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## Appeal Decision

Hearing held on 1 July 2015

Site visit made on 1 July 2015

**by Claire Victory BA (Hons) BPI MRTPI**

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

**Decision date: 2 October 2015**

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**Appeal Ref: APP/U2235/W/15/3008336**

**The Old Goods Yard, Headcorn Road, Lenham, Kent ME17 2HT**

- 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 Messrs D and B Russell against the decision of Maidstone Borough Council.
  - The application Ref 14/500219/OUT, dated 29 May 2014, was refused by notice dated 4 September 2014.
  - The development proposed is the demolition of existing commercial buildings and the development (and re-development) of land for residential purposes.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing commercial buildings and the development (and re-development) of land for residential purposes at The Old Goods Yard, Headcorn Road, Lenham, Kent ME17 2HT in accordance with the terms of the application, Ref 14/500219/OUT, dated 4 September 2014, and subject to the conditions in the attached schedule.

### Procedural Matters

2. The application was made in outline, with all matters reserved for future consideration. The appellants confirmed at the hearing that the masterplan submitted was for illustrative purposes, and I have dealt with the proposal on that basis. Further to the above, in discussing conditions, neither party considered a condition specifying the approved plans would be necessary.
3. The Council indicated at the hearing that the second reason for refusal, relating to the adequacy of information on biodiversity, would be overcome by the imposition of suitably worded conditions. I will deal with this in more detail below.
4. The appellants submitted a signed and executed unilateral undertaking at the hearing, agreeing to contribute financially to the provision of affordable housing and supporting infrastructure for the development. The Council agreed that this would overcome the third reason for refusal. I will deal with this submitted undertaking in more detail below.
5. A unilateral undertaking was also submitted by the Council at the Hearing but it was an incomplete copy and pre-dated the version submitted by the

appellants. For the avoidance of doubt I have determined the appeal with regard to the unilateral undertaking submitted by the appellants.

6. The sole area of dispute therefore relates to the first reason for refusal and I have framed the main issue accordingly.

### **Application for costs**

7. At the Hearing an application for costs was made by Messrs D and B Russell against Maidstone Borough Council. This application is the subject of a separate Decision.

### **Main Issue**

8. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area having regard to national and development plan policy in respect of development in the countryside and the location of new housing.

### **Reasons**

9. The appeal site is bounded by the London to Ashford railway line to the north, and to the east by Headcorn Road. The northern part of the site is occupied by a roofing business, with an access road shared with Knights Asphalt, an adjacent commercial premises. An existing dwelling, Amberly, is set in a generous curtilage within the south east corner of the site, with a separate vehicular access. To the south and west are open fields, with some dispersed detached dwellings further to the south at Leadingcross Green. About half of the site has been previously developed. Ground level differ considerably across the site, with the northern part set below the level of Headcorn Road, whilst the south east corner is at road level.
10. The site is outside the defined settlement boundary of Lenham. The parties agree that the Council cannot demonstrate a 5 year deliverable housing supply, and the Council concedes that that part of Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 (LP), which seeks to restrict housing development in the countryside, is out of date for the purposes of paragraph 49 of the National Planning Policy Framework (the Framework). Accordingly, paragraph 14 of the Framework states that there should be a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole.
11. Notwithstanding this, the Council maintains that the proposal would be contrary to LP Policy ENV28, insofar as it seeks to prevent development in the countryside that would harm the character and appearance of the area. However this policy pre-dates the publication of the Framework, which does not seek to protect the countryside for its own sake. The site does not lie within any designated landscape, and thus is not valued in the context of paragraph 109 of the National Planning Policy Framework, which seeks to protect and enhance valued landscapes, or paragraph 115, which requires the decision maker to give great weight to conserving the landscape and scenic beauty of designated landscapes. Consequently LP Policy ENV28, as far as it relates to protection of the countryside, is inconsistent with the Framework, and I have afforded it little weight in reaching my decision.

