



Appeal Decision

Inquiry held on 16-18 February 2016

Site visit made on 18 February 2016

by Elizabeth Hill BSc(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 April 2016

Appeal Ref: APP/G2245/W/15/3130787

Land west of Enterprise Way and St John's Way, Edenbridge, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cooper Estates Ltd against the decision of Sevenoaks District Council.
 - The application Ref SE/14/03783/OUT, dated 2 December 2014, was refused by notice dated 4 June 2015.
 - The development proposed is mixed use development comprising up to 300 new homes, up to 2.6ha public open space and vehicular access.
-

Decision

1. The appeal is allowed and planning permission is granted for mixed use development comprising up to 300 new homes, up to 2.6ha public open space and vehicular access on land west of Enterprise Way and St John's Way, Edenbridge, Kent, in accordance with the application Ref SE/14/03783/OUT, dated 2 December 2014, subject to the conditions set out in the Appendix.

Preliminary matters

2. The application is in outline form with all matters except access to be determined at reserved matters stage. A minor change to the description of the development was made at registration stage to refer to "some matters reserved". However, there has been no material change to the application or the reserved matters. The layout plan submitted with the application is illustrative.
 3. A Statement of Common Ground (SoCG) was issued and included confirmation that, provided planning obligations covering affordable housing, open space and off-site highway works, were agreed and signed, this would overcome the second reason for refusal.
 4. During the inquiry, following the presentation of the Council's evidence and part of the way through the presentation of the appellant's evidence, the Council decided that they would no longer defend the first reason for refusal. They also said that the draft unilateral undertaking was being changed to a S106 agreement, including a pinchpoint to assist pedestrians crossing St John's Way, which would overcome the second, and final, reason for refusal. The Council offered no further evidence, asked no further questions of the appellant's witnesses and made no closing statement. In response the appellant withdrew their costs application in writing.
-

5. A signed S106 agreement was submitted after the inquiry had closed, covering affordable housing, open space and off-site highway works. This is discussed under the second main issue.

Main Issues

6. The main issues in this case are:
 - 1) the effect of the development at the density proposed on the character of St John's Way, including the impact of the resultant traffic on the living conditions of the occupiers of that road, in terms of noise and conflict between vehicles and pedestrians seeking to use the existing public open space;
 - 2) the adequacy of the provision of affordable housing and infrastructure; and,
 - 3) whether the development represents sustainable development.

Reasons

Background

7. The site was removed from the Green Belt in the 1990s, subsequently designated as "reserve land" for housing in policy LO6 of the Sevenoaks Core Strategy 2011 (CS) and the majority of the appeal site was allocated for housing in policy H1(p) of the Allocations and Development Management Plan 2015 (ADMP). Part of the site has an extant planning permission, granted on appeal in 2014, for a large, 3 storey building designed to provide care and accommodation for older people, accessed by St John's Way, which has not been implemented.
8. The appeal site does not coincide exactly with the allocated site, which totals 11.8ha. Two small parcels amounting to about 0.086ha outside the allocated site have been included in the red line site and about 1.03ha of the allocated site is not included in the appeal site, referred to as the residual land. Policy H1 of the ADMP states that allocated sites will provide for a range of housing types, density, mix and tenure subject to the detailed guidance in its Appendix. The site is stated to be able to provide approximately 276 units, with the guidance giving an approximate density of 30dph.
9. It was agreed at the inquiry that the density in policy CS7 of the CS of 40dph in urban areas, including Edenbridge, was based on policy in former Planning Policy Statement 3: Housing (PPS3), rather than being compliant with the approach in the NPPF. The lower density on the site had been set in the ADMP which had a more holistic approach to the development on the site, including its relationship to the countryside beyond the site and the development on St John's Way. The illustrative plan envisages a larger number of dwellings, up to 300, on a smaller area of land than was allocated, with a density of about 36dph in the appellant's estimate. The appellant's view is that the higher density is justified since the CS is not NPPF-compliant in its approach to housing and, in addition, the site would provide much-needed market and affordable housing in the near future.
10. The Inspector in the appeals at Broom Hill, Swanley (APP/G2245/A/13/2197478, 2197479, 2195874 and 2195875) found that, as a full, objectively-assessed need had not been calculated, the approach taken to housing in the CS was not up to date. He also went on to conclude that: "the need for

housing as assessed will not nearly be met by the adopted housing supply targets arrived at in the CS, which is greatly reduced from the need actually identified because of the constraint represented by the district's Green Belt". Since then the Council has sought to increase the supply of housing land through the release of sites in policy H1 of the ADMP, including this one, and commence work on a new Local Plan (LP), based on the NPPF.

