The Planning Inspectorate

Appeal Decision

Hearing held on 12 and 13 February 2014
Site visit made on 13 February 2014

by M T O'Rourke BA(Hons) DipTP MRTPI

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

Decision date: 26 March 2014

Appeal Ref: APP/T2215/A/13/2203710
Land south of Knockhall Road, Greenhithe

- 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 Landhold Capital Ltd against the decision of Dartford Borough Council.
- The application Ref DA/12/01325/OUT, dated 2 November 2012, was refused by notice dated 21 May 2013.
- The development proposed is outline application for redevelopment of the site to comprise up to 40 residential dwellings, provision of public open space, parking, access and landscaping. Retention of the bowling green and relocation and enhancement of bowling club facilities and car parking.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to comprise up to 40 residential dwellings, provision of public open space, parking, access and landscaping. Retention of the bowling green and relocation and enhancement of bowling club facilities and car parking at land south of Knockhall Road, Greenhithe in accordance with the terms of the application, Ref DA/12/01325/OUT, dated 2 November 2012, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural matters

2. The application is in outline with all matters, save access to the site from Knockhall Road, reserved for later approval. The above description is that used by the Council in its decision, by the appellant in its appeal and was agreed at the hearing. I consider it appropriately describes the proposed development.

3. The development has been the subject of environmental impact assessment, arising from a screening direction of the Secretary of State, limited to the likely significant effects on archaeology. I am satisfied that the environmental statement, when considered together with the information and evidence provided during the course of the application and appeal, is adequate for the determination of the appeal proposal.

4. The application was accompanied by a plan showing the parameters of development on the site as well as an illustrative masterplan, a further revision (revision J) of which was considered at the hearing. In addition, the appellant had provided a long section of the proposed internal access road and cross

sections to inform Kent County Council's archaeological assessment of the potential impact on the archaeology of the site.

5. In its hearing statement, the Council confirmed that having received further comments from Kent Policy that the illustrative layout Revision J overcame previous objections, it would not be presenting evidence in respect of the first reason for refusal.

6. There is a Statement of Common Ground (SOCG) setting out matters agreed to be of relevance to the remaining reasons for refusal.

7. Subsequent to the hearing, the appellant provided a completed and signed Unilateral Undertaking (UU) which addressed various errors and inconsistencies in the previously submitted UU that I had identified at the hearing. The UU provides a mechanism for the provision of affordable housing and for infrastructure contributions. I have had regard to it in my determination of this appeal and the weight it should be given is set out in my reasoning below.

8. The Department of Communities and Local Government's new Planning Practice Guidance was published on 6 March 2014. I have considered its content but in light of the facts in this case it does not alter my conclusions.

Main Issues

9. The main issues in this case are:

   A. the accessibility of the site for housing development;

   B. the impact of development on the visual amenity, landscape character and biodiversity of the area;

   C. whether the development would result in the loss of a playing pitch needed to meet the recreational needs of future development in the area;

   D. the contribution of the proposed development towards housing land supply;

   E. whether adequate provision is made for the development's infrastructure needs; and

   F. whether, having regard to the benefits and disbenefits of development, the proposal would represent a sustainable form of development.

Reasons

10. The appeal site is within the urban area of Greenhithe. It lies to the south of and behind houses fronting Knockhall Road and includes the site of the former Empire sports ground and the existing Empire Bowls Club. It is broadly triangular in shape, extending to some 3.3ha, and is essentially in three parts. The northern and western part of the site, occupied by the bowls club with its green, buildings and car parking, is flat and broadly on the same level as Knockhall Road. The central part of the site slopes down from northwest to southeast and is covered with overgrown scrub and self-seeded trees. The lower southern and eastern part of the site was the sports pitch and is now generally flat unmanaged grass with trees and hedges around it. A public right of way from Knockhall Road runs along the site's south western boundary, crossing Craylands Gorge, to the east of the site, to emerge on Alkerden Lane.

11. The appeal application includes details of a new access onto Knockhall Road adjacent to that currently used to serve the bowls club and the rear of Nos. 25 to 43. The revised illustrative masterplan shows two areas of residential development; a line of 8 houses fronting the new access way to the Bowls Club, and 31 houses at the lower level on the site of the playing pitch. The internal access road would cross the central slope which is indicated to be retained as public open space. A new building is indicated for the Bowls Club with a new car parking area behind Jubilee Close.

Relevant planning policy

12. The formal development plan comprises the Dartford Core Strategy adopted in September 2011 (CS) and the saved policies of the Dartford Local Plan 1995 (LP). Although both plans predate the publication of the National Planning Policy Framework (NPPF), the parties agreed at the hearing that the relevant development plan policies were broadly consistent with the Framework which has at its heart a presumption in favour of sustainable development.

13. CS policy CS15 deals with managing transport demand and sets out actions by the Council *'in order to reduce the need to travel, minimise car use and make the most efficient use of the transport network'* in particular by encouraging '*close interrelationship between complementary land uses: homes, jobs, shops and leisure, recreational and community facilities'*.

14. The housing provision in the CS derives from the South East Plan which set out a requirement for 17,340 homes in Dartford in the period 2006-2026. Paragraph 3.18 of the CS explains the Council's view at that time that sufficient development opportunities existed to meet the SEP requirements. Therefore '*in order to meet housing needs and to provide an impetus for regeneration'* policy CS10 allocates land in accord with the spatial strategy set out in policy CS1 for up to 17,300 homes. Policy CS11 addresses housing delivery and Table 2 sets out the phasing of delivery through the plan period.

15. Policy CS14 seeks to protect and enhance existing open space and LP policy RT15 and CS policy CS22 protect existing sport and recreational facilities. Managing transport demand is addressed in policy CS15 whilst policy CS16 deals with transport investment and policy CS26 with delivery and implementation.

Windfall policy

16. The CS recognises that an element of supply from windfall sites can enable the early delivery of housing and increase flexibility. To that end, part 4 of policy CS10 provides that windfall sites will be assessed in the same way as planned development. Four considerations are listed: a) the site's sustainability for housing development; b) whether benefits of development outweigh disbenefits; c) the capacity of current and proposed infrastructure to serve the development; and d) where spare capacity is not available, the ability of the site to provide for its own requirements.

17. In considering the sustainability of development on windfall sites, a footnote to policy CS10 refers to the Sustainability Assessment of Housing Sites, produced by the Council in 2010. The appeal site was assessed but was not identified as a specific site for development being placed in Sustainability Band D, described as having '*more limited potential to provide sustainability benefits for the key*

objectives and a broadly neutral result across the other objectives with a number of potential sustainability issues'.