12. The site forms part of Area 16 (Harrietsham to Lenham Vale), as defined by the Council's *Landscape Character Assessment (2012)*. In particular the northern part of this area slopes upwards and forms part of the Kent Downs Area of Outstanding Natural Beauty (AONB), approximately 700m north of the appeal site. The lower lying areas to the south of the AONB include a patchwork of open fields with irregular hedgerow boundaries, sections of ancient woodland, and large scale industrial and commercial development, which is concentrated on the northern side of the railway line. The objectives of the character assessment for Area 16 are to conserve the foreground of the AONB, restrict development along the A20 corridor and restrict the expansion of industrial and commercial development. The site would be indistinct from the surrounding built and natural landscape when viewed from the AONB, and residential development in this location would not prejudice the achievement of these objectives.
13. An illustrative plan submitted with the application shows one way in which the proposed dwellings could be accommodated within the site, and a Landscape and Visual Impact Assessment (LVIA) has been provided. I have considered the proposal with reference to the latest iteration of the LVIA<sup>1</sup>. At the hearing the parties agreed that the key viewpoints from which to assess any visual harm arising from the development were the elevated railway footbridge, the public right of way (KH214) to the east of the site, and Old Ham Lane to the west. At the site visit I observed the appeal site from each of these locations.
14. The LVIA concludes that there would be a slight adverse effect arising from the proposal in terms of the visibility of the proposed dwellings from the surrounding area, in that the tops of the towers constructed to represent the anticipated roof ridge heights of new dwellings were visible when undertaking the assessment.
15. The roof tops of dwellings within the appeal site might be visible above or amongst trees, but they would be viewed within the context of the existing industrial development at Knights Asphalt, which has the benefit of a planning permission for expansion. Although the height and scale of the commercial buildings are to be considered under reserved matters, there would be an increase of 1150 sqm in floorspace, with the demolition of the existing building and erection of 6 office/industrial units. If implemented it would be reasonable to expect the buildings to have a greater visual impact than the existing premises when seen from the railway bridge. In addition, the high level of the railway bridge enclosure would restrict views for most people of average height, but it would still be possible to see the appeal site from the stairways, albeit people would tend not to linger here for prolonged periods. From the elevated height of the railway bridge any dwellings would be visible, but they would be seen as an extension of the existing built form, rather than an isolated development.
16. Turning to the visual impact from Old Ham Lane, the site is some distance from that road, with a dense treeline south of the railway bridge. The northern part of the site would be screened from view by Knights Asphalt, and the illustrative plan shows public open space in the south west corner of the site. Whilst this is only one way in which the site might be developed,

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<sup>1</sup> Issue 3 of the LVIA, dated February 2015 (LaDellWood)

this would give the site a more open character when viewed from Old Ham Lane. Consequently, the visual impact of the proposed development from this viewpoint would be limited.

17. Finally, in relation to the view of the site from the public right of way east of Headcorn Road, although some screening would be provided by the existing mature landscaping along the eastern boundary, and proposed new planting, some parts of the proposed development might be visible. However, the existing dwelling is already visible, and there are existing structures within the site. The Council also acknowledged, in granting permission for redevelopment of the Knights Asphalt site, that glimpses of that site were visible from the public right of way.
18. With regard to landscape effects, although there are some existing buildings within the appeal site, the Council concedes that it is relatively well screened. This extensive tree cover makes a positive contribution to the character and appearance of the area. Most of the existing trees within the site would be retained, with some coppicing, although a small number of trees, particularly within the centre of the site, would be removed. Additional planting is proposed, including along the eastern and southern edges.
19. Although landscaping is a reserved matter, it would be possible through the imposition of appropriate conditions to ensure the retention of existing soft landscaping and require further planting to soften the impact of the proposed dwellings on their surroundings. Moreover, the detailed appearance, scale and layout of the dwellings are reserved for future consideration. As such I consider that it would be possible to develop the site in such a way that the dwellings would not be overly prominent within the landscape.
20. I turn now to the potential benefits of the proposal. The social dimension requires planning to support strong, vibrant and healthy communities by providing a supply of housing to meet the needs of present and future generations, with a high quality built environment and accessible local services.
21. The proposal would provide 66 dwellings, 40% of which are to be affordable housing, within a Borough with a recognised shortfall in housing supply. Lenham has a primary and secondary school, and shops and services, including a post office and convenience store. The Council's SHEDLAA<sup>2</sup> found that the site is suitable for housing and accessible by walking and cycling, and the Council concedes that the site is relatively sustainable. In addition, the site is situated a few minutes walk from the railway station, with regular trains to other service centres, including Maidstone and Ashford. There is no footway between the site and the railway bridge on the north western side of the carriageway of Headcorn Road, but the appellants have stated that one would be provided. Consequently I consider that future occupants would not be overly reliant on the private car to access local services.
22. Finally, there would be a short term benefit to the economy arising from the construction of the dwellings, and in the long term the increase in population would help to support local services within Lenham. This would also be a

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<sup>2</sup> Strategic Housing and Development Land Availability (SHEDLAA) – Maidstone Borough Council

benefit of the scheme. Accordingly I consider the proposal would satisfy the economic dimension.