11. At the inquiry the Council agreed that the evidence base supporting the CS was out of date, since it was based on PPS3 and not the NPPF, and the CS policies themselves were materially inconsistent with the NPPF. However, they did not agree that the policies themselves were out of date or that they did not have a 5 year housing land supply, although no quantitative analysis was made by either main party. A Strategic Housing Market Assessment (SHMA) dated September 2015, has been produced as the first part of the new LP, covering Sevenoaks and Tunbridge Wells Districts, but has limited weight since it has not been tested in a LP examination and only an extract on affordable housing was submitted in evidence. However, neither of the main parties suggested that the SHMA indicates that the housing need in the District, including affordable housing, has reduced. Furthermore, the Council acknowledge their difficulty in the supply of housing land, as about 93% of the District is either Green Belt or Area of Outstanding Natural Beauty and there is a continuing large gap between housing need and supply in the District. There is no dispute that the development of this site, especially at a slightly higher density, would help to address that need.
12. Paragraph 215 of the NPPF requires that weight is given to relevant policies in existing plans according to the degree of consistency with the NPPF. In this case the housing policies of the CS are not consistent with the NPPF and should be considered as out of date. Paragraph 14 of the NPPF states that in such cases decisions should be based on whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

Density/Impact on living conditions

13. The Council does not object to the density shown on the appeal site but is concerned about the cumulative effects of the number of houses on this site combined with those on the residual land, estimated to be a further 30 dwellings using guidance in the ADMP on development on site H1(p) or 41 dwellings if 40dph is used. The density of 40dph is used for urban areas in Sevenoaks, including Edenbridge, is set out in policy SP7 of the CS and the Council say it would be difficult to resist 40dph on the residual land given that it is close to the existing urban area and away from the more sensitive edge of the countryside. The appellant says that the residual land has constraints including landownership, nature conservation concerns, mature trees, as confirmed by Mr Gosling, and viability issues, which might prevent its development. As an allocated site I consider that it is likely that development would come forward in due course but this would require a separate planning application and the Council would have control over any such proposals.
14. The existing modern development at St John's Way, described as The Beeches at the inquiry, has a density of about 30dph. Its design follows the Kent Design Guide (KDG) and the layout is based around Home Zones. The appellant has produced illustrative alternative layouts for the appeal site. It

- was agreed by the Council at the inquiry that these plans could form the basis for an acceptable reserved matters application in terms of their design and their physical relationship both with The Beeches and the open countryside beyond the site. The illustrative layouts also conform to the guidance in the ADMP through the provision of open space and areas for biodiversity within the floodplain of St Brelade's Stream and in dealing with flood risk to the site. The landscaping shown on the plans indicates that the existing hedgerows and protected trees on the site could be retained and weaker boundaries improved.
15. The access routes would be from St John's Way and Enterprise Way as set out in the ADMP guidance. Information provided by the appellant on The Beeches indicates that St John's Way had been built to a specification for a local distributor (with widths of about 6.75m for the road and 1.8m-2m for the footway), which had taken the future development of the appeal site into account. Enterprise Way is even wider in order to serve the existing commercial development along it. Parking takes place along both these roads and local residents have concerns about their suitability as accesses into the site. However, the Transport Assessment for the site based on 300 dwellings was agreed with the highway authority and the existing 20mph speed limit on St John's Way would help to ensure a safe environment.
 16. From evidence submitted with the appeal, the Council expressed the view that their main concern is the impact of the additional traffic as a result of the increased density on the appeal site and the potential for the residual land to be developed at a similar density on the living conditions of existing residents. In the first reason for refusal this was expressed in terms of the amenities of occupiers and pedestrian/ vehicular conflict on St John's Way for users of the green space in the central area of the development.
 17. In evidence to the inquiry, it transpired that the Council's case was based on the perception of nuisance in terms of noise, inconvenience and highway safety, rather than the actual impact, since further information on noise had been provided by the appellant which demonstrated negligible increases in actual traffic noise on St John's Way even with the residual land developed. There would be changes in the frequency of vehicle movements which would be likely to be noticed by residents and perhaps perceptions of increased noise but I consider that these would not be at a level at which it would have an adverse effect on living conditions.
 18. In addition, the increase in traffic would not be sufficient to prevent safe crossing of St John's Way for residents wishing to access the open space. The number of vehicle movements would not require a formal pedestrian crossing and the degree of severance would be "slight" in terms of the measures in the Design Manual for Roads and Bridges. During the course of the inquiry the appellant also offered to provide a pinchpoint on St John's Way to assist pedestrians, which would be delivered by the S106 agreement. Existing speeds are low, with the appellant's survey showing them generally to be below the 20mph limit in this area and there are no recorded accidents. Speeds would continue to be low with the proposed development in place and, in my view, highway safety, and perceptions of it, would not be compromised.
 19. Therefore I conclude that the effect of the development at the density proposed on the character of St John's Way, including the impact of the resultant traffic on the living conditions of the occupiers of that road, in terms of noise and