18. Subsequently in September 2012, the Council published a Windfall Site Practice Note setting out its approach to windfall sites. The Practice Note is not adopted policy or a supplementary planning document. However in that it gives guidance on how part 4 of policy CS10 is to be applied, it is a material consideration to which I attach some weight. A completed Windfall Site Questionnaire accompanied the application and the case officer assessed the site using the Windfall Site Matrix.

Issue A – accessibility

19. The Council's concern in respect of accessibility is that the character of the site, in particular the topography with most of the houses proposed to be located on the lower part of the site away from Knockhall Road, would not encourage people to choose to walk, cycle or use public transport rather than use a car contrary to the patterns of sustainable development sought in the CS.

20. One of the strategic objectives of the CS is to pursue '*a realistic choice of travel options, with public transport able to cater realistically for most local journeys as well as to Central London …, with a well developed walking and cycling network for local journeys'.* The pattern of development promoted in the CS therefore seeks to ensure that all new identified development is located where people will have genuine options to choose to use public transport and leave the car at home for both local journeys and peak-time journeys to and from work. This accords with the NPPF's core planning principle to '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling'* and with paragraphs 34 and 35 which refer to developments that generate significant movement being located where the need to travel will be minimised and where there is access to high quality public transport facilities to maximise the use of sustainable transport modes.

Windfall Matrix

21. In support of that strategy, a high weighting is attached in the Windfall Site Matrix to accessibility criteria; in particular to whether a windfall site is within 400m of a railway station or bus stop, with at least two buses an hour during peak hours, and whether public transport enables access to a range of destinations for work, leisure or shopping purposes.

22. Four hundred metres is generally taken to equate to a 5 minute walk time. However there appears to be no national standard or even universal agreement on what might be acceptable walking distances to a bus stop or other services/facilities. The Department of Transport 2005 'Inclusive Mobility' guidelines suggest that ideally nobody in a neighbourhood should be required to walk more than 400m to a bus stop. The Institute of Highways and Transportation's earlier guidelines for journeys on foot suggest that for commuting, walking to school and recreational journeys, distances of 2km can be considered but that 500m is desirable. The Manual for Streets 2007 refers to '*walkable neighbourhoods'* being typically characterised by '*having a range of facilities within 10 minutes – up to about 800m*'.

23. At the hearing the Council questioned whether some of these distances would in fact encourage people to forego the use of their car and to walk instead. Its evidence was that all the development sites identified in the CS were assessed

against the distances in the Windfall Site Practice Note Matrix. However the appellant drew attention to inconsistencies in the SHLAA where 4 sites considered by the Council to be deliverable and developable did not perform as well as the appeal site against the sustainability/accessibility criteria. The explanation was that those sites were included as they already had permission.

24. Whilst 400m may be a useful proxy for assessing the accessibility of a site, it should not be applied in an overly prescriptive manner. Regard should also be had to the character of the area and in addition to the distance to bus stops, if public transport is to be seen as an attractive alternative to use of the car, account needs to be taken of the quality of the service in terms of its reliability and frequency and whether it serves the places people want to go. However I agree that the physical nature of the route is also important in that it should not be such as to detract people from walking.

25. The appeal site is in the urban area next to established residential development. The SOCG includes an accessibility and amenities plan. It shows the site is within 5 minute walk time of the corner shop in Knockhall Road, the local primary school and leisure and recreation facilities. Although the nearest bus stop is only served by an hourly 'hail a ride' service, there is a good selection of buses with high frequencies on the London Road, including the Fastrack B with a 10 minute service between Gravesend and Temple Hill. The Fastrack service is attractive for its frequency, speed and where it has dedicated bus lanes is less likely to be delayed by other traffic. It also serves a range of destinations. Although the London Road bus stops are 670m from the centre of the site (using the Council's walk distances), the positive attributes of the Fastrack service have the potential to offset any perceived disadvantage of the longer walking distance. Greenhithe railway station with regular services to London is 1.7km away but is served by Fastrack allowing commuters the choice of a longer walk or catching the bus to the station.

26. Other facilities like larger shops, the secondary school and the GP surgery, are all beyond the '*desirable*' walking distance. However that is also true for existing residents of Knockhall Road and the surrounding area and I suspect would be the case for many of the new residents of the planned developments even if they lived within 400m of a bus stop because of the larger catchments needed to support these facilities and services.

Nearby developments

27. The distances from the centre of the appeal site to local facilities are not so different to those from developments off Knockhall Road like Ingress Gardens and Spring Vale. Both roads have similar gradients to that proposed for the appeal site. Traffic counts carried out by the appellants, including video surveys of movements, indicate that residents in the neighbouring cul-de-sacs do choose travel modes other than the car with the mode share calculation for Ingress Gardens indicating a walking mode share for all journeys of 35% in the morning peak hour and 32% daily.

28. The Council disputes the conclusions drawn from that modal share data, arguing that the level of pedestrian and cyclist movements above the normal TRICS rates is indicative of the high numbers of commuters in the area due to the quality of mainline services at Greenhithe Station and is not a clear indication that site gradient is not a determining factor. However it seems to me likely in this location, if the appeal site were to be developed, that some

occupants would also be commuters to London. Other than the question of surveillance, which I consider below, I do not find that there is any good reason why a similar walking mode share could not be achieved for the development.

29. The Council also pointed to the fact that the route for those walking to the station has a number of level changes with a narrow steep section beside heavy traffic using the London Road. The evidence is that rail use has increased by 10% over the last decade and it is not unreasonable to assume that more commuters are likely to be walking to the station. The UU includes a strategic transport contribution. It is for the Council to identify if highway improvements are needed to address the issue in the wider area of suitable safe pedestrian access to transport nodes.

30. Both Spring Vale and Ingress Gardens have access roads that are overlooked for their full length by houses and this would not be the same for the appeal site. Most of the new houses would be located at the base of the slope. The road down from Knockhall Road would have an 8% gradient, acceptable to the Highway Authority, and would be approximately 200m long. There would be a footway beside the road and an alternative zig-zag path and steps up the slope which would be laid out as an area of open landscaping. The road and paths would not be overlooked by houses. However with the changes recommended by Kent Police including lighting and more open planting, details of which could be the subject of conditions for approval by the Council, I am not persuaded that residents would have such a perception of lower personal security as to deter them from walking at certain times of the day or year.