23. Taking all of the above into account, although views of the appeal site would alter as a result of the development, for the reasons I have described, the proposal would not be so harmful to the character and appearance of the surrounding area such that this would clearly and demonstrably outweigh the benefits of the proposal, as required by paragraph 14 of the Framework. I conclude that the development would accord with national policy, which states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
24. In reaching this decision I have had regard to the various developments referred to by the appellants, including proposals at Marden<sup>3</sup> and Oakapple Lane<sup>4</sup>. However, whilst I acknowledge these schemes have some similarities to the appeal proposal, the appellants submitted with the appeal were committee reports and I have no confirmation of the status of these applications. Furthermore, although both sites were identified as allocations in the draft Maidstone Local Plan 2014, it has not yet been subject to examination, and thus carries little weight in terms of decision making.
25. I have also had regard to the Linton appeal.<sup>5</sup> In that case, the Inspector found that whilst there would be limited visual harm following the proposed landscape mitigation, the proposal would fail by some distance to significantly and demonstrably outweigh the material considerations in favour of the proposal. I am also aware of the developments at Leeds Road, Langley and Iden Park Service Station, Staplehurst. Whilst each case falls to be determined on its own merits, I find nothing in these decisions that would be inconsistent with the approach I have taken in determining the appeal before me.

### Other Matters

26. A signed and executed unilateral undertaking (UU) was presented at the hearing, relating to affordable housing and infrastructure provision. Kent County Council (KCC) confirmed in writing after the hearing that it is still seeking financial contributions towards libraries, youth services, and primary education within the Lenham area. Maidstone Borough Council requires on-site public open space or an off-site contribution toward the provision of facilities within the vicinity. The illustrative plan shows that public open space would be provided, and the UU includes an off-site contribution towards public open space. Future occupants of the proposed dwellings would expect to use these facilities and therefore place increased demand upon them, and thus I consider they would be necessary to support new housing development.
27. KCC confirmed in its letter dated 8 July 2015 that the specified contributions would not result in the pooling of five or more such contributions, in line with the requirements of Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010, which generally restricts such pooling.

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<sup>3</sup> ref. MA/13/1928

<sup>4</sup> ref. MA/13/2079

<sup>5</sup> APP/F1040/A/14/2214428

28. The UU would also ensure that 40% of the total number of residential units would be affordable housing. The Council agree this would meet the requirements of the Affordable Housing Supplementary Planning Document (2006). In light of the acknowledged shortfall of housing in the Borough, and the demand for local infrastructure generated by the development, I am satisfied that the contributions sought for affordable housing, libraries, primary education, youth services and open space would meet the tests in paragraph 204 of the Framework and the regulatory provisions set out in CIL Regulation 122 and 123 (3).
29. Although KCC also requested the provision of superfast fibre optic broadband in all new dwellings on the site, there is nothing before me to suggest such a requirement would be necessary for all future occupants or that the onus would be on the developer to provide this capacity. Accordingly it would not meet the tests in paragraph 204 of the Framework.
30. With regard to biodiversity, the revised bat survey indicates that a bat roost is present within the roof void of Amberly, the existing dwelling on the site. In addition, the site is used by foraging and commuting bats. The preliminary bat survey, undertaken in September 2013 found that no bats were present within buildings on the appeal site, but further surveys, undertaken 11 September and 10 October 2014, found bat droppings within the roof void of Amberly. The survey concludes that the dwelling is considered of moderate potential for supporting roosting bats, and there may be a low impact on the development of the species. The presence of bat droppings means that the building is a bat roost and the demolition of the building without a derogation licence will result in an offence under the Conservation of Species and Habitats Regulations 2010.
31. The Borough has an acknowledged shortfall in the supply of housing. Whilst the Council has identified three other alternative sites for general housing and affordable housing needs, the Maidstone Draft Local Plan is still at an early stage of development and as such it is unclear when these dwellings would be delivered. The development would make a significant contribution to housing supply in the borough, and would meet the Council's requirement for affordable housing. In addition, the site is within a sustainable location, and will provide benefits to the local economy in supporting local shops and services. Consequently I consider it would provide clear social and economic benefits to the public and would meet the IROPI<sup>6</sup> test within a licensing context.
32. In considering the feasibility of alternative solutions to the demolition of the bungalow, I have had regard to guidance from Natural England on European Protected Species and the Planning Process, which advises that a proportionate approach should be taken which is relative to the degree of likely impact. The description of development refers to 'development (and re-development) of land for residential purposes', although I acknowledge that the scheme is in outline, and that the masterplan was submitted for illustrative purposes only, and is only one way in which the site could be developed. Nonetheless, it is more likely than not that the dwelling would be demolished if the appeal were allowed.

