

APPLICATION: MA/13/0961 Date: 28 May 2013 Received: 29 May 2013

APPLICANT: Ms Fiona Denis, Alter Image Property Ltd

LOCATION: THE WILD DUCK, PAGEHURST ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 9LH

PARISH: Marden, Staplehurst

PROPOSAL: Demolition of existing public house and erection of 2no detached dwellings with associated amenity space, garages and access as shown on plan numbers 13.622.03, 13.622.05, Ecological Scoping Survey, Planning Statement and Application Form received 29th May 2013, Plan numbers 13.622.01A, 13.622.02A, 13.622.04A received 16th August 2013 and Viability report and supporting letters received 14th February 2014.

AGENDA DATE: 12th June 2014

CASE OFFICER: Kevin Hope

The recommendation for this application is being reported to Committee for decision because:

- It is a departure from the Development Plan and has been advertised as such.

## **1.0 POLICIES**

Maidstone Borough-Wide Local Plan 2000: R11, ENV6, ENV28

Village Design Statement: N/A

Government Policy: National Planning Policy Framework 2012

## **1.0 HISTORY**

- MA/12/0243 - Demolition of existing public house and erection of 2no detached dwellings with amenity space, garages and access - Withdrawn
- MA/11/1297 - Revised application to MA/11/0493 for change of use and extension to existing public house/restaurant building to 2no. residential dwellings with garage building and associated works - Approved with conditions
- MA/11/0493 - Change of use and extension to existing public house/restaurant building to 2no. residential dwellings with garage building and associated works - Refused
- MA/89/0165 - New dining room, kitchen and toilets – Approved with conditions
- MA/ 83/0679 - Siting of caravan for use as spare bedroom for relative and as office room for pub – Approved with conditions
- MA/82/0349 - Extension and covered access - Approved
- MA/76/1134 - Outline application for Holiday Park for touring and static caravans - Refused
- 74/0062/MK3 - Construction of covered way and porch – Approved with conditions
- 72/0469/MK3 - Conversion of barn to provide farm dwelling - Refused
- 71/0287/MK3 - Alterations to public house and dwelling accommodation – Approved with conditions
- 70/0401/MK3 - Outline application for the erection of stables for horses and use of the land for exercising horses – Approved with conditions

The above planning history shows the previously granted applications at this site. This includes MA/11/1297 which accepted the loss of the public house . A subsequent application MA/12/0243 comprised a proposal for two dwellings but was withdrawn due to design issues and lack of viability justification.

## **2.0 CONSULTATIONS**

**Staplehurst Parish Council** – would like to see the application approved.

**Marden Parish Council** – Wish to see the application approved.

**KCC Highways** – Raise no objections and submitted the following comments:-

*I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-*

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

*Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*

*Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing. Use of a bound surface for the first 5 metres of the access from the edge of the highway.*

*Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing. Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.*

*Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 0300 333 5539) in order to obtain the necessary Application Pack.*

**Environmental Health** – Raise no objections and submitted the following comments:-

*The previous application for this site, MA/12/1510 (for demolition of the old pub building & erection of 2 detached dwellings) was withdrawn, whilst the application prior to that, MA/11/0493 (for change of use and extension of pub building to form 2 dwellings), was granted permission, but without the foul sewage condition and radon informative recommended by Environmental Health.*

*The site is in a relatively quiet residential area and traffic noise is not a problem. The site is outside the Maidstone Town Air Quality Management Area and I do*

*not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. Prior to any demolitions the building should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.*

*There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases. However, according to the latest British Geological Survey maps the site is in a "radon affected area" and has a 3-5% probability of having elevated radon gas concentrations. The Health Protection Agency recommends that protection methods should be used to keep radon levels at or below the "Action Level" of 200 Becquerels per cubic metre (200 Bq m<sup>-3</sup>) in radon affected areas; where a building has a 3% chance or more of having an annual radon concentration above the HPA Action Level.*

*Previously application forms have either stated that foul sewage would be dealt with via a septic tank or via a package treatment plant, as is the case with the current application, but no details appear to have been supplied. Further details should be required through a condition.*

**KCC Ecology** - Raises no objections and submitted the following comments:-

*We have reviewed the ecological information that has been submitted with the planning application in conjunction with the data we have available to us (including aerial photos and biological records), the information submitted with the planning application and photos provided by the planning officer. We advise that insufficient information has been submitted to determine the planning application and additional information is required.*