conflict between vehicles and pedestrians seeking to use the existing public open space, would not be harmful. As such, it would comply with policy EN2 of the ADMP, which seeks to safeguard the amenity of existing and future residents from such issues as excessive noise, activity or vehicle movements.

Affordable housing/infrastructure

20. The Council, Kent County Council as highways authority and the appellant have submitted a copy of a signed S106 agreement. This covers affordable housing, at a rate of 40% of the dwellings, the management of the open space land, including public open space, Local Areas for Play, Locally Equipped Areas for Play, a Kickabout Area and Allotments, off-site highway works, including a junction improvement at Four Elms Road and Station Road and a pinchpoint on St John's Way.
21. The Council produced a note for the inquiry on the compliance with the Community Infrastructure Levy (CIL) Regulation 122 and policy on planning obligations in the NPPF. Policy SP3 of the CS requires the provision of affordable housing with 40% on larger sites. The split of the proposed provision of 65% affordable rented units and 35% intermediate units would be necessary to comply with the development plan and to meet the need for affordable housing set out in the SHMA. The public open space is required by policy SP10 of the CS and policy H1(p) of the ADMP and would be necessary to serve the needs of the new residents of the development and create an area for recreation and biodiversity in the valley of St Brelade's Stream. The obligation is also necessary to secure the layout, provision, ownership, responsibilities, financing and maintenance of these areas. The off-site highway works are necessary to improve a junction which would be impacted by the development in terms of flow and the pinchpoint on St John's Way would be necessary to improve opportunities to cross the road to the open space. Policy T1 of the ADMP requires new development to mitigate any adverse travel impacts and the minor works to be undertaken are reasonably and fairly related to the proposal.
22. In their evidence the Council had said that provided planning obligations to meet their requirements on affordable housing, public open space and off-site highways were submitted this would overcome the second reason for refusal. The obligations in the S106 agreement are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. As such, they would meet the policy set out in paragraph 204 in the NPPF, CIL Regulation 122 and the development plan policies set out in this section and have weight in this appeal. Therefore, I agree that the second reason for refusal has been overcome.

Sustainable development

23. Paragraph 49 of the NPPF states that housing development should be considered in the context of sustainable development, with paragraph 7 saying that this has economic, social and environmental roles.
24. The proposal would support the local economy by providing construction work and new residents would support local shops and services. As such, the development would support the economic role of sustainable development and this has moderate weight. In terms of its social role, the development would have a substantial benefit in bringing forward 40% of the dwellings on the site

as affordable housing in a District which has significant difficulties in meeting its housing needs, due to the constraints of Green Belt and AONB. In terms of its environmental role, the development would provide green infrastructure, recreation and public open space, including allotments, making use of the floodplain area of the site. It would not have any material adverse impacts on the existing environment and the living conditions of existing residents and would have a moderately beneficial role in terms of the environment.

25. Therefore I conclude that the proposed development would have substantial positive weight in its social role and moderate positive weight in terms of its economic and environmental roles and would constitute sustainable development.

