



Appeal Decisions

Inquiry commenced on 20 August 2013

Site visit made on 7 October 2013

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

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

Decision date: 23 January 2014

Appeal 1: APP/G2245/A/13/2197478

Land at Broom Hill, Swanley, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Cooper Estates Limited against Sevenoaks District Council.
- The application Ref SE/12/03421/OUT, was dated 24 December 2012.
- The development proposed is mixed use development comprising demolition of existing employment building, erection of new employment building for provision of up to 2,500m² of employment use (B2/B8), erection of 61 dwellings (including no fewer than 24 affordable social houses), alterations to existing access in the vicinity of London Road and provision of an access road within a corridor not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access on to Beechenlea Lane, provision of not less than 0.24 hectares retained open land, provision of not less than 1.41 hectares of public open space, including an equipped play area, and provision of a public footpath.

Appeal 2: APP/G2245/A/13/2197479

Land at Broom Hill, Swanley, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Cooper Estates Limited against Sevenoaks District Council.
 - The application Ref SE/12/03421/OUT, was dated 24 December 2012.
 - The development proposed is Mixed use development comprising demolition of existing employment building, erection of new employment building for provision of up to 2,500m² of employment use (B2/B8), erection of 39 dwellings (including no fewer than 16 affordable social houses), alterations to existing access in the vicinity of London Road and provision of an access road within a corridor not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access on to Beechenlea Lane, provision of not less than 0.94 hectares retained open land, provision of not less than 1.44 hectares of public open space, including an equipped play area, and provision of a public footpath.
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Appeal 3: APP/G2245/A/13/2195874

Land at Broom Hill, Swanley, 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 Limited against the decision of Sevenoaks District Council.
 - The application Ref SE12/03423/OUT, dated 24 December 2012, was refused by notice dated 28 March 2013.
 - The development proposed is mixed use development comprising erection of 20 dwellings (including no fewer than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east; alterations to the existing access on to Beechenlea Lane, provision of not less than 1.06 hectares retained open land, provision of not less than 1.48 hectares of public open space, including an equipped play area.
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Appeal 4: APP/G2245/A/13/2195875

Land at Broom Hill, Swanley, 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 Limited against the decision of Sevenoaks District Council.
 - The application Ref SE/12/03424/OUT, dated 24 December 2012, was refused by notice dated 28 March 2013.
 - The development proposed is mixed use development comprising erection of 20 dwellings (including no fewer than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to the existing access on to Beechenlea Lane, provision of not less than 1.17 hectares retained open land, provision of not less than 1.33 hectares of public open space, including an equipped play area.
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Procedural Matters

1. The inquiry was held on the 20-23 August and 8 October.
2. During the course of the inquiry the council acknowledged that subject to controls for mitigation and management, there would now be no objection in relation to ecology. It is now common ground between the main parties that objections related to air quality and site contamination have been overcome and objections related to affordable housing would be overcome with an appropriate legal agreement.
3. The council also confirmed, because of their current understanding of the schemes, that the balance of the benefits against harm has changed for the proposals for 20 dwellings (Appeals 3 and 4). Now the council is of the opinion that for those schemes the benefits outweigh the harm and approval would have been recommended.

4. The applications are for outline planning permission, with all matters apart from access reserved.

Decisions

Appeal A

5. The appeal is allowed and planning permission is granted for a mixed use development comprising demolition of existing employment building, erection of new employment building for provision of up to 2,500m² of employment use (B2/B8), erection of 61 dwellings (including no fewer than 24 affordable social houses), alterations to existing access in the vicinity of London Road and provision of an access road within a corridor not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access on to Beechenlea Lane, provision of not less than 0.24 hectares retained open land, provision of not less than 1.41 hectares of public open space, including an equipped play area, and provision of a public footpath, at Broom Hill, Swanley, Kent in accordance with the terms of the application, Ref SE/12/03421/OUT, dated 24 December 2012 and the plans submitted with it, subject to the relevant conditions set out in Annex A.

Appeal B

6. The appeal is allowed and planning permission is granted for a mixed use development comprising demolition of existing employment building, erection of new employment building for provision of up to 2,500m² of employment use (B2/B8), erection of 39 dwellings (including no fewer than 16 affordable social houses), alterations to existing access in the vicinity of London Road and provision of an access road within a corridor not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access on to Beechenlea Lane, provision of not less than 0.94 hectares retained open land, provision of not less than 1.44 hectares of public open space, including an equipped play area, and provision of a public footpath, at Broom Hill, Swanley, Kent in accordance with the terms of the application, Ref SE/12/03422/OUT, dated 24 December 2012 and the plans submitted with it, subject to the relevant conditions set out in Annex A.

Appeal C

7. The appeal is allowed and planning permission is granted for a mixed use development comprising erection of 20 dwellings (including no fewer than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east; alterations to the existing access on to Beechenlea Lane, provision of not less than 1.06 hectares retained open land, provision of not fewer than 1.48 hectares of public open space, including an equipped play area at Land at Broom Hill, Swanley, Kent in accordance with the terms of the application, Ref SE12/03423/OUT, dated 24 December 2012 and the plans submitted with it, subject to the relevant conditions in Annex A.

Appeal D

8. The appeal is allowed and planning permission is granted for a mixed use development comprising erection of 20 dwellings (including no fewer than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east; alterations to the existing access on to Beechenlea Lane, provision of not less than 1.06 hectares retained open land, provision of not less than 1.48 hectares of public open space, including an equipped play area at Land at Broom Hill, Swanley, Kent in accordance with the terms of the application, Ref SE12/03424/OUT, dated 24 December 2012 and the plans submitted with it, subject to the relevant conditions in Annex A.

Main Issues

9. I consider that the main issues are:
- The need for the proposed housing.
 - The effect of the proposal on the character and appearance of the surrounding area.
 - The effect of the proposal in relation to noise.
 - The need for financial contributions including for education and libraries, community learning, families and social care and healthcare.

Reasons

Need, National Planning Policy Framework (The Framework) and 5 year housing supply

10. It is common ground that there is an adopted Core Strategy [CS], which was prepared prior to the publication of guidance in the Framework. While the methodology of identifying the housing supply was not fully agreed, there is no dispute between the parties that the council identified a 5 year supply related to the provision set out in the CS, with a 5% buffer, which can be realistically achieved. There is no record of under delivery. However, it is also common ground 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. The substantial difference between that assessed and that included in the CS will not be made up in other nearby areas and there has been no attempt as yet to cooperate with neighbouring authorities. 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 land and Area of Outstanding Natural Beauty.
11. The National Planning Policy Framework (The Framework) reaffirms that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It does not change the statutory status of the development plan as a starting point for decisions. It notes that The Framework should be taken into account in the preparation of the development plan and is a material consideration in planning decisions.

