

4.1 - SE/14/04022/OUT Date expires 15 April 2015

PROPOSAL: Outline application for mixed use development comprising up to 61 new homes including up to 24 (40%) affordable homes, not less than 1.41 hectares of public open space, not less than 0.24 hectares of retained open land with vehicular access provided from Beechenlea Lane with some matters reserved.

LOCATION: Broom Hill Site, London Road, Swanley KENT

WARD(S): Swanley Christchurch & Swanley Village

ITEM FOR DECISION

This item has been referred to Committee by Councillor Searles to consider the impact of the scheme upon the neighbours amenities

RECOMMENDATION A: That permission be GRANTED subject to the following conditions and the acceptable completion and signature of the S106 obligations covering the following head of terms:

- Affordable Housing

- Works to bus stop

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) Application for approval of the reserved matters, namely appearance, landscaping, layout and scale shall be made to the local planning authority before the expiration of three years from the date of this permission

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

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

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

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

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

5) No buildings shall be occupied until space has been laid out within the site for cars to be parked, including garages and where applicable space for customers of the commercial unit(s), and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear. These details shall be

submitted pursuant to condition 1 and the development shall be maintained thereafter at all times in accordance with the approved details.

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

6) Pursuant to condition 1 above, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved and in accordance with the approved implementation programme. The details shall include proposed finished levels or contours; means of enclosure; other pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. Drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme

To protect the visual appearance of the area as supported by policies SP1 and L04 of the Core Strategy and policy EN1 of the ADMP.

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

To protect the visual appearance of the area as supported by policies SP1 and L04 of the Core Strategy.

8) No development shall take place until an ecological mitigation and enhancement strategy has been submitted to and approved in writing by the local planning authority. The ecological mitigation and enhancement strategy shall include the following (but not be limited to) :

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

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

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

9) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority, prior to the commencement of the development. The purpose of the LEMP shall be to detail the contribution that the

landscaping and management of the site's open spaces make to the ecological enhancement of the site and to ensure that the open space will be managed appropriately. The plan must include the following (but not be limited to):

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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

- a) Identification of baseline conditions prior to the start of development.
- b) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- c) Methods for data gathering and analysis.
- d) Timing and duration of monitoring, including a time table.
- e) Responsible persons and lines of communication.
- f) Review, and where appropriate, publication of results and outcomes. A report describing the results of monitoring shall be submitted to the local planning authority at intervals as identified in the Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

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

17) The details submitted pursuant to condition 1 shall include a detailed scheme of acoustic protection measures, including indicating the predicted attenuation to be afforded by those measures, for all dwellings and associated private amenity space in the development. Measures will include details of:-Engineering works such as cuttings and bunds. Acoustic glazing and ventilation schemes. Reflective and absorbent barriers and treatments. A programme of implementation for the acoustic protection measures

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

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

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

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

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

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

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

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

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

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

22) The proposed residential development shall achieve a Code for Sustainable Homes minimum rating of level 3. Evidence shall be provided to the Local Authority - either prior to the commencement of development of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3, or as an alternative as agreed in writing by the Local Planning Authority; provide to the LPA prior to the occupation of any dwelling, a certificate to show that the dwellings have achieved a Code for Sustainable Homes minimum level 3.

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

23) Construction and site preparation work shall take place on the site only between

0800 and 1800 hours on Monday to Friday, and 0900 and 1300 hours on Saturday. No activities shall take place on Sundays or Public Holidays.

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

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

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

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

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

26) If contamination is found as condition 27, the residential development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy, and the effectiveness of the remediation, has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

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

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

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

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

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

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

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

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

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

In the interests of the amenities of the surrounding area in accordance with the provisions of policy EN1 of the ADMP.

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

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

32) Prior to the commencement of development details shall be provided to the LPA showing the means and location of wheel washing facilities. The scheme shall be carried out in accordance with the approved details and shall be maintained for the duration of the works.

In the interests of the cleanliness and of highways safety of the adjacent public highway.

33) Prior to the first occupation of the site, the applicant should enter into a Section 278 Agreement with Kent County Council to improve the existing footway along the eastern side of Beechenlea Lane between the site access and London Road by repair, complete resurfacing and kerb maintenance; to adjust the kerb radius on the eastern side of Beechenlea Lane / London Road junction to a tighter radius in order to reduce the traffic speed of vehicles exiting into London Road; and to improve the pedestrian crossing facility at the Beechenlea Lane / London Road junction including the provision

of tactile paving on both sides.

To promote sustainable travel in accordance with the provisions of the NPPF.

34) The development hereby permitted shall be carried out in accordance with the following approved plans, 1581-BG61-PO1 - 07. 14171-BT2, 664BR01

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

Informatives

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

3) The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

4) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

5) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
- Our website at www.gov.uk/environment-agency for further guidance.

6) Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/environment-agency for more information.

RECOMMENDATION B: If the obligations have not been signed and completed within 2 months of the date of the Committee meeting, that permission be delegated to officers to refuse permission or the following reasons:

1. The proposed scheme makes no provision for a contribution towards the Councils Affordable Housing initiative and nor has it been demonstrated that such a contribution would render the scheme unviable. This scheme is therefore contrary to the provision of policy SP3 of the Sevenoaks Core Strategy.
2. The proposed scheme makes no provision of a contribution towards improvements to the nearby bus stop. The scheme would therefore result in an unsustainable form of development contrary to the provisions of the NPPF and policy SP2 of the Core Strategy.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

Description of Proposal

- 1 Outline application for mixed use development comprising up to 61 new homes including up to 24 (40%) affordable homes, not less than 1.41 hectares of public open space, not less than 0.24 hectares of retained open land with vehicular access provided from Beechenlea Lane with all matters reserved except means of access.

Description of Site

- 2 The site comprises a grassed open space lying between properties fronting London Road and Beechenlea Lane. The land rises up hill from both adjacent roads towards a high point to the east of the site. The site forms part of a larger parcel of land extending towards the M25 slip road to the east. The northern part of the site is flatter and includes the remnants of buildings/greenhouses forming part of a former nursery. These are completely dilapidated and are now almost completely engulfed by planting.

- 3 The boundary with properties in Beechenlea Lane has a mixture of fencing types and some tree/shrub planting. The easternmost boundary comprises open post/rail fencing and a line of shrubs/small trees whilst the boundary of the former nursery is marked by trees and shrubs.
- 4 The site is visible within the wider townscape and is viewed from the town centre as the outer boundary of the town at this point.
- 5 Beechenlea Lane, where adjacent to the site is in residential use, land to the south is in commercial use whilst land to the east is an employment allocation in the ADMP (EMP4). Land to the north is open land sitting between the site and the Olympic Centre.
- 6 The M25 is visible from the higher levels of the site and the noise from the motorway is constantly present within the site.

Constraints:

- 7 Within the built confines of Swanley but not within the Green Belt, an Air Quality Management Area, Public Right of Way across north eastern corner. The boundary with the MGB runs along the northern edge of the site.

Proposal

- 8 The scheme is in outline with all matters reserved except means of access.
- 9 The access to the site is proposed via a gap that exists between two houses in Beechenlea Lane that lies towards the southernmost 1/3 of the site. The access would be wide enough to provide a two way vehicular access with footpath along one side of the access and a landscaped strip on the other.
- 10 An illustrative layout has been submitted showing the arrangement of 61 dwellings around the site. These are arranged in a circuit at the southern most end of the site with a mixture of flats and mainly semi-detached houses, leading along the western side of the site with mainly semi detached houses to a circular route at the top of the site with a mixture of detached and semi detached houses.
- 11 Within this layout an area of open space occupies the high point within the site on the eastern side of the site.
- 12 Along the south eastern boundary lies a strip of reserved land, reserved potentially for a vehicular access from the Kimber Allen site to the south to the employment land to the east of the site.
- 13 At the northern most part of the site a public right of way is shown to be re-directed from its current position through two fenced alleyways between the houses on that part of the site.
- 14 The illustrative scheme would deliver 8 ½ bedroom flats, 6 two bed houses, 29 three bed houses, 15 x 4 bed houses and 4 x 4/5 bed houses. The units would have a mix of off street parking, integral garages, detached garages or communal parking. The houses and flats would have a max height of 8m's.

Relevant Planning History

- 15 TH5/70/392 - Outline Use for recreational purposes. Not determined.