Other matters

26. A number of other matters were raised by local residents and bodies. Edenbridge Town Council is starting to prepare a Neighbourhood Plan. However, the plan itself has not yet been drafted and therefore it has no weight in this appeal. Flood risk has already been taken into account in the illustrative design of the development and the flood risk assessment has satisfied the Local Lead Flood Authority. Surface water drainage would need to be the subject of a suitably-worded condition. Although Cllr Scholey was in favour of open Sustainable Urban Drainage features, a number of other local residents had concerns for water safety. The latter issue can be overcome through good design but it would be a matter that would be examined in the later design stages for the drainage of the site.
27. Some local residents are concerned that there would be an adverse impact on biodiversity. An extended Habitat Survey and Protected Species Survey has been undertaken and, where necessary, protection would be afforded to trees, protected species like Great Crested Newt and habitats through an ecological management and enhancement plan, delivered by suitably-worded conditions. Local residents say that infrastructure, including health, education and transport is currently stretched and in need of further support. The Officer Report on the proposal indicates that these types of projects could be funded by CIL bids but that no contributions would be taken from this proposal since obligations under a S106 agreement would be provided. The operator of one of the nearby commercial units is concerned that noise from his premises would give rise to complaints from the proposed development and this would have an impact on his business. However, such impacts have been considered in the appellant's noise survey and this matter could be dealt with through the detailed design and layout at reserved matters stage and the imposition of a suitably-worded condition. Any noise from construction would be relatively short-lived and a condition requiring a construction management plan would ensure that the impacts of construction were controlled. Some concerns have also been expressed about privacy and the visual impact on existing occupiers. This would be controlled through the reserved matters stage of the development, having regard to the detailed relationships between buildings on the existing and proposed development.
28. None of the above matters alter my conclusions on the main issues and are neutral in the balance on the sustainability of the proposal.

Conditions

29. I have considered the suggested conditions in the light of the policies of the NPPF at paragraph 206 and the guidance in the National Planning Practice Guidance. Since the application is in outline form conditions would be necessary to ensure that the reserved matters are submitted and to the timescale set out for such applications. The plan submitted with the application, 3408 P 01, shows only the red line boundary and therefore a plans condition is not necessary. In order to protect the character of the local environment, including the countryside beyond the site, and the appearance of the development, conditions would be necessary to control the ridge heights and density of the development to meet the guidance associated with policy H1(p) of the ADMP. In order to ensure that the development follows an appropriate sequence and that affordable housing comes forward at the correct time, a condition requiring details of the phasing would be necessary to accord with policy SP3 of the CS.
30. In order to provide a wide choice of high quality homes required in paragraph 50 of the Framework, a condition would be required to ensure that a mix of housing sizes and types would be developed, to meet identified need in the District. Although Edenbridge Town Council would have preferred more family sized units, identified in their Housing Needs Survey, the Council has had regard to the needs of the District as a whole. A condition to provide Lifetime Homes would be necessary to ensure that housing can be adapted to meet the needs of older people and those with disabilities, in accordance with policy SP5 of the CS. Appropriate car parking provision needs to be made in the interests of highway safety and a condition would be necessary to ensure that this is provided in accordance with the Council's parking standards.
31. In order to protect the character and appearance of the area, conditions would be required for the submission and approval of materials to be used in the buildings, tree protection measures, landscaping including maintenance, site and slab levels, hard surfacing materials, external lighting and boundary treatment. In the interests of crime prevention and community safety, a condition would be necessary to ensure that appropriate crime prevention measures would be included in designs. A condition would be necessary to ensure that the proposed layout of the new development took into account appropriate noises levels from the existing nearby commercial development, in accordance with the appellant's noise survey.
32. In order to reduce the risk from flooding and avoid flooding affecting properties elsewhere, a condition would be needed to ensure that the measures in the appellant's Flood Risk Assessment were put into place and a further condition would be needed to ensure that sustainable surface water drainage scheme was put in place having regard to the hydrological and hydrogeological context of the site. This latter condition would take into account about surface water flows in ditches around the site, on which Mr Gosling commented. A further condition would be needed to ensure that the design of any bridges over St Brelade's Stream would be adequate to allow the free flow of flood water, to reduce the risk of flooding.
33. A condition would be necessary to ensure that an assessment of the local sewer capacity had taken place and any necessary improvements made to the system and a further condition would be required to ensure that each phase of