12. A core principle is that planning should be plan led, empowering local people to shape their surroundings, with succinct local plans setting out a positive vision for the future of the area. They should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
13. The Core Strategy was formulated prior to the guidance in The Framework coming into the decision making process. There is a difference between the approaches to the formulation of housing targets from when the CS targets were decided and now with The Framework. Previous advice in Planning Policy Statement 3 [PPS3] required provision of a sufficient quantity of housing taking into account need and demand. The Framework indicates that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. The emphasis has changed in The Framework and, in my view, this is an important material consideration. My attention has not been drawn to any objectively assessed needs assessment produced since the CS. The Framework also notes that housing applications should be considered in the context of the presumption in favour of sustainable development.
14. The council argues that the plan making advice in paragraph 14 of The Framework should not be confused with the decision taking advice. I acknowledge that there is a difference between the two parts. However, paragraph 215 notes that following 12 months from publication of The Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with The Framework (the closer the policies in the plan to the policies in The Framework, the greater the weight that may be given). In my view, the way that the allocation was made for housing in Swanley was not up-to-date with the approach now put forward in The Framework and this is a material consideration to which I attach weight.
15. A fundamental aim of The Framework 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.
16. In this case there is an area of land not in the Green Belt, not required for employment use and within the development boundary of Swanley, and plainly suitable for the provision of some sustainable housing, as now accepted by the local planning authority on part of the site. In my view, the relevant policies in the CS limiting housing numbers, because of the Green Belt and AONB, is still relevant, but the strong encouragement for permitting sustainable development and that the assessed need has not nearly been met, is an important material consideration. I acknowledge that many local people have contributed to the development plan making process and have expectations in relation to the adopted plan and I have taken this into account and attach weight to it. In this respect, supplementary site allocations were considering small residential development on the appeal site and local residents have contributed to the planning process through this inquiry.

17. Overall, taking into account the considerable need for housing, in my view, further sustainable housing development should be considered for the appeal site, provided any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the council's policies and The Framework. I attach substantial weight to the great need for housing and affordable housing that would be provided by the proposed development.

Land Use

18. LP Policies EP1 and SW8 relate in part to land at Broom Hill, noting it as being suitable for a small high-technology business park with access to be achieved from London Road, and this included the provision of land for recreational purposes. This approach has been continued in the Core Strategy, although the suggestion for the layout of development has changed from that of the Local Plan.
19. The Core Strategy notes that Swanley has a significant stock of employment land and its retention and modernisation in accordance with CS Policy SP8 will be a key factor in the development of the local economy. It is noted that the economy has the potential to benefit from the town's location next to the M25 so, in addition to existing sites, an unimplemented Sevenoaks District Local Plan allocation for employment land at Broom Hill adjoining Junction 3 is proposed to be retained as it continues to have potential for economic development to support the economic regeneration of the town. CS Policy SP8 relates to the new provision of business development, including through allocation of greenfield land at Swanley outside of the Green Belt.
20. CS Policy LO4 notes the provision of 660 dwellings in Swanley and that the local economy will be sustained through the regeneration and redevelopment of the existing suitable employment sites and through allocation of additional land adjoining the M25 and not in the Green Belt, for employment purposes. The policy allocating sites for development in the Draft Allocations and Development Management DPD indicates an emphasis will be on, amongst other things, providing additional public open space where opportunities arise and protecting the setting of the town.
21. The proposal map attached to DPD Policy EMP4 identifies land adjacent to the existing employment land in the south east corner as being for development. This land does not include the appeal site and development of the appeal site would not prevent the proposed employment use. The plan identifies the appeal site to be maintained as open space and for land to the north to be allocated for biodiversity mitigation and improved access to open land.
22. However, the appeal site is not the subject of any landscape or open space designation. CS Policy SP10 relates to Green infrastructure, Open Space, Sport and Recreation Provision. Some parties suggested that the site is an open space and related to this policy in terms of being natural or semi-natural space. However, text to the policy provides examples of what is considered to be natural and semi-natural space and these include woodlands, urban forestry, scrubland, grasslands, wetlands, nature reserves and wastelands. The appeal site has been used for grazing and it is open, but it is not semi-natural or natural, being in an agricultural use and managed for grazing with, as noted by

neighbours, regular ploughing. In my view, the land does not come within the terms of CS Policy SP10, which was also the view of the council officers.

23. LP Policy EN9 notes that the council will safeguard important areas of green space within the built confines. These areas are identified on the proposals map. The appeal site is not one of those, and the council at the inquiry said that it would be reasonable to conclude that the council did not consider that the appeal site had the necessary qualities, including its visual openness, to justify inclusion.
24. The proposals would not affect the land identified for employment, but would in fact provide a potential access to the employment land. While no explanation could be given to my question about how it would be decided which of two proposed accesses would be used for the proposed employment development, it is clear that there is potentially some benefit from the schemes in that they make provision for a potential access to the employment land.
25. No case has been made in relation to prematurity in relation to the Development Allocations Document. The appeal site itself was not allocated for actual employment development. In any case, The Framework notes that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Here the appeal site is not now identified for employment use. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. In my view, the use of the land would not compromise the proposed employment use, but could help by providing an alternative arrangement for access. I conclude that the proposals would not conflict with the aims and objectives of CS Policies SP8, SP10 and LO4 and LP Policies EP1, SW8 and EN9.

Character and Appearance

26. CS Policy SP1 provides general guidance to ensure good quality development that responds to local character, which would include the nearby housing, employment use and Broom Hill. Some development will have an impact on the area, the importance is that design and layout respond to its surroundings. CS Policy LO4, while noting the need for provision of various forms of development, indicates that emphasis will, amongst other things, be on protecting the setting of the town. In terms of The Framework, design is part of sustainable development and this includes taking into consideration the impact development would have on open spaces, whether public or private.
27. Interested parties noted that the reason the land was removed from the Green Belt was related to the need at the time to identify land for employment purposes and that much of it would remain open in proposed schemes. I acknowledge the reasons given by the inspector when the land was removed from the Green Belt, which was not related to any need or intention to provide housing at that time. While I have some sympathy with the case being put forward, the land has, for whatever reason, been removed from the Green Belt and is now, for planning purposes, in the confines of Swanley. Therefore, normal protection and tests related to development in the Green Belt and

protection afforded in relation to development in the countryside do not apply to the appeal site.

