purposes of Green Belt as set out in paragraph 80 of the NPPF. This sets out that 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
- 100 The first three criteria above are considered particularly pertinent to this location. This part of the Green Belt separates Swanley from Hextable and Wilmington and the conurbation of Greater London, and therefore is exactly the type of 'green wedge' space that was designed to be protected by the designation of the Green Belt.
- 101 In addition, the site is adjacent to Swanley Park to the east and can be viewed as a continuation of the space. There is good accessibility to the Park via the Public Right of Way which runs along the eastern boundary of the site.
- 102 It is accepted by the promoter (para 7.13 of the Planning Statement) that the proposed scheme is inappropriate development in the Green Belt and as such can only be approved if 'Very Special Circumstances' (VSC) can be demonstrated. Section 8 of the Planning Statement sets out the proposed VSC. These are:
- the proposed affordable housing (40 units), which is above the Council's required provision under Policy SP3 and the need for such units
 - the provision of housing for the elderly in the form of bungalows

- reduction in under-occupation

- 103 It is for the Council to determine whether these proposed VSC are sufficient to outweigh the acknowledged harm of building in the Green Belt. It is noted that the provision of affordable housing at 62% of the development is a substantial increase above the Council's requirement at 40%, and there is an identified need for affordable housing. The provision of housing for the elderly is also supported by Core Strategy SP5 which seeks such housing on suitable sites in areas close to a range of services. However, it is unclear in the application how the bungalow units will be secured for such a purpose and it is suggested that this should be further explored. Furthermore, it is not clear from the application why other sites that do not fall in the Green Belt have not been considered and the assessment of the location as a low sensitively Green Belt location is not accepted for the reasons set out above.
- 104 It is understood that the site was formerly used a primary school which closed in August 2007. As part of the preparation of the Council's 'Community Infrastructure Levy' (CIL) evidence base, KCC were provided with the Council's housing trajectory and asked to test the infrastructure requirements through their Integrated Infrastructure Funding Model (IIFM). Previously KCC suggested that capacity expansion at Swanley primary schools would be required (at a cost of approx. £860,000 over the period 2014-2026). In the latest information received, KCC has suggested that a new primary school at Swanley/Hextable is required (at a cost of approx. £4.2m). In this context, it is queried why this site is considered to be surplus to requirements, as it is well located to serve the KCC identified need for a primary school in Swanley / Hextable.
- 105 It should also be noted that this site was designated as an Outdoor Sports Facility (site 66) in the Council's Open Study (2009) and 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. The open space proposed as part of the scheme is not considered to be of equivalent value as the existing space.
- 106 In addition, emerging policies in the Allocations and Development Management Plan (which is being examined in March 2014), are also relevant. 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. 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 (*which in itself is in dispute – see above*), priority should be given to re-using the building in address local need for community facilities. It is not clear whether the applicant has given any consideration to these forms of use. Although GI2 and CF1 are not yet adopted policy, as the examination of these policies is next month and the Inspector has not raised any issues in relation to these policies, they should be considered to have some limited weigh.
- 107 The Planning Policy team does not wish to comment on detailed matters of the submission, such as the design and detailing of the scheme. I trust that the above is clear, however please do not hesitate to contact me should you wish to discuss the matter further.

Response to additional information:

- 108 Thank you for re-consulting Planning Policy in relation to the additional information submitted to support this application, in relation to:
- Amplification of case of very special circumstances particularly including explanation of link to other development sites and housing implications; draft planning legal agreement and street scene elevation showing hipped roof to houses (indicative only).*
- 109 The Planning Policy team provide the following additional comments to support our earlier observations:
- 110 Impact on the purposes of the Green Belt – the applicant highlights the fact that the site does comprise of previously developed land. This is accepted but, as set out in the submission, this applies to only a quarter of the site, and the proposed residential development would comprise of a substantially increased level of development, which would clearly impact on the openness of the site, a key criteria when considering the acceptability of development in the Green Belt.
- 111 Site selection – correspondence from the applicant (dated 4 March 2014) detailed why three sites within the confines of Swanley would not be suitable for such a development, and concluded that the sites examined were too small to accommodate such a development. It is noted that a response was not provided on the largest of sites in Swanley (United House) that is contained in the Allocations and Development Management Plan (ADMP), and is detailed in the previous response from Planning Policy as being potentially suitable for 185 units. Correspondence from the applicant (dated 27 March 2014) suggests that land owner aspiration and the desire to maximise land values needs to be taken into account, and therefore a large number of bungalows are unlikely to be developed on land suitable for other forms of housing due to their disproportionate land take when compared to ‘conventional’ housing. This constraint is acknowledged, and therefore it is considered that for large numbers of bungalows to be provided within a scheme, this would need to be on land within the ownership of public bodies (for example KCC) or in lieu of other forms of social provision (for example, affordable bungalows rather than ‘conventional’ affordable housing). If these options have been fully investigated and discounted, only then should ‘inappropriate’ sites in the Green Belt be considered, if there is an over-riding argument that can be made for the need for such units, which may outweigh the impact on the Green Belt.
- 112 In relation to KCC owned sites that are in the ADMP (Cherry Avenue, Swanley 1.5ha and London Road, Westerham 1.5ha), it is acknowledged that they would not have the capacity to deliver a 65 unit scheme. However, it is queried whether a scheme of the scale proposed is essential, and whether a smaller scheme could be developed, in accordance with the scale of potentially suitable sites.
- 113 The additional information in relation to preventing the ‘right to acquire’ and ‘right to buy’ is useful in ensuring that the bungalows could be secured for the purposes as intended. The additional information in relation to the KCC Education Commissioning Plan is also useful in terms of clarification on the future primary education provision in the Swanley / Hextable area.

114 To provide an update on the Allocations and Development Management Plan (ADMP), the Council has recently (March 2014) held a local plan examination on the ADMP. Although the ADMP is not yet adopted, it is considered it should be given considerable weight, in line with NPPF paragraph 216, as the Plan is in its final stages of preparation, it is considered consistent with the NPPF and although there were earlier representations on Policies GI2 and CF1, the Inspector chose not to debate these as part of the hearings and the Inspector has not indicated any modifications in relation to these policies. To summarise our earlier response, 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. This issue is also raised by Sport England in their objection to the scheme. 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 address local need for community facilities.

Representations

115 Representations have been received from 8 local residents raising the following concerns:

- Noise from the site.
- Increased traffic onto Russett Way.
- Loss of privacy to neighbouring properties.
- Proposals will harm the character and appearance of the area.
- Increase in traffic and associated noise and air pollution.
- Increased light pollution.
- Overdevelopment of the site.
- Would fail to protect or enhance local environment including wildlife habitats.
- Loss of valuable green space.
- Loss of Green Belt.
- Potential flooding concerns.
- Adverse impact on security of neighbouring houses.
- The site should have a community use.
- Waste of good school & where would additional children go to school?

116 Non planning matters regarding site traffic and parking during the construction phase and impact on value of neighbouring properties were also raised.

117 Subsequent to reconsultation on the additional information received, a petition containing 106 signatories from residents in Swanley, Swanley Village and Hextable has been received objecting “in the stongest possible terms to the above mentioned application, on the grounds that the site is fully within the Green Belt, and is against the principle set out in the District Councils own Local Development Framework. It is also overdevelopment of the site.”

Chief Planning Officer's Appraisal

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:

118 Key Government guidance is provided in the form of the National Planning Policy Framework (NPPF), which now 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.

119 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.

120 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.

121 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.

122 A degree of weight can now also be given to the Allocations and Development Management Plan (November 2013) (ADMP), which has just completed its examination and the formal response from the Planning Inspectorate has been received. The policy section of this report refers to the relevant policies and the weight to be attached to them.

Policy Context:

123 The entirety of the application site is within the Green Belt.

124 Part of the site in the form of the existing buildings and hard surfacing 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.”

125 The full implications of the proposals in Green Belt terms will be considered further in detail below.

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.

- 126 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...
- 127 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..."
- 128 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.
- 129 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.
- 130 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.
- 131 In light of the above, the key policy implication is that of development of the site which is within the Green Belt, and any other harm that may occur as a result of the proposal, such as on the landscape, amenity of residents and highway considerations.

Green Belt Implications:

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

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.”

133 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.

134 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 some potential for limited redevelopment to replace the existing built floorspace on site.

135 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.

136 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.

137 The proposals are therefore harmful *in principle*.

- 138 In addition, it is appropriate to consider the impact of the proposals on the purposes of the Green Belt, as listed above.
- 139 The prevention of urban sprawl is one of the Green Belts main purposes. In the present case, development at the appeal 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.
- 140 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” within which the proposed development would weaken the separation not only between Swanley and Hextable, but beyond to Wilmington and the conurbation of Greater London.
- 141 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 LO1 and LO4 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.
- 142 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.
- 143 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:

- 144 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.
- 145 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.
- 146 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 addition, the design of the new development, particularly the roof form of the houses, would represent a significant increase in height, bulk and density, which in turn would accentuate the scale of the built form and would in effect result in it appearing as an extension of the urban area. Again, in my view, this would in turn erode the ability of the site to fulfil the purposes of the Green Belt.

- 147 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 open parking or hardsurfaced play areas which has only a very modest impact on openness, in my view.
- 148 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 Russetts 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 hardstandings have little impact on this character. Thus the site has a predominantly open and verdant 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.
- 149 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.
- 150 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.
- 151 In my view, the adverse impact on openness and the character and appearance of the Green Belt identified above highlights the inability of the site to fulfil the purposes of the Green Belt set out above. For these reasons, I attach great weight to the Green Belt concerns raised by the Planning Policy Section.

Conclusion of Green Belt Impact:

- 152 In view of the above, I consider the proposals represent inappropriate development within the Green Belt and thus they are unacceptable in principle.
- 153 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.
- 154 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.
- 155 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.
- 156 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.
- 157 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.”
- 158 The case for very special circumstances is considered in detail below.

