



Appeal Decision

Hearing Held on 5 October 2022

Site visit made on 5 October 2022

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Appeal Ref: APP/G2245/W/22/3301377

Pinehurst House Care Home, Pinehurst, Sevenoaks, Kent TN14 5AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Impact Developments (Sevenoaks) Ltd against the decision of Sevenoaks District Council.
 - The application Ref 20/03293/FUL, dated 13 November 2020, was refused by notice dated 28 January 2022.
 - The development proposed is demolition of the existing building and erection of two three storey blocks, two four storey blocks and one five storey block totalling 56 residential units with associated landscaping, cycle storage, car parking, waste and recycling stores, and external lighting.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and erection of two three storey blocks, two four storey blocks and one five storey block totalling 56 residential units with associated landscaping, cycle storage, car parking, waste and recycling stores, and external lighting at Pinehurst House Care Home, Pinehurst, Sevenoaks, Kent TN14 5AQ in accordance with the terms of the application, Ref 20/03293/FUL, dated 13 November 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - (a) the Council's recent record on housing supply and the related planning policy implications,
 - (b) the effect of the proposal on the character and appearance of the area, and
 - (c) the adequacy of the parking arrangements, the implications for highway safety and measures to mitigate any adverse impacts.

Reasons

Housing supply record

3. Section 5 to the National Planning Policy Framework (the Framework) sets out the Government's objective to significantly boost the supply of homes and requires Councils to identify a five-year supply of deliverable housing sites. Sevenoaks can only currently demonstrate a 2.6 year supply of homes which is a significant shortfall.

4. The Council's Housing Delivery Test results for the past 3 years are 71% (2019), 70% (2020) and 62% (2021) against the target of homes to be supplied. This demonstrates a deteriorating position and a significant under delivery of housing over recent years.
5. In these circumstances, the presumption in favour of sustainable development set out at Paragraph 11(d) of the Framework is engaged. This means that the policies most important for determining the application should be considered out of date and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. This is sometimes referred to as the 'tilted balance' and is a matter to which I shall return after consideration of the other main issues.

Character and appearance

6. The site is occupied by a part single, part two storey building arranged in a cruciform shape. It was last used as a care home but has been vacant for a few years. There is a hardstanding for parking at the front of the site. There are trees along the frontage and around the site's periphery. The building is sited within a bowl with land levels rising steeply to the north, east and west. This is a former landfill site and there are contamination monitoring stations positioned around the grounds.
7. The surrounding area is predominantly residential in nature, located within a suburban area of Sevenoaks. Pinehurst comprises tightly clustered, but informally arranged, two storey houses with paved driveways and soft landscaped front gardens. Filmer Lane, to the west of the site, has similar housing and front gardens but is more regularly laid out. These are quiet no-through roads located to the north of a traffic light controlled junction with Seal Road, part of the busy A25.
8. The proposed development would comprise apartment blocks around a central quadrangle with parking areas to the front and sides. The two blocks fronting Pinehurst would present as three storeys. The blocks to both sides would have accommodation arranged over four floors whilst the rear block would have five floors. The form and scale of development would clearly contrast with that of surrounding housing, but so does the profile of the existing building. The higher parts of the development would be set deeper within the 'bowl' on lower ground compared with neighbouring dwellings. Nonetheless, the absolute height of these blocks would exceed that of adjacent houses. According to the Council's estimates, the frontage block would be 2.4m higher than the two storey house at 17 Pinehurst and the rear block would be 2.4m higher than the ridge to the highest adjacent house at 14 Filmer Lane.
9. The impact on the character and appearance of the area would be discerned from the frontage to Pinehurst and from other public viewpoints. The frontage blocks would screen the higher buildings behind to some degree depending on the angle of view. The retention of mature trees in the site's south-western corner would also help to soften views on the approach from the junction with Filmer Lane. But other trees along the frontage would be removed for visitor parking spaces. A large parking area to the site's eastern side with a retaining wall to the gardens of houses behind would also be visible from Pinehurst with limited opportunities to soften its appearance with landscape measures.