31. There is access to Alkerden Lane to the south via the public right of way and an additional link to it and to the adjoining recreational ground from the site are proposed. Whilst the footpath would not be attractive to everyone, I noted on my pre-hearing site visit that it was being used by children going to school in the morning as well as by dog walkers and it will provide access to the large Eastern Quarry development area to the south when that is built out.

Conclusion

32. The purpose of the accessibility criteria in the Windfall Matrix is to encourage people to leave their cars at home for many trips and to generally reduce the number of cars on the road, particularly at peak times. Whilst the site is not compliant with the Council's 400m standard, having regard to the details of the bus and other local services and facilities that are accessible from the site, I conclude that on balance there would be sufficient encouragement for residents of the new houses to walk, cycle or use public transport and leave cars at home. As such I find that the site would contribute towards the sustainability objective of the CS and national policy to reduce car use.

33. Policy CS10 refers at 4.a) to the sustainability of the site of which accessibility is one aspect. I now turn to consider the other issues before concluding on the balance of benefits and disbenefits and the overall sustainability of the site for housing development.

Issue B – visual amenity, landscape character and biodiversity

34. Local Plan policy RT15 resists development that would involve the loss of private or educational open space '*where the open space is important to the environment and amenity of the area in which it is situated ..*'. CS policy CS14 deals with green space and sets out how the Council intends to work with its

partners to implement a multi-functional, high quality, varied and well-managed Green Grid. The Green Grid is defined as '*a strategic network of multi-purpose, attractive public open spaces consisting of green corridors, rivers, lakes and landscapes linked via a series of urban and countryside footpaths, Public Rights of Way, cyclepaths and roads, and designed to connect the main open areas with the urban area'*.

35. The policy sets out how this is to be delivered including by new development making a contribution to the Green Grid network (part 1.b) and by protecting and enhancing existing open spaces including those shown on Diagram 8 and those identified and designated as locally important as well as the area's diverse landscape character (part 1.e). Diagram 8 identifies the key open spaces, footpaths, cyclepaths and Public Rights of Way that will comprise the network. It is a schematic drawing at A4 size and at the hearing the parties identified the appeal site on it for me. It lies on the edge of an area coloured green and identified as '*Green Spaces in urban areas, may not be publically (sic) accessible'*. Craylands Gorge to the south east of the appeal site is identified by a green dashed line as '*Indicative Proposed Green Grid Link*'.

36. In addition to protecting and enhancing existing open spaces, policy CS14 1.e focuses biodiversity enhancements on Biodiversity Opportunity Areas (BOAs). These are also shown on Diagram 8 and a larger scale plan provided at the hearing shows the appeal site within a BOA (Document 2).

37. The application was accompanied by an open space assessment which concluded that the loss of the non-publicly accessible open space would be offset by the provision of a smaller amount of public open space to be provided as part of the development. However the Council argued that the visual amenity and landscape character of the existing open space has to be considered and this would not be compensated for by the provision of a lesser area of public open space nor would it make up for the site's potential to return to its previous use as formal recreation provision. I address the latter point in Issue C below.

Visual amenity and landscape character

38. The application was accompanied by a Landscape and Visual Appraisal. The site lies within an urban fringe area where the topographical variation is marked, some being the result of past quarrying and landfill, and the published landscape character assessments refer to fragmentation of landscape, a weak sense of place and the need for landscape enhancement and cohesion.

39. The Council's description of the site as tranquil, having '*a very sheltered feel'* and '*almost an oasis in such a busy urban area'*, struck me on my site visit as rather fanciful. Other than the Bowls Club, my impression was of a neglected piece of land with self seeded trees and shrubs stifling the original woodland planting and an area which suffers from trespass and fly tipping. Whilst the former pitch has a secluded character, it is unfenced to the footpath and there are signs of regular incursion by dog walkers and others and overall the site has an unfortunate degraded appearance as a piece of underused land.

40. From what I saw on my site visits, including the unaccompanied visit I made following the hearing to the Heritage Park and to see Craylands Gorge, I agree with the visual appraisal that there is limited visibility of the site in views from the surrounding area. When the site can be seen it is in the context of

vegetation in the surrounding area, notably associated with Craylands Gorge, the intricate topography of the area which accentuates the screening effect of the vegetation, and the existing urban edge of residential development, visible from the elevated land to the east. Although it was the Council's view that skyline trees define the Borough's landscape and visual character, looking from the Heritage Park one of the defining features for me was the houses that can be seen on the skyline. I do not consider from what I saw that the site is prominent in the local landscape.

41. The Council sees the site as providing a landscape setting for the public footpath and contributing to '*the sylvan character of the open space alongside Craylands Gorge creating a wedge of open space which provide relief within the urban area east of Dartford'* where much of the identified development in the CS is to be located. In that the site has trees on it, it might be said to contribute to the wooded character of the Gorge. However when seen on the ground, the wedge of open space referred to by the Council appeared to me to be predominantly made up of the higher open land of the Heritage Park, on the east side of the valley, and the Gorge itself which has steep well wooded sides. The recreation ground to the north east of the appeal site is open but at a higher level being filled ground and relates more to the built development around it than to the open land east of the Gorge. I do not consider that development on the appeal site would negatively impact on the visual amenity of the valley, the quality of the Craylands Gorge as an area of open space, or the Council's objectives set out in policy CS14 to implement a multi-functional, high quality, varied and well-managed Green Grid.

42. In addition policy CS14 1.b requires new development to make a contribution to the Green Grid network and the illustrative masterplan shows around 40% of the site area would be publicly accessible open space (1.4ha), exceeding the policy requirements for a site of this size. The identified open space would be in the centre of the site and run across the slope. The scheme would provide opportunities to create new pedestrian links between the Heritage Park and the recreation ground. Those links would add to and certainly would not detract from the Council's aspirations for a multi-functional, high quality, varied and well managed Green Grid. It is also probable that they would encourage other people to walk through and use the open space, in addition to those living in the development. Whilst the Council considers that the open space would have low levels of use because of its steepness and lack of obvious overlooking by any houses, the Kent Design Guide advises that open spaces can take many forms and have many purposes. They do not have to be flat and featureless and can have value in being quiet and secluded. I note that Kent Police has withdrawn its concerns about anti-social behaviour.

43. The Town Council, which already manages the majority of public open space in the area, has indicated a willingness to take over the long term management of the new space and the UU provides for this along with an appropriate maintenance contribution.