SE/00/00362/OUT - 24,025m² of B1 Use Classes together with parking for 961 cars, new roundabout, access road and associated landscaping. EIA and Transport Impact Assessment. Withdrawn.

SE/12/03421/OUT - Outline application for mixed use development with all matters reserved except access. The development would comprise demolition of existing employment building, erection of new employment building for employment use (B2/B8), erection of 61 dwellings (including not less than 24 affordable social houses), alterations to existing access in the vicinity of London Road, provision of an access road not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access onto Beechenlea Lane, provision of not less than 0.24 hectares retained open land, provision of not less than 1.41 hectares of public open space, including an equipped play area, and provision of public footpath. Not Determined. Appeal Upheld.

SE/12/03422/OUT Outline application for mixed use development comprising demolition of existing employment building, erection of new employment building for employment use (B2/B8), erection of 39 dwellings (including not less than 16 affordable social houses), alterations to existing access in the vicinity of London Road and provision of an access road within a corridor not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access onto Beechenlea Lane, provision of not less than 0.94 hectares retained open land, provision of not less than 1.44 hectares of public open space, including an equipped play area, and provision of public footpath with some matters reserved. Not Determined. Appeal Upheld.

12/03423/FUL Outline application for mixed use development comprising erection of 20 dwellings (including not less than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east alterations to existing access onto Beechenlea Lane, provision of not less than 1.06 hectares retained open land, provision of not less than 1.48 hectares of public open space, including an equipped play area with some matters reserved. Refused. Appeal Upheld.

SE/12/03424/FUL Outline application for mixed use development comprising erection of 20 dwellings (including not less than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east alterations to existing access onto Beechenlea Lane, provision of not less than 1.06 hectares retained open land, provision of not less than 1.48 hectares of public open space, including an equipped play area with some matters reserved. Refused. Appeal Upheld.

- 16 These 4 schemes were considered at a Public Local Inquiry (PLI) in 2013 and the Inspector identified the following as the main issues:

- The need for the proposed housing.

- The effect of the proposal on the character and appearance of the surrounding area.
- The effect of the proposal in relation to noise.
- The need for financial contributions including for education and libraries, community learning, families and social care and healthcare.

17 In addition Air quality, Ecology and the Living Conditions of the Neighbours were also considered. The Inspectors report is attached in full as Appendix 1 and the conclusions are set out below:

“I do not consider that the proposals would interfere with the allocated adjacent employment use, but because of the provision of a potential access route to this employment land, these proposals could provide some benefit in relation to that, and I attach a little weight to it. The proposals, while affecting the openness of part of the appeal site, would provide to a varying extent some formal open space accessible to the public, which would be an advantage and could lead to establishment of some dry acid grassland in the area. I attach some weight to this.

There would be an impact, particularly on newts and slow-worms and bats, but I am satisfied that suitable mitigation can be provided, although noting there can be risks involved with re-locating species. In my view the proposals would result in an overall neutral impact, with the greatest impact on these species coming from development on the old nursery site. There would also be some impact in relation to air quality, again with proportionally greater impact coming from the two larger schemes, but because of the identified level of impact the weight I attach against the proposals is limited.

I accept that with all four developments there would be some impact on adjoining residents, particularly in terms of the landscape and outlook, and particularly for those living near the site or who walk along the footpath, part of which crosses the site. However, I only attach moderate weight to this, as the designed illustrative layouts have been carefully considered to take account of the surroundings.

I have acknowledged there is a recent current development plan that does not include allocation of this land for housing and which has identified an achievable 5 year housing supply. However, the identification of that supply is not in accordance with the latest advice in The Framework, and in any case, the limited supply of housing identified was for specific reasons, and development here would not conflict with those reasons, because it would be in the confines of Swanley and not Green Belt land. I consider that because of the great need for housing and affordable housing in the area, substantial weight should be proportionally attached to the provision of the housing and justifies a deviation from and addition to the housing identified in the adopted plan, for all four schemes.

Overall, taking into consideration these and all other matters raised, I consider that the benefit of the various schemes clearly outweighs the harm, with the larger schemes providing a greater level of houses and affordable houses to offset the increased proportional harm that they would have.”

Policies

Core Strategy:

18 Policies - SP1, SP2, SP3, SP5, SP7, SP8, SP9, SP10, SP11, L01, L04, L08.

ADMP

19 Policies - SC1, EN1, EN2, EN6, H4, GI1, GI2, T1, T2, EMP4.

Other

20 NPPF

21 NPPG

Consultations

SDC Environmental Health

22 Views awaited.

SDC Tree and Landscape Officer:

23 In general the site appears to have adequate space to accommodate the proposed *development*. *The bulk of the site is mainly grassed paddocks with old boundary outgrown thorned hedgerows*. The northern section is more overgrown with what appears to be a self set mix of mainly semi mature trees. The trees within this section are shown for removal along with sections of the hedgerow, which appear ancient. The hedgerows on this site look to have been planted upon the boundaries of the individual paddocks. They have not been managed and have since grown tree like. They are generally in such a condition partially I believe due to their age. That they will not take to pruning back to again form a hedge. It will not be appropriate to leave these boundary trees as they are and as they will not take to harsh pruning, they will probably have to be removed. It is therefore very important for the hedgerows shown for retention, that they be replanted with a rural hedgerow mix.

24 I look forward to being consulted on a detailed landscaping scheme with a full application.

Highways Agency:

25 No objection

KCC Highways:

26 I have taken into account the previous applications made on this site in 2012 which was accompanied by a Transport Assessment, the comments made by my colleague Martin Rayner at the time and in particular the conclusions made by the Inspector in allowing the Appeals.

27 The application documents demonstrate that whilst no secondary / emergency access is available, this is compensated for by widening the access road to 5.5 metres with a 2.0 metre wide footway plus sufficiently wide verge areas. The

indicative internal layout shows a double loop arrangement which helps compensate for the lack of secondary access and this is found to be acceptable. The applicant has demonstrated that large vehicles such as delivery lorries and refuse vehicles are able to enter and leave the access road without difficulty.

- 28 I would request a change in the submitted drawings, included in the Transportation Note - Ref. 3034/SK/011A which shows a slight narrowing of Beechenlea Lane at the site access to 4.8 metres. I do not consider this appropriate and should be excluded from the drawing. Any consequential slight reduction in the visibility splay dimensions should be measures and shown .This would be acceptable given the measured traffic speeds.
- 29 This application includes a Transportation Technical Note prepared by WSP dated December 2014 gives comprehensive evidence in relation to the impact of traffic generation from the proposed development. It clearly demonstrates that the development is likely to generate less than one two-way vehicle trip per minute on Beechenlea Lane in both the am and pm peaks.
- 30 Analysis of the junction of Beechenlea Lane with London Road indicates that the additional traffic Given the above and taking into account the advice provided in the National Planning Policy Framework Paragraph 32 which states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" I cannot justify a recommendation of refusal of this application on highway grounds. However, I would recommend that the following conditions are applied to any permission granted:
- 1 The applicant should enter into a Section 278 Agreement with Kent County Council to improve the exiting footway along the eastern side of Beechenlea Lane between the site access and London Road by repair, complete resurfacing and kerb maintenance; to adjust the kerb radius on the eastern side of Beechenlea Lane / London Road junction to a tighter radius in order to reduce the traffic speed of vehicles exiting into London Road; and to improve the pedestrian crossing facility at the Beechenlea Lane / London Road junction including the provision of tactile paving on both sides. Overall this would promote sustainable travel and all these measures should be completed prior to first house occupation on the site.
 - 2 The applicant should make a 100% contribution via a Section 106 Agreement for the relocation and improvement of the existing bus stop on the far side of the island to the east of Beechenlea Lane junction to a position to be agreed with the LPA, Highway Authority and the bus operator, including the provision of a shelter and seating. Again this is to promote sustainable travel and should be completed prior to the first house occupation on the site.
 - 3 The applicant should make an appropriate contribution to the Sevenoaks Cycling Strategy via a Section 106 Agreement, for that part of the Strategy relevant to the eastern area of Swanley. This contribution should be made prior to 50% completion of housing on the site and is to promote sustainable travel.
 - 4 A full Travel Plan, as outlined in the applicant's submitted Framework Travel Plan, shall be submitted to and approved by the LPA and Highway Authority prior to the first house occupation on the site. A method of regular monitoring of the

Travel Plan and making regular adjustments to the Plan shall be included in that submission. This is to encourage sustainable travel.