Impact on landscape setting:

- 159 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.
- 160 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.
- 161 The applicant therefore considers the site the most applicable area to accept change without causing irreparable damage to the distinctiveness of the landscape.
- 162 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 cores...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.

- 163 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”.
- 164 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.”
- 165 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.”
- 166 The section ends with a concluding sub-section headed “The combined effect of inappropriate land uses, poor design and suburban fringe development.”
- 167 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.
- 168 In light of the above, it is my view that the site contributes positively to the setting of Swanley and Hextable and the distinct separation between them contributes to the landscape character of the locality. I consider the proposals would erode this contribution and thus be harmful to the landscape character and setting of the urban areas in this location.

Layout, design and highway considerations:

- 169 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications.
- 170 Criteria 1) states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 2) states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs. Criteria 6) states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council’s approved standards.

Criteria 10) states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.

- 171 Policy VP1 requires parking provision in accordance with Council standards, unless there are circumstances to justify a departure.
- 172 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.
- 173 Policy SP2 of the CS relates to Sustainable Construction and Low-Carbon Energy Generation. Amongst other things, it states that all new homes are currently required to achieve at least Level 3 of the Code for Sustainable Homes, which will rise to Code 4.
- 174 Policy EN1 (Design Principles) of the Council's emerging ADMP is similar in format to the current policy EN1 of the SDLP.
- 175 Account should be taken of guidance adopted by the Council in the form of Kent Design, local Character Assessments...In rural areas account should be taken of the Countryside Assessment...
- 176 In areas where the local environment lacks positive features new development should contribute to an improvement in the quality of the environment.
- 177 New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity.
- 178 The District's heritage assets including listed buildings, conservation areas, archaeological remains, ancient monuments, historic parks and gardens, historic buildings, landscapes and outstanding views will be protected and enhanced.
- 179 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 only by a footpath), 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. All dwellings are designed to meet Code for Sustainable Homes Code 4. This is acceptable, though in any event will shortly become the policy requirement.
- 180 The 2 and 3 storey houses would be larger than those in Russett Way immediate 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.

- 181 My key concern with regard to the houses is the inclusion, without exception, of a gabled roof form to all buildings, including the garages. Whilst I do not object to the roof design per se, this form as a matter of fact contributes significantly to the overall height, scale and bulk of these buildings. Bearing in mind the relatively sensitive Green Belt location of the site, it is particularly important to minimise the impact on the openness. The roof form fails to do this.
- 182 Whilst the applicant has indicated it would be possible to amend the roof design, the proposals have not been amended.
- 183 I would note that the Public Rights of Way Officer has recommended that the house in located at the extreme north-eastern corner of the site be rotated by 90° so that the rear elevation would overlook the public footpath to the rear. This has not been amended. Whilst desirable, I do not consider it a serious flaw to the proposals.
- 184 The bungalows would occupy roughly the southern two-thirds of the site, with a modest area to the south-east 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 Russetts 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.
- 185 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.
- 186 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 Russetts way in particular, with some new screen planting adjacent to the Russetts 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.
- 187 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. This is clearly to provide a degree of security and privacy to the houses, though this would inevitably contribute to the urban character of the development and would do nothing to maintain the openness of the Green Belt.
- 188 In terms of impact on the highway network, the Highway Authority comments are attached in full above. There would be 2 separate accesses serving the separate elements of the proposals and 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 appears to be no objection in

principle to the proposals on highway grounds. Furthermore, the parking proposed on site in connection with the development proposed is considered well in excess of the minimum guidance provision specified within the adopted residential parking guidance.

- 189 However, there are a number of site specific issues which should be clarified, for example the width of carriageways. Concerns are raised in respect of pedestrian accesses and links emerging directly onto the carriageway and secondary issues of reduced visibility in respect of vehicular accesses on to the highway where no service margins are apparent. There are particular areas of concern in respect of both site accesses at their junctions with the existing highway and in respect of the pedestrian link between the 2 halves of the development.
- 190 Whilst it may be possible to address these issues, it is possible that there may be implications for the layout of the development. Hence this is not a matter which would be satisfactorily addressed by condition.

Impact on residential amenity:

- 191 Policy EN1 of the SDLP lists a number of criteria to be applied in the consideration of planning applications. In particular, Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 192 Policy EN2 of the emerging ADMP seeks to protect residential amenity in the event of new development.
- 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, one instance where back to back distance is about 16m), 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. 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 Russetts Way, which back onto the north-western boundary of the site. At worst these properties would be between 19.5-20m of the rear of proposed unit S4. I acknowledge that it is the applicants intention to retain the existing trees on the boundary, however, these would not entirely screen the proposals. In any event, due to the proximity of the trees, there may be post-development pressure to remove them or thin them out. The siting of this unit is the consequence of retaining a tree immediately to the front of it (east). The

former Kent Design Guide recommended minimum distance between windows to habitable rooms of 21m. The Design now takes a more flexible approach with the intention that where this distance cannot be met, potential overlooking can be designed out. However, this is not the case in this particular instance. Whilst, there may be scope to relocate the house slightly, or provide an alternative design, if not omit this unit the proposals, as proposed I consider the impact on the amenities of the occupiers neighbouring this element of the proposals to be a particularly uncomfortable 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 Russetts 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 Russetts 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.