28. However, I accept that the land remains an important space and the implications of proposed development need to be considered carefully in relation to the surrounding landscape and existing development. There was much evidence about whether the appeal site could contribute to the setting of Swanley, as it is now identified as being within Swanley for planning purposes. This can be looked at in different ways. It could be considered that it is what is outside the development boundary that forms the setting of what is within it, but as it currently stands the visual perception for those looking at Swanley will be that the start of the development of the town occurs with the housing in Beechenlea Lane and nearby business uses. This would change in the future with the planned business uses that will be further out than the appeal site. There is no prominent line on the ground that identifies the 'planning boundary'. Development of the site will have an impact on the visual perception of the setting of Swanley, even if it is within the identified development boundary. So while technically the appeal site is part of the town the impact of this development on the town's setting needs to be taken into consideration, while taking account of the planning boundary and the implications that has for future use of the land.
29. Currently the appeal site is mainly a field, which in the past has been used for grazing, but from the state of the grass this has not been the case for some time. The northern area was a nursery, but now that part of the site is derelict and partially overgrown. The appeal site is part of an attractive open landscape at the edge of Swanley, offering visual benefits, particularly to local residents. The field has fairly steep undulations, with a high point near the centre of the south-east boundary, with levels dropping off considerably to the west and to a lesser extent to the north and east. The central part of the site on its south eastern edge is relatively prominent. Beyond the appeal site to the north-east the land dips a little and then generally rises up to Broom Hill, which I consider to be the most prominent topographical feature in the near vicinity.
30. The appellant has produced a detailed and professional landscape appraisal of the proposal. While this was not done in line with recent changes that have now been made to recommendations by the Landscape Institute, I consider that it was a thorough and realistic appraisal of the situation and no technical criticism of it was identified by the council's witnesses. I come to my conclusions based on the evidence submitted, but also from my site visit, including views from a number of locations within Swanley and from footpaths just outside Swanley.
31. While there are a number of locations where the appeal site is identifiable from public positions, these generally are distant views with little of the land being visible, but with the more prominent Broom Hill visible beyond the appeal site and in some views distant woodland beyond the motorway. I acknowledge that housing on the site would become visible, but at this distance it would be seen as part of and a very small extension to the existing housing and not out of character with the surrounding houses in Swanley. At that distance the impact on Swanley would not be significant.
32. The housing would generally with all schemes be provided in the lower southern part of the site, but with the two larger schemes, houses through

much of the length of the site. However, even with Appeal 1 scheme as illustrated, the additional houses would be kept tight to the boundary, adjacent to existing houses, leaving some of the higher land towards the north and Broom Hill relatively open. To my mind this is important, ensuring that housing is kept compact with existing housing and that some of the higher part of the site remains for open space. This would be the case for all four schemes to a greater or lesser extent. I accept that two storey houses in the proposed layouts would be likely to have roofs that would come close to or a little above the land level at the eastern edge of the site, and that the land itself would be obscured in some views by new building, particularly when seen from the existing housing in Beechenlea Lane and to a lesser extent in some of the distant views from the town side. However, whether the tops of buildings are a little above the higher land level would make little difference to the overall impact of development at the appeal site, as development at the appeal site will be evident in views. Planting could be provided on the boundary at the higher parts of the site and this could continue to provide a green backdrop and landscaping is a matter for conditions.

33. The layout, with predominantly detached houses, would be in keeping with the adjacent houses in Beechenlea Lane. While the built fringe of Swanley would be extended out at the appeal site, it would still be seen as part of the general built development of the town, closely associated with the existing employment uses to the south and proposed employment uses to the south east. I accept that in distant views the houses would visually extend the town a little, but in these views the effect would be marginal and the form of Broom Hill and distant trees would still provide a relatively open and rural appearance.
34. I also accept that close up there would be a substantial impact on the character and appearance of the appeal site, particularly as seen from the houses in Beechenlea Lane, which back on to the appeal site. Their outlook will change from one of 'countryside' to a suburban landscape. The extent of this impact varies between the schemes, with the greatest impact from the 61 dwelling proposal. However, if you live at the edge of a developed area it would not be reasonable to expect that no further expansion of the developed area could occur at any time in the future. There will be many other properties in Swanley that were once on the edge of the town, but are now incorporated within it by expansion. The properties in Beechenlea Lane did have the extra protection of being next to Green Belt land in the past, but when that designation was removed, the expectation of the land remaining fully undeveloped significantly reduced.
35. I note that much of the land was partly identified for open space, some of which will be achieved with all the proposed schemes, including public access to some areas. This is much less than was expected by residents, but there is no evidence to show how the open space identified would have been provided on private land, with no indication that compulsory purchase of the land would be an option. In addition, as noted above, the land was not identified by the council under LP Policy EN9 as an important area of green space within the built confines needing to be safeguarded.
36. In my view, the appeal site, being very close to existing residential development is in a very good location for residential development. While I attach considerable weight to the harm that would be caused to existing

residents in terms of the impact on their outlook and views, this has to be balanced by the level of expectation they should have in relation to development on the appeal site and the benefit such development would bring in terms of housing provision. In my view, while the change to the character and appearance of the land will be great in terms of transition from grazing to housing, the provision of housing at the fringe of Swanley would be in character with nearby built development and not out of place.

37. Visual change would also be considerable for those viewing from the footpath and from Broom Hill. However, these views already incorporate housing in Swanley, particularly those in Beechenlea Lane and adjacent to the employment development. The overall character of this view would not change considerably. The provision and location of accessible open space would also respond to, and integrate with, the surrounding open land, existing houses and the proposed development.
38. I accept that the housing would be nearer and the field lost, and that this would cause some harm in terms of the 'rural' character of the appeal site itself, but the overall harm in terms of the character of the area generally would not be substantial.
39. In my view, all of the proposed layouts fully respect their surroundings and control of the design of buildings would be achieved at approval of reserved matters stage, so there would not be an unacceptable impact on the setting of the town, but should respond to the local environment. While there is substantial change to the actual character of the appeal site, which would cause some harm in terms of the current situation, this needs to be balanced against the benefits of the proposals. In my view the illustrated layouts would represent good design. I conclude that the proposal would accord with the aims and objectives of CS Policies SP1 and LO4 and SP10.