44. The arboricultural assessment and the revised illustrative masterplan show that a substantial number of the trees in the central slope area would be lost to allow for the new road, footpaths and access and parking for the Bowls Club. Many are of a poor quality with an understorey of overgrown scrub and self seeded trees. The proposals would change the densely wooded area in the central part of the site to a more diverse character with rides through the

woodland, more widely cleared areas and canopy specimen trees. Less new planting is now proposed in the central area to address concerns about crime and personal safety. The submitted biodiversity and landscape management plan includes a strategy for protecting retained trees, including boundary planting, and delivering landscape enhancements.

45. Whilst the illustrative masterplan indicates that there would be no built development right next to the public footpath, with woodland and scrub being cleared this could make the new road and houses on the site more open to views from the footpath. However I note that the Kent County Council Rights of Way Officer had asked for the existing overgrown hedge by the path to be cut back as this caused it to be dark and uninviting. It seems to me that with some judicious clearance and new landscaping on the site that rather than detract from the setting of the path, making it more open would make it more attractive and encourage its greater use.

46. The clearance of the site for development, creation of terracing, new road and street and footpath lighting would make the site more visible. However the valley slope is already urbanised by the developments at Spring Vale and Ingress Gardens which are seen in the context of the built development in Knockhall Road and longer views of the site would be relatively unchanged.

Biodiversity

47. The site is identified in the CS as being on the edge of a very extensive Biodiversity Opportunity Area (BOA) which includes Craylands Gorge, the Heritage Park, Craylands School and quarry cliffs within the Eastern Quarry development area. Policy CS14 1.e seeks to focus biodiversity enhancements in these BOAs and states that protection and enhancement of biodiversity on brownfield development sites will be based on survey data. The application was accompanied by an ecological assessment. Whilst this indicated that the site has a number of different habitats, overall the site was considered to be of low ecological value. The Council noted the semi-improved grassland on the area of the former sports pitch as being the most significant. However I find the Council's wish to retain the grassland for its biodiversity interest rather at odds with its interest in also bringing the sports pitch back into use.

48. Survey work has been carried out but produced no evidence of protected species, other than Common Lizard and Slow-worm and the ecological assessment includes a mitigation strategy to be put in place to avoid injuring or killing them if the works proceed. This could be appropriately covered by a condition to include the identification of a suitable receptor site.

49. Although the scrub and woodland was found to be of low interest, there was evidence of some rare and uncommon insects associated with the ivy growth. I am satisfied that there is potential within the scheme, including retaining some areas of scrub/developing woodland that support mature ivy growth, to continue to provide good quality habitat for invertebrates.

Conclusion

50. Part 1.e of policy CS14 seeks to secure biodiversity enhancements in the BOAs whilst paragraph 109 of the NPPF requires the planning system to contribute to and enhance the natural and local environment including by minimising impacts on biodiversity and providing net gains where possible. Whilst the scheme is for development, the site currently has a low ecological value and the

ecological assessment makes a number of recommendations that would enhance the range of habitats within the site and secure net benefits for biodiversity. I am satisfied that with these secured that the scheme would protect and enhance the site's biodiversity in accord with the objectives of policy CS14 1.e.

51. In that the main part of the site is undeveloped, it is existing open space but it is not identified and designated as being locally important nor does it have a diverse landscape character. Policy CS14 1.e protects and enhances existing open space. In this case the site is currently overgrown and neglected private land. I am satisfied that the proposed development would not adversely impact on the landscape character of the area or on the visual amenity of the Craylands valley. Around 40% of the site would be laid out as publicly accessible open space with links to land outside the site. As such I find that the scheme would provide an opportunity to enhance the existing open spaces in the area and would help towards the Council's long term aspiration to develop a linked network of open spaces and routes across the Borough.

52. I conclude on this issue that although the appeal scheme would not protect the existing open space, contrary to the provisions of policy CS14 1.e, it would contribute to the underlying aim of the policy for the delivery of a multi-functional, high quality, varied and well managed Green Grid by providing publicly accessible open space and links to the network. As such this is another matter to be weighed in the balance when considering the sustainability of the proposal and the benefits and disbenefits of development.

Issue C – playing pitch

53. The proposed development would result in the loss of the former private Empire Paper Mill sports field on the lower part of the appeal site. Saved LP policy RT15 resists the loss of private or educational open space '*where the open space is important to the environment and amenity of the area'* … '*or where its use meets an important local need'*. The supporting text confirms that private sports grounds, in addition to meeting particular recreational needs, can have a wider community benefit as open green spaces '*and in some cases may need to be protected for this reason'*.

54. Part 5 of policy CS22 is similarly protective of appropriate existing sport, recreation and culture facilities, '*unless it can be demonstrated that the facility is no longer needed or an equivalent replacement facility in terms of quality, quantity and accessibility is provided elsewhere'*. The NPPF advises at paragraph 74 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless in particular circumstances. As the development proposed here is not for alternative sports and recreational provision, although improvements are proposed to the Bowls Club which I consider later, nor would it replaced by equivalent or better provision, the only relevant exception is if an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

Assessment of needs

55. The application was accompanied by an open space assessment. However it says little about requirements in the area for the use of the site as a playing pitch other than to conclude that the site was used as a sports field up until

1996 when the company relocated. Since then the sports field has been vacant and unused although the Bowls Club, which was not exclusive to employees, continues to be well used. The field is covered in long grass but recognisable as a playing pitch. The associated building has been vandalised. Whilst the assessment concludes that the site is considered to be surplus to requirements for sports use, this is disputed by the Council and Sport England.

56. The appellant's case appears to be simply that there is no reasonable prospect of the land being returned to sports or recreational use as it would be at a significant financial loss. Nor would any third party be interested in acquiring the site as the investment needed would deliver only one adult sized football pitch. Provision had been made in respect of policy CS14 and on-site open space and there was no policy requirement to provide additional formal sports space to serve the 40 dwelling scheme.

57. However both the CS and NPPF are clear that existing open space, sports and recreational land should not be built on. The first question therefore is whether the playing pitch can still be considered to be '*existing*', and the Council referred to an appeal decision in 2012 (APP/U4610/A/12/2176169) which addressed this point.

58. The Town and Country Planning (Development Management Procedure) (England) Order 2010 did not require Sport England to be consulted on the application as the pitch had not been used for more than 5 years. I agree with the appellant that the site could not function as a playing pitch without significant financial investment, including new changing rooms, clearance of scrub and trees, provision of new footpaths and access for machinery etc, as well as re-turfing and marking of the pitch. In addition there would need to be a long term commitment to management and maintenance.

59. But whilst the pitch may not be in currently in active use and has not been for a number of years, there is no evidence of any physical feature that makes the site inherently unsuitable for use as a playing pitch and I conclude that it is capable of being used again for that purpose and thus can still be considered as existing. The second question is then whether it is surplus to requirements. That cannot mean that it is sufficient simply to prove that the land is surplus to the owner's requirements; that would be self-fulfilling.