Potential impact on archaeology:

- 198 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.”
- 199 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 EN25A of the SDLP relates to archaeological remains and seeks to preserve and protect site and where appropriate the setting of all archaeological 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, assessment of the area has concluded site is within an area of low archaeological potential.
- 202 As a consequence, no objection has been raised to the proposals by the County Archaeologist, subject to an appropriate condition in the event of permission being forthcoming.

Ecological Implications:

- 203 Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this ‘Biodiversity Duty’, planning decisions

must ensure that they adequately consider the potential ecological impacts of a proposed development.

- 204 The National Planning Policy Framework states that *“the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”*
- 205 Paragraph 99 of *Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System* states that *‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.’*
- 206 Policy SP11 states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.
- 207 The Preliminary Ecological Appraisal Report submitted with the application concludes 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.
- 208 In light of this a number of further surveys are recommended if clearance of trees, scrub and/or poor semi-improved grassland and/or demolition of buildings is planned. These include internal building inspection for bats, a number of dusk and dawn surveys for bats (undertaken between May and August & a minimum 6 surveys for building 1 alone). Reptile surveys (require a total of 7 visits from end of March onwards), with further surveys if reptiles confirmed on site.
- 209 Kent County Council Ecologist has been consulted on the proposals. They have commented that as all the potential habitat will be lost as a result of the development they advise that there is a need the surveys and details of any mitigation are required to be submitted for comment prior to determination of the planning application.
- 210 Despite the initial Ecological scoping survey being undertaken a year ago, the additional information recommended in the survey, and as now required by the County Ecologist has not been undertaken. I would also note that the Natural England Standing Advice recommends necessary survey work be carried out prior to determination of an application. Without this information it is not possible to fully assess the impact of the proposals on the ecology of the site and thus to inform suitable mitigation.
- 211 In light of the above, the information submitted fails to show that the development of the site would not have an unacceptable of ecological interests and thus the proposals are contrary to local and national policy.

Loss of open space:

- 212 It should 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) and Core Strategy Policy SP10 states that open space of value to the local community will be retained and that development may exceptionally be allowed
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where replacement provision of at least equivalent value to the local community is provided. The open space proposed as part of the scheme is not considered to be of equivalent value as the existing space.

- 213 In addition, emerging policies in the Allocations and Development Management Plan are also relevant.
- 214 Policy GI 2 (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.
- 215 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.
- 216 Although the ADMP is not yet adopted, it is considered that these policies should be given moderate weight as the Plan has been through examination with the Inspector's initial comments received and no modifications proposed to these policies.
- 217 Furthermore, these policies have been drafted taking into account the NPPF. In this regard, I would note that paragraph 74 of the NPPF states that:
- “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.
- 218 Bearing in mind the continued objection of Sport England to the loss of potential playing fields without adequate replacement I consider weight should be given to the protection of the existing open space.
- 219 I note also Planning Policy Section objections to the proposals, particularly on the grounds of Core Strategy policy SP10 above. With the advancement of the emerging ADMP and the fact that moderate weight can now be given to policies GI2 and CF1, it is my conclusion that as the proposals fail to meet the requirements of these policies, they are unacceptable in this regard.

Contamination:

- 220 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.
- 221 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

- 222 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

Case for Very Special Circumstances:

Background:

- 223 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.
- 224 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.
- 225 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. This is the former Birchwood Primary School site.

The applicants case, in summary, is as follows:

- 226 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.

- 227 Sevenoaks District Council in conjunction with Tonbridge & Malling B.C. and Tunbridge Wells B.C. have undertaken 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. 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.
- 228 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).
- 229 The last 4 years shows not even SDC targets were being met (only 184 dwellings developed over this period rather than the 264 required). Thus there is a significant shortfall.
- 230 The proposals would provide 40 new affordable units, which would be half the current shortfall (and 62% of the annual target). 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).
- 231 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.
- 232 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%).
- 233 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 promoted under the Council’s “Under Occupation Strategy 2012-2015”, though it should be noted this more acute in the private sector. This is considered to contribute to wider sustainability.
- 234 There are no other sites within Swanley which could accommodate the number of bungalows proposed.
- 235 Retention of the affordable bungalow units for those aged 55 years and over in perpetuity can be adequately controlled by a legal agreement.
- 236 The additional information submitted by the applicant seeking to amplify their case of very special circumstances is summarised as follows:
- 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. Kier 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 site 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.
- A further response has been made to Sport England to endeavour to address their objection. This relates to the potential loss of the former school playing field being replaced on the adjacent land within Swanley Park, where new football pitches are being created.
- 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:

237 Notwithstanding the applicant’s case above, the development proposals would represent inappropriate development within the Green Belt.