Noise

40. LP Policy EN1 provides some general development control principles, including that it should not have an adverse impact on the amenities of adjoining occupiers or future occupiers, including in respect of noise. Some of the council's concern related to the noise from vehicles using the potential access to the proposed employment units in addition to that generated by nearby roads. However, as noted above, the parties were not able to explain why the access through the appeal site would be used and not the other identified access. There can, therefore, be no absolute expectation that the access to the proposed employment land through the site would be used.
41. The council acknowledges that the use of the CadnaA noise modelling software by WSP Acoustics and its application in relation to these schemes is appropriate and no objection has been raised to the data, assumptions or overall results predicted by the model by the council. While the appellant acknowledged that a mistake had been made in relation to some of the original calculations, the impact of those errors was outlined and updated.
42. Overall, I consider that the evidence, following correction, indicates that should the employment access be necessary, noise from it and other sources could be adequately mitigated by provision of acoustic barriers and other means. This might involve mechanical ventilation as an alternative to opening some

windows, lowering plot levels, twisting orientation of the building façades relative to the access and barriers. A combination of these methods would enable acceptable noise conditions to be provided in the nearby residences.

43. With the illustrative layout there is also concern that the guideline value for amenity space as referenced by the World Health Authority Guidelines and BS 8233:1999 would not be achieved for some dwellings, particularly in schemes related to Appeals 1 and 2. This is in situations where the houses do not screen the amenity area from the motorway. In this situation there may need to be some revision to the indicative layouts provided, ensuring that most if not all the dwellings could achieve or come close to a $L_{Aeq, 16h}$ 55 dB(A) level in the external amenity spaces.
44. It was also a concern that in order to achieve the required noise levels, the suggested mitigation, perhaps in the form of a tall monolithic barrier or necessary limitations on the houses, such as fixed windows and mechanical ventilation, could themselves be unacceptable. The appellant indicated at the inquiry that there are a number of ways that sound could be mitigated, such as by lowering the access road a little, which in combination with rising ground would benefit sound reduction and not need a tall barrier. In my view, this is a matter that will be the subject of the detailed design and layout, but in principle could be overcome by acceptable and appropriate means. I acknowledge that a tall barrier could be unacceptably imposing, but this is not the only means to achieve appropriate mitigation. While some houses may need mechanical ventilation, this could be a benefit in terms of improved thermal efficiency within the houses and not to be seen as a problem.
45. Given that these are outline applications and that the design and layout of buildings is a reserved matter, I am satisfied from the evidence presented that an acceptable noise environment can be achieved for the proposed developments at the appeal site. The proposals would accord with the aims and objectives of LP Policy EN1.

Financial contributions

46. Agreements made with the district and county councils have been submitted for all four schemes. These cover provision of affordable housing, management of the public open space and highway works, as generally referred to in the travel plan, and road safety audit. There is no argument raised that these are not reasonable, necessary or related to the relevant schemes. The appellant confirmed at the inquiry that it had no concerns to raise about the viability of the required affordable housing. I consider these are necessary and reasonable related to the developments proposed.
47. Requests from Kent County Council have also been made for financial contributions towards primary education, community learning, library facilities, families and social care and local cycle infrastructure, but no one from the County Council attended the inquiry to explain the information provided. The district council gave no evidence in relation to these, as it does not consider that the contributions sought have been justified and hence were not a reason for refusal of the schemes.
48. In terms of education, a spread sheet has been provided and identifies forecast shortfalls in provision starting from about 2014 for primary schools in the

vicinity of the site. There is little explanation as to how the shortfall is identified in 2014, and this is particularly necessary as in 2012 and 2013 there appears to be a good surplus. The reason for the sudden anticipated change in numbers is not explained. There is also little information to explain how the final figure requested is identified and the appellant says that the figures are worked out on the wrong numbers of houses and flats. In my view, the figures requested have not been adequately justified.

49. In relation to adult social services, it has not been demonstrated that the services identified are necessary or calculated in accordance with an identified methodology and it has not been adequately explained whether this has been the subject of consultation and adoption. So there is no apparent agreed methodology to explain or assess the need for the contribution sought. The same goes for library contribution. In relation to the NHS, West Kent Primary Healthcare Trust provides little explanation of the legislative or Development Plan policy used to calculate the contributions or the need for it related to the developments proposed.
50. A sum is also suggested in relation to provision of cycling facilities. While I appreciate that there could be benefit in relation to the schemes, there is no reasonable breakdown of how the sums sought relate to the scale of the various developments proposed. I am therefore not satisfied that the sums sought are justified or reasonably related to the developments proposed. While achieving transport means, other than by car is necessary, conditions are proposed requiring transport matters to be considered, including encouraging cycling and therefore I do not consider the lack of the contribution is a reason for refusal.
51. I have some concerns about the white lining contribution sought for schemes associated with Appeal 1 and Appeal 2. There is no reasonable break down of how the contribution sought is assessed against the scale of the development, which is particularly evident as £90,000 is sought for the 61 unit scheme as well as the 39 unit scheme. However, I note from the transport assessment that there is a prediction that with increased traffic flows, including from the appeal site, the M25 Junction 3 would become more congested. The impact of the proposed development on the M25 Junction 3 can be reduced to 'minimal' by implementing recommendations for alternative white lining of the Junction road layout to increase flow/capacity of the Junction. A condition has been proposed that requires a scheme to be submitted and approved, but no implementation clause has been proposed. Therefore, in my view, a contribution towards white lining is required to make the proposed developments of the schemes in Appeals 1 and 2 acceptable. While I have concerns about whether, particularly the amount for the 39 unit development has been properly related to the number of units, as contributions have been provided for and the white lining is required, this is not a reason to refuse these developments.

Ecology

52. CS Policy SP11 and LP Policy EN17B aim to conserve biodiversity within the district. Dry acid grassland is a BAP (Biodiversity Action Plan) Priority Habitat and occurs on free-draining, nutrient poor soils on sand or gravel substrates and is characterised by various species. Parched acid grassland that becomes excessively dry in the summer may also support a number of uncommon,

ephemeral species. Where dry acid grassland occurs, it is a scarce resource in Kent and should be protected. Impact on BAP Priority Habitats is an important material consideration in planning decisions.