60. Evidence from the Council, who sought Sport England's advice after refusing the application, is that the appeal site has the potential to be brought back into use to accommodate various configuration of pitches including mini-pitches, 9 a side, senior football and rugby league. There is evidence of increasing participation in the district in youth and mini-soccer with the proportion of each age group playing football in Dartford being above the national average. This is confirmed by the Town Council who manage several pitches in the area. In 2006 the Council's Playing Pitch Study identified a shortfall of junior and mini soccer pitches in the area with local clubs concerned about the loss of pitches and lack of availability.

61. In addition to needs arising from the current population, the CS identifies a significant level of population growth in the Greenhithe area, Eastern Quarry being the largest new housing development with planning permission for 6,250 dwellings. Whilst the development provides for playing fields, including dual use with the proposed secondary school, there is a requirement within the associated Section 106 obligation for a further 4 playing pitches. The appeal

site being within walking distance has been identified as one suitable site. There are also other developments in the area which are unlikely to provide any playing pitch provision increasing the pressure on existing pitches.

62. Whilst the site is not identified in the CS for sport/recreational use and the Council accepts that it cannot be tied to the Eastern Quarry development, I am satisfied on the evidence that there is a general need for playing pitches in the area to serve both the current and future population which the appeal site could go towards meeting. Having said that there is no intention on the part of the owner to make the land available for sport pitches nor has any party been identified who has offered to come forward to develop sports pitches. There was no suggestion from the Council at the hearing that it would consider compulsory acquisition.

63. Nonetheless I consider that it is legitimate for the Council to think about how it will provide for sports facilities in the district. The development of the appeal site would represent a lost opportunity to provide for those needs on a suitable level site in the urban area. Paragraph 73 of the NPPF makes it clear that access to high quality open spaces and opportunities for sport and recreation is important to the health and well-being of communities.

Bowls Club

64. The scheme would provide for upgrading and improvements to the Empire Bowls Club. The Club was founded in 2010 and is active in the area with around 80 members. The land is only held on a twelve month lease that has been renewed annually for a number of years and this seriously limits what the Club can do itself to improve its facilities. It also precludes it obtaining grant funding from a number of sources and increasing its attractiveness and income by holding tournament events. The appellant proposes through the UU to provide funding to the Club for new changing facilities and a freehold transfer of the land. The scheme includes a new larger car parking area for the Club that would enable it to host county wide tournaments and events. These benefits accord with the objectives of policy CS22 to improve the quality of existing provision and this is a factor that weighs in support of the proposal.

Conclusion

65. Whilst there would be benefits to the Bowls Club, the scheme would result in the loss of the potential to use this private open space to meet local needs for playing pitches. I conclude on this issue that in terms of the NPPF, policy CS22 and LP policy RT15, the proposal would result in the loss of open space that could provide an opportunity to meet the sport and recreational needs of the population of the area. This is a disbenefit that must weigh against the release of the site.

Issue D – housing land supply

66. Considerable time was spent at the hearing debating the various components of housing land supply including the deliverability of allocated and permitted sites. It is worthwhile to start with the Council's position before considering the appellant's objections and alternative approach.

The Council's position

67. The CS identifies capacity for up to 17,300 homes in the period 2006-2026 (policy CS10 and paragraph 3.18). Housing delivery is to be phased over the plan period. The Examining Inspector considered concerns about delivery and the Council continues to see the issue in the Borough as being one of inadequate effective demand for housing on the open market to meet the '*up to'* figure rather than one of housing land supply.

68. The CS Chapter 6 of the CS deals with delivery and implementation and Table 5 sets out triggers for management action. In the context of the Government's intention to revoke the South East Plan and replace with a local determination of housing targets based on local needs, the Council considered it appropriate to establish a monitoring and management threshold based on projected local household growth. Thus Table 5 includes a trigger for response if '*forecasts indicate plan delivery falling below local housing need level of 11,700 homes'*.

69. Subsequent to the adoption of the CS, the NPPF was published in March 2012 and to boost significantly the supply of housing paragraph 47 requires local planning authorities to provide in their local plans to meet '*the full, objectively assessed needs for market and affordable housing in the housing market area'*. This requirement was considered by the Council to be consistent with the '*local need'* figure of 11,700, included in the CS as a monitoring and management figure, and in its document Housing Land Supply 2012-17 as the 5 year housing land requirement. The Council's most recent assessment of the 5 year housing land supply for 2013-18 (published in November 2013) indicates 7.2 years supply, based on the 11,700 figure of local need plus a 5% buffer and an allowance for under delivery in the plan period since 2006.

Housing requirement

70. The appellant rejected the Council's adoption of a lower housing target figure based on local need as an appropriate figure for assessing housing land supply. Nor does it appear to me that the figure of 11,700 was explicitly included in the CS for the purpose of calculating housing land. Rather it was there to set the threshold below which supply should not fall without triggering action which could include a full or partial review of the CS.

71. The housing provision in the CS derived from the South East Plan where the regional requirement was distributed on the basis of constraints and capacity, with Dartford being within the Thames Gateway growth area and with large areas of former mineral workings and despoiled land that could be brought forward for development. The appellant has referred to the South East Local Enterprise Partnership, which include Kent County Council and Dartford Borough Council as members, and its continued commitment to growth in the Thames Gateway. Through allocations and permissions the Council is continuing to bring forward the scale of development envisaged in the now abolished regional strategy. If the Council is now of the view that the housing provision set out in policy CS10 is inappropriately high, that it no longer has a rationale, and is not reflective of local need, then that is indicative again of the need for a review.

72. Whilst the approach in the NPPF at paragraph 47 is a change and it is for local planning authorities to ensure that their Local Plans meet full objectively assessed needs, it is in respect of the needs of the housing market area. The

Strategic Housing Market Area (SHMA) which formed part of the evidence base for the CS placed Dartford within the wider Dartford/Gravesham/Bexley housing market area.

73. The submission and examination of the Core Strategies for the surrounding Thames Gateway boroughs has taken place since the Dartford CS was adopted and been considered within the duty to co-operate. But whilst the Council says that it received no requests from these authorities or any others, to provide for their housing needs, it is uncertain whether they might in fact have assumed that with an adopted CS housing provision of up to 17,300 homes Dartford was already doing that. This is not known.