10. The appellant points out that the total footprint of the development would be only a little greater than that of the existing building with some 82% of the site without a built form. But there would be extensive hardstanding for parking and turning on much of the remaining area. The combined effect of this with the additional height of the new buildings would result in a more intense and urban form of development compared with the prevailing appearance of the street scene. This would be clearly visible from certain viewpoints along Pinehurst.
11. The appellant has produced a Landscape Visual Impact Assessment (LVIA) for several public viewpoints surrounding the site; these were examined at the site visit. From the north-eastern end of Pinehurst, the development would be seen through the gaps between nos. 1, 2 and 3 Pinehurst, but not as a close feature. The appearance of the rear block would be softened to a degree by the belt of trees on higher ground to the rear of the site.
12. From the north-west, the rear and side blocks would be seen through a gap between the house at no.14 Filmer Lane and its garage which aligns with a turning head in the road. The buildings would be more conspicuous than in the views from the north-east but would also be seen against the higher tree belt to the north of the site. The rooflines would also be glimpsed between houses elsewhere along Filmer Lane and from viewpoints farther back in this direction from within the grounds of Greatness Park Cemetery.
13. The undulating nature of land levels in the surrounding area can be observed from several positions along Seal Road (A25) and from Seal Hollow Road opposite the junction with Filmer Lane. The houses fronting Seal Road are at a lower level than the carriageway, affording views over their hipped roofs to various dwellings in Pinehurst and Filmer Lane. Views of the buildings are filtered by garden trees and are seen against the backdrop of the higher belt of trees to the north of the site. The proposed development would similarly be visible from some of these viewpoints but would be lower than the tree belt.
14. My findings are that the proposal would not have an adverse effect on the character and appearance of the area in relation to its visibility in longer range public view points around the site. The buildings would be noticeable from some positions but would generally assimilate well into the undulating nature of the area. However, notwithstanding the moulding of the development into the topography around the site, there would be a noticeable contrast in its form and massing in relation to the lower density homogenous pattern of housing in adjacent roads. But in my judgement, this would not be unduly obtrusive, nor so out of keeping to result in significant harm to the character of the area. The additional height and massing would be adequately separated from adjacent housing and the frontage block would largely screen and soften the appearance of the higher blocks further back.
15. Policy SP1 of the Sevenoaks Core Strategy (2011) (SCS) requires all new development to be designed to a high quality, responding to the distinctive local character of the area in which it is situated, taking account of adopted character area assessments. The site is located within Character Area MO2 comprising Pinehurst and the lower part of Filmer Lane. This describes the form and material of the housing and nursing home and highlights positive features contributing to a cohesive character.

16. Design guidance for new development in the character area promotes respect for the harmonious palette of mainly brown materials and retention of mature trees contributing to the character of the area. The proposal would adhere to these design guidelines.
17. Policy EN1 of the Sevenoaks Allocations and Development Management Plan (2015) (ADMP) is similar to Policy SP1 in requiring high quality design. Whilst the development's design and overall massing would contrast with nearby housing it would nonetheless have a logical and cohesive design in itself that would be complementary in use of materials. Moreover, it would respect key design principles set out in Policy EN1 in that the development would respond to the scale, height, materials and site coverage of the area, respect the topography and character of the site and surrounding area and incorporate trees and supplementary landscape measures to enhance the site's appearance and biodiversity potential.
18. Similarly, the proposal would be in accordance with key objectives in the Framework. Paragraph 119 promotes the effective use of land in meeting the need for homes and other uses, particularly on previously developed land, such as the appeal site, which has a low density compared with its surroundings. Paragraph 130 (c) on achieving well-designed places requires developments to be *"sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"*. The proposal achieves the balance required by this policy.

Parking and highway safety

19. The proposal would provide 60 car parking spaces including 9 visitor parking spaces on the frontage and a single space for a car club. In applying their residential parking standards, the Council reckons that there would be a shortfall of 8 spaces in parking provision. The Council and many local residents are concerned that inadequate on-site parking would result in offsite roadside parking leading to conditions that would be prejudicial to highway safety.
20. The houses in Pinehurst and Filmer Lane have generous on-site parking capacity. This reduces demand for on street parking and the carriageways have been designed to be relatively narrow. The exception is the southern part of Filmer Lane close to the junction with Seal Road where the carriageway is wider but where there appears to be demand for roadside parking, possibly in association with the schools on the opposite side of Seal Road. There is a concern that overflow parking from the development could cause obstruction and nuisance in Pinehurst and congestion in the southern part of Filmer Lane where there are no parking restrictions, and that this could interfere with traffic flows at the traffic light controlled junction with Seal Road.
21. Kent County Council, as the local highway authority, have not objected to the proposal subject to the inclusion of specified planning conditions and to the completion of a planning obligation relating primarily to a residential travel plan and support for a car club. The heads of terms of such a planning obligation were discussed at the Hearing and a completed obligation was submitted shortly afterwards, signed by the appellant, Sevenoaks District Council and Kent County Council.

22. The obligation includes requirements for the appellant to submit a Travel Plan for approval and to implement agreed measures, to pay a Travel Plan Monitoring Fee, to enter into agreement with a Car Club Operator for residents' initial free use of a car club vehicle and parking space at the site, to monitor take up of the car club facility to inform agreement on the appellant's ongoing funding of the car club and to submit for approval a car park management plan. The obligation also includes requirements for the appellant to enter into a Highway Agreement for yellow lines at the junction of Seal Road and Filmer Lane and to fund a Traffic Regulation Order for Pinehurst unless the Travel Plan indicates that this is not required.
23. The provision of the car club has the potential to reduce car ownership at the site. The travel plan and its monitoring should indicate the adequacy of on-site parking provision in relation to the parking shortfall against the Council's standards and also for the need for any highway measures in Pinehurst. The provision of yellow lines on the southern part of Filmer Lane would enable control of street parking here to ensure safe access to and from Seal Road.
24. The obligation would thereby address the highway and parking concerns raised. I consider it necessary to make the development acceptable in planning terms, to be directly related to the development and to be fairly and reasonably related in scale and kind to the development. The obligation would therefore satisfy the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).
25. As such, there would not be conflict with Policies EN1 and T2 of the ADMP in relation to vehicle parking provision and means of access for new residential development. Neither would there be conflict with the Framework which states at Paragraph 111 that, "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

Other matters

26. Interested parties have objected to the proposal on grounds other than those forming the Council's refusal reasons. Several have raised concerns about the impacts on residential amenity in relation to loss of light, loss of outlook and loss of privacy. The appellant's Daylight and Sunlight study demonstrates that the proposal satisfies target requirements in the British Research Establishment (BRE) in relation to light loss for neighbouring properties. The new buildings would clearly be visible from some rear or front windows to nearby houses and would result in a change of view compared with outlook towards the existing building. But the separation distances to the new buildings on all sides of the site are such that there would not be significant visual intrusion or loss of outlook in planning terms. Similarly, the separation distances coupled with the proposed arrangement of windows would be sufficient to ensure no loss of privacy in relation to standards set by the National Design Code Model.
27. A residential development of this size would ordinarily trigger the need for provision of some affordable housing. However, the appellant's viability assessment, which has been independently verified, demonstrates that due to the extent and cost of stabilisation and remediation to groundworks to enable the development to proceed that the scheme would be unviable if affordable housing were to be secured.

28. Some have expressed concern at the risk of nuisance from site contamination released through building operations. The use of appropriate planning conditions should mitigate this risk.
29. Kent County Council initially requested that the planning obligation includes developer contributions towards primary and secondary education, libraries, community learning, youth services, social care and waste, but withdrew its request shortly before the Hearing. Funding for these concerns could be made available from the Community Infrastructure Levy (CIL) receipts that would be chargeable to the developer in implementing the scheme. Allocation of CIL receipts would be a matter for Sevenoaks District Council as the local planning authority in the first instance. Whilst there may be uncertainty on the extent of CIL receipts that could be made available for infrastructure in the wider Kent area, the request for these matters to be included in the planning obligation would not satisfy the tests for planning obligations set out in paragraph 24 above. They are not necessary to make the proposal acceptable in planning terms.
30. It became apparent late in the appeal process that there are two slivers of land at the site not in the appellant's ownership. The notification of the proposal to these owners required by planning legislation has subsequently been made. No representations in relation to this matter have been drawn to my attention. Access across the land to and from the public highway has been made for several years. Private ownership of parts of the site is not a material planning consideration.

Planning balance

31. The main arguments against the proposal are the Council's and interested parties' objections relating to the effect of its height and massing on the character and appearance of the area. Contrast with the existing development would be most apparent from close public viewpoints in Pinehurst. But having regard to adopted planning policies, the weight to be afforded to these issues can only be limited. Concerns relating to parking and highway matters would be mitigated by the planning obligation.
32. The proposal would have the benefit of providing much needed housing in the Sevenoaks area. A large part of the District is designated Green Belt and some of this also Areas of Outstanding Natural Beauty in which restrictive development policies apply. It therefore makes sense to make full use of previously developed land within the built up area such as the appeal site. Paragraph 125 of the Framework states that "*where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site*". This approach will sometimes result in a contrast between proposed and neighbouring developments as would be the case here.
33. The Council's recent record on housing delivery has been poor to the extent that the presumption of sustainable development is engaged. This is set out at Paragraph 11(d) of the Framework. As such permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

34. There would be economic benefits arising from employment during the construction phase and the generation of CIL payments towards local infrastructure. The delivery of 56 homes would result in social benefits and make a significant contribution towards the housing shortfall. There would be environmental benefits through modular construction techniques reducing energy consumption. A significant environmental benefit would also be the stabilisation and remediation of a contaminated former landfill site. Associated costs are considerable, as verified in the viability study. A low density housing scheme comparable to that neighbouring the site would be unlikely to cover these costs, in which case the site would not come forward for development.
35. Having regard to all relevant planning considerations, the balance lies in the granting of planning permission subject to appropriate planning conditions.

Conditions

36. I have noted the planning conditions listed by the Council in the event that the appeal is allowed. I agree with the majority of these but have revised some in the light of advice on planning conditions in Planning Practice Guidance. I have not included the suggested condition restricting permitted development allowances as it is not necessary to make the development acceptable.
37. In addition to the statutory condition to limit the lifespan of the permission, it is necessary to list the approved plans in the interest of certainty and to facilitate amendments, should this be expedient.
38. Several pre-commencement planning conditions are warranted. Firstly, the approval of a Construction Method Statement to mitigate risks to highway safety and to safeguard living conditions for residents near to the site. Secondly, as there are contaminants at the site, conditions are necessary in relation to gas monitoring and remediation of the land. A sustainable drainage scheme based on information in the appeal documents needs to be approved prior to works commencing to ensure satisfactory site drainage. Similarly, pre-commencement conditions are needed on possible noise nuisance from the quarry site to the north and to ensure appropriate archaeological investigations can take place prior to building operations. Finally, fencing to protect retained trees needs to be in place prior to building operations commencing.
39. The submitted landscape measures need to be implemented and a landscape management plan approved to ensure a satisfactory appearance to the site. Details of external finishes and photovoltaic panels need to be approved for the same reason. Hours of working on site and the details of external lighting need to be controlled in the interests of residential amenity. Piling for foundations should be controlled by a condition to safeguard water from contamination. Glazing to the windows in the eastern elevation of blocks C and D needs to be controlled to safeguard privacy in facing dwellings.
40. To ensure that the site operates effectively as intended conditions are needed to ensure the provision of refuse and recycling bins, broadband, bicycle parking facilities, car parking places with appropriate management and electric charging points. A condition relating to Secured by Design accreditation is needed in the interests of crime prevention. Finally, conditions are needed in relation to biodiversity to protect identified species and to ensure ecological net gains on site.

Conclusion

41. The effect of the proposal on the character and appearance of the area would be acceptable having regard to relevant planning considerations and policies. Any adverse impacts arising from the parking arrangements and their implications for highway safety would be adequately mitigated by the planning obligation. The appeal should therefore be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: N0704(08)020A, N0704(90)001A, N0704(96)001B, A19238-P-00-200-B, A-19238-P-01-02-201-P1, A-19238-P-03-04-202-P1, A-19238-P05-203-P1, A-19238-P-ML-240-P1, A-19238-P-ML-241-P1, A-19238-P-ML-242-P1, A19238-P-ML-243-P1, A-19238-P-ML-244-P1, A-19238-P-ML-245-P1, A-19238-P-A-B220-P1, A-19238-P-A-B-221-P1, A-19238-P-C-222-P1, A-19238-P-C-223-P1, A-19238-P-C-224-P1, A-19238-P-D-225-P1, A-19238-P-D-226-P1, A-19238-P-D-227-P1, A19238-P-E-228-P1, A-19238-P-E-229-P1, A-19238-P-E-230-P1, A-19238-P-ML-300-P1, A-19238-P-ML-301-P1, A-19238-P-ML-302-P1, A-19238-P-ML-303-P1, A-19238-P-ML304-P1, A-19238-P-ML-305-P1, A-19238-P-00-001.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) temporary traffic management measures and signage;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development shall commence until continuous ground gas monitoring results have been submitted to the local planning authority for their review and approval. If the continuous ground gas monitoring indicates contamination, then a detailed scheme of mitigation to prevent migration of ground gases by the provision of cut-off trenches or boundary gas venting, shall be submitted to and approved in writing by the local planning authority, prior to the commencement of development. The

development shall be carried out in accordance with the approved mitigation scheme, or any later variation thereof approved by the local planning authority. After development commences, if any potentially contaminated flammable/toxic gas not previously identified is discovered or further gas mitigation is required, then a further assessment and mitigation/remediation strategy shall be submitted to and approved in writing by the local planning authority. If no further contamination/gas migration is found, then this should be detailed in a gas monitoring completion/verification report that shall be submitted to and approved in writing by the local planning authority.

- 5) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 6) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development, or relevant phase of development, is occupied.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes

shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development is resumed or continued.

- 8) No development, except for demolition, shall commence in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Sustainable Drainage Strategy report by Richard Jackson Associates November 2020. The scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The scheme shall also demonstrate (with reference to published guidance) that
- i) silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, and
 - ii) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

- 9) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.
- 10) No development shall take place until a noise assessment has been undertaken to assess the impact of noise arising from the adjacent quarry site. The assessment, together with any mitigation scheme recommended for protecting the proposed dwellings from noise, 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 before any permitted dwelling is occupied unless an alternative period is otherwise agreed in writing by the local planning authority.
- 11) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a Palaeolithic watching brief to be undertaken by an archaeologist familiar with Palaeolithic remains. The watching brief shall be in accordance with a written programme and specification which shall have been submitted to and approved by the local planning authority and shall ensure that the excavation is observed, and items of interest and finds are recorded.

- 12) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Arboricultural Survey by Quaife Woodlands - AR/4020/jq dated 10/11/20 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered, and the land kept free of vehicles, plant, materials and debris.
- 13) The hard and soft landscaping details as shown on approved plan nos. N0704(08)020A, N0704(90)001A, N0704(96)001B shall be implemented prior to first occupation of the development hereby approved. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development, it shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season.
- 14) Before any part of the development is first occupied a landscape management plan, including long term design objectives covering a period of no less than 5 years, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 15) Prior to the completion of the damp proof course, further details of the external finishes of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall accord with the approved details.
- 16) Prior to the completion of the damp proof course, further details of the proposed location, design and specification of the solar photovoltaic panels to be used within the development hereby approved shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the development.
- 17) Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the local planning authority.
- 18) Prior to the completion of the damp proof course of the development hereby permitted details of an external lighting scheme shall be submitted to and approved in writing by the local planning authority. The details shall include location, height, type and direction of light sources, means of controlling light spillage and intensity of illumination. Any lighting, which is so installed, shall thereafter be maintained, and operated in accordance with the approved details and shall not be altered other than for routine maintenance.
- 19) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority. This may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater, in which case, development shall only be carried out in accordance with the approved details.
- 20) The windows that serve the circulation cores and stairwells to the eastern facing elevations of blocks C and D of the development hereby permitted

shall be glazed with obscure glass of no less than obscurity level 3 and shall be permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; the windows shall thereafter be permanently retained as such.

- 21) The development hereby permitted shall not be occupied until the on-site bicycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
- 22) The development hereby permitted shall not be occupied until the storage facilities for bins and recycling shown on the approved plans have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.
- 23) The development shall be constructed to provide on-site modern communication and technology infrastructure, which should include Broadband, high speed internet cabling and digital TV cabling. Details relating to the provision of such infrastructure shall be submitted prior to the completion of the damp proof course of any phase of the development. No residential unit in any phase shall be occupied until the approved infrastructure has been provided in each relevant phase, or in accordance with an alternative timescale agreed by the local planning authority as part of the approved details.
- 24) The car parking and turning arrangements shall be constructed in accordance with details shown on the approved plans. Prior to first occupation of the development hereby approved, details of a Car Parking Management Plan (CPMP) shall be submitted to and approved in writing by the local planning Authority. The CPMP shall be implemented in accordance with the approved details and operated as first approved thereafter unless the local planning authority agrees to any variation in advance.
- 25) Prior to the completion of the damp proof course of the development hereby permitted, a Residential Travel Plan detailing measures to be put in place for the development shall be submitted to and approved in writing by the local planning authority. The Plan shall include reference to Travel Plan measures to be set out within the residents' welcome packs. The detailed Travel Plan for the development shall thereafter be carried out and operated as approved.
- 26) The development hereby permitted shall not be occupied until a scheme to show the provision of in excess of 15 electric vehicle charging points, including the proposed location, type and specifications has been submitted to and approved by the local planning authority. The charging points shall all be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall be installed in accordance with the approved details and shall be available for use prior to first occupation of the development.
- 27) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which shall be submitted to and approved in writing by the local planning authority within three months of the completion of the development hereby permitted, unless otherwise agreed.

- 28) Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This shall include the recommendations in section 5.43 of the Preliminary Ecological Appraisal (Greengage November 2020) and section 5 of the 'Badger Survey Report and Mitigation Strategy' (Greengage November 2020). The approved details shall be implemented prior to first occupation of the development hereby approved and retained thereafter.
- 29) From commencement of works (including site clearance), all precautionary mitigation measures will be implemented in accordance with the details for the following: - For reptile mitigation - Sections 5.28 through to 5.31 of Preliminary Ecological Appraisal (Greengage November 2020); - For badger mitigation - Section 5 of the 'Badger Survey Report and Mitigation Strategy' (Greengage November 2020); - For bats mitigation - Sections 5.15 through to 5.33 of the bat emergence survey report (Greengage October 2020), unless varied by a European Protected Species licence subsequently issued by Natural England.

APPEARANCES

FOR THE APPELLANT

John Ferguson	Collective Planning
Morag Ellis	KC
Sara Boland	Influence
Martin Doughty	Richard Jackson Engineering Consultants
Kayleigh Chapman	Shoosmiths (Virtual)
Mark Felton	Impact Developments (Sevenoaks) Ltd

FOR THE LOCAL PLANNING AUTHORITY

Jim Sperryn	Principal Planning Officer – Sevenoaks District Council
Samantha Simmons	Planning Officer – Sevenoaks District Council
Hazel Rose	Appeals Clerk – Sevenoaks District Council
Cllr Merilyn Canet	Ward Councillor – Sevenoaks District Council
Cllr Irene Collins	Ward Councillor – Sevenoaks District Council (Virtual)

INTERESTED PARTIES

Daniel Smith	Local resident – 4 Pinehurst
Stephen Brown	Local resident – 2 Pinehurst (Virtual)