53. The site was previously recorded as Lowland Acid Grassland BAP habitat, following a habitat survey in 2003. However, this was a remote survey, with little evidence that there was a follow-up survey at the site to confirm the findings. The appellant noted that access for such a survey had not been requested. The council acknowledged that acid grassland would not be categorically identifiable from the original 2003 survey. While a boundary survey may have been undertaken there is no evidence for this. In my view, given the level of evidence, it is unlikely that BAP designation of the land could reasonably have been confirmed at that time.
54. In any case, there is no dispute between the parties that currently the land is likely to be identified as MG6 *Lolium perenne*-*Cynosorus cristatus* perennial ryegrass – crested dog's-tail (mesotrophic) grassland community. This is not a habitat which can be classed as a BAP habitat. The Kent Habitat Survey of 2012 notes that incorrect classification can occur when a habitat is surveyed outside of the optimal season for surveys and can be affected by unusual seasonal weather conditions. Concern was raised that the survey findings may be distorted because of the cold winter/spring. However, a follow up survey has been done and this has confirmed that the land would still not have BAP classification.
55. I accept that some species that have been recorded at the site are characteristic of lowland acid grassland and could contribute to a BAP habitat. With appropriate management, this site could see an increase in the number and diversity of appropriate plant species, characteristic of lowland acid grassland, which could in time lead to BAP classification. However, there is little evidence to suggest that if the appeals were to be dismissed that would be the case. The previous use of the land was for grazing and a neighbour noted at the inquiry that it has been regularly ploughed and the indications are that this grazing would continue. On the other hand, if the appeals are allowed, management would occur on parts of the open space that would enable the encouragement of some acid grassland.
56. Given that the evidence shows the land is not a BAP habitat and is not conclusive that the land ever was BAP habitat, I accept that on site mitigation to reinstate some acid grass land would be a benefit of all schemes, with some extra advantage to those with larger areas of managed open space. While the acid grass land would be affected by public access, the council noted at the inquiry that harm caused by each of the schemes could be mitigated by appropriate on site works.
57. The council is also concerned that as this is an outline application the layouts could change and grassland become fragmented and management unworkable. However, the acceptability of any reserved matter proposals can be considered at the time and if not acceptable in terms of layout of grassland, can be rejected. I also accept that some of the areas not identified as open space would not necessarily be provided with acid grass land and therefore I attach no benefit in relation to those areas in those appeals.

58. I conclude that all the proposals would not have an unacceptable effect on acid grassland, but could have positive benefits, providing some area of lowland acid grassland. I conclude that all the proposals would accord with the aims and objectives of CS Policy SP11 and LP Policy EN17B.

Bats

59. Surveys and reports have revealed a small presence of common Pipistrelle, Soprano Pipistrelle and noctule bats foraging for food at the site, but the indications are that the site is not extensively used for this. Bat roosts were not found, although I accept that there will be roosts nearby. The survey indicates that the old nursery provides the best area for foraging and that linear features such as hedgerows are likely to provide important connectivity routes for bats between areas of suitable habitats. In the schemes for appeals 3 and 4 this area would be little affected and, in my view, these schemes are unlikely to have a material impact on bats, particularly with the mitigation measures proposed.
60. The report notes that mitigation should be provided in relation to appeals 1 and 2 as these would, in particular, include development on the nursery area. This can be achieved by enhancement and management of retained habitats within the site boundaries, to increase biodiversity and improve foraging at the site and roosting potential in the new buildings. With suitable mitigation, I accept that the impact on bats with the schemes in appeals 1 and 2 would be low and not unacceptable.

Reptiles

61. The survey shows that there is a low population of common lizards and slow-worms at the site, with a slow-worm being seen at the site visit. The majority of reptiles were found in the rough grass at the entrance to the site from Beechenlea Lane and within the former nursery area within the northern part of the site. The peak count in one survey was 15 slow-worms and 5 common lizards. From this, guidance suggests that the site supports a low population of slow-worms and common lizards (fewer than 50 individual species per hectare of suitable habitat).
62. However, the report notes that it would be necessary to provide appropriate mitigation as required by current legislation to protect such species. As the grassland habitat at the entrance to Beechenlea Lane would be lost in these schemes and the nursery area habitat lost for schemes associated with appeals 1 and 2, it will be necessary to translocate the existing population to an appropriate location, either within the site or to an appropriate alternative site. There would need to be appropriate enhancement and management of the proposed sites. It is common ground between the parties that on-site ecology/bio-diversity mitigation can be secured by suitably worded and appropriate planning conditions.
63. In the absence of mitigation, the impact on reptiles would be high, but with mitigation there would be potential positive impacts on reptiles through enhanced habitat and access to the wider landscape. I accept that there are risks associated with translocation and that care will be required to ensure success. However, overall I consider that with the proposed mitigation none of the schemes would cause harm in relation to reptiles in the area.

Air Quality

64. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
65. A core principle of The Framework is to contribute to conserving and enhancing the natural environment and reducing pollution. In terms of the environmental role of development, it notes that it should contribute to protecting and enhancing the natural and built environment. As part of this, it should help to minimise pollution, and mitigate and adapt to climate change, including moving to a low carbon economy. 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 air pollution.
66. A number of interested parties have provided evidence related to the poor quality of air in Swanley as identified at various positions by air monitoring. There are a number of major roads running adjacent to Swanley and clearly there is significant pollution generated by these. The air quality action plan notes that the council has no direct jurisdiction over these, which are the major contributory source of pollution within 4 of the Air Quality Management Areas. The appellant has provided an air quality assessment report looking at the cumulative effect of development on the application site, including the proposed employment development adjacent, effectively a worst case scenario. The exercise included the construction phase.
67. The Council's identified Air Quality Management Area in Swanley includes properties on London Road, so only the industrial units in appeals 1 and 2 are within this. Air quality measurements of average annual nitrogen dioxide in Swanley have exceeded the Air Quality Management Area objectives.
68. The air quality assessment for the construction phase indicates that the site would cause a medium risk overall, with construction phase impacts from dust particles judged to be moderate to slight adverse significance. The construction phase would be relatively short term and temporary, and there must be expectation with construction work for some dust to be generated. When the residential use of the site occurs, the prediction is for an increase in average nitrogen oxide concentrations within the range of slight adverse to negligible, with dust and particulate emissions predicted to be within a range negligible to neutral.
69. The assessment identifies that the potential impact can be mitigated by careful management of the site during the construction phase and with the proposed new access for the largest number of dwellings (appeals 1 and 2) being located from London Road, keeping traffic a reasonable distance away from the existing dwellings. It is also proposed to look at travel plans to help promote alternative sustainable modes of travel and ease congestion and queuing at peak periods for all the schemes. On this basis after construction there is predicted to be a small or imperceptible increase in nitrogen dioxide, and imperceptible to no change for dust and particulates.