5 Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

6 Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

7 Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

8 Provision and permanent retention of the vehicle parking spaces and/or garages, and cycle parking in accordance with the requirements of Kent County Council Parking Standards (document IGN3 or any subsequent revision) shall be shown on the submitted detail plans prior to occupation.

9 The applicant shall use their best endeavours to secure an appropriate Traffic Order to restrict parking for a distance of 10 metres either side of the site access to improve visibility and therefore highway safety.

I am also aware that the applicant has discussed and offered a contribution to the improvement of the white lining at the M25 Junction 3 roundabout. This is the responsibility of the Highways Agency and you should contact them direct regarding details of this and for an appropriate condition.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Natural England:

31 Thank you for your consultation on the above dated 15 January 2015 which was received by Natural England on 15 January 2015.

32 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

33 Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

- 34 This application is in close proximity to the Farningham Wood Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected landscapes

- 35 Having reviewed the application Natural England does not wish to comment on this development proposal. The development, however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB Unit. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

- 36 We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

- 37 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

- 38 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

- 39 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

- 40 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts. Page 3 of 3

Impact Risk Zones for Sites of Special Scientific Interest

- 41 Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZ's is available on the Natural England website.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this

KCC Ecology:

- 42 Under the Natural Environment and Rural Communities Act (2006), *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*. In order to comply with this 'Biodiversity Duty', planning decisions

must ensure that they adequately consider the potential ecological impacts of a proposed development.

- 43 The National Planning Policy Framework states that *“the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”*
- 44 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.”*
- 45 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.
- 46 At the public inquiry in 2013 one of the issues was ecology – in particular the loss of Acid Grassland which is a BAP Habitat. Over the course of the appeal it was accepted that due to the management of the site it was no longer of BAP Habitat quality. The decision notice dated 17th March 2014 accepted the findings of the previous ecological reports for this scheme. To inform the determination of this planning application an updated ecological scoping, bat and reptile surveys have been carried out to identify if there has been any changes within the site and confirm that the findings of the original survey reports are still valid.
- 47 We have reviewed the ecological surveys which have been submitted and we are satisfied with the finding of the submitted reports which has confirmed that there have been no significant ecological changes within the site since the previous surveys were carried out in 2012/13.

Reptiles

- 48 Slow Worms and Common Lizards have been recorded throughout the field margins, in the open areas of the overgrown nursery in the north and in the long grass in the western section adjacent to Beechenlea Lane. These areas will be lost as a result of the proposed development and trans-located to suitable receptor site.
- 49 We are presuming that they will be trans-located to the area of open space within the site however no information has been provided confirming if that is correct.
- 50 While we are happy for the detailed mitigation strategy to be submitted for comments as a condition of planning permission we require confirmation of the location of the proposed receptor to be submitted for comments prior to the determination of the planning application.

Bats

- 51 7 species of bat have been recorded within the site since 2012. The updated bat survey carried out in 2014 has confirmed that the site is used by single passes rather than sustained activity (such as foraging).
- 52 The site layout details that the development will create an area of open space – if managed correctly it could increase suitable foraging habitat for the bats. However there is a need to ensure that lighting proposed for the development is designed to minimise impacts on bats.
- 53 We recommend that if planning permission is granted a detailed lighting strategy is produced (in conjunction with an ecologist) to ensure the impact on bats is minimised.
- 54 We also recommend that bat bricks are incorporated in to the houses to increase roosting potential.

Management Plan

- 55 The grassland within the site was previously identified as a BAP Habitat but due to the current management of the site the quality of the grassland has declined. However if the open space area is managed correctly there is potential that the diversity of the acid grassland will improve.
- 56 As such we recommend that if planning permission is granted a management plan for the open space area is submitted as a condition of planning permission. The management plan will have to clearly demonstrate how the area can be managed for reptiles, foraging bats, acid grassland and recreation.
- 57 If you have any queries regarding our comments, please contact me.

This response was submitted following consideration of the following document(s):

Updated Ecology Report; Corylus Ecology; December 2014

Bats and Lighting in the UK

- 58 Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

Street lighting

- 59 Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

- 60 The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

KCC Public Rights of Way

- 61 Public Rights of Way Footpath SD178 crosses the proposed development site and will be directly affected. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information. The proposal shown on the Contextual Plan seeks to enclose the footpath in two alleyways with close-boarded fencing and divert it along the footway.
- 62 I would object to the application for the reason that the diverted route will not conform to Good Design guidelines to have natural surveillance and the route will be enclosed thus reducing the visual amenity for users. There is sufficient available space elsewhere in the plot to relocate housing so that there is no need for this path to be affected by the development.

- 63 However, if the application is granted and a diversion under TCPA is successful I would request that as part of any Section 278 agreement with highways this should include the extinguishment of the section that runs along the footway of the “adopted highway” section of PROW SD178. The alleyway sections should be of a minimum 2.5 metre width and lighting should be provided and maintained by the company responsible for managing the open amenity spaces.
- 64 The existing of the right of way is a material consideration. Should consent be granted, the development would necessitate the diversion of the right of way under the Town and Country Planning Act 1990 in order to go ahead. Appropriate weight should be given to this fact when determining this application.
- 65 The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development, insofar as it affects the Public Right of Way, must not be started – until such time as the Order necessary for its diversion has been confirmed, and the new route provided. The successful making and confirmation of an Order should not be assumed as it is subject to public consultation.
- 66 The developer should note that the obstruction of the PROW before the confirmation and certification of an Order for the diversion of the PROW will in normal circumstances result in the County Council using the powers available to it under the Highways Act 1980 to bring a prosecution. The temporary closure of the right of way to enable development work to progress prior to confirmation of a permanent Diversion Order will not be considered. However, once the diversion order has been confirmed it is possible to close the existing route by means of a TTRO while the new route is installed.
- 67 In order to avoid delays, the diversion of the right of way should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that Kent County Council, on behalf of Sevenoaks District Council, is in a position to progress the necessary Orders at the point at which consent is given.
- 68 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.
- 69 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the construction phase) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Thames Water:

Waste Comments

- 70 Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application.

Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.

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

Reason – The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

- 71 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.
- 72 Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

- 73 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed:

Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 74 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility

infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Kent Police:

75 I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the DCLG Planning Practice Guidance March 2014 (Paras 10 & 11) – Crime Prevention and the Kent Design Initiative (KDI) - Design For Crime Prevention document dated April 2013.

I would like the following comments and recommendations to be taken into consideration to ensure that CPTED and the KDI protocol are fully addressed:

I have read the Design and Access Statement (D&AS) and I cannot find any reference to designing out for crime or reference to the seven attributes of CPTED

To date we have had neither consultation nor any communication from the applicant.

There are other issues that need to be discussed and addressed including a formal application for Codes, BREEAM and Secured By Design (SBD) if appropriate.

I would be grateful if you could draw the applicant's attention to the Kent Design Initiative (KDI), which will also assist them with Crime Prevention and Community Safety.

76 I would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail and any notes from a meeting/consultation will be passed back to the Planning Officer dealing with the application as part of my full response to this planning application.

77 If the applicant fails to contact us, this may have an effect the development with regards to Secure By Design (SBD), Codes for Sustainable Homes (CfSH) and BREEAM, as awarding these items retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of Sevenoaks District Community Safety Unit (CSU) and local policing.

78 If this planning application is given approval and no contact has been made to the Crime Prevention Design Advisors (CPDAs) by the applicant/agent, then we would suggest that a condition be included as part of the planning approval to ensure that Crime Prevention is addressed effectively:

79 If a condition is to be used we suggest something similar to:

The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.

- 80 Alternatively if you have already undertaken pre-application discussions with the applicant/agent you might want to consider issuing a letter including the below statement:

The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

- 81 If neither a condition nor letter is appropriate, we suggest you consider using an informative, something similar to the below, to encourage the applicant/agent to contact the CPDA:
- 82 Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.
- 83 Note that this informative would only be imposed upon outline planning permissions prior to the submission of reserved matters application. The use of a condition, a letter or an informative will address both our statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety
- 84 Please be advised that the information contained within this response is provided by Kent Police Crime Prevention Design Advisors and refers to situational crime prevention. This advice focuses on Designing out Crime and improving Community Safety with regards to this specific development/planning application.