- the development was properly served by foul and surface water disposal systems before development took place there, to provide proper infrastructure for the site and prevent pollution and flooding. In order to encourage low carbon and low emission vehicles, conditions would be needed to ensure that parking areas within residential curtilages and in communal parking would be provided with electric charging points. In order to ensure that dwellings are provided with modern communications and technology infrastructure, a condition would be needed to ensure that such infrastructure is provided to each phase of the development.
34. In order to protect the living conditions of existing occupiers and highway safety, a condition would be needed to ensure that construction traffic uses only Enterprise Way and that a construction method statement would be submitted and approved to cover construction matters. In order to emphasise pedestrian and cycle movements in road layouts, a condition would be needed for such schemes to be provided as part of the reserved matters. A condition would be necessary to ensure that the details of the off-site highway works discussed above were submitted, approved and implemented before the first occupation of dwellings on the site in the interests of highway safety, including pedestrians.
35. The ecology survey indicated the potential presence of Great Crested Newts and reptiles on the site and therefore a condition would be necessary to ensure that an approved mitigation strategy for them was approved and implemented. In the interests of biodiversity, a condition would be necessary to ensure that a detailed ecological management and enhancement plan were to approved and implemented including the grassland habitat identified in the Corylus Ecology report. In order to prevent pollution, conditions would be necessary to ensure that a scheme for site investigation, remediation and verification were approved and implemented together with provisions for a verification report confirming the implementation of any remediation scheme and monitoring, together with a condition to cover any contamination not previously identified. In order to promote sustainable travel, a condition would be necessary requiring the production and implementation of an approved Travel Plan. There is an extant permission for a large development for the care and accommodation of older people on part of the site, which would not be compatible with the proposal. As such, a condition would be required to ensure that only one of the developments would take place on the site, in the interests of the character and appearance of the area.
36. A further condition was suggested by the Council which would make sure that locations for vehicular access to the residual land were included in the layout in the reserved matters application. The appellant objects to this condition since the Council already has control over the layout as a reserved matter and the condition would not be necessary. Whilst the guidance attached to policy H1(p) of the ADMP states that no one phase of the development should jeopardise any other phase, control already exists and it would not be in the appellant's interests to give up a "ransom" position on the access. Therefore I consider that this condition would not be necessary. In addition, a local resident has suggested a condition to improve Enterprise Way to make it more suitable as an entrance to a residential area. However, Enterprise Way is a commercial area from its junction with Station Road and it would be difficult to improve its functional appearance through the imposition of a planning condition. In addition, there is no evidence of any support for this initiative

from the Council or any other body who would be likely to have to implement it. Finally, I have amended some of the suggested conditions in the interests of clarity and precision.

Conclusions

37. Although the proposal would not strictly comply with the out-of-date development plan, in terms of the proposed density, the Council have now agreed that there are material considerations that make it acceptable. There would not be harm to the living conditions of the occupiers of St John's Way as a result of the proposed development, the proposal would make the necessary contributions to affordable housing and infrastructure and it would constitute sustainable development. These material considerations would outweigh the plan and allow for a decision to be made other than in accordance with it. There would be no adverse effects to significantly and demonstrably outweigh the benefits of the proposal and the presumption in favour of sustainable development would apply, in accordance with paragraph 14 of the NPPF. Therefore for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

E A Hill

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr E Grant, of Counsel	Instructed by the Council's Solicitor
He called	
Mr I Ellis BA MRTPI	Southern Planning Practice Ltd

FOR THE APPELLANT:

Mr G Jones QC	Instructed by Mr Buchanan, Pro Vision
He called	
Mr M Gibbins BAHons	Indigo Landscape Architects Ltd
MLI	
Mr A Blacker MSc MIHT	WSP Parsons Brinkerhoff
MILT	
Mr R Buchanan BAHons,	Pro Vision Planning & Design
MRTPI	

INTERESTED PERSONS:

Mr J Isherwood	Local resident
Cllr J Scholey	Local Councillor
Mr M Robson	Local resident
Mrs C Lane	Clerk, Edenbridge Town Council
Mr C Gosling	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

Council documents

LPA1 – Council's Opening Statement
LPA2 – Traffic flow figures
LPA2A – Amended traffic flow figures
LPA3 – email, CIL compliance
LPA4 – Council's position in respect of reasons for refusal
LPA5 – Suggested additional condition
LPA6 – Site visit material
LPA7 – electronic copy of conditions