70. CS Policy SP2 relates to sustainable development and in terms of air quality notes that the design and location of new development will take account of the need to improve air quality in accordance with the District's Air Quality Action Plan. Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level. New development in areas of poor air quality will be required to incorporate measures in the design and orientation that demonstrate an acceptable environment will be created for future occupiers. Permission will be refused where unacceptable impacts cannot be overcome by mitigation. In my view, it has been demonstrated that the impact of the proposed development would be very small, and while I accept that there would be some small additional pollution resulting from the development, taking account of policy and the mitigation proposed, it is my view that the weight against the proposal on this ground is very limited and I note that the council has withdrawn its objection on this issue.
71. I consider that the proposals would not cause unacceptable harm either in terms of neighbouring occupiers or proposed occupiers in relation to air quality and would accord with the aims and objectives of CS Policies SP2.

Other Matters

Living Conditions of Neighbouring Occupiers

Light

72. I acknowledge that the access road for the schemes in Appeals 3 and 4 would mean that vehicles leaving the site at night would direct headlights towards the property opposite the entrance. However, that property is on slightly raised up ground and so it is unlikely that lights would be direct into the front windows. In addition, at night there would be a normal expectation that curtains or blinds would be drawn, so the actual impact on those residents would be minimal.

Noise

73. For the schemes associated with appeals 3 and 4 there would be traffic movements along Beechenlea Lane and into the site next to Hawcroft and Upland. The additional movement within Beechenlea Lane for 20 dwellings would not be likely to cause a significant percentage increase in traffic and would not, in my view, be likely to cause unacceptable harm to neighbours in terms of noise and disturbance. There would be a noticeable increase in traffic perception for the two occupiers of the properties adjacent to the entrance, but the access road is a reasonable distance from the boundaries and from the adjacent properties and I consider that with reasonable fencing and landscaping the visual, noise and disturbance impact of the use of the access road can be acceptably mitigated. Concern was raised that the Beechenlea Lane access would also be used for the schemes in Appeals 1 and 2. Access from here is not proposed in those schemes, apart from emergency vehicles, cyclists and pedestrians. I acknowledge that the impact from these larger schemes would be substantially greater if it were to occur, but in my view the possibility of this can be prevented by condition.

Traffic

74. While concerns have been raised that the proposal would cause harm in relation to traffic flows, there is little evidence produced to conclude that this would be the case. The proposals have carefully considered access and traffic flow and subject to the various conditions and agreements, I consider that the impact on the surrounding highway network would be acceptable for all schemes.

Human Rights

75. Some residents have mentioned the European Convention on Human Rights. Even if allowing these appeals resulted in an interference with neighbouring residents' home and private and family life, that interference must be balanced against the public interest in pursuing the legitimate aims, particularly the economic well-being of the country. In all the circumstances, I consider that approval of the developments is necessary in a democratic society in furtherance of legitimate aims. I have found the proposals to be acceptable in relation to the area and in relation to neighbouring properties. Therefore the degree of any interference would be insufficient to give rise to a violation of the adjoining neighbours' rights under the Human Rights Act. It does not place a disproportionate burden on neighbouring residents and I therefore consider that allowing this appeal would not result in a violation under the Convention or under the Human Rights Act 1998.

Conditions

76. Conditions are set out in Annex 1 and I consider these to be reasonable, necessary and related to planning and the permissions granted. Reasons for the conditions are identified in the annex.
77. A condition was also proposed to control the height of development in relation to the ridge. I do not consider this to be necessary, as when the proposed schemes are submitted their impact will be assessed. It can be seen from the illustrated schemes that the heights of some houses would be at about the level of land at the ridge and, as noted above, whether a number are slightly above or below would not be a material difference, so to state a particular level would not be appropriate. Clearly, if something tall or unacceptably different from the illustrative scheme is proposed the council can reject the applications for reserved matters, and various conditions require level information to be submitted and approved.
78. A condition was also proposed that would control lorries not on site. That would not be reasonable or, in my view, necessary as there is a condition related to construction management and layout of the site during construction. Ensuring that there would be good lorry access and parking is a matter that can be considered as part of the construction site management.

Conclusion

79. I do not consider that the proposals would interfere with the allocated adjacent employment use, but because of the provision of a potential access route to this employment land, these proposals could provide some benefit in relation to that, and I attach a little weight to it. The proposals, while affecting the openness of part of the appeal site, would provide to a varying extent some

formal open space accessible to the public, which would be an advantage and could lead to establishment of some dry acid grassland in the area. I attach some weight to this.

80. There would be an impact, particularly on newts and slow-worms and bats, but I am satisfied that suitable mitigation can be provided, although noting there can be risks involved with re-locating species. In my view the proposals would result in an overall neutral impact, with the greatest impact on these species coming from development on the old nursery site. There would also be some impact in relation to air quality, again with proportionally greater impact coming from the two larger schemes, but because of the identified level of impact the weight I attach against the proposals is limited.
81. I accept that with all four developments there would be some impact on adjoining residents, particularly in terms of the landscape and outlook, and particularly for those living near the site or who walk along the footpath, part of which crosses the site. However, I only attach moderate weight to this, as the designed illustrative layouts have been carefully considered to take account of the surroundings.
82. I have acknowledged there is a recent current development plan that does not include allocation of this land for housing and which has identified an achievable 5 year housing supply. However, the identification of that supply is not in accordance with the latest advice in The Framework, and in any case, the limited supply of housing identified was for specific reasons, and development here would not conflict with those reasons, because it would be in the confines of Swanley and not Green Belt land. I consider that because of the great need for housing and affordable housing in the area, substantial weight should be proportionally attached to the provision of the housing and justifies a deviation from and addition to the housing identified in the adopted plan, for all four schemes.
83. Overall, taking into consideration these and all other matters raised, I consider that the benefit of the various schemes clearly outweighs the harm, with the larger schemes providing a greater level of houses and affordable houses to offset the increased proportional harm that they would have.