### **Bats**

*The submitted survey has recorded evidence of bats within the buildings (old bat droppings) and there are a number of suitable features for roosting bats within the building. However the emergence surveys recommended within the ecological survey report have not been implemented and as such we are unable to establish if bats are roosting within the building and identify what mitigation is required to ensure that the proposed development will not result in a negative impact on bats. Until the emergence surveys are completed we are unable to identify what mitigation is required. The mitigation required is dependent on the species and numbers of bats present. For example pipistrelles are crevice dwelling bats and if a low number of pipistrelles are recorded it may be acceptable mitigation to include a number of raised tiles within the new buildings. However if brown long eared bats are roosting within the building raised tiles are not sufficient and instead it is likely that a bat loft would have to*

*be created in one of the buildings – the concern is that the creation of the bat may have an impact on the submitted site plans and changes may have to be made to accommodate the bat loft (if needed). As such we recommend the bat emergence surveys and details of the mitigation are submitted for comment prior to determination of the planning application.*

*Our advice is based on paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System which 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."*

*If the emergence surveys identify that bats are roosting within the building a European protected species mitigation licence will be required to derogate from potential offences under the Conservation of Habitats and Species Regulations 2010 (as amended). In applications where European Protected Species are present the determining authority needs to consider the likelihood of a licence being granted, which requires the 'three tests' to be addressed:*

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;*
- There must be no satisfactory alternative; and*
- Favourable conservation status of the species must be maintained.*

*Unfortunately in situations where the surveys have not been implemented and we have no understanding of what mitigation is required we are unable to assess if the favourable conservation status of the species will be maintained.*

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*Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System also states the following: The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.*

*The exception circumstances are usually based on non-ecology matters – as such if MBC are considering granting planning permission we advise that MBC need to ensure that they are satisfied that there are exceptional circumstances to condition the surveys.*

*We are aware that there is an existing planning permission which does not have ecology conditions attached to it. As such we are of the opinion that if MBC decide to grant planning permission it will ensure that there is an additional requirement for the surveys are carried out, the results reported to the LPA and adequate mitigation implemented in to the proposed development.*

*The applicant must be made aware that bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2010 (as amended). As such they must carry out the surveys regardless of whether it is a planning condition or not.*

*If MBC are satisfied that planning permission can be granted we suggest the following are included as a condition of planning permission:*

*1. A Bat emergence survey (as detailed within the Greenlink ecology report) must be carried out and submitted to the LPA for comments prior to any work starting on site. The survey must follow current best practice guideline.*

*2. A detailed bat mitigation strategy must be submitted for comment to the LPA prior to any works starting on site. The mitigation strategy must be informed by the bat emergence surveys. The works on site must be implemented as detailed within the bat mitigation strategy.*

*3. A lighting strategy must be designed to have minimal impacts on roosting, commuting or foraging bats within the site. The lighting design must be submitted to and approved by the LPA.*

### **Other Comments**

#### *Reptiles*

*The ecological survey has detailed that there is vegetation around the edge of the site and this has been confirmed by the photos provided by the planning officer. We are of the opinion that this area has some potential for reptiles – especially as the aerial photos indicate that there is suitable habitat for reptiles adjacent to the site. We do not require a reptile survey to be carried out but we advise that the vegetation must be cleared using a precautionary mitigation approach to minimise the potential for reptiles to be killed or injured as a result of the development. Details of the precautionary mitigation method must be submitted as a condition of planning permission, if granted.*

## **3.0 REPRESENTATIONS**

4.1 No neighbour representations have been received.

## **4.0 CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site comprises a public house known as 'The Wild Duck' together with the surrounding car park and garden. It comprises a two storey detached building with a single storey pitched roof addition to the east elevation, a single storey flat roof extension to the side and a large flat roof single storey rear extension. Most of which were added a number of years ago. The building appears to be of brick and block construction and has rendered elevations. At ground floor, the pub includes a modest bar area, function room, kitchen and kitchen prep area, storage space and toilets. The residential unit located at first floor level is accessed via an external staircase and comprises two bedrooms, kitchen, bathroom and lounge. The pub has a large car parking area to the rear of the site and a grassed garden area to the eastern side.

5.1.2 The site is located within the open countryside and lies within the parish of Staplehurst, although close to the boundary with Marden parish. To the west and south of the site is open farmland currently planted with crops. By virtue of this the surrounding land is open in character with views possible for some distance. To the north of the site are a number of trees and an open area of land which appears to have been used for fly tipping at some point in the past. Beyond this appears to be a small residential property known as 'Little Dorm' which is accessed via a track leading from the pub car park.

### **5.2 Proposal**

5.2.1 Planning permission is sought for the demolition of existing public house and erection of 2no detached dwellings with associated amenity space, garages and access. This proposal has been submitted as the applicant has stated that the existing approved consent for the conversion and development of the pub building is not viable to implement.