- 238 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.”
- 239 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)
- 240 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, harm in landscape terms, harm in terms of design and impact on residential amenity and harm to ecological interest and the loss of open space. As the harm to the Green Belt is so significant, there will only be very special circumstances, if the circumstances are even more significant.
- 241 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 and that those circumstances clearly outweigh all the harm identified.
- 242 I have considered the applicants case in light of the Council’s Housing Section. In my view, it is clear that there is general concurrence with main thrust set out above, i.e. the Council aims to provide a good mix of housing, meet the needs of vulnerable and lower income households, cater for the needs of older people and that there is an aging population in Sevenoaks, particularly amongst the +65 and +85 cohorts. It is also accepted that the SHMA identifies a need for new affordable homes in the District and that the majority of older people wish to remain independent in their own homes. There is also a need for bungalows, including those with more than 1 bedroom.
- 243 The SHMA recommends targets for housing mix however, it is not intended to be a quota and in considering individual development schemes account will also be taken of the range of dwelling sizes of market and social housing in the local area and of site specific factors in considering the mix of dwelling sizes.
- 244 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.
- 245 It is evident from the above that there is an element of general agreement in terms of aging population and the need for affordable housing within Sevenoaks District.
- 246 As part of the discussions on this application, the applicants were 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.
- 247 Those discussions referred the applicants to the 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.

248 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.”

249 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.

250 The applicants anticipate that a 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:

1. Those under-occupying social housing and living in a Swanley Ward – more weight given to those giving up the most bedrooms.
2. As 1 but those living in Hextable and Crockenhill.
3. Those living in unsuitable location in any Swanley Ward (as defined in the Housing Register)
4. As 3 but for Hextable and Crockenhill.
5. Those under-occupying private sector housing in any Swanley Ward – more weight given to those giving up the most bedrooms.
6. As 5 but for Hextable and Crockenhill.
7. Those in permanent employment or about to take permanent employment in any Swanley Ward.
8. As 7 but for Hextable and Crockenhill.
9. If insufficient eligible applicants are identified as per 1 to 8 above, those living in northern wards (to be defined) become eligible.
10. As 9 above for in respect of those living in the District of Sevenoaks.

251 There are a number of concerns about the approach set out above, which are summarised below:

- a) The tenure and cascade mechanism have not yet been agreed with SDC Planning and Housing and in any event would need to be included in the S106 Agreement, which they are not currently.
- b) The proposal is for 20 social rented units and 20 affordable rented units. This has not been agreed with SDC Housing. The applicant's definition of 'affordable rent' refers to 80% of open market values. Our policy approach is 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 and make their model work. The advice of the HCA is being sought. This might be an accepted approach by the HCA but has yet to be confirmed.
- c) The draft Section 106 Agreement submitted states that if the affordable homes are not let in the timescale set out in the agreement (around 6 weeks) the owner would be entitled to dispose of the homes on the open market and shall no longer be affordable homes.
- d) The draft Section 106 Agreement submitted also states that there could in some circumstances be a statutory right to acquire, which contradicts other information submitted.
- e) The cascade mechanism allows for allocation of the units across the District, if needed, to enable the affordable homes to be allocated within the 6 week timescale, so the units could be available for those beyond the local area.
- f) There are other concerns about the legislation for the right to acquire and how it may apply to this site that have not been clarified.
- g) 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.

252 The above points are the main areas of concern in terms of the tenure, cascade and control of the affordable housing. Of gravest concern is that as part of this application, the applicants have not submitted sufficient evidence and a draft legal agreement to demonstrate that the 40 units proposed for affordable housing would be retained as affordable homes in perpetuity and that they would be affordable to those whom they are seeking to provide for in the local area.

253 The lack of safeguards on these issues, seriously undermines the weight that can be attached to the applicants claim for very special circumstances. Part of this claim is that the proposal would meet an identified need for a certain type of affordable housing. As the site selected in in the Green Belt is in Swanley, it is also helpful for the applicant's case if they can demonstrate that there is a particular local need that can be met and secured as part of any planning permission. In this case, we cannot be satisfied that any housing need would be met or that the properties would be available for those people in the local area who are in need, and nor is their security that the affordable homes would be available in perpetuity.

- 254 Accordingly, limited weight can be attached to this justification for very special circumstances.
- 255 In my view, the starting point would be to clearly identify the actual need for the affordable bungalows, as opposed to the demand for them which appears to be undisputed. In this regard, the 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). However, policy SP4 does set out a list of criteria which must be met for a housing scheme to be considered as an exception. This may provide a useful method for helping to assess the proposals.
- 256 A similar approach was taken by the Planning Inspector in dismissing an appeal for 20 affordable houses on the Green Belt site across the road at Wilburton Nursery (Leydenhatch Lane)(2003 appeal decision). In this decision the Inspector noted that whilst there was a Housing Register, this expressed the location choice of people who had registered rather than the relationship of the people to the area and was not a housing *needs* survey. As there was no housing needs survey, the direct correlation of the proposed number of units to the needs of people specifically within the area could not be made, as required by policy. The Inspector also considered the site played an important role in Green Belt terms, in preventing the spread of development towards Hextable.
- 257 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.
- 258 For the purposes of 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).