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<sup>6</sup> There are imperative reasons of overriding public interest (IROPI)

33. Without redevelopment, the bat roost would remain, albeit the dwelling may fall into disrepair over time, with potential loss of the bat roost. However, mitigation measures are proposed as part of the redevelopment of the site, including the provision of bat boxes, searches of all accessible voids by a licensed bat worker and the installation of new bat roosting features to provide new bat roosting locations at the site. This would provide for a greater number of bat roosts within the new buildings. Further to the above, whilst it might be possible to retain the existing dwelling this would have an impact on the overall design, contrary to the Framework's advice for high quality design in all new developments, and it would not be considered reasonable to insist that the bungalow be retained within the proposed scheme. On balance, taking into account the mitigation measures proposed, I am satisfied that there are no satisfactory alternatives to the appeal proposal.
34. In regard to the third derogation test, the Biodiversity Officer at Kent County Council has confirmed that these measures would overcome the second reason for refusal relating to insufficient biodiversity information, and that subject to the measures being secured by condition the favourable conservation status of the species will be maintained. For the above reasons I therefore consider that the proposal should meet all three derogation tests and that there is a reasonable prospect of Natural England granting a licence.
35. There were concerns from local residents that the development would increase traffic congestion in the vicinity, but the Transport Statement concludes that the increase would equate to one additional vehicle approximately every 3-4 minutes during the morning and evening peak hours, and thus would have a limited impact on local traffic conditions. Moreover, Kent County Council Highways have no objections to the proposal, subject to the imposition of appropriate conditions relating to parking and access.
36. The Transport Statement<sup>7</sup> states that a footway is to be provided over the nearby rail bridge on the western side of Headcorn Road to provide an improved pedestrian link from the site to the railway station and facilities within Lenham village. The Planning Practice Guidance (the Guidance) advises that a positively worded condition should not be used to require a payment or require parties to enter into an s278 agreement to deliver infrastructure. However, in these particular circumstances, as the appellants clearly intend to provide an enhanced pedestrian connection in association with the development, and the Highway Authority support the proposed improvement works, I consider that it would be appropriate to impose a Grampian style negatively worded condition to ensure that the dwellings cannot be occupied until the footway is delivered.
37. Local residents were also concerned with the implications of the development for surface water flooding in the surrounding area, but the site is not in an area at high risk of flooding, the appellants have provided details of proposed mitigation measures including a flood attenuation pond within the site, and the Council are satisfied that this matter can be dealt with by conditions requiring details of foul and surface water drainage.

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<sup>7</sup> Transport Statement, Peter Brett Associates (May 2014)

### Conditions and Conclusion

38. I have found that the development would be acceptable subject to certain conditions. In framing conditions I have considered the conditions suggested by the parties and discussed at the Hearing, with due regard to advice in the Framework and the Guidance.
39. The Council requested that a condition should require the submission of reserved matters within 12 months, rather than the generally accepted 3 years, but was unable to demonstrate why this shorter period would be necessary, so I consider 3 years to be adequate.
40. Scale drawings at 1:20 or 1:50 of architectural details are neither necessary nor reasonable as the site does not contain or affect any designated heritage assets that would require such details.
41. Conditions are necessary to require further details of access, parking and turning within the site and to prevent the development from being occupied until a footway is provided along the western edge of Headcorn Road, all in the interests of highway safety.
42. A detailed Arboricultural Method Statement and Tree Protection Plan are required to be submitted to and approved by the local planning authority to ensure adequate protection of identified trees on site including during construction, and to safeguard the character and appearance of the area.
43. Details of the surface and foul water drainage arrangements are also necessary to ensure that the site is properly drained and to reduce surface water run-off to the local highway.
44. The Council has suggested that permitted development rights for fences, gates, walls within curtilage of any dwelling house are removed, and I agree that this is necessary to provide a soft edge to the village as a transition between the built up area and the open countryside beyond. Furthermore, details of soft landscaping areas, and a restriction on external meter cupboards, vents or flues is required, all to safeguard the character and appearance of the area.
45. A condition restricting external lighting is necessary given the existence of bat roosts and foraging routes within the site and the location adjacent to open countryside, to avoid harm to biodiversity interests. Furthermore, conditions requiring the recommended ecological mitigation measures to be undertaken and an ecological design strategy to be prepared and agreed by the local authority are necessary for the same reason.
46. Finally, the site has been identified as lying within a general area of prehistoric and Roman archaeological interest, and there is evidence of features of heritage interest dating from the development of the railway in the 19<sup>th</sup> century. A condition requiring a programme of archaeological work to be approved by the local planning authority is therefore necessary to safeguard these historic features.
47. For the above reasons I conclude that the appeal should succeed.