It is possible that you may receive additional comments from Mr Trevor Hall of Kent Police with regards Community Infrastructure Levy and 106 Agreements in response to core strategies and local/neighbourhood plans. Please note that such matters and any queries surrounding them need to be addressed with Mr Hall who coordinates these issues on behalf of Kent Police.

Environment Agency:

- 85 Thank you for your consultation, which we received on 19 January 2015. We have no objection to the proposal providing the following condition is applied to any planning permission granted.

Condition 1: Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the

undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

Condition 2: No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

We confirm receiving the Preliminary Geo-Environmental Risk Assessment and Phase II Investigation Report written by WSP and dated July 2014. The reports have been carried out in line with relevant guidance. The recommendations and analysis of risks and liabilities detailed in the submitted site investigation report are agreed in principle, with regard to issues of concern to the EA.

Further clarification should be sought from the local authority Environmental Health Officer with respect to issues related to harm to human health.

Reason: To protect groundwater and comply with the NPPF.

National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by

preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Condition 3: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect groundwater and comply with NPPF.

Condition 4: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: The site is located in a sensitive location with regards to groundwater in that it is underlain by a principal aquifer and located in Source Protection Zone.

To ensure any possible land contamination related to historic site activities is addressed in line with current planning guidance on sustainable development.

Condition 5: No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect groundwater and comply with the NPPF.

If soakaways are going to be used as part of sustainable urban drainage then the following points should be noted wherever soakaways are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods.
- No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

The application form indicates that the foul drainage will be discharged to mains drainage. If this alters then we should be consulted.

Informatives

Fuel, Oil and Chemical Storage

- 86 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Waste on site

- 87 The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

- 88 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
- Our website at www.gov.uk/environment-agency for further guidance.

Waste to be taken off site

89 Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

90 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/environment-agency for more information.

Decision notice

91 We require decision notice details for this application, in order to report on our effectiveness in influencing the planning process. Please email decision notice details to kslplanning@environment-agency.gov.uk or post a copy to the address at end of this letter.

NHS Property Services:

92 NHS Property Services Ltd is now the body which will request S106 Health Care contributions on behalf of NHS England. Our approach is the same in securing S106 healthcare contributions and working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population.

93 NHS Property Services wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with recognized Planning Obligations Guidance for communities and local government and the adopted Sevenoaks Development Plan.

94 Inevitably any increase in the local population has a knock on effect in terms of healthcare and NHS Property Services would seek to apply this S106 contribution to meet these extra demands placed upon the local primary and community health services.

95 In terms of this particular application a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

The Oaks Surgery
 Cedars surgery
 Hextable surgery

96 The above surgeries are within 1 mile radius of the development at London road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

97 NHS Property Services will continue with the West Kent formulae to calculating S106 contributions for which have been used for some time and are calculated as fair and reasonable. A contribution will not apply if the units are identified for affordable/social housing.

98 The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted occupancy rates:

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

For this particular application the contribution has been calculated as such:

Predicted occupancy rates

| Predicted Occupancy rates | Total number in planning application | Total occupancy | Contribution sought (Occupancy x £360) |
|---------------------------|--------------------------------------|-----------------|--|
| 2.34 | 37 | 86.58 | £31,168.80 |

99 NHS Property Services Ltd therefore seek a healthcare contribution of £13,168.80 plus support of our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS Services.

Representations

100 38 letters of objection received raising the following issues:

- Increased traffic congestion – as a result of this and other developments in Swanley – that will impact upon existing residents
- Beechenlea Lane cannot adequately cater for the additional traffic
- Drivers park on Beechenlea Lane both on the footpath and highway obscuring views and blocking the road – this will be worse with further development
- The access to the site is too narrow and there is insufficient width to allow access for service vehicles – particularly if cars are parked close to the access
- Beechenlea Lane is used as a cut through for traffic driving around the area – which is incompatible with additional housing being approved in this road
- At the Public Inquiry the Inspector sought to protect residents amenities by seeking to ensure that construction traffic for the two larger schemes did not enter Beechenlea Lane – this scheme would be contrary to that approach
- Increased air pollution in an area that already suffers from poor air
- Increased pollution, loss of outlook, visual intrusion, loss of privacy noise and disturbance to exiting residents
- poor quality of environment for future residents
- This site should remain public open space – which should be addressed by the Council in the Development Plan
- This will be harmful to the ecology and wildlife of the site – building on dry acid grassland should be discouraged
- out of character with the area
- risk of flooding from this site into Beechenlea Lane
- there is too much social housing in Swanley and there is no demand for more: more such housing should be built in Sevenoaks
- this site is not required to enable the Council to meet its housing need
- more development all around Swanley, places demands on the area that cannot be met ie on schools, doctors etc.
- will exacerbate existing water shortages in the summer
- lights from traffic leaving the site will shine in neighbours windows to the detriment of their living conditions

Swanley Town Council:

101 Swanley Town Council strongly objects to this application on the following grounds:

- (i) The proposed development is unacceptable in highway terms as it would generate high volumes of additional traffic movements onto Beechenlea Lane leading to increased congestion on this and other surrounding roads which are already at capacity.
- (ii) The application is premature in advance of a full traffic survey for Swanley.
- (iii) The proposed density of this development is excessive leading to the residents on Beechenlea Lane suffering unacceptable levels of noise and light pollution.
- (iv) The proposed development would lead to a loss of visual amenity to local residents and also lead to a reduction in air quality.
- (v) If the development was to proceed then its residents would also be subject to the same adverse conditions as set out above. In addition the layout of the proposed development would mean some of its residents being unacceptably close to existing development, such as the adjoining factory sites. Also some of the proposed properties would directly overlook the existing properties in Beechenlea Lane.

Chief Planning Officer Appraisal

Principal Issues

102 The main issues concern, the principle of development, design/impact of scheme upon surrounding area, impact upon neighbours amenities, impact upon archaeology, affordable housing, impact upon trees, flooding, impact upon public right of way, open space, means of access and highways, CIL, impact upon wildlife and developer contributions.

Principle of Development:

103 The principle of development for 61 dwellings was established on this site by means of an appeal determined last year. The Inspector concluded:

There is a recent current development plan that does not include allocation of this land for housing and which has identified an achievable 5 year housing supply. However, the identification of that supply is not in accordance with the latest advice in The Framework, and in any case, the limited supply of housing identified was for specific reasons, and development here would not conflict with those reasons, because it would be in the confines of Swanley and not Green Belt land. I consider that because of the great need for housing and affordable housing in the area, substantial weight should be proportionally attached to the provision of the housing and justifies a deviation from and addition to the housing identified in the adopted plan, for all four schemes.

That scheme was submitted in outline, with vehicular access via land to the south of the site. Since the determination of the previous schemes, the policy background has developed insofar as the Allocations and Development Management Plan has now been adopted. The main change in relation to that adoption has been the removal of the application site as an open space allocation (previously identified as natural and semi natural open space). Therefore whilst the access to the site is now different to that earlier scheme and the access must be assessed again, nevertheless, the principle of development of the site for residential purposes is still acceptable and policy compliant.

Design/Impact of Scheme upon the surrounding area:

- 104 The NPPF is clear that good design is indivisible from good planning. It seeks to ensure that new development contributes positively to making places better for people.
- 105 At a local level policy SP1 of the Core Strategy seeks to ensure that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 106 Policy LO4 advises that the emphasis will be on, amongst others, protecting the setting of the town and the physical and community identity of adjoining settlements.
- 107 This application is in outline with all matters reserved except the means of access and it is not possible at this stage to be clear on the layout or design of the units proposed. An illustrative plan is submitted showing how a layout for 61 units could be achieved. It is however simply that, illustrative, and it is perfectly possible for an alternative layout to be brought forward as part of a reserved matters application. All that is fixed at this point is the number of units and the position of the access.
- 108 One of the reasons for refusal of the previous schemes referred to harm to the openness and landscape character of the area. However that approach was not supported on appeal. Rather, the Inspector concluded that the scheme for 61 units would be compatible with the general character of the town and would not appear out of character with the surrounding houses in Swanley. At paragraph 33 he concluded:

The layout, with predominantly detached houses, would be in keeping with the adjacent houses in Beechenlea Lane. While the built fringe of Swanley would be extended out at the appeal site, it would still be seen as part of the general built development of the town, closely associated with the existing employment uses to the south and proposed employment uses to the south east. I accept that in distant views the houses would visually extend the town a little, but in these views the effect would be marginal and the form of Broom Hill and distant trees would still provide a relatively open and rural appearance. I also accept that close up there would be a substantial impact on the character and appearance of the appeal site, particularly as seen from the houses in Beechenlea Lane, which back on to the appeal site. Their outlook will change from one of 'countryside' to a suburban landscape. The extent of this impact varies between the schemes, with the greatest impact from the 61 dwelling proposal. However, if you live at the edge of a developed area it would not be reasonable to expect that no further expansion of the developed area could occur at any time in the future. There will

be many other properties in Swanley that were once on the edge of the town, but are now incorporated within it by expansion.