259 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.

260 In light of the above, in my view, though there is much anecdotal evidence, little of the applicant's submission identifies a specific need for Swanley, let alone this site. Furthermore, the proposals involve an element of cross subsidy and, in this instance, I consider there to be significant Green Belt policy and countryside objections (in the form of openness and visual impact etc.). It may be possible for the affordable units to be secured in perpetuity via a legal agreement but this has not been demonstrated to date.

261 I note that the applicants supporting documentation concludes that there are no preferable brownfield sites within the Green Belt that would be better located to accommodate the proposed development. It concludes that the site is therefore a suitable location to accommodate additional development in the Green Belt surrounding Swanley.

262 Criteria 1) of SP4 specifically requires an identified local need to justify such development. I would note that the draft S106 submitted incorporates a cascade mechanism, which would allow occupation by residents who are not local to Swanley if eligible local residents did not take on the tenancies available. This undermines the need for development on this particular site in such a sensitive location. The applicants were advised of this, but raised concerns about funding the scheme if this criteria were used in the legal agreement.

263 However, rather than an assessment of the sensitivity of the Green Belt location in terms of its *landscape* character area (Hextable Fringe), in my view a more appropriate assessment would be consideration of the land's contribution to the five purposes of Green Belt as set out in paragraph 80 of the NPPF. My assessment in this regard has been set out above (under Green Belt heading).

- 264 Furthermore, much of the information referred to in justifying the proposals (eg. SHMA) has been taken into consideration during the formulation of the Core Strategy and the ADMP. The Core Strategy was adopted relatively recently and the methodology for determining the amount of housing has been accepted as robust. In addition, the Inspector considering the emerging ADMP did not seek to raise the issue of housing numbers or site allocations for further discussion (issues of debate were flagged for further discussion). In the circumstances, significant weight must be given to the Core Strategy policies relating to the location of development and to the provision made within it for affordable housing.
- 265 The proposals would generally comply with CS policy SP5, which expects new housing to contribute to a mix of different housing types in the area, including small units built to lifetime homes standards.
- 266 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.
- 267 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)
- 268 Paragraph 4.3.5 of the supporting text to L04 states that:
- “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.”
- 269 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).
- 270 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.)*”

- 271 In allocating sites for development in the Allocations and Development Management DPD, 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.”
- 272 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.
- 273 Following on from the above, the emerging 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).
- 274 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.
- 275 In light of the above, it is my view that the applicants should first have reviewed and considered more robustly sites that are *not* in the Green Belt, i.e. sites within the urban confines of settlements, as this is where development is directed (Core Strategy Policies LO1 and LO4 above).
- 276 Furthermore, the contribution of potential “windfall” sites within the urban confines should not be underestimated. An example being the recent appeal 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 was within the built confines.
- 277 In considering the Broom Hill decision, the Inspector noted that one of the reasons for the extremely limited targets for housing supply being found acceptable in the examination of the Core Strategy was the limited land availability in Swanley, caused to a great extent by the extensive surrounding Green Belt.
- 278 At paragraph 15 the Inspector commented:
- “A fundamental aim of the Framework (NPPF) is the presumption in favour of sustainable development, which must be considered. In this case, in formulating the CS housing supply a practical and logical approach was taken to the inability to provide the very substantial numbers of houses required in the area, relating to Green Belt and AONB land; that was reasonable. The Framework also notes at paragraph 10 that decisions need to take account of local circumstances, so that they respond to the different opportunities for achieving sustainable development in different areas.”
- 279 At paragraph 16, the Inspector notes that the site was NOT in the Green Belt, not required for employment use and was within the built confines of Swanley. In view of the housing need, presumption in favour of sustainable development and Green Belt restrictions elsewhere, the Inspector concluded housing on this particular site was acceptable (subject to other considerations also).