*Claire Victory* INSPECTOR



## **Appearances**

### FOR THE APPELLANT:

Richard Phillips Q.C.      Francis Taylor Building  
Mr Peter Court MRTPI      Planner, Peter Court Associates  
Mr Tom La Dell              Landscape Architect and Ecologist

### FOR THE LOCAL AUTHORITY:

Ms Amanda Marks          Principal Planning Officer, Maidstone Borough Council

### DOCUMENTS SUBMITTED AT THE HEARING

1. Draft schedule of conditions submitted by the Council
2. Application for costs submitted by the appellants
3. Signed and executed Unilateral Undertaking dated 1 July 2015 submitted by appellants
4. Unilateral undertaking (unsigned and undated) submitted by the Council

Richborough Estates

### **Schedule of Conditions**

- 1) Details of the access, 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall not commence until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials.
- 5) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, including kerb stones/crossing points of a wildlife friendly design have been submitted to and approved by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 6) No development shall take place until details of any external lighting to be placed or erected within the site have been submitted to and approved in writing by the local planning authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.
- 7) No development shall take place until details of all fencing, walling and other boundary treatments 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 and maintained as such thereafter.
- 8) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fences, gate or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts a road.
- 9) Prior to the commencement of the development, details of the proposed slab levels of the dwelling and existing site levels 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.
- 10) The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate wildlife friendly drainage gullies and design features. The development shall be carried out in accordance with the approved details.

- 11) Prior to the commencement of development, details of parking and turning areas shall be submitted to and approved by the local planning authority. The parking and turning areas shall be laid out in accordance with the approved plans, and retained as such thereafter.
- 12) Prior to the commencement of development, an Arboricultural Method Statement shall be submitted in accordance with the recommendations of BS5837:2012 together with a revised Tree Protection Plan ensuring that no damage to trees occurs during site clearance or demolition as well as construction activities.
- 13) Prior to the commencement of development a sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The drainage strategy shall 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 to increase the risk of flooding both on and off site.
- 14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping using indigenous species, which include the retention of the boundary hedgerow, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines. The landscaping scheme shall be carried out in accordance with the approved details.
- 15) All planting, seeding or turfing in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 16) No external meter cupboards, vents, or flues shall be installed on any external elevation.
- 17) No development shall take place (including ground works and site clearance) until a method statement for mitigating the impacts to species including bats, reptiles, breeding birds, badgers and hedgehogs has been submitted to and approved in writing by the local planning authority. The method statement shall include:
  - a) purpose and objectives of the proposed works;
  - b) detailed design and/or working methods necessary to achieve the stated objectives, incorporating up-to-date ecological surveys relating to Bats and assessment as to whether the existing dwelling can be demolished in accordance with protective legislation;
  - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) provision for species rescue, as appropriate;
- g) disposal/use of any wastes arising from the works.

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

- 18) No development shall take place until an Ecological Design Strategy (EDS) addressing the ecological enhancement of the site and the provision and future maintenance of the wildlife pond and open space within managed public access, has been submitted to and approved in writing by the local planning authority. The EDS shall include:
- a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints incorporating up-to-date ecological surveys as set out in condition 17;
  - c) detailed designs and/or working methods to achieve stated objectives;
  - d) extent and location/area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used e.g. native species of local provenance;
  - 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 monitoring and remedial measures;
  - j) safety assessment with regard to pond including maximum depth when full and means of security.

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

- 19) No development shall take place until a programme of archaeological work in accordance with a written specification and timetable has been submitted to and approved by the local planning authority. The archaeological work shall be carried out in accordance with the approved details.
- 20) No new dwellings shall be occupied until a footway has been provided along the western edge of Headcorn Road from the site, up to and including the railway bridge, to a specification that has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.