

REPORT SUMMARY

REFERENCE NO - 14/0679		
APPLICATION PROPOSAL Erection of 6No. new build affordable houses with associated access, parking and amenity space.		
ADDRESS Land Adj Highfield House, Maidstone Road, Marden, Maidstone, Kent, TN12 9AG		
RECOMMENDATION subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan. Councillor Nelson-Gracie requested that the application be reported to Planning Committee in the event of a recommendation for approval for the reasons set out in the report.		
WARD Marden And Yalding Ward	PARISH/TOWN Marden	COUNCIL
		APPLICANT Golding Homes AGENT Calfordseaden
DECISION DUE DATE 16/10/14	PUBLICITY EXPIRY DATE 16/10/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
MA/12/2100	Erection of 8No. new build affordable houses with associated access, parking and amenity space	REFUSED, DISMISSED AT APPEAL
MA/05/1746	Outline application for the erection of 1 number detached house with means of access to be considered at this stage and all other matters reserved for future consideration	REFUSED, DISMISSED AT APPEAL
MA/00/1881	Erection of 2No. detached dwelling with associated garaging and new access	REFUSED
MA/85/1842	Formation of new vehicular access	APPROVED SUBJECT TO CONDITIONS

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site is located in a rural location in open countryside with no specific environmental designations in the Maidstone Borough-Wide Local Plan 2000.

1.02 The site comprises a level overgrown field with an area of approximately 0.235Ha likely to represent a former orchard, as evidenced by the fruit trees located in the north west corner of the site, and is considered to have a current lawful use as agricultural land. The

site has an existing agricultural access central to the frontage onto Maidstone Road, the B2079, and its boundaries are marked by mature native hedges of variable quality.

1.03 As stated above, the application site is located in open countryside, the boundary of the village of Marden being marked approximately 50m to the south of the site by the railway line which runs east to west in a cutting. Notwithstanding this, the site is surrounded by residential development, the closest residential properties being Highfield House located 13m to the south of the site; The Old Vicarage located 15m to the west of the site on the opposite of Maidstone Road; and Church Farm House and The Oast House, located 71m to the north of the site. The land to the rear (east) of the site appears to be in use as garden land associated with Highfield House. Further residential development is located to the north of Church Farm House, which comprises rural dwellings and converted agricultural buildings including barns and oasthouses. The immediate neighbouring properties are substantial detached dwellings, however in the wider vicinity of the site are detached and semi-detached conversions and pairs of semi-detached cottages. These dwellings vary in scale and appearance, but are predominantly of a traditional Kentish vernacular.

1.04 A number of these buildings are Grade II listed, including The Old Vicarage, Church House Farm and The Oast House. Highfield House, whilst not itself listed, is an impressive Victorian property, and this and some of the other unlisted dwellings may be considered to constitute undesignated heritage assets. There are a number of ponds in close proximity to the site, and mature trees both within and on land adjacent to the proposal site.

2.0 SITE HISTORY

2.01 The site has been the subject of various applications for residential development in the past, none of which has been successful. Most recently planning permission was refused for an application for the erection of eight dwellings for the provision of local needs housing under the scope of MA/12/2100. The application was refused on the grounds that the proposed development, by way of its mass, design and layout, would fail to “respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of Marden,” and thus cause harm to the character and appearance of the open countryside and fail to represent good design. The drawing showing the site layout of the scheme proposed under MA/12/2100 is attached as Appendix 1 to this report. A second reason for refusal related to the absence of an appropriate legal mechanism to secure the development for the intended use.

2.02 The decision of the Council was supported at appeal, the Inspector determining that the design, and in particular, the layout and scale, of the development was unacceptable in design terms, concluding that “due primarily to the width of built development and the disposition of the buildings, the proposal would appear out of place and incongruous in this sensitive location at the transition between countryside and village. The Framework indicates that the potential of sites should be optimised but equally development should reflect the identity of local surroundings. This would not be achieved here and the proposal would harm the character and appearance of the surrounding area.” The appeal decision is attached as Appendix 2 to this report.

2.03 The Inspector did not dismiss out of hand the potential of the site for the provision of local needs housing, and provided clear indications of what might be considered acceptable. The applicant, Golding Homes (a Registered Social Landlord), has engaged in post refusal, pre-application discussions with the Planning Department to address the design concerns of the Council and the Inspector, and these have fed into the proposal currently before Members.

3.0 PROPOSAL

3.01 The application seeks planning permission for the erection of six dwellings which would provide local needs housing in its entirety. The dwellings would be arranged in two terraces of three, and would provide four 2-bed units and two 3-bed units.

3.02 Each terrace would be asymmetric, however the two blocks would be arranged to be symmetrical in respect to each other, the northern and southern most properties being larger than the central dwellings, anchoring the two ends of the built development. The northern most of the two terraces would be stepped back by approximately 0.7m in relation to the southern one. Both terraces would have a width of 30m and a maximum depth of 10.5m, the smaller units having a depth of 9.2m. The form of the terraces would incorporate a main ridge with a height of 10.2m running along the main axis of the building, truncated at the northern and southern most dwellings by the ridge of the larger end unit which would run at 90° to this with a height of 8.2m, incorporating front and rear gable projections. The ends of the terraces adjacent to the access to the site would be barn hipped. The eaves of the terraces would have heights of 5m. The design of the terraces would be in a simple Kentish vernacular, incorporating such design elements as gables, barn hips, storm porches and chimney stacks, and utilising typical local materials such as red brick, hanging tiles, weatherboarding and plain roof tiles.

3.03 The terraces would be arranged in such a way as to have a traditional relationship to the highway, fronting onto Maidstone Road, and would be sited so as to maintain the building line established by Highfield House, the nearest property to the south, as suggested by the Inspector in the appeal decision referred to above in paragraph 2.02. The land between the building frontages and the site boundary with Maidstone Road, which would have a minimum depth of 12m, will provide shared amenity space, whilst private garden areas are provided to the rear of the dwellings.

3.04 Car parking comprising ten spaces and associated turning and manoeuvring space would be provided to the rear of the gardens in the east of the site; this would be accessed by way of a vehicular access to the rear of the site located centrally between the two terraces.

3.05 The applicant has sought to address concerns in respect of the “suburban” character of the previous scheme by way of the adoption of a more conventional, cottage style relationship between the dwellings and highway. Car parking has been relocated to the rear of the site where it is screened in public views by the proposed dwellings, and from the countryside to the east by landscaping.

3.06 The objections to the previous scheme in respect of the scale, mass and width of the development, and its resultant relationship to the physical constraints of the site have been addressed by way of a reduction in the number of units, