



Appeal Decision

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18.09.23

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

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 described as '*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*'.
 - **This decision supersedes that issued on 2 December 2022. That decision was quashed by Order of the High Court.**
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Decision

1. The appeal is allowed and planning permission is granted for the 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 Appendix A.

Procedural Matters

2. This decision supersedes that issued on 2 December 2022, which was quashed by the High Court. The statement of reasons indicates that policy SP7 should have been taken into account in that decision. I have redetermined the appeal afresh (or *de novo*). My role is not to review the previous appeal decision. Nonetheless, in determining the appeal scheme, I have taken into account this policy, and the adopted development plan as a whole, in reaching my decision.
3. Since the original appeal was submitted, the Appellant has provided some further evidence relating to Biodiversity Net Gain (BNG). This, and comments relating to it, have been taken into account in determining the appeal.
4. The *Sevenoaks Town Neighbourhood Plan 2020-2038* (STNP), was 'made' on or around 23 May 2023. It now forms a part of the statutory development plan for the area, and I have taken it into account accordingly.

5. Both the main and interested parties have had an opportunity to consider and comment on the appeal, with a further period given for any further representations in late July to early August 2023. I have taken those, and all submitted, representations into account in coming to my decision.

Main Issues

6. The main issues are:

- (i) The effect of the proposed development on the character and appearance of the area; and,
- (ii) The effect of the proposal on highway safety, with specific regards to parking; and,
- (iii) The overall planning balance.

Reasons

Character and appearance

7. The site is occupied by a part single, part two storey building arranged in a cruciform shape. The building was last used as a care home. The main parties agree in the Statement of Common Ground (SOCG) that the site is a 'brownfield site', with the ground level lower than the surrounding area, forming a bowl type shape in which the existing buildings sits. There is a hardstanding for parking at the front of the site. There are trees along the frontage and around the site's periphery. This is a former landfill site and there are contamination monitoring stations positioned around the grounds.
8. The surrounding area is predominantly residential in nature and 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 laid out in a regular pattern. These are quiet no-through roads located to the north of a traffic light-controlled junction with Seal Road, part of the busy A25 leading to Sevenoaks town centre in one direction and towards the M25/M26 junction in the other.
9. The proposal seeks the erection of apartment blocks around a central quadrangle with parking areas to the front and sides. The two blocks fronting Pinehurst would be three storeys. The blocks to both sides would have accommodation arranged over four floors whilst the rear block would have five floors in total. At face value, it would be logical to assume that the form and scale of the proposed development would clearly differ to that of surrounding housing. Indeed, the height of the taller parts of the proposal would exceed those of nearby dwellings, which are generally two-storey in height, when considered on plan height alone.
10. However, the relative surrounding land levels means that the two storey dwellings on the northern part of Filmer Lane and eastern side of the site on Pinehurst are visually and in practical terms located at a higher level to those at the western end of Pinehurst near the junction with Filmer Lane. The height relationship can be seen on the scaled drawings A-19238-P-ML-305 P1 titled *General Arrangement Public Realm Street Scenes [Site Elevations]*.

11. On these drawings and that labelled *Public Realm Site Elevation - South* it is possible to compare the height between the proposal and those to the west on Filmer Lane and to the east on Pinehurst. It is clear to see that the roof height of the tallest block – D – which is set back some distance from the front of the site, would be not dissimilar to that of the highest dwelling on Filmer Lane (labelled as No14 on the submitted site plan). To the east, the height difference is more noticeable. Yet there is a large gap between the proposed built form and the dwellings on this side of the site. This gap, together with the relative land levels and the fact that the tallest element of the proposal would be some distance back from the highway Pinehurst and seen in the context of both the buildings to the front of the site and also the rising land to the north of the site, mitigates the visual effect of the seemingly tall five-storey block proposed compared to the surrounding two-storey form.
12. Furthermore, the blocks (A and B) to the front of the site would be around three-storey in height – two storey plus liveable space in the attic level. These would, together with the distance between them and Block D to the north, effectively screen the view of Block D from most public views. At the very least, it would ameliorate the visual impact of Block D and its contrasting height compared to two-storey dwellings found nearby. Moreover, the three-storey height of Blocks A and B are, in themselves, not too dissimilar in height to the two-storey houses found in the locality. I also note that Blocks C and E, on either side around the central quadrangle, would be four storeys in height. But considering these in the same way as Block D, their heights would be approximately the same as that seen at No. 14 Filmer Lane and not significantly higher than that found at the dwellings to the east on Pinehurst.
13. With regard to bulk, scale and mass, it is clear that the proposed buildings would be wider and/or deeper than the two-storey houses found on Pinehurst, Filmer Lane and Seal Road/A25. However, the context is important here. Whilst the proposed buildings would be noticeable from some positions they would generally assimilate well into the undulating nature of the area. The appeal site and its surrounds are not an area of flat land but rather characterised by undulations in the landform. Moreover, the design of the proposed buildings contains architectural features such as the defining of three storey gabled columns on the elevation fronting Pinehurst, the use of different and contrasting materials both horizontally and vertically, and the creation of create gaps and spaces between the five buildings and the existing built form. In doing so, the proposal would not appear as a large and bulky mono-block of brick.
14. Although the Appellant has sought to integrate the proposed scheme into the topography of the site and its surroundings, there would still be a noticeable contrast in its form and massing in relation to the lower density homogenous pattern of housing in adjacent roads. Nonetheless, as a matter of planning judgement, this would not be unduly obtrusive, nor so out-of-keeping to result in harm to the character of the area. The additional height and massing in relation to the existing street scene 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. In terms of density, I note the points raised by interested parties and Policy SP7 of the *Sevenoaks District Council Core Strategy - Adopted February 2011*, which was not listed on the Council's Decision Notice. I also

acknowledge the Order of Mr C M G Ockelton sitting as a Judge of the High Court, dated 20 February 2023, to which this policy is also referred to.

16. Policy SP7 sets out that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The Order noted that it is written in a way as to promote density as high as appropriate rather than imposing any numerical upper limit.
17. As detailed above, I have found that the design is acceptable and would not compromise the character of the area. Indeed, it makes an efficient and intelligent use of the land for residential use, taking into account its topography and surrounding area. I note the points made that the proposal would represent a density of around 82 dwellings per hectare (dph), which would exceed that sought for urban areas in Sevenoaks at 40dph. But for the aforesaid reasons, I do not find that the mathematical density excludes a higher density, so long as the design, scale, form and massing are acceptable. I am reinforced in this view by the fact that the Local Planning Authority continues to find that there is no conflict with this Policy which would constitute a reason for refusal.
18. An interested party has suggested that the density proposed would create a precedent for other developments in the district of a similar density. It would be surprising if there were not a variety of densities found or sought in the district – such an approach makes the most efficient and effective use of land. However, the proposal here does not set a precedent as suggested. Each proposal is considered on its own merits, as I have done here. In this case, I have found, as set out in Policy SP7, that the proposal would make an efficient use of land for housing having regard to the character and location of the area.
19. Accordingly, taking into account all matters raised by the main and interested parties on character and appearance, I find that the proposal would not have an adverse effect on the character and appearance of the area. As such it would accord with Policies SP1 and SP7 of the *Sevenoaks Core Strategy (2011)* (CS), Policy EN1 of the *Sevenoaks Allocations and Development Management Plan (2015)* (ADMP) and Policy C4 of the STNP. Amongst other aims, these require all new developments to be designed to a high quality, responding to the distinctive local character of the area it is located in and 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.
20. It would also accord with local design guidance for new development in the Character Area MO2 comprising Pinehurst and the lower part of Filmer Lane. This guidance 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.
21. Similarly, the proposal would accord with key objectives in the *National Planning Policy Framework* (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. 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.

Highway safety

22. The Statement of Common Ground (SOCG) dated 16 September 2022 sets out that the second reason for refusal, relating to off-road parking and highway safety, was no longer contested between the main parties. This was because a legal agreement under Section 106 of the TCPA has been submitted (dated 12 October 2022) which includes measures to address parking and impact on the surrounding area¹. A 'new' legal agreement has been submitted, dated 23 August 2023, which ostensibly covers the same matters.
23. Nonetheless, concerns have been raised by interested parties and originally by the Council that there is inadequate parking on the site. Indeed, the Council when applying their residential parking standards, considered that there would be a shortfall of eight spaces in parking provision. Many local residents are concerned that the levels of on-site parking are inadequate and would therefore result in offsite roadside parking leading to conditions that would be prejudicial to highway safety.
24. The proposal would provide 60 car parking spaces including 9 visitor parking spaces on the frontage and a single space for a car club. I saw during my site inspection that the residential dwellings in Pinehurst and on Filmer Lane have generous on-site parking capacity. Moreover there were no outward signs that this area is currently subject to on-street parking controls – for example limiting hours or parking or requiring permits.
25. Parts of the carriageways on Filmer Lane and Pinehurst are relatively narrow, which makes them less than ideal for on-street parking, even if it is technically permitted by the lack of on-street controls. I note the concerns raised in terms of the potential obstruction and nuisance in Pinehurst and congestion in the southern part of Filmer Lane where there are no parking restrictions, which could interfere with traffic flows at the traffic light-controlled junction with Seal Road.
26. The local highway authority, Kent County Council, 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. A completed obligation dated 23 August 2023 has been submitted signed by Impact Developments Sevenoaks Limited, Victoria Capital Trust, Sevenoaks District Council and Kent County Council.
27. This 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

¹ See SOCG, Para 5.12

fund a Traffic Regulation Order for Pinehurst unless the Travel Plan indicates that this is not required.

28. 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.
29. In achieving these outcomes, I find that the obligation would address the highway and parking concerns raised. Moreover, 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)*.
30. Accordingly, I find that there would not be any conflict with Policies EN1 and T2 of the ADMP in relation to vehicle parking provision and means of access for new residential development. Nor 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

31. Interested parties have objected to the proposal on grounds other than those forming the Council's refusal reasons. I now consider these, and other matters that require consideration, in this section of the decision.
32. Several interested parties have raised concerns about the impacts on residential amenity in relation to loss of light, loss of outlook and loss of privacy. The Appellant has submitted a Daylight and Sunlight study that 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. However, 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.
33. 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. I note the observations from an interested party setting out that two windows serving kitchen areas would not be obscured glazed and could provide the ability to overlook gardens to the east and west.
34. However, given the height of the proposal in relation existing buildings, the intervening separation between the buildings and the gardens and the proposed areas that these windows would serve – in front of the kitchen sink – I do not find that they would result in material harm in terms of overlooking or loss of privacy for the occupiers of nearby dwellings or their garden areas.

Site contamination

35. Some interested parties have expressed concern at the risk of nuisance from site contamination released through building operations. However, the use of appropriate planning conditions should mitigate this potential risk.

Planning obligations

36. A residential development of this size would ordinarily trigger the need for provision of some affordable housing. 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. I see little reason to disagree with the evidence before me on this matter.
37. 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 original 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 the Local Planning Authority in the first instance.
38. 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 the CIL Regulations and Paragraph 57 of the Framework. They are not necessary to make the proposal acceptable in planning terms.

Land ownership

39. 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 further 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.

Biodiversity Net Gain

40. Neighbourhood Plan Policy L1 of the STNP requires that new development delivers a net gain for biodiversity. This is consistent with national policy changes in England where, by the end of 2023, all new major developments will need to deliver a 10% net gain for biodiversity.
41. The Appellant has submitted information relating to Biodiversity Net Gain (BNG) at the re-determination stage. I sought comments from the Local Planning Authority, whose advisers at the Kent County Council Ecological Advice Service provided comments dated 2 August 2023. This advice raised concerns as to whether the proposal would result in a 20% loss of biodiversity, or if the loss would be greater.

42. However, subsequent to this, the Appellant indicates that the use of planning conditions has been discussed and agreed with the Local Planning Authority and Kent County Council in order to secure biodiversity net gain. These are conditions which would require updates to the BNG metric before works start on site and that any such BNG are secured for a period of at least 30 years. Subject to the imposition of such conditions in this case, I find that the proposal would accord with Policy L1 of the STNP.

Housing Land Supply

43. The SOCG sets out that in September 2022 the Council could not demonstrate a 5-year housing land supply. The latest 'tested position at appeal' was 2.6 years. The main parties agreed that the 'shortfall in delivery is severe' in this district.
44. In terms of the Government's Housing Delivery Test (HDT) the outturn for the three years were 71% (2019), 70% (2020) and 62% (2021) against the target of homes to be supplied. This demonstrates both a deteriorating position and a significant under delivery of housing over recent years.
45. I sought an update on this position in July 2023, and the Council confirmed that their position remains as set out in their original statement of case and the statement of common ground. The Council confirmed that its position in August 2023 is that there is a 2.8 year supply of deliverable housing land and the most recent Housing Delivery Test score is 62% of housing delivery against its housing target for the years 2018/19 to 20-21.² Based on the evidence before me, I see no reason to disagree with the agreed positions of the main parties at September 2022.
46. As such, the presumption in favour of sustainable development set out in Paragraph 11 of the *Framework* is engaged³. I consider this matter further in the overall planning balance.

Planning balance

47. The main factors against the appeal proposal are the objections of the Local Planning Authority and interested parties 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. However, I have found that the proposal would not result in harm in respect of character and appearance for the aforesaid reasons. Moreover, I have found that concerns relating to parking and highway matters could reasonably be mitigated by the completed planning obligation that has been submitted.
48. Set against these concerns, the proposal would have the benefit of providing much needed housing in the Sevenoaks area. This is an area where large parts of the District is designated as Green Belt and some of this also Areas of Outstanding Natural Beauty. These are areas where development policies apply that restrict development. As such, making the full use of previously

² Letter from LPA dated 9 August 2023

³ Footnote 8 of the *Framework* explains 'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

developed land within the built-up area, which includes the appeal site, makes sense.

49. Indeed, 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'*. In applying this approach which is not dissimilar to that set out in the Development Plan through Policies SP1 and SP7 of the CS, Policy EN1 of the ADMP, and Policy C4 of the STNP, the reality is that sometimes there will be a contrast between proposed and neighbouring developments. That is a situation that arises in this case. But this would not be contrast that is unsatisfactory in design or character and appearance terms, as I have found the proposal to be acceptable in this respect.
50. Moreover, the Council's recent record on housing delivery has been extremely poor. This record is woeful to the extent that the presumption of sustainable development is engaged. This is set out at Paragraph 11(d) of the Framework, which states that 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.
51. In this instance, I have not found that there would be any adverse effects of granting permission. Nonetheless, for clarity, I find that the proposal would result in a large number of benefits. These would include; 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 in this area; environmental benefits through modular construction techniques reducing energy consumption; and significant environmental benefits including the stabilisation and remediation of a contaminated former landfill site.
52. Should there be any doubt, I find that the benefits of the proposal weigh significantly in favour of the proposal. Having regard to all relevant planning considerations, I find that the balance here lies in the granting of planning permission, subject to appropriate planning conditions.

Conditions

53. The SOCG sets out a list of suggested conditions which are 'agreed' by the main parties were permission forthcoming. In considering the use of planning conditions I have taken into account Paragraph 56 of the *Framework* and the guidance provided in the national Planning Practice Guidance on the use of planning conditions.
54. I have not included the suggested condition restricting permitted development allowances as it is not necessary to make the development acceptable. In addition to the statutory condition to limit the lifespan of the permission, it is necessary to list the approved plans to provide certainty.
55. 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.

56. 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.
57. 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

58. The proposed development would accord with the development plan when considered as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it.
59. For the reasons given above I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions imposed

- 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 (CMS) 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;
 - iii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - iv) adjoining land;
 - v) ground waters and surface waters;
 - vi) ecological systems; and
 - vii) 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.

30) Prior to works commencing an updated Biodiversity Net Gain (BNG) Excel metric and report must be submitted to and approved in writing by the local planning authority. The submitted documents must provide details of the following:

- (i) proposed onsite habitat creation/retention corresponding with the approved landscaping plan.
- (ii) Habitat baseline of the off site habitat creation site
- (iv) Details of the proposed off site habitat creation/enhancement required to achieve a Biodiversity Net Gain.
- (v) Map showing the location of the off site habitat creation.
- (vi) Details demonstrating that the on and off site habitats can achieve the required condition.
- (vii) Management requirements for the off site habitats

The submitted information must demonstrate that a Biodiversity Net Gain of at least 10% can be achieved and the Biodiversity Net Gain trading rules have been met.

31) Prior to works commencing information must be submitted to and approved in writing by the local planning authority, demonstrating that the off site Biodiversity Net Gain agreed as part of condition 30 can be achieved. The submitted information must demonstrate the following: Payment has been made to a Biodiversity Net Gain habitat provider OR Agreement has been made with a landowner for the required habitat creation/enhancement.

The submitted information must demonstrate that the management agreed as part of Condition 30 will be implemented and the required Biodiversity Net Gain will be secured for at least 30 years.