- 109 That determination was made just over a year ago and its conclusions are therefore still relevant and a material consideration. It is considered that this site could accommodate 61 units of accommodation, in compliance with all relevant policies that relate to the issues of design and impact upon the character of the area.

Neighbours Amenities:

- 110 The NPPF seeks to promote *sustainable forms of development which include seeking positive improvements in the quality of the built natural and historic environment as well as in peoples' quality of life*. One of the 12 core planning principles is to *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*.
- 111 At the local level policies SP1 of the Core Strategy and policy and EN2 of the ADMP advises that proposals will be permitted where they safeguard the amenities of occupants and occupants of nearby properties from harm.
- 112 Significant concern has been expressed that the proposed scheme would harm the living conditions of nearby residents in Beechenlea Lane. This could occur as a result of the relationship of housing on the site to the existing housing, and as a result of the increased levels of activity arising from the application site and the use of the proposed access.
- 113 In terms of levels of activity and their potential impact the change would be noticeable to most residents of Beechenlea Lane whether on a direct basis because they live next to or opposite the access, or sporadically as they drive past the access.
- 114 Residents have referred to the single pavement on this lane and the potential highways safety issues arising from the cars drawn to the new housing using the lane. Additionally they refer to the use of Beechenlea Lane by others using the M25 and car sharing, leaving parked cars in the lane all day. The proposed site would have adequate off and on street parking.
- 115 At the previous appeals, the two schemes for 20 units were accessed via Beechenlea Lane, both during and after construction. These issues were raised at that time and both schemes were considered not to impact the amenities of those in Beechenlea Lane to such a degree as to warrant a refusal.
- 116 This scheme would increase the number of units utilising this access from 20 to 61 with all the consequent additional traffic, levels of activity, noise and disturbance.
- 117 Whilst the Inspector accepted this access for the 20 unit schemes, in respect of the larger schemes he attached conditions to protect the neighbours' amenities ensuring that construction access to the site was not via Beechenlea Lane and that the Beechenlea Lane access should only be used for emergency access in those two schemes. It should be recognised of course that the access to the site for the two larger schemes was via London Road and thus it made sense in those cases to prevent access via Beechenlea Lane other than in cases of emergency.

- 118 The assessment is therefore whether the additional traffic resulting from this scheme would amount to such a nuisance to the residents in Beechenlea Lane as to be contrary to the Development Plan and warrant a refusal. The type of traffic entering the site would not be different to that already considered acceptable as part of the smaller schemes. It can be seen from the response from KCC Highways that the access is considered capable of providing a safe access that would not compromise highways safety or the free flow of traffic and the assessment therefore relates solely to the impact of the volume of such traffic.
- 119 The access would be sufficiently wide for two way traffic with a footpath on one side and a planting strip on the other. The two houses on either side lie 4m's back from the boundary on one side and, 6 - 8m's on the other side of the access. This is a relatively narrow access compared to many corner plots which give access to such a number of houses and the residents of those houses will undoubtedly notice the difference between the situation now and with 61 houses using the access. However on the basis that the access is acceptable for use by the residents of 20 houses and is of an appropriate standard it is not considered that the increase to use by 61 units would be so harmful as to justify a refusal on this point alone.
- 120 In terms of levels of overlooking, loss of light, overshadowing and similar such issues it is considered that development could be provided on the site in such a way as to meet acceptable standards and avoid unacceptable levels of harm to the neighbours' amenities. Clearly their outlook would be different than at present, but that does not in itself means that such a change is unacceptable. Nobody has a right to a view over other peoples land and if sufficient distance can be provided as to ensure such development is not visually intrusive, and as to overcome issues of significant overlooking, overshadowing/loss of light then this change in outlook in itself is not considered harmful. Clearly this is the view taken by the Inspector previously.
- 121 In terms of the impact of the houses themselves the Inspector concluded:
- In my view, the appeal site, being very close to existing residential development is in a very good location for residential development. While I attach considerable weight to the harm that would be caused to existing residents in terms of the impact on their outlook and views, this has to be balanced by the level of expectation they should have in relation to development on the appeal site and the benefit such development would bring in terms of housing provision. In my view, while the change to the character and appearance of the land will be great in terms of transition from grazing to housing, the provision of housing at the fringe of Swanley would be in character with nearby built development and not out of place.*
- 122 It is considered that whilst a larger gap would be desirable between the houses either side of the proposed access, that nevertheless the development of this site will not impinge on existing residents in a manner that is worse than other areas of Swanley where new development sits adjacent to existing development.

Affordable Housing:

- 123 Policy SP3 of the Core Strategy requires that an on site contribution be made towards the Councils Affordable Housing Strategy. This scheme proposes that

not less than 24 units be made available within the scheme which amounts to the 40% contribution required in accordance with the provisions of policy SP3.

- 124 A number of residents letters raise objection to the scheme on the basis that Swanley has sufficient social housing already and no more is now required, although it is not clarified what harm this is considered to cause to the local community.
- 125 It is clearly a Government objective to secure more affordable housing, reflected at a local level in policy SP3 of the Core Strategy and the relevant policy guidance does not suggest that this is subject to any finite limit in any location. Under policy SP3 the split between socially rented and intermediate housing would be confirmed by discussion with the relevant RSL. The Council does not have any evidence to confirm the over provision of affordable housing in Swanley, but in any case adopted policies seek to continually gain more affordable housing on every new scheme, either directly or indirectly by a financial provision. This scheme therefore does need to comply with this policy objective.
- 126 The submitted application refers to the provision of affordable housing at a level compliant with the Councils affordable housing policy. Subject to a completed S106 Agreement (under discussion at the time of the report being written) this aspect of the scheme is acceptable.

Trees:

- 127 The site contains a number of trees mainly within the intermittent boundary planting and in the delineation between the application site and the adjacent land forming part of Broom Hill and those around the former nursery site. The trees are of limited quality. Those along the boundary with Beechenlea and the boundary with the rest of Broom Hill could easily be maintained whilst some of those around the former nursery site would be lost. However in the overall scheme this would not be unacceptable and a good quality landscape scheme would easily replace, with good quality specimens, those trees to be lost.

Public rights of Way:

- 128 If the layout shown were proposed at the reserved matters stage, the existing public right of way would need a small diversion of the existing route – taking it via a footpath at the northern end of the site, via a turning head and then along a footpath to re-join the existing route on the north eastern boundary of the site. This is a minor diversion although it would of course divert a footpath that follows an alignment through countryside at present and replace that with a short distance through the top corner of this estate. As can be seen objections have been raised by KCC regarding the nature of the diversion ie taking the footpath from a countryside route to one where two lengths of footpath would pass through close boarded alleyways.
- 129 Apart from the issue of the character of the footpath issues of potential danger from traffic needs to be considered. At this point although it runs along a section of turning head (20m's) traffic speeds should be slow and visibility very good at this point and it is not anticipated that this diversion would be a dangerous route to walkers.

130 This matter would require a separate application should permission be granted for the development of this site in this manner and due consideration can then be given to the proposed right under that application process.

131 However the layout shown is illustrative and a layout could well be designed that would obviate the need for such concerns. This would be dealt with at the reserved matters stage.