- 280 In my view, this decision acknowledges the constraints of development in and around Swanley, particularly because of the Green Belt, and for that very reason gave weight to the need to maximise the potential of Broom Hill which was within the settlement boundary.
- 281 There are also 2 other recent appeal decisions which may be worth noting at this stage, both of which involve proposed housing development, including high numbers of affordable units, in the Green Belt. Both were initially recommended for approval by Inspectors who gave significant weight to the need for affordable housing, but were overturned by the Secretary of State for Communities and Local Government. The first related to a site in Thundersley, Essex (Jan 2014) and the second to a site in Saltford, to the south-east of Bristol (March 2014).
- 282 In very brief summary, in both cases the Inspector acknowledged that the sites were in the Green Belt and represented inappropriate development. Both proposals also adversely affected the openness of the Green Belt. However in both instances the Inspector's concluded this harm to be outweighed in view of the severe lack of forward housing supply, need for affordable housing and potential lack of other identified harm. The SoS however, disagreed with the decisions and attached greater weight to the importance of protecting the Green Belt. In the Thundersley case, the SoS emphasised that national policy is very clear that GB reviews should be undertaken as part of the Local Plan process. In light of all material considerations in this case the Secretary of State was concerned that a decision to allow this appeal for housing in the GB risks setting an undesirable precedent for similar developments which would seriously undermine national GB policy.
- 283 Read in conjunction with the Broom Hill decision, these decisions appear to place great weight on the protection of the Green Belt.
- 284 In light of the above, I am not convinced that the case in favour of the provision of affordable housing on this site is such that it clearly outweighs the harm to the Green Belt or justifies an exception to the CS policies relating to the focus of development within the built confines (L01 & L04). The provision of market housing on site is essentially inextricably linked to the affordable units. However, it seems to me that if there is no overriding need for the affordable units, there is little to support 25 market houses. As the Council's viability consultant stated, the land value of £2,100,000 is required by KCC to carry out other projects elsewhere in Kent and is not required to make the scheme on this site viable.
- 285 In addition, it would appear that the value of the site has been arrived at taking into account all 3 sites forming part of the Kent Kier Initiative, rather than this individual site itself. Thus the value of the site has essentially been artificially raised and the maximum amount of open market housing should be that which is not over and above the size of the original buildings on site. There is no justification for inappropriate development in the Green Belt to provide the finances needed to subsidise two other developments outside the Green Belt and outside the District.
- 286 Finally, there remains a question mark over the need for a Primary School in the locality.
- 287 Kent County Council also produced an Education Commissioning Plan 2013-18. The plan mentions that for September 2014 demand will start to exceed capacity

in the Swanley Hextable area and that KCC will commission an additional 30 reception places for September 2015. There is no information as to where this is to be provided. In addition, it is unclear whether these projections take into account new potential sites, such as that approved at Broom Hill. Furthermore, KCC have requested a £59,000 contribution towards primary school places. For the purposes of justifying the Community Infrastructure Levy charges, KCC appear previously to have identified a need for a new school. However, the original position appears to have changed.

288 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

289 The applicant sought to clarify the position in their additional documentation 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.”

Conclusion

290 In my estimation, some 15% or so of Kent is designated as Green Belt. This is limited to the western portion of the County only. It includes part of Tonbridge Wells, Tonbridge and Malling, Gravesham and Dartford. Sevenoaks District is located wholly within the Green Belt. Excluding the town centres, some 93% of the District is designated Green Belt. It is clear from Government that Green Belt plays an important role in controlling the sprawl of built up areas and controlling development.

291 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. In addition, I consider there to be significant harm to the openness of the Green Belt and to the purposes of the Green Belt, including the contribution of the site to the separation of Swanley to Hextable.

292 I also consider the landscape setting of the site to make an important contribution in the separation of Swanley and Hextable. Whilst I have no significant objection to the layout and design of the proposals generally, I consider the fully gabled roof design to result in the 25 houses being of significantly greater scale and mass than would otherwise be the case. Together with the “solid” means of enclosure proposed, these attributes would be harmful to the openness of the Green Belt

and the character and appearance of the Green Belt. The siting of unit S3 in particular is considered to adversely affect the amenities of the occupiers of no.38 and 40 Russetts Way.

- 293 There are also a number of unresolved issues relating to the highway aspects of the proposals. These could potentially impact on the layout, although this is considered unlikely to result in a significant change to the layout.
- 294 There are clearly unresolved issues regarding the ecology of the site. On the basis of the proposals as submitted, there is insufficient evidence to show that ecological interests would not be harmed.
- 295 There also remain objections on the grounds of the loss of the open space presently provided by the school playing fields. It is recognised that new playing fields have been created on the adjacent land, however, the adjacent open space was already in existence, it is not a gain in the area of open space only a change in the potential quality. Thus I do not consider these concerns have been satisfactorily addressed.
- 296 Whilst there is no dispute with regard to the aging population of the District and the consequent pressure for new housing, especially to cater for the elderly, this is not unsurprising and has informed the Core Strategy and ADMP process and the policies relevant to these proposals. I also note the link with the 2 other sites in Kent, which form part of the Kier Kent Initiative. However, it is not considered that the viability of these other sites justifies the development of the application site. It is unfortunate that of the 3 sites it is only that within Sevenoaks which is located within the Green Belt and yet requires a substantial amount of both affordable and market housing to make it viable.
- 297 In light of the Council's strong policy position, the recent Broom Hill decision and the Green Belt appeal cases reported above, I consider significant weight should be given to the protection of the Green Belt.
- 298 In the circumstances, it is my conclusion that the case of very special circumstances advanced fails to clearly outweigh the harm identified to the Green Belt and the other harm identified, specifically the harm to the purposes of the Green Belt, harm to the openness of the Green Belt and to its character and appearance, harm in landscape terms, harm in terms of design and impact on residential amenity and harm to ecological interest and the loss of open space. I would therefore recommend refusal on these grounds.