74. In respect of the local need figure of 11,700, I was told that this was derived from the ONS 2006 mid-term population long-term trend based estimates and took into account increasing in-migration. Further that the figure was broadly consistent with the figure of 11,900 for the growth in households found by using the 'What Homes Where' website, which is used as a benchmark in current examinations. I do not have any information to doubt the veracity of those figures, although it is often the case that when using these forecasts, small changes in the assumptions made can result in significantly different outcomes and sensitivity testing is important.

Under delivery

75. The parties disagree on the approach to past under delivery. The NPPF requires an additional 5% buffer against housing requirements or 20% where there has been a record of persistent under delivery. This is not defined nor the period over which it should be considered. The appellant's approach is to go back to Structure Plan targets for the period 2001-2006 and considers there has been persistent under-delivery such as to justify the use of a 20% buffer. I am not persuaded that it is reasonable to do so and prefer the Council's approach to look at delivery since 2006 against the CS phased annual requirement set out in Table 2 preceding policy CS11. On this basis there was a dip in delivery from 2009/10 onwards and the Council's housing land supply calculation, based on local need, includes this shortfall and a 5% buffer.

Supply of deliverable sites

76. Further information on the progress on sites was provided by the Council to the hearing leading the appellants to increase their figure for the 5 year supply from 866 to 2,141 homes, compared to the Council's assessment that 2,907 would be delivered in the period 2013 to 2018.

77. In respect of Northern Gateway East, evidence from the Council is that the site is ready to go with reserved matters applications imminent and I consider its estimate of 650 homes is reasonable. In respect of Eastern Quarry, in view of the memorandum of understanding to deliver 1,500 homes by 2020, there is an urgency to proceed quickly. Reserved matters are expected from more than one house builder and the Council's estimate of 650 units by 2018 appears achievable. The figure of 450 for the Northfleet West Sub-Station site comes from the developer who is keen to proceed. In respect of St James Lane Pit, outline permission has not yet been secured. Nevertheless the Council is confident of a start on site in 2014 with the delivery of 350 units by 2018.

78. The Station Approach site is to be a joint venture and will deliver later in the 5 year period following the relocation of the Council to new offices. However I

heard nothing to suggest that its 155 units would not be built out by 2018. Major leisure led development is planned for Swanscombe Peninsula which is likely to be progressed under the 2008 Planning Act. The scheme includes housing for employees. I understand that the developers are looking to progress quickly and for the purposes of this exercise, I prefer the Council's estimate of 310 units to the appellant's 50.

79. The appellant has concerns about market saturation if all the strategic sites were to come forward and which will require a step change in delivery from past rates. But given the evidence of the pick up of economic growth in the South East, I am content here to accept the Council's view on delivery.

80. On the other side of the coin, it was suggested by the Council that the release of this site runs the risk of the CS *'up to'* 17,300 figure being exceeded with consequential harmful impacts and referred to the conclusions of the 2010 Sustainability Appraisal carried out to support the CS. However the Council had to concede when questioned that nowhere in the NPPF does it suggest a ceiling on the provision of housing.

Conclusion

81. Depending on what is taken as the various elements of supply, the appellant estimates that the district has between 2.6 years and 3.8 years of housing land supply for the period 2013-18. On the other side, the Council's assessment, on the basis of local housing needs of 11,700, is that there is 7.2 years supply. However when the CS target of 5,300 units (taken from the CS phasing table) is used, it was agreed supply falls to 5.2 years but with no allowance for the shortfall in the earlier period 2006-13. If that is considered supply falls to 4.5 years.

82. Since the adoption of the CS and publication of the 5 year housing land supply documents, there have no previous appeals in the Borough where housing land supply has been considered. At a recent appeal at Hedge Road, Stone (APP/T2215/A/13/2195591), it was agreed between the parties that the Council could demonstrate a five year supply. However I have no knowledge as to whether housing land supply was examined in the same depth at that inquiry as it was here or the base figures that were used.

83. For the reasons set out above, I have serious reservations about the Council's use of a local housing need figure of 11,700 units for calculating its 5 year housing land supply. It may be in the CS but it is there as a trigger for action in the delivery and implementation table, not as the housing requirement that has been the subject of consultation and examination and found to be sound. I do not know what parameters and assumptions were used when it was calculated. I understand that there has been no discussion with the other authorities in the housing market area as to how the Council is now looking at its housing requirement. As the judgement accepted in the Court of Appeal in the case of Hunston Properties Ltd ([2013] EWCA Civ 1610) it is not for me to carry out some sort of local plan process to arrive at an alternative housing requirement figure as part of determining an appeal.

84. Policy CS10 of the CS is entitled Housing Provision. It provides for up to 17,300 homes. On the basis of that figure, there is not a five year supply of deliverable housing sites. In such circumstances the NPPF advises at paragraph 49 that relevant policies for the supply of housing should not be

considered up to date. Housing applications are to be considered in the context of the presumption in favour of sustainable development. The lack of a 5 year housing land supply is a matter in favour of the development and which has to be weighed in the balancing exercise in terms of whether the scheme is a sustainable form of development. I address this under Issue F below.

Issue E – infrastructure needs

85. Policy CS10 4. c) and d) refer to the capacity of current and proposed infrastructure. A signed and dated UU has been presented, making agreed provision for 30% affordable housing; contributions towards education provision to provide for the additional school age residents, as justified by evidence from the County Council; for similar reasons contributions for adult social services, and youth and community services; and for library facilities. I am satisfied from the detailed statement provided by the County Council, and the Commissioning Plan for Education Provision 2013-2018, that the contributions sought meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010. They are necessary as there is no spare education, community facilities and adult social care capacity in the area; they are directly related in that occupants of the new houses would use the facilities and the new/extended facilities to be funded would be available to them; and considering the extent of the development the contributions sought are fairly and reasonably related in scale and kind.

86. The UU also provides for a contribution towards the Strategic Transport Infrastructure Programme (STIP), a joint venture of the Council, Kent County Council and Gravesham Council, in accord with CS policy CS16. Justification for the STIP is set out in the CS at paragraph 3.52 and I am satisfied that the contribution sought meets the Regulation 122 tests.

87. A NHS contribution is included in the UU. Justification is provided in a December 2012 letter to the Council from NHS Kent and Medway. It refers to future residents potentially accessing 6 primary care premises within 2 miles of the site and the expectation that this would result in a need to invest in improvements by way of extensions, refurbishment and/or upgrade. However there is no detail of how or where the contribution might be spent or if any improvements might have been otherwise funded. In the absence of further information, I am not satisfied that the NHS contribution meets the Regulation 122 tests and I have not taken it into account in reaching my decision.