132 At this stage therefore no objection is raised.

Air Quality:

133 The NPPF seeks to *“prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”*

134 Policy SP2 of the Core Strategy advises that *“the design and location of new development will take account of the need to improve air quality in accordance with the Districts Air Quality Plan; Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level; New development in areas of poor air quality will be required to incorporate measures in design and orientation that demonstrate an acceptable environment will be created for future occupiers; Permission will be refused where unacceptable impacts cannot be overcome by mitigation”.*

135 The site lies on the edge of an Air Quality Management Area and in order to recommend approval of this scheme it must be clear that:

- The proposed development does not unacceptably exacerbate existing levels of pollution within the AQMA
- That the proposed development does not cause the increase in size of the existing AQMA
- Acceptable levels of air quality will be acceptable for future residents of the scheme.

136 This matter was considered at the Public Local Inquiry in 2013 – the applications had not provided sufficient information to make a judgement regarding their acceptability and further information was submitted as part of the inquiry. The Inspector concluded as follows:

CS Policy SP2 relates to sustainable development and in terms of air quality notes that the design and location of new development will take account of the need to improve air quality in accordance with the District’s Air Quality Action Plan. Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level. New development in areas of poor air quality will be required to incorporate measures in the design and orientation that demonstrate an acceptable environment will be created for future occupiers. Permission will be refused where unacceptable impacts cannot be overcome by mitigation. In my view, it has been demonstrated that the impact of the proposed development would be very small, and while I accept that there would be some small additional pollution resulting from the development, taking account of

policy and the mitigation proposed, it is my view that the weight against the proposal on this ground is very limited and I note that the council has withdrawn its objection on this issue.

- 137 At that time the largest of the schemes considered also included a commercial re-development. Based upon that decision and in view of the more limited nature of this scheme it is not considered that the issue of air quality could now justify a reason for refusal.

Noise:

- 138 The NPPF refers at para 109 to *'preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'*.

- 139 The site lies within close proximity to the M25 and noise from that motorway is audible all over the site. Any new development must overcome three potential issues in terms of noise:

- To ensure that it is adequately protected from the noise of the motorway and nearby London Road
- To ensure that it can be protected from noise that may arise from the allocated economic development site to the south east of the site
- To ensure that the proximity of residential development on this part of the site does not prejudice the use of the site on the other side of Broom Hill for employment purposes.

- 140 This issue was also considered at the previous public inquiry and once again the Inspector concluded that the matter was not so harmful as to warrant a refusal: *Given that these are outline applications and that the design and layout of buildings is a reserved matter, I am satisfied from the evidence presented that an acceptable noise environment can be achieved for the proposed developments at the appeal site.*

- 141 That decision is a material consideration in this decision. There have been no material changes to the noise environment and therefore the scheme is considered acceptable in terms of its noise environment.

Contaminated Land:

- 142 It is considered important to establish the principle of the acceptability of the land for residential development prior to any grant of permission and is not considered to be appropriate to deal with by condition. Sufficient information was submitted as part of the previous appeal to be clear that the land could be developed for residential purposes without any risks from contamination.

- 143 No objections are therefor raised to the residential use of this site in terms of this aspect.

Flooding:

- 144 The NPPF advise that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk.

- 145 The site does not lie within a flood zone and the references to flooding by residents refer to surface water run off from the site onto surrounding land.
- 146 As can be seen the Environment Agency raises no objection to this scheme subject to the use of appropriate conditions, including one or surface water drainage, and issues of surface water flooding would be dealt with at the detailed design stage.
- 147 The scheme is considered to be policy compliant in this respect.

Ecology:

- 148 Policy SP11 of the Core Strategy states that *'the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity'*.
- 149 Guiding legislation on this issue (The Natural Environment and Rural Communities Act 2006, Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System) seeks to ensure that planning decisions adequately consider the potential ecological impacts of a proposed development. The NPPF states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."* and at para 118 *Local Authorities should aim to conserve or enhance bio diversity features by applying the following principles: If significant harm resulting from a development cannot be avoided (through locating on a site with less harmful impacts) adequately mitigated or as a last resort compensated for then as a last resort permission should be refused.*
- 150 This site had previously been believed to be dry acid grassland, an environment which is a BAP Priority Habitat. Evidence submitted at the Inquiry disputed this assessment and it was finally concluded that in fact this site, whilst exhibiting some species of such a habitat, was not a BAP habitat.
- 151 Therefore the Inspector concluded that on site mitigation to reinstate some acid grass land would be a benefit of the schemes whereas under its current management regime the grassland would remain unimproved. The proposal would therefore accord with the aims and objectives of CS Policy SP11
- 152 Other aspects considered related to wildlife on the site, with details being considered of bats and reptiles. It had been concluded that there would be little impact upon the bat population and subject to suitable mitigation, such as translocation, there could be enhanced habitat and access to the wider landscape for the reptile population of the site.
- 153 This aspect of the scheme, subject to suitable conditions, therefore could be compliant with relevant aims and policies.

Means of Access/Highways:

- 154 The NPPF seeks to encourage development that maximises sustainable travel whilst recognising that the solutions to this aim will vary from urban to rural areas. This aim encompasses consideration of improved choice over means of travel; safe and suitable access to the site for all people; improvements to the local transport network that can limit the significant impacts of the development;

exploitation of sustainable transport modes; priority to pedestrian and cycle movements and the use of travel plans. It advises that *development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 155 The applicants have, as required and as suggested by the NPPF provided a Transport Assessment which addresses the relevant issues resulting from this proposed development.
- 156 The application includes a Transportation Technical Note which gives comprehensive evidence in relation to the impact of traffic generation from the proposed development. It clearly demonstrates that the development is likely to generate less than one two-way vehicle trip per minute on Beechenlea Lane in both the am and pm peaks.
- 157 Furthermore Analysis of the junction of Beechenlea Lane with London Road has also been provided which does not indicate that traffic leaving the site would be subject to unacceptable delays or cause highways safety issues.
- 158 The county Highways Authority does to consider that a recommendation of refusal of this application on highway grounds can be justified, subject to the use of a range of conditions.

Open Space:

- 159 The NPPF defines open space as ‘All open space of public value including not just land but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity’. It recognises that *Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.* Furthermore it advises that *existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.* Finally the NPPF advises that *Planning policies should protect and enhance public rights of way and access.*
- 160 Policy SP10 of the Core Strategy refers to the retention of *open space sport and recreation facilities including indoor sports facilities of value to the local community being retained. Development may be exceptionally allowed where replacement provision of at least equivalent value to the local community is provided. Residential development in areas where there is an existing shortage in open space provision or where the development would otherwise result in a shortage in provision will be expected to contribute to overcoming the shortage either through on site provision or a financial contribution to off site provision. Open space includes amenity open space, parks, formal gardens, natural and semi natural open space, children’s play space, outdoor sports facilities, churchyards and allotments.*

170 The issue of whether this site was formally designated open space was debated at length at the public inquiry. This debate considered both whether the site was formally designated in a statutory document and if not whether it nevertheless formed an open space function by virtue of its partial accessibility and visibility, framing the edge of this part of Swanley. In essence the Inspector concluded that the development of the site would not conflict with the aims and objectives of Core Strategy policies SP8, SP10 or LO4. The ADMP was at draft stage during the consideration of this site previously. It has now been adopted and this site does not form part of the allocation

Developer Contributions:

180 The NPPF advises that Local Planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

181 Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development.

182 In this case S106 contributions are sought in respect of the provision of affordable housing, NHS improvements and contributions in respect of the relocation and improvement of the nearby bus stop and the County Councils cycling strategy.

183 This development will be CIL liable and part of that contribution pays for health and social care facilities.

184 In respect of the contribution for the cycle strategy and works to the bus stop whilst the precise sums of money required were not available at the time of writing this report and a S106 has not therefore been capable of completion. However subject to the completion of the relevant S106 Obligations to make provision for these items it is considered that this scheme would be policy compliant.

CIL:

185 The development will be CIL Liable and no exemptions are claimed.

Conclusion

186 This site was the subject of an appeal decision in 2014 regarding 4 different schemes of development, including for the erection of 61 houses. That decision remains a material consideration in the determination of this scheme. The principle of residential development on the site for 61 units is therefore accepted.

187 A number of issues were raised in those appeals and considered above. It is not considered that there has been a material change in circumstances in any of those issues apart from the means of access to the site. Access to the site for the previous 61 unit scheme was via London Road although access for the two smaller schemes were proposed, and accepted via Beechenlea Lane. Whilst acknowledging that the access to the site is narrower than corner plots in many surrounding road the access is in highways safety terms considered acceptable. It is recognised that the residents living around the entrance will notice the impact of this change in their environment. Indeed residents living in the lower half of Beechenlea Lane are also likely to notice the additional traffic on the Lane. The principal of use of this access has been accepted and considering the levels of additional traffic expected compared to the smaller schemes, it is not considered that this would be so heavy and cause either such harm to the neighbours amenities or to the surrounding road users as to justify a refusal of permission.