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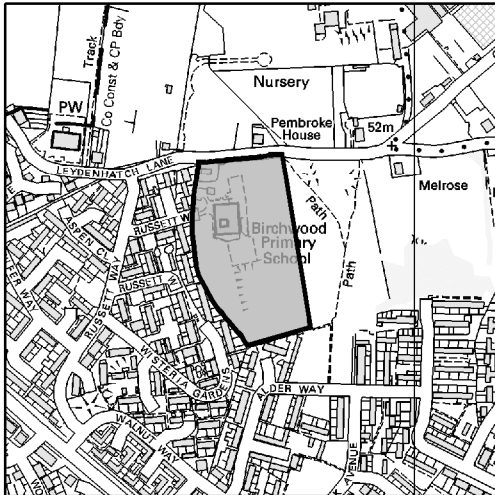
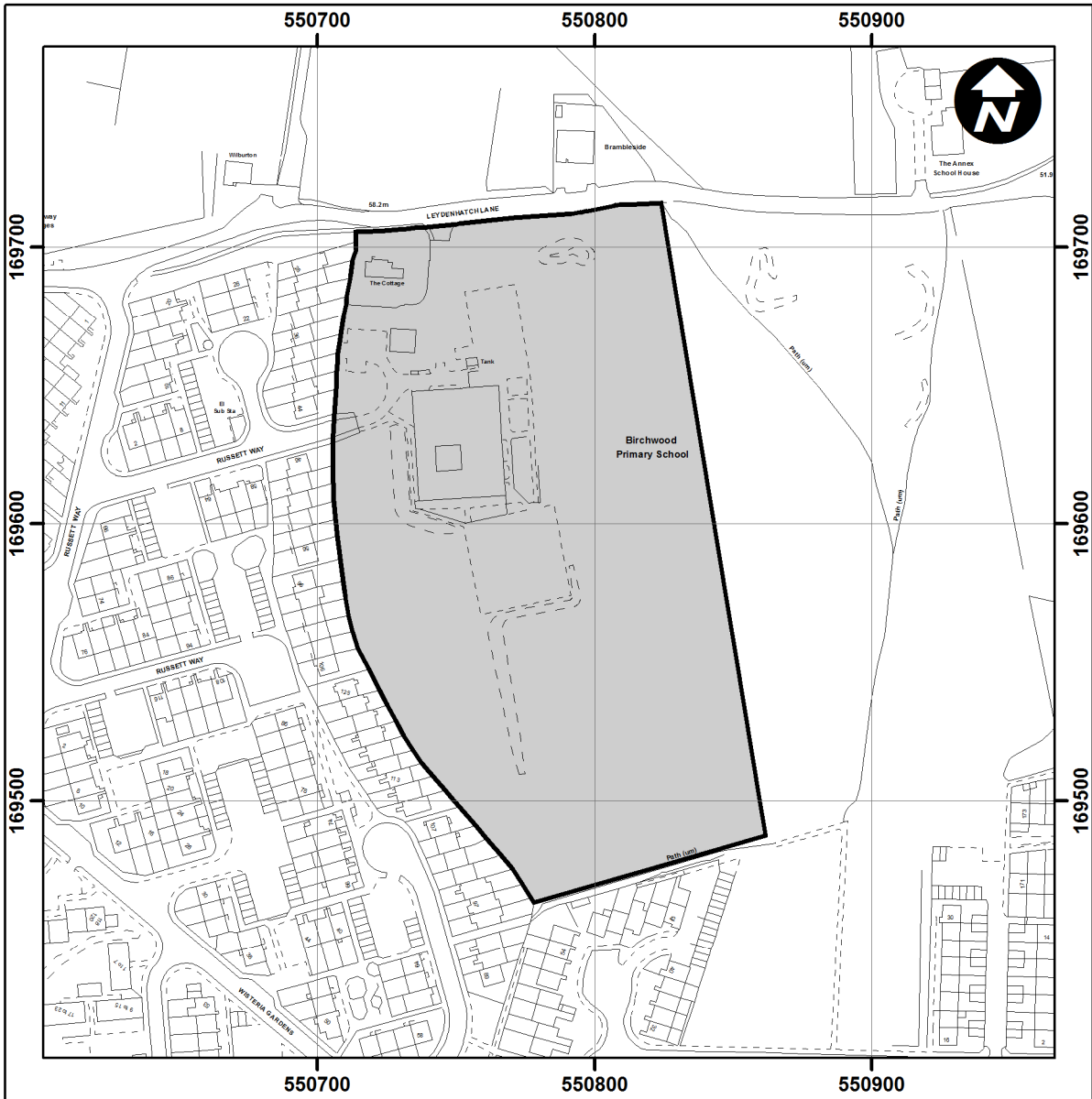
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MXW9YJBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MXW9YJBK0L000>



Site Plan

Scale 1:2,500

Date 08/05/2014



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Block Plan