Graham Dudley

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr G Jones QC	Of Counsel,
He called	
Mr R Buchanan	Pro Vision
Mr D McCloskey BSc (Hons) MCIEEM	Director PV Ecology
Mr A Colthurst MIOA, CMCIEH	Associate Director WSP Acoustics
Mr M Gibbins	Director Indigo Landscape Architects
Dr R Bickers BSc (Hons) PhD MCIEEM	Corylus Ecology – Evidence taken as read

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Frazer-Urquart	Of Counsel
He called	
Mrs L Westphal BA hons MRTPI	Principal Planning Officer, Sevenoaks District Council
Mr C Alden Dip EH, Dip Acoustics, Dip Env Prot	Senior Environmental Health Officer, Sevenoaks District Council
Mr S Craddock BA, MA MRTPI	Principal Planning Officer, Sevenoaks District Council
Miss H Forster BSc (Hons) MCIEEM	Biodiversity Officer, Kent County Council

INTERESTED PARTIES:

Margaret Partridge	
Cllr A Searles	
Nigel Britten	CPRE Protect Kent, Chair Sevenoaks Committee
Jill Skinner	
Brian Goode	
Mr M Bentley	
Mr J Bromfield	
Mr K Hutchins	

DOCUMENTS

Document	1	Appellant's appearances
	2	Draft statement of common ground
	3	Rebuttal proof from Mr Buchanan
	4	Rebuttal proof from Mr Gibbins
	5	Rebuttal proof from Mr Colthurst
	6	Rebuttal proof from Mr McCloskey
	7	Rebuttal proof from Dr Bickers
	8	Information from Mr J Broomfield
	9	Information from Mr B Goode
	10	Information from Mr M Bentley

- 11 Information from Ms M Partridge
- 12 Information from Ms J Skinner
- 13 Information from Mr K Hutchins
- 14 Appellant's opening statement
- 15 Bundle of case law
- 16 Bundle of case law
- 17 Summary proof of Mr S Craddock
- 18 Notification letter
- 19 Extract from PPS 3
- 20 Local Gov Assoc Ten Key Principles for owning your housing number – finding your objectively assessed needs
- 21 Mrs L Westphal Summary proof
- 22 Covenants with County Council
- 23 Plan showing open space
- 24 Policy EN10
- 25 Statement from the CPRE
- 26 Notes from Mr McCloskey
- 27 Draft Statement of Common Ground on Technical Noise Issues
- 28 Representation from Mr J Bromfield
- 29 Statement from Ms M Partridge
- 30 Inspector's decision related to examination of the North Warwickshire Borough Council Core Strategy
- 31 Bath and North East Somerset Core Strategy Examination
- 32 Ryedale District Council – Examination of Ryedale Plan
- 33 Examination of East Hampshire District Local Plan – Joint Core Strategy
- 34 Examination of Dacorum Core Strategy
- 35 Sevenoaks District Council – Hearing Statement Response to Inspector's Issues and Matters
- 36 Proposals Map
- 37 Proposed Conditions
- 38 Statement of Malcolm Bentley
- 39 Statement of John Bromfield
- 40 Statement of Terence Bull
- 41 Information related to air pollution
- 42 Draft undertakings/agreements
- 43 Information regarding the cycle strategy
- 44 Information about agreements/undertakings
- 45 Closing on behalf of Sevenoaks District Council
- 46 Various judgments
- 47 Outline Closing Statement on Behalf of Cooper Estates Ltd
- 48 Statement of Common Ground

Annex A – Conditions

Conditions to apply to all four appeals unless stated.

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins, and the development shall be carried out as approved.

Reason: In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason: In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.

Reason: In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4. The buildings shall not be occupied until a means of access for vehicular and pedestrian traffic has been constructed in accordance with the approved plans.

Reason: To ensure satisfactory access to the site and ensure the free flow of traffic on surrounding roads.

5. No buildings shall be occupied until space has been laid out within the site for cars to be parked, including garages and where applicable space for customers of the commercial unit(s), and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear. These details shall be submitted pursuant to condition 1 and the development shall be maintained thereafter at all times in accordance with the approved details.

Reason: To ensure satisfactory access and parking within the site and to ensure the free flow of traffic on surrounding roads.

6. (Appeals 3 and 4) - Before first occupation of the development a scheme of works in general accordance with drawing 310131-002-100-003 Rev CO1 within Appendix C of the submitted Transport Assessment shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

Reason: To ensure that the M25 motorway continues to be a safe and effective part of the national system of routes for through traffic in accordance with 510 of the Highways Act 1980

7. Pursuant to condition 1 above, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved and in accordance with the approved implementation programme. The details shall include proposed finished levels or contours; means of enclosure; other pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. Drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme,

Reason: To protect the visual appearance of the area as supported by policies EN1 & SW8 of the SDLP and policies SPI and L04 of the Core Strategy.

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority.

Reason: To protect the visual appearance of the area as supported by policies EN1 & SW8 of the SDLP and policies SP1 and LO4 of the Core Strategy.

9. No development shall take place until an ecological mitigation and enhancement strategy has been submitted to and approved in writing by the local planning authority.

The ecological mitigation and enhancement strategy shall include the following (but not be limited to):

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Details of updated surveys (if required).
- d) Detailed design(s) and/or working method(s) to achieve stated objectives.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for disposal of any waste arising from works.

The ecological mitigation strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect the ecology and bio-diversity of the site in accordance with the provisions of the NPPF.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority, prior to the commencement of the development. The purpose of the LEMP shall be to detail the contribution that the landscaping and management of the site's open spaces make to the ecological enhancement of the site and to ensure that the open space will be managed appropriately. The plan must include the following (but not be limited to):
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The plan shall also set out *(where the results from monitoring show that conservation aims and objectives of the LEMP are not being met)* how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To protect the ecology and bio-diversity of the site in accordance with the provisions of the NPPF.

11. Prior to the commencement of development a bio-diversity monitoring strategy shall be submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to establish the effectiveness of the species mitigation and the acid grassland management plan.

Aims and objectives of monitoring:-

- a) Identification of baseline conditions prior to the start of development.
- b) Appropriate success criteria, thresholds, triggers and targets against

which the effectiveness of the various conservation measures being monitored can be judged.

- c) Methods for data gathering and analysis.
- d) Timing and duration of monitoring, including a time table.
- e) Responsible persons and lines of communication.
- f) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals as identified in the Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To protect the ecology and bio diversity of the site in accordance with the provisions of the NPPF.

12. Development shall not take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

13. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the dwellings are first occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance and standard of residential amenity upon completion in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

14. Development shall not take place until details of any earthworks have been submitted to and approved in writing by the Local Planning authority. These details shall include the proposed grading and mounding of land areas, including the levels and contours to be formed, showing the relationship of proposed mounding to existing levels and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance and standard of amenity to the surrounding area upon completion in accordance with the provisions of policy EN1 of

the SDLP and policy SP1 of the Core Strategy.

15. Development shall not commence until details have been submitted to and approved in writing by the LPA of the existing and proposed ground levels detailing any changes to levels and including finished ground floor slab levels. The development shall be implemented in accordance with the approved plans.

Reason: To ensure a satisfactory appearance and standard of amenity to the surrounding area upon completion in accordance with the provisions of policy EN1 of the SDLP and policy SP1 of the Core Strategy.