Appellant documents

A1 – Appellant's Opening Statement
A2 – NPPG para 3-030-20140306
A3 – Brandon Lewis letter dated 19 December 2014, Strategic Housing Market Assessments
A4 – Kent CC Crash data, email 2 February 2016
A5 – Kent Design Guide
A6 - Manual for streets 2, CHIT
A7 – Broom Hill appeal decisions, APP/G2245/A/13/2197478, 2197479, 2195874 & 2195875
A8 – Potential means of access "Residual Land Allocation"

- A9 - Potential means of access "Residual Land Allocation" alternative scheme
- A10 - Northampton appeal decision, APP/Y2810/A/14/2225722
- A11 - Fairford appeal decision, APP/F1610/A/14/2213318
- A12 - Spencers Wood appeal decision, APP/X0360/A/13/2209286
- A13 - Weedon Bec appeal decision, APP/Y2810/A/14/2228921
- A14 - CO/3447/2015, judgment quashing Weedon Bec appeal
- A15 - Written withdrawal of costs application
- A16 - Appellant's Closing Statement

Joint Council and appellant documents

- J1 - List of agreed documents
- J2 - Draft S106 agreement
- J3 - Signed S106 agreement

Interested persons' documents

- IP1 - Mr Isherwood's statement
- IP2 - Cllr Scholey's statement
- IP3 - Summary and full document, Edenbridge Housing Needs Survey, August 2015, submitted by Edenbridge Town Council

Richborough Estates

APPENDIX – CONDITIONS

- 1) Details relating to the layout, scale and appearance of the proposed development (including the open space land) and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.
- 2) The development to which this permission relates must be begun before:
 - The expiration of three years from the date of this permission; or
 - The expiration of two years from the final approval of the reserved matters, whichever is the later.
- 3) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.
- 4) The reserved matters shall incorporate ridge heights for the proposed dwellings to be no higher than shown on the illustrative layout drawing submitted with this application numbered 3408 P 02.
- 5) The layout and scale of the reserved matters shall be designed so that the density of development of dwellings adjacent to the western boundary of the site shall not exceed 30 dwellings per hectare, and the maximum height of any dwelling adjacent to the western boundary shall not exceed 8.5 metres in height.
- 6) No development shall take place until details of the phasing of the development have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
- 7) The reserved matters shall provide for a mix of housing sizes and types. At least 50% of all units across the development shall be two bedrooms or less.
- 8) The development shall be designed and constructed so that at least 50% of the total number of units hereby approved are in accordance with the Lifetimes Homes Standard. Details of measures to meet lifetime homes standards shall be provided with the reserved matters.
- 9) The reserved matters shall include full details of resident and visitor parking, which shall be designed to accord with the Council's parking standards as set out in Appendix 2 of the Sevenoaks Allocations and Development Management Plan. No units within any phase of the development shall be occupied until resident and visitor parking has been provided in accordance with the approved details. The approved parking spaces shall thereafter be maintained solely for vehicle parking only.
- 10) No development shall be carried out within any phase until samples of the materials to be used in the construction of the external surfaces of the buildings within that phase have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.
- 11) No development or demolition works shall be commenced until measures to protect all trees to be retained on site have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be designed to be in accordance with BS5837: 2012. No works shall be carried out, nor any fires lit, or vehicles, materials or equipment stored within the protected areas. The approved measures shall be implemented before work on the relevant phase commences and

the protection measures shall remain in place for the duration of construction works unless agreed otherwise in writing by the Local Planning Authority.

- 12) The landscaping details required under the reserved matters shall incorporate:
- planting plans (identifying existing planting, plants to be retained and new planting);
 - a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities);
 - a scheme to provide a landscaped buffer zone along the western boundary of the site; and
 - a programme of implementation.