5.2.2 The dwellings would both be detached in scale with one sited on the footprint of the original pub, the other to the east of this within the existing pub garden. A common boundary would be created to separate the plots using post and rail fencing and native hedging. The hedging would then extend to the front boundary of the dwellings forming a buffer to the road.

5.2.3 In terms of design, both dwellings would have a traditional appearance and overall character although the dwellings would be distinctly difference from one another. Plot 1 would be of a larger form including two projecting gabled elements to the front and rear elevations. This dwelling would have an overall width of approximately 16.1m and depth of approximately 13.4m. The dwelling

would include a pitched roof with sloping ends by virtue of the gabled front and rear elements creating ridge and eaves heights of approximately 8.1m and 4.6m respectively. With regard to plot 2, this property would have an overall width of approximately 14m and a depth of approximately 12.4m (including a single storey cat slide rear projection). The dwelling would have a hipped roof with a ridge height and eaves height of approximately 9.4m and 4.9m respectively.

5.3.4 Parking would be provided to each plot with a detached two bay garage. This would be sited to the rear of the site utilising the existing access for plot 1. For plot 2, the garage would be positioned between the dwellings fronting the road.

### **5.3 Principle of Development**

5.3.1 Developments relating to an existing public house concerns policy R11 which is applicable in this case. This has been set out below to highlight the criteria.

Policy R11 of the Maidstone Borough local Plan 2000 states the following:

*In considering planning proposals which would involve or require the loss of existing post offices, pharmacies, banks, public houses or class A1 shops selling mainly convenience goods, particularly in villages, consideration will be given to the following:*

- (1) firm evidence that the existing uses are not now viable and are unlikely to become commercially viable; and*
- (1) the impact on the local community and especially on those economically or physically disadvantaged;*
- (2) the availability of comparable alternative facilities in the village or local area; and*
- (3) the distance to such facilities and the availability of travel modes other than by private motor vehicle.*

5.3.2 In this case, a particular material consideration is the recent planning history at this site. Planning permission has previously been granted for the conversion of the pub building in to two semi detached properties (MA/11/1297). Therefore, the assessment of policy R11 was considered under this application and considered to be compliant. I will include an assessment of this within section 5.4 below.

5.3.3 The second issue relating to the principle of development is the principle for new dwellings within a countryside location as proposed which is contrary to the Maidstone Borough Wide Local Plan 2000. Justification has been provided to underpin that the previous granted consent could not be implemented due to the



viability of the pub conversion scheme and therefore justifying the development of the site for new dwellings. This will be assessed under section 5.4 below.

## **5.4 Viability**

5.4.1 A full assessment was carried out in terms of the viability of the currently public house during the consideration of planning application MA/11/0493. A summary of this assessment is detailed below.

*'The Wild Duck' is sited in a very rural location between the villages of Marden and Staplehurst. This is approximately 2.5km from the centre of Staplehurst village and approximately 2.6km from the centre of Marden village. Consequently, 'The Wild Duck' does not specifically serve a local community. Although, there are a handful of properties located close by to the east of the dwelling and sporadically located within the surrounding area. However, this is a small local consumer base and I do not consider that the loss of the pub building for this use would result in the loss of a local community facility and a detrimental impact upon the vitality of the local area with regard to criterion (2) of policy R11.*

*There are three pubs within the village of Staplehurst being The Kings Head, The Pride of Kent and The Railway Tavern. This provides a sufficient level of community facilities of this nature including the sale of some of food for this area. Similarly, there are two pubs within the village of Marden being The West End Tavern and The Unicorn, both of which focus mainly of the sale of drinks although offer some food. In addition to this there is a working men's club and Hockey club providing two further establishments. Therefore, I consider that there is a sufficient level of community facilities within Marden of this nature to serve the local community. Overall, I consider that there is sufficient availability of community facilities within the surrounding area with regard to criterion (3) of policy R11.*

*As previously stated, 'The Wild Duck' is located in an isolated rural setting, although the distance of 2.5km from the centre of Staplehurst village and approximately 2.6km from the centre of Marden village is theoretically walk able, there are little to no pavements on the rural lanes and therefore most customers of 'The Wild Duck' would drive. Therefore, although the loss of the pub building for this use would mean that the few surrounding properties would have to drive to the local pubs within Marden and Staplehurst villages; this would result in significantly less vehicles movements than the re-opening of 'The Wild Duck'. As such, I consider that the distance to other pubs within the local area is acceptable*

*and would not lead to a shortage of this type of facility within this area with regard to criterion (4) of policy R11.*

*In considering all of the issues raised above, I conclude that 'The Wild Duck' public house is unlikely to be financially viable in the future without a significant level of investment which is improbable in this economic climate. Furthermore, the loss of the building for this use would not have a detrimental upon the vitality of the community and availability of community facilities of this type within the surrounding areas. As such, I consider that the proposal is in accordance with policy R11 of the Maidstone Borough Wide Local Plan 2000.*

5.4.2 I do not consider the economic climate and viability of the public house has significantly changed since the determination of the last application. I therefore consider the details of viability remain applicable and this proposal remains compliant with policy R11 of the Local Plan 2000.