88. The UU provides for an open space scheme, to include provision for public access to the land and for its management and maintenance, and for the Bowls Club scheme. The latter provides for a contribution towards the provision of new changing facilities and a storage building and for transfer of land to the Bowls Club. I am satisfied that the obligations accord with the objectives of CS policies CS14 and CS22, the provisions in respect of the Bowls Club relate to the development/use of land and are effective and reasonable, and therefore that the Regulation 122 tests would be met.

89. Whilst the Borough and County Councils declined to enter into a legal agreement with the appellant, they have seen and agreed the terms of the UU. I am satisfied that, other than the NHS contribution, its provisions satisfy the tests of Regulation 122 in being necessary to make the development acceptable in planning terms, directly relate to the development and fairly and

reasonably relate in scale and kind. Accordingly I am satisfied that the requirements of CS policy CS10 4. c) and d) would be met.

Issue F – whether the proposal would be sustainable development

90. The NPPF establishes that sustainable development should be seen as the golden thread running through both plan-making and decision-taking. As there is not a 5 year supply, relevant policies relating to housing should not be considered up to date. However CS policy CS10 4. on windfall sites is at one with paragraph 49 of the NPPF in that it requires consideration of *'a) the sustainability of the site for housing development'* and *'b) whether (the) benefits of development outweigh disbenefits'.* I now turn to address those matters.

91. The NPPF identifies three dimensions to sustainable development - economic, social and environmental. In terms of the economic dimension, the appeal proposal would be deliverable and increase the supply and choice of housing, where there is not a 5 year supply of deliverable housing sites. It would contribute towards economic growth, provide affordable housing, meet its own development needs, and make a contribution towards strategic transport infrastructure intended to have wider benefits in the area. I have concluded that the development would be accessible and would support sustainable patterns of development by offering choice to future residents in terms of their mode of travel to encourage a shift from car use.

92. In terms of the environmental dimension, the Windfall Matrix is weighted towards the use of brownfield/previously used land which is a prudent use of natural resources. Whilst there is development on the upper part, the main part of the site is undeveloped and development would conflict with policy CS14 which seeks to protect and enhance existing open space. However it has been shown that the site could be developed in a manner which delivers the principles of safer places, would not be harmful to the landscape character or visual appearance of the area, would have no adverse impact on Craylands Gorge, would secure net benefits in biodiversity and would contribute to the underlying aim of the policy for the delivery of a multi-functional, high quality, varied and well managed Green Grid by providing publicly accessible open space and links to the network. On balance, I conclude that in respect of the environmental dimension to sustainable development, the benefits are just sufficient to outweigh the disbenefits.

93. In terms of the social dimension, the site is in the urban area and served by a range of community facilities. The scheme would help meet the needs of present and future generations for housing, and could create a high quality built environment including an area of publicly accessible open space. It would secure significant enhancements for the Bowls Club and help ensure its long term future for the benefit of the local community.

94. However by building on a playing pitch, albeit one that has not recently been in use, it would remove a potential opportunity to meet the sport and recreational needs of the population of the area, contrary to national and local policy. In that respect the scheme would not be sustainable development. The loss of a former playing pitch that still has potential to be used is a material disbenefit that weighs against scheme and the CS sustainable development objectives.

95. Balanced against that disbenefit is the benefit of the delivery of 40 dwellings, 30% of which would be affordable, where the Council is unable to demonstrate a 5 year housing land supply when assessed against the requirement in the CS. In such cases, where paragraph 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up to date, paragraph 14 indicates that permission should be granted unless – '*any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or specific policies indicate development should be restricted.*'

96. In respect of the balancing exercise required to be undertaken by policy CS10 4. b) and by the NPPF, I conclude that in this case the adverse impact of allowing development, and therefore the loss of the potential of the playing pitch, would not significantly and demonstrably outweigh the benefits such as to justify the refusal of planning permission. Having come to that view, I am satisfied that in terms of the CS, the LP and national policy in the NPPF, the appeal proposal can be considered to be sustainable development.

Conditions

97. The SOCG includes an agreed set of conditions which I have considered in the light of advice at paragraphs 203 and 206 of the NPPF, the Planning Practice Guidance published on 6 March 1014, and the Model Conditions that were appended to Circular 11/95, the main text of which has been cancelled by the Planning Practice Guidance.

98. The application is in outline and all matters are reserved except access. I agree that there is reason here, in respect of the supply situation, to vary the standard commencement conditions to ensure the early submission of reserved matter applications and an early start on site. Conditions on landscaping, boundary treatment, materials, car parking, finished levels, contaminated land, surface water and foul drainage, tree protection, and external lighting are necessary to ensure an appropriate standard of development. It is reasonable given the restricted area for development and the likely density of development to remove residential permitted development rights other than for a small shed. It is also necessary, in the interests of the safety and security of future residents, that the Council agrees details of the proposed link to the public footpath.

99. Conditions on preparatory archaeological investigation and foundation design are necessary to ensure that due regard is had to the preservation of potential in-situ archaeological remains. It was also agreed at the hearing that a condition listing the submitted drawings, including the road cross sections, would be appropriate having regard to the archaeological interest in the site. It has been agreed that the site can be served by a foul sewage pumping station. Nonetheless, in order to ensure that it works satisfactorily and without adverse impact on future residents, details should be submitted to and agreed by the local planning authority before implementation.

100. A reptile mitigation strategy has been proposed by the appellant and a condition is necessary to ensure that it is implemented prior to building work taking place on the site. The details should include information on the receptor site for any reptiles found. I am also imposing a condition, as recommended in the Ecological Assessment, to avoid clearance work during the bird nesting season. As the site adjoins existing housing, a construction method statement

should be agreed prior to any works taking place and hours of working controlled. I have combined the conditions where appropriate and amended the wording in places to reflect that of the Model Conditions.

Overall Conclusion

101. Having regard to the policies in the adopted development plan, I have concluded that, in terms of CS policy CS10, the benefits of development on this windfall site outweigh the disbenefits and the planning balance is in favour of the development proceeding. As such I find that the proposal would be sustainable development and the presumption in the NPPF is that permission should be granted. For the reasons given above I conclude that the appeal should be allowed.

Mary O'Rourke

Inspector

APPEARANCES

FOR THE APPELLANT:

David Bainbridge MA(Hons) MRTPI	Bidwells Property Consultants
Andrew Holloway MRTPI	Bidwells Property Consultants
Robert Evans	Cannon Consulting Engineers
Robert Taylor	Landhold Capital Ltd
Brian Smith	Landhold Capital Ltd
George Jones	Chairman Empire Bowls Club

FOR THE LOCAL PLANNING AUTHORITY:

Sonia Bunn	Senior Planner (Major Projects)
Tania Smith	Planning Policy Officer

INTERESTED PERSONS:

Mr and Mrs Hewett	Members of the Bowls Club
Mrs Jones	Secretary of the Bowls Club
David Oram	Director of the Bowls Club and Club Captain
J Punshon	Director of the Bowls Club

DOCUMENTS HANDED IN AT THE HEARING

1 Core Strategy
2 Plan showing the site and the biodiversity opportunity area
3 Dartford Borough Council's written response to the Inspector's Note received 6 February 2014 with appendices
4 Dartford Strategic Housing Market Assessment (SHMA) July 2010 - figures 7, 8 and 9
5 Dartford Council Five Year Housing Land Supply for 1 April 2013 to 31 March 2018 (as published on 20 November 2013)
6 Technical Note TN001 on Census Travel to Work, produced by Cannon Consulting Engineers
7 Technical Note TN002 on Mode Share Calculation, produced by Cannon Consulting Engineers
8 KCC's Commissioning Plan for Education Provision in Kent 2013 -2018 submitted by Dartford BC
9 Email from Amy Richardson, Partner Taylor Vinters, dated 11 February 2014 18.51 hours to Bidwells in respect of the Unilateral Undertaking and attached South African Notarial Certificate of Confirmation
10 Land Registry copy of title K981751 at 9 January 2014 provided by Brian Smith of Landhold Capital Ltd
11 Email from Martin Wollaston, Director Merchant House Management Ltd, dated 11 February 2014 14.55 hours to Hannah Robinson (GI – Gibraltar)

PLANS

A Site location plan 16934 PL-001B
Parameters plan 16934 PL-003

Proposed site access Figure 6 (dated 30/10/12)

B Illustrative masterplan 16934 PL-002J (appended to the Statement of Common Ground)

C Proposed spine road alignment, long section and cross sections drawing nos. IP13_782_01/001, 002A, 003 and 004

D Earlier masterplan 16934 PL-002F

APP/T2215/A/13/2203710

Schedule of Conditions (24 in total)

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.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan PL-001 Rev B, Parameters Plan PL-003, Site Access Plan Drawing number figure 6, and Spine road sections IP13_782_0/001, 002, 003 and 004.

5) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

6) No development shall take place until details of foundation designs and any other proposal involving below ground excavation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7) No development shall take place until details of existing and proposed levels of the land and buildings, including a contoured site plan and cross sections, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8) No development shall take place until a contaminated land assessment, including a site investigation and remediation methodology (if necessary), has been submitted to and approved in writing by the local planning authority. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority. Any remediation details shall be implemented as approved.

9) No development shall take place until details of the surface water and foul drainage system for the development, including details of the proposed foul sewage pumping station, have been submitted to and approved in writing by the local planning authority. Where such details include the provision of a Sustainable Urban Drainage System the details shall include management and maintenance responsibilities and a timetable for implementation. Details of the pumping station shall include the control mechanism, point of monitoring, contingency plans in the event of failure, and noise and vibration impact assessment and

where necessary mitigation measures. The approved details shall be implemented prior to the first occupation of the development.

10) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building 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.

11) Before commencement of any building operations on site (including demolition and delivery of associated machinery or materials), further details of the reptile mitigation strategy and monitoring scheme described in the Ecological Statement at Section 7 (to include details of the receptor site and programme of implementation) shall be submitted to and approved by the local planning authority. The mitigation strategy, monitoring scheme and programme of implementation shall be carried out in accordance with the approved details.

12) The details submitted in pursuance to condition 1. shall be accompanied by a scheme of landscaping and a programme for its management. The landscaping scheme shall include:

- Identification, retention and management of habitat supporting invertebrates on the site;
- Retention or creation of habitat suitable for reptiles;
- Bio-diversity enhancements;
- Retention of existing trees where feasible;
- Details of work within the Root Protection Area of existing trees;
- Proposed hard and soft landscaping details;
- Details of access to the landscaped areas;
- Details of maintenance and management.

The approved scheme shall be implemented prior to the first occupation of each phase of development (unless this falls outside of the planting season in which case it shall be implemented at the first opportunity during the following planting season between October and March inclusive).

13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

14) Clearance of bird nesting habitat shall only take place outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing by the local planning authority.

15) Before commencement of any building operations on the site (including delivery of associated machinery or materials) tree protection measures shall be erected around all retained trees in accordance with details previously approved by the local planning authority.

16) Apart from those shown on the approved plans to be felled, no trees on the site shall be felled, lopped, topped or pruned before or during building operations except with the prior agreement in writing of the local planning authority. Any trees removed or which die through lopping, topping or pruning shall be replaced in the next planting season with trees of such size and species as may be agreed with the local planning authority.

17) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the clearance and construction period. The Statement shall provide for:

    i) access to the construction site
    ii) temporary car parking for the Bowls Club
    iii) the parking of vehicles of site operatives and visitors
    iv) loading and unloading of plant and materials
    v) siting of the construction compound and buildings
    vi) storage of plant and materials used in constructing the development
    vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
    viii) wheel washing facilities
    ix) details of construction lighting
    x) measures to control the emission of noise, dust and dirt during construction
    xi) a scheme for recycling/disposing of waste resulting from demolition and construction works

18) Demolition, clearance or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

19) No dwelling shall be occupied until the car parking spaces, turning areas and means of access shown on the approved plans to serve it have been provided. These shall be kept available for such use at all times and no development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), shall be carried out on that area of land or to preclude vehicular access thereto.

20) Prior to first occupation of any of the dwellings hereby permitted, details of all boundary walls, fences and other means of enclosure within and around the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

21) Prior to first occupation of any of the dwellings on the lower part of the site, the footpath linking to PROW DS7 shall have been provided in accordance with details submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

22) The access to Jubilee Close shall be used solely by the Bowls Club for maintenance purposes and shall remain closed at all other times. There shall be no access from Jubilee Close for general traffic and pedestrians at any time.

23) 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), no buildings shall be erected in the curtilage of any dwelling hereby approved, with the exception of no more than one building of less than 10 cubic metres, without first obtaining the prior approval in writing of the local planning authority.

24) No external lighting shall be placed on any building, within the grounds or within any parking, service or turning area without first obtaining the prior approval in writing of the local planning authority. Such details shall include siting, angles, levels of illumination and any shields. All external lighting shall be carried out and maintained in accordance with the approved details

END