The development shall be carried out in accordance with the approved details. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

- 13) No development shall take place within any phase, until details of proposed site and slab levels for that phase have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.
- 14) No development shall be carried out within any phase until full details of the surface materials for all roads, accesses, driveways, parking areas, paths and other hard surface areas for that phase have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.
- 15) Prior to the installation of any external lighting serving any phase of the development, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in strict accordance with those details. Such lighting shall be designed to accord with recommendations within the ecology report submitted with the application, to be sensitive to wildlife and minimise light spill.
- 16) Before development commences in any phase, full details of all boundary enclosures to be erected within that phase, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 17) 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.
- 18) The layout of the reserved matters shall be designed so that any proposed residential units adjacent to the industrial units on Enterprise Way would achieve internal and external noise levels in accordance with the World Health Organisation Community Noise Guidelines, as set out in Table 2 of the WSP acoustic report no: AC/70003999/A1 revision 2 dated 19 March 2015 submitted with the planning application. No development shall take place until full details of noise levels together with acoustic protection measures necessary to achieve these Guidelines have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

- 19) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA). The reserved matters shall include full details of the provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100yr climate change level, in accordance with drawing 3999-FLD-01 in appendix H of the FRA, or an alternative scheme as otherwise approved. The development shall be carried out in accordance with the approved details.
- 20) No development shall take place until a surface water drainage scheme for the entire application site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall:
- Specify the responsibilities of any party for the implementation of the SUDS scheme
 - Specify a timetable for implementation
 - Provide a cost-effective management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be carried out in accordance with the approved details.
- 21) The reserved matters shall include full construction details of any bridges to be built over the St Brelade's stream. The bridges shall be designed to avoid obstruction to the free flow of flood water through the site and to avoid increased flood risk elsewhere in the locality. The development shall be carried out in accordance with the approved details.
- 22) No development shall take place until a detailed assessment of the capacity of the local sewer network, and any works required to increase capacity to service the needs of the approved development, has been submitted to and approved in writing by the Local Planning Authority. No residential unit in any phase of the development shall be occupied until it has been demonstrated that sufficient capacity in the local sewer network has been provided.
- 23) No development in any phase shall be commenced until details of the proposed means of foul and surface water sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 24) All dwellings with vehicle parking within the residential curtilage shall be provided within an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles prior to the occupation of any such unit.
- 25) All residential units with communal parking shall be provided with access to communal electric charging points. Full details of the number and location of such points in each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase, and shall be provided as approved prior to the occupation of any unit within that.
- 26) The development shall be constructed to provide on-site modern communication and technology infrastructure, which should include Broadband, high speed internet cabling and digital TV cabling. Details relating to the provision of such infrastructure shall be submitted prior to the commencement of each phase of the development. No residential unit in any phase shall be occupied until the approved infrastructure has

been provided in each relevant phase, or in accordance with an alternative timescale agreed by the Local Planning Authority as part of the approved details

- 27) Construction traffic in relation to the development hereby approved shall only access and exit the site via Enterprise Way. No development shall take place, including any works of demolition, 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 provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
 - where appropriate wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 28) The reserved matters shall include full details of road layouts, which should be designed to emphasise pedestrian and cycle movement through the site. The proposed road through the area of open space shall be designed to be "under-engineered" in order to downplay the impact of the road through the open space.
- 29) Before development commences, full details of the following off-site highways works shall be submitted to and approved in writing by the local planning authority:
- widening measures to the Four Elms Road / Station Road junction, to facilitate a right turn lane on Station Road when travelling north.
 - measures to provide traffic calming on St Johns Way adjacent to the area of open space, to improve pedestrian safety
- No residential unit within the development hereby permitted shall be occupied until the offsite highways works have been completed.
- 30) No development in any phase shall be commenced until a detailed mitigation strategy for Great Crested Newts and reptiles, based on the findings of the Corylus Ecology survey submitted with the application, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.
- 31) No development shall take place until a detailed ecological management and enhancement plan has been submitted to and approved in writing by the local planning authority. The plan shall include measures for management of open space for biodiversity, including the grassland as identified by Corylus Ecology in their letter dated 20/03/15, and shall include biodiversity enhancement measures across the entire site. The development shall be undertaken in accordance with the approved details.
- 32) No development shall be commenced until the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:
1. A detailed site investigation scheme, based on the findings of the WSP Preliminary Environmental and Geotechnical Risk Assessment submitted with this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. Details of a remediation strategy giving full details of the remediation measures required to deal with any contamination identified under (1), and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.
- 33) No occupation of any phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy for that phase, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 34) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 35) No residential unit hereby permitted shall be occupied until a full Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The Travel Plan shall be based upon the findings and recommendations of the Interim Travel Plan by WSP submitted with this application. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.
- 36) The development hereby permitted shall be carried out as an alternative to the permission granted under reference SE/09/03027, but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.