5.4.3 In terms of the need for this current proposal, financial justification has been submitted to state that the costs associated to implement the conversion of the pub to two dwellings (As permitted under MA/11/1297) would be unviable. The council has sought advice on this information and whilst it would appear that the costs provided are generous, however, they are not at a level which would give rise to any concerns. As such, I consider the justification to be acceptable that the previously approved scheme is not viable to implement which therefore provides the principle in this case for the development of the site for new dwellings.

## **5.5 Visual Impact**

5.5.1 Having established the principle for this development, the key issue of visual impact will be assessed. As discussed, the proposed scheme includes two detached dwellings, one sited on the footprint of the existing pub building with the other to the eastern side within the area of the pub garden. Both properties have a general traditional character with timber framing although of different overall forms. The properties would use a pallet of materials including lime render, Ibstock Thakeham red multi stock bricks, and Marley Ashdown plain clay tiles. The dwelling would also include timber fenestration. Overall I consider these to be an appropriate set of materials responsive to the rural nature of the site. The proposed dwelling at plot 1 incorporates two gabled features projecting from the front and rear elevations and incorporating timber beam detailing. The first floor of the elevation is rendered with brick construction at ground floor and including the chimney to the eastern elevation. By virtue of the projecting pitched elements, the ridge line runs perpendicular to these sections creating a subservient roof form. With the openness of the countryside to the west of the

site, the proposed design of plot 1 responds to this view in its scale and mass and I do not consider this would appear significantly dominant or overwhelming. Furthermore, the roof line is broken up at eaves level with the inclusion of a number of modest pitched roof dormers to give additional interest in this respect. In my view, this further adds to the character and appearance of the building.

5.5.2 With regard to the proposed dwelling at plot 2, this design maintains the traditional appearance of the dwellings and again includes timber beam detailing within the elevations. This property includes a hipped roof which creates modest overall form to the property. Whilst this dwelling has a higher ridge height, this is responsive to the sloping topography of the land to the east and consequently, the more modest roof form ensures that plot two would not appear more dominant. This dwelling also incorporates a cat slide element to the rear elevation which is a typical feature of traditional buildings. This supports the overall traditional style proposed for the development. Whilst this property is less prominent due to its siting further to the west, it maintains a street frontage which I consider is responded to within the front and side elevations. As such, I consider this dwelling is acceptable in its character and appearance in relation to this siting.

5.5.3 The proposed garages would be of an appropriate scale in relation to this rural site comprising two bays and a log store to the rear elevation. They would have a pitched roof with gable ends which I consider would achieve a subservient appearance appropriate for an ancillary building.

5.5.4 Clearly, the proposed development would have a greater impact with the construction of new detached buildings rather than the development of the existing pub, however, I consider the design of the dwellings is suitable for this rural location and would provide a suitable development to this site rather than remaining in its existing derelict state. I therefore conclude that this proposal would not have a detrimental visual impact upon the character or appearance of the surrounding countryside.

## **5.6 Residential Amenity**

5.6.1 By virtue of the scale of the proposed dwellings and their location to existing neighbouring dwellings, I do not consider there would be a significant impact upon neighbouring amenity. In terms of the impact upon the future amenity of the proposed dwellings, the dwellings are sufficiently spaced to allow suitable privacy and include a large area of private amenity space. Therefore, a good level of private amenity would be provided.

## **5.7 Highways**

5.7.1 With regard to other matters, the KCC highways officer has been consulted and has raised no objections to the proposal as this would result in a decrease in the level of vehicle traffic to the site and surrounding roads. As such there would be no significant highway issues as a result of this development. In terms of parking provision, garages and driveway parking is provided which also includes turning space. I consider this to be sufficient in terms of overall provision as well as the impact upon highway safety. KCC Highways have requested that a number of conditions are imposed to secure a suitable for 5m of driveways and to restrict gate to the access. A condition requiring details of surface treatments will be imposed although I do not consider the remaining suggested details are reasonably necessary in this case.