16. Development shall not commence until details have been submitted to and approved in writing by the LPA of a scheme detailing and, where possible, quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The construction works and use of the development shall be in accordance with the approved details/scheme.

Reason: To ensure the minimum impact upon the air quality of the surrounding area in accordance with the provisions of policy SP2 of the Core Strategy.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), roof extensions or enlargements shall not be carried out to the dwellings hereby permitted.

Reason: To protect the amenities of nearby residents from development on adjacent higher land in accordance with the provisions of policy EN1 of the SDLP and SP1 of the Core Strategy.

18. The details submitted pursuant to condition 1 shall include a detailed scheme of acoustic protection measures, including indicating the predicted attenuation to be afforded by those measures, for all dwellings and associated private amenity space in the development.

Measures will include details of:-

Engineering works such as cuttings and bunds.

Acoustic glazing and ventilation schemes.

Reflective and absorbent barriers and treatments.

A programme of implementation for the acoustic protection measures and any proposed phasing.

A programme of implementation and any proposed phasing for the submission of a validation report to demonstrate the effectiveness of the acoustic protection measures.

Reason: In accordance with the requirements of the National Planning Policy Framework, paragraph 123 and the Noise Policy Statement for England, to protect the health and quality of life for residents of the development.

19. No residential units shall be occupied until an acoustic validation report has been submitted to the LPA to demonstrate the effectiveness of the acoustic protection measures. If the validation report identifies an adverse noise impact within the dwellings exceeding the previously agreed noise value by 3 dB(A) or more, details of the additional remediation measures required to achieve the agreed noise level shall be submitted to and approved in writing by the LPA, and this shall include a programme of implementation, which shall be followed.

Reason: In accordance with the requirements of the National Planning Policy Framework, paragraph 123 and the Noise Policy Statement for England, ensuring the health and quality of life for residents of the development.

20. Residential units shall not be occupied until any approved acoustic protection measures have been implemented in accordance with the approved details and the approved programme(s) of implementation.

Reason: In accordance with the requirements of the National Planning Policy Framework, paragraph 123 and the Noise Policy Statement for England, ensuring the health and quality of life for residents of the development.

21. Any external engineering works, such as cuttings and bunds, required to protect the dwellings from the noise of road traffic using any new access road that crosses the application site to the new employment site to the east shall be completed before the use of the access across the appeal site commences, unless otherwise agreed in writing with the local planning authority.

Reason: In accordance with the requirements of the National Planning Policy Framework, paragraph 123 and the Noise Policy Statement for England, ensuring the health and quality of life for residents of the development.

22. (Appeals 1 and 2) The access onto Beechenlea Lane shall be used for emergency vehicular, cycle and pedestrian access only. The Beechenlea Lane access shall not be used to access the site by any construction traffic.

Reason: To protect the residential amenities of residents in Beechenlea Lane and ensure the free flow of traffic on the surrounding road network.

23. Prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the LPA in consultation with Kent County Council. The travel plan shall include measures proposed to promote and encourage sustainable methods of travel. The development shall be managed in accordance with the approved details.

Reason: To support the provision of sustainable development in accordance with the provisions of the NPPF.

24. The proposed residential development shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the Local Authority - either prior to the commencement of development of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3, or as an alternative as agreed in writing by the Local Planning Authority; provide to the

LPA prior to the occupation of any dwelling, a certificate to show that the dwellings have achieved a Code for Sustainable Homes minimum level 3.

Reason: In the interests of environmental sustainability and reducing the risk of climate change as supported by the NPPF and policy SP2 of the Core Strategy.

25. Construction and site preparation work shall take place on the site only between 0800 and 1800 hours on Monday to Friday, and 0900 and 1300 hours on Saturday. No activities shall take place on Sundays or Public Holidays.

Reason: In the interests of the residential amenities of the adjacent residents.

26. Development shall not commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding either on or off site. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

27. If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out, until a remediation strategy has been submitted to and approved in writing by the local planning authority, detailing how this contamination will be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect ground water because the site is located within a source protection zone and to comply with NPPF.

28. If contamination is found as condition 27, the residential development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy, 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 site 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.

Reason: To protect ground water because the site is located within a source protection zone and to comply with NPPF.

29. No infiltration of surface water drainage into the ground at the site shall occur, other than if proposed details of such are submitted to and approved in writing by the LPA, prior to the development commencing. Any infiltration of surface water drainage into

the ground shall be carried out in accordance with the approved details.

Reason: To protect ground water because the site is located within a source protection zone and to comply with NPPF.

30. In order to protect ground water, piling or any other foundation design using penetrative methods shall not be undertaken, unless details of such works have been submitted to and approved in writing by the local planning authority prior to development commencing. The development shall be carried out in accordance with the approved details.

Reason: To protect ground water because the site is located within a source protection zone and to comply with NPPF.

31. If piling is proposed, a piling method statement shall be submitted to and approved in writing by the LPA in consultation with Thames Water prior to the commencement of works. This shall detail the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and a programme for the works. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

32. Development shall not commence until a drainage strategy, detailing any on/off site drainage works, has been submitted to and approved in writing by the LPA (in consultation with the sewerage undertaker). No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

33. Prior to commencement of development, a site management plan shall be submitted to and be approved in writing by the Local Planning Authority. The management plan shall provide the following details:

- a) Parking for site personnel
- b) Location of materials storage
- c) Site personnel facilities
- d) Turning and loading/unloading areas
- e) Wheel washing facilities — such facilities to be implemented upon commencement of development and retained for the duration of building works.

The works shall be undertaken in accordance with the approved management plan.

Reason: In the interests of the amenities of the surrounding area in accordance with the provisions of policy EN1 of the Sevenoaks District Plan.

33. (Appeals 1 and 2) During the implementation of the approved scheme, access to the site for all vehicular traffic, materials and site personnel shall be only via the main access onto London Road and not from Beechenlea Lane.

Reason: To protect the amenities of the residents of Beechenlea Lane accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

34. The development hereby permitted shall be carried out in accordance with the following approved plans, so far as they relate to access:

Appeal 1

3248-BG61-P	01	Location plan
	02	Site Plan

Appeal 2

3248-BG39-P	01	Location plan
	02 A	Site Plan

Appeal 3

3248-BC20E-P	01 A	Location plan
	02 A	Site plan

Appeal 4

3248-BC20W-P	01	Location plan
	02 A	Site plan

Reason: For the avoidance of doubt and in the interests of proper planning.