Background Papers

Site and Block Plan

Contact Officer(s): Lesley Westphal Extension: 7235

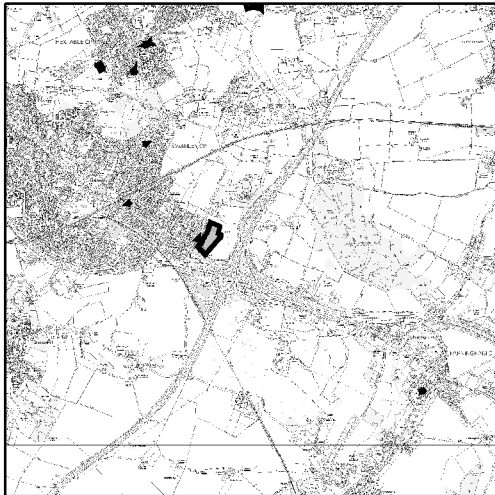
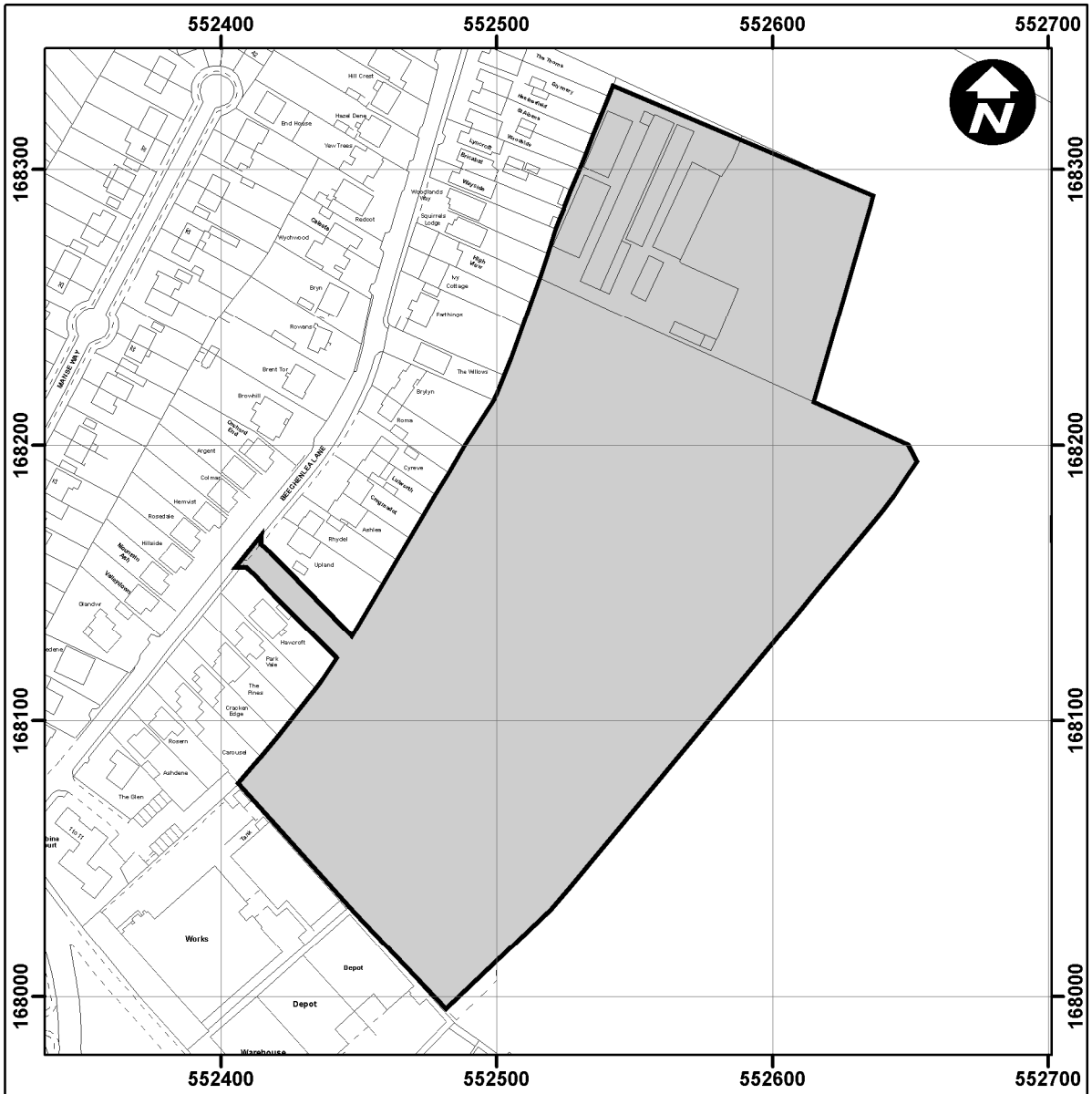
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NHC3PXBKI6J00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NHC3PXBKI6J00>



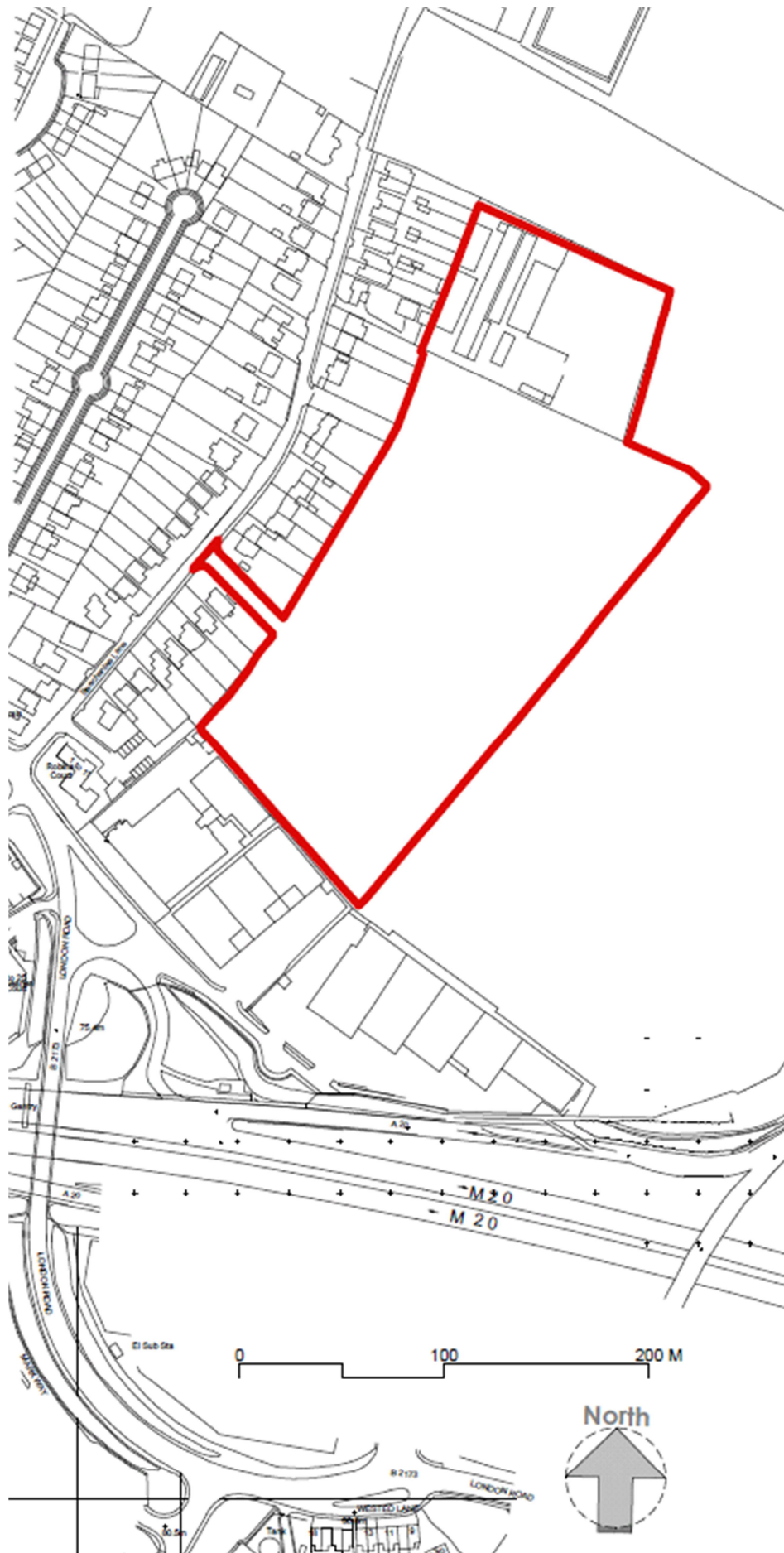
Site Plan

Scale 1:2,500

Date 16/03/2015



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Sevenoaks District Council, 100019428, 2013.



Appeal Decisions

Inquiry commenced on 20 August 2013

Site visit made on 7 October 2013

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

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

Decision date: 17 March 2014

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

Land at Broom Hill, Swanley, Kent

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

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

Land at Broom Hill, Swanley, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Cooper Estates Limited against Sevenoaks District Council.
 - The application Ref SE/12/03422/OUT, was dated 24 December 2012.
 - The development proposed is Mixed use development comprising demolition of existing employment building, erection of new employment building for provision of up to 2,500m² of employment use (B2/B8), erection of 39 dwellings (including no fewer than 16 affordable social houses), alterations to existing access in the vicinity of London Road and provision of an access road within a corridor not less than 16m wide, including an amenity strip not less than 4.5m wide along the west side, provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to existing access on to Beechenlea Lane, provision of not less than 0.94 hectares retained open land, provision of not less than 1.44 hectares of public open space, including an equipped play area, and provision of a public footpath.
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Appeal 3: APP/G2245/A/13/2195874

Land at Broom Hill, Swanley, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cooper Estates Limited against the decision of Sevenoaks District Council.
 - The application Ref SE12/03423/OUT, dated 24 December 2012, was refused by notice dated 28 March 2013.
 - The development proposed is mixed use development comprising erection of 20 dwellings (including no fewer than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east; alterations to the existing access on to Beechenlea Lane, provision of not less than 1.06 hectares retained open land, provision of not less than 1.48 hectares of public open space, including an equipped play area.
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Appeal 4: APP/G2245/A/13/2195875

Land at Broom Hill, Swanley, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cooper Estates Limited against the decision of Sevenoaks District Council.
 - The application Ref SE/12/03424/OUT, dated 24 December 2012, was refused by notice dated 28 March 2013.
 - The development proposed is mixed use development comprising erection of 20 dwellings (including no fewer than 8 affordable social houses), provision of land for an access corridor not less than 20m wide for possible future access to the employment allocation site to the east, alterations to the existing access on to Beechenlea Lane, provision of not less than 1.17 hectares retained open land, provision of not less than 1.33 hectares of public open space, including an equipped play area.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 January 2014.

Procedural Matters

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

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

Decisions

Appeal 1

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

Appeal 2

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

Appeal 3

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

Appeal 4

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

Main Issues

9. I consider that the main issues are:

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

Reasons

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

10. It is common ground that there is an adopted Core Strategy [CS], which was prepared prior to the publication of guidance in the Framework. While the methodology of identifying the housing supply was not fully agreed, there is no dispute between the parties that the council identified a 5 year supply related to the provision set out in the CS, with a 5% buffer, which can be realistically achieved. There is no record of under delivery. However, it is also common ground that the need for housing as assessed will not nearly be met by the adopted housing supply targets arrived at in the CS, which is greatly reduced from the need actually identified because of the constraint represented by the district's Green Belt. The substantial difference between that assessed and that included in the CS will not be made up in other nearby areas and there has been no attempt as yet to cooperate with neighbouring authorities. One of the reasons for the extremely limited targets for housing supply being found acceptable in the examination of the Core Strategy was the limited land availability in Swanley, caused to a great extent by the extensive surrounding Green Belt land and Area of Outstanding Natural Beauty.
11. The National Planning Policy Framework (The Framework) reaffirms that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It does not change the statutory status of the development plan as a starting point for decisions. It notes that The Framework should be taken into account in the preparation of the development plan and is a material consideration in planning decisions.

12. A core principle is that planning should be plan led, empowering local people to shape their surroundings, with succinct local plans setting out a positive vision for the future of the area. They should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
13. The Core Strategy was formulated prior to the guidance in The Framework coming into the decision making process. There is a difference between the approaches to the formulation of housing targets from when the CS targets were decided and now with The Framework. Previous advice in Planning Policy Statement 3 [PPS3] required provision of a sufficient quantity of housing taking into account need and demand. The Framework indicates that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. The emphasis has changed in The Framework and, in my view, this is an important material consideration. My attention has not been drawn to any objectively assessed needs assessment produced since the CS. The Framework also notes that housing applications should be considered in the context of the presumption in favour of sustainable development.
14. The council argues that the plan making advice in paragraph 14 of The Framework should not be confused with the decision taking advice. I acknowledge that there is a difference between the two parts. However, paragraph 215 notes that following 12 months from publication of The Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with The Framework (the closer the policies in the plan to the policies in The Framework, the greater the weight that may be given). In my view, the way that the allocation was made for housing in Swanley was not up-to-date with the approach now put forward in The Framework and this is a material consideration to which I attach weight.
15. A fundamental aim of The Framework is the presumption in favour of sustainable development, which must be considered. In this case, in formulating the CS housing supply a practical and logical approach was taken to the inability to provide the very substantial numbers of houses required in the area, relating to Green Belt and AONB land; that was reasonable. The framework also notes at paragraph 10 that decisions need to take account of local circumstances, so that they respond to the different opportunities for achieving sustainable development in different areas.
16. In this case there is an area of land not in the Green Belt, not required for employment use and within the development boundary of Swanley, and plainly suitable for the provision of some sustainable housing, as now accepted by the local planning authority on part of the site. In my view, the relevant policies in the CS limiting housing numbers, because of the Green Belt and AONB, is still relevant, but the strong encouragement for permitting sustainable development and that the assessed need has not nearly been met, is an important material consideration. I acknowledge that many local people have contributed to the development plan making process and have expectations in relation to the adopted plan and I have taken this into account and attach weight to it. In this respect, supplementary site allocations were considering small residential development on the appeal site and local residents have contributed to the planning process through this inquiry.

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

Land Use

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

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

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

Character and Appearance

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

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

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

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

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

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

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

Noise

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

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

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

Financial contributions

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

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

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

Ecology

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

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

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

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

Bats

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

Reptiles

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

Air Quality

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

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

Other Matters

Living Conditions of Neighbouring Occupiers

Light

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

Noise

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

Traffic

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

Human Rights

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

Conditions

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

Conclusion

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

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

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

Graham Dudley

Inspector

APPEARANCES

FOR THE APPELLANT:

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

FOR THE LOCAL PLANNING AUTHORITY:

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

INTERESTED PARTIES:

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

DOCUMENTS

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

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

Annex A – Conditions

Conditions to apply to all four appeals unless stated.

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

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

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

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

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

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

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

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

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

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

6. (Appeals 1 and 2) - Before first occupation of the development a scheme of works in general accordance with drawing 310131-002-100-003 Rev CO1 within Appendix C of the submitted Transport Assessment shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved scheme.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Aims and objectives of monitoring:-

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

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

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

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

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

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

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

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

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

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

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

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

the SDLP and policy SP1 of the Core Strategy.

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

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

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

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

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

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

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

Measures will include details of:-

- Engineering works such as cuttings and bunds.
- Acoustic glazing and ventilation schemes.
- Reflective and absorbent barriers and treatments.
- A programme of implementation for the acoustic protection measures and any proposed phasing.
- A programme of implementation and any proposed phasing for the submission of a validation report to demonstrate the effectiveness of the acoustic protection measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28. If contamination is found as condition 27, the residential development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy, and the effectiveness of the remediation, has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appeal 1

| | | | |
|-------------|----|--|---------------|
| 3248-BG61-P | 01 | | Location plan |
| | 02 | | Site Plan |

Appeal 2

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

Appeal 3

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

Appeal 4

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

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