## **5.8 Landscaping**

5.8.1 With regard to landscaping, little landscaping of any value exists on the site by virtue of the extensive existing hardstanding to the rear and the lawned area of garden. There are a number of large shrubs within this area, although offering little landscape merit. The proposal would include new native hedging to the boundaries of the properties as well as to the front boundary with the road and would increase the landscape value of the site. A number of native trees would also be incorporated within the rear amenity spaces which again I find suitable and appropriate given the rural location of the site. Additional soft landscaping would be beneficial and to secure this, a landscaping condition will be imposed requesting a native landscaping scheme for the site.

## **5.9 Ecology**

5.9.1 In terms of the impact upon ecology, an ecological survey has been submitted and the KCC Ecology advisor has been consulted on its content. The findings of this report suggest that the building may be suitable to provide a habitat for bats and that an emergence survey should be completed to establish this. Having assessed this, it is apparent that the existing granted planning permission (MA/11/1297) for the conversion of the pub building does not include any conditions with regard to bat emergence or ecology enhancement. This permission is extant and therefore could be implemented without the need to carry out any additional surveys. In this case, I consider this to be a material consideration and therefore, it is important to ensure that the required surveys and mitigation are secured upon the development. Therefore, in my view, these circumstances are exceptional in nature and warrant the granting of consent in this case. I therefore suggest that suitable conditions are imposed as suggested within the KCC Ecology advisor's comments securing the carrying out of bat emergence survey, suitable mitigation and lighting details prior to the commencement of the development. If permission is not granted until these

surveys are carried out, there is a possibility that the existing planning permission for the conversion of the pub could be implemented without additional ecological surveys as discussed and this is likely to be avoided should suitable conditions be imposed upon this application.

## **5.10 Other Matters**

5.10.1 The application documents propose a Code for Sustainable Homes level 3 with supporting sustainability appraisal to support this. However, following discussions with the applicant, it has been agreed to raise this to level 4 ensuring the sustainability of the dwellings is raised and ensuring a better quality development is delivered.

5.10.2 The comments of the Environmental health officer have been considered and although not imposed under the previously approved application (MA/11/1297), I consider it is reasonable to impose a condition relating to foul sewage.

## **6.0 CONCLUSION**

6.2 Overall, I consider the proposal has provided justification in this case as to why the previously permitted development is not viable and that the development for two new dwellings is acceptable in its impact upon the surrounding area. Therefore, the proposal justifies granting consent in this case contrary to the development plan and is acceptable with regard to amenity impacts on the local environment and other material considerations. I therefore recommend that the application should be approved subject to the following conditions.

## **7.0 RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E and F to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

4. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

6. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's

implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted.

8. 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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

9. Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

10. The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 4 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

11. The development shall not commence until, a Bat emergence survey (as detailed within the Greenlink ecology report) is carried out and submitted to and approved in writing by the Local Planning Authority. The survey must follow current best practice guidelines.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981.

12. The development shall not commence until, a detailed bat mitigation strategy is submitted to and approved in writing by the Local Planning Authority. The approved details shall subsequently be carried out and maintained as such.

Reason: In order not to ensure suitable mitigation measures are implemented for bats, a species protected by the Wildlife and Countryside Act 1981.

13. The development shall not commence until, a lighting strategy designed to have minimal impacts on roosting, commuting or foraging bats, is submitted to and approved in writing by the Local Planning Authority. The approved details shall subsequently be carried out and maintained as such.

Reason: In order not to ensure suitable mitigation measures are implemented for bats, a species protected by the Wildlife and Countryside Act 1981.

14. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 13.622.03, 13.622.05, Ecological Scoping Survey, Planning Statement and Application Form received 29th May 2013, Plan numbers 13.622.01A, 13.622.02A, 13.622.04A received 16th August 2013 and Viability report and supporting letters received 14th February 2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

### **Informatives set out below**

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.

Where practicable, all loose material on the site should be covered during the demolition process.

During the construction, reconstruction, refurbishment or modification of the building



and where practicable the exterior should be sheeted, enclosing openings etc. as necessary.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The applicant should be aware that the site is in a radon affected area with a 3-5% chance of having high radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, and 2007).

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

Any foul sewage treatment process requires the system to be desludged on a regular basis to prevent the build up of solids, so that sewage flows freely through the unit. Anyone used to remove the sludge should be registered with the Environment Agency to carry waste. Sludge should normally be removed every 12 months or in accordance with the manufacturer's instructions.

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required.

Planning permission does not convey any approval for construction of the required vehicular

crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 0300 333 5539) in order to obtain the necessary Application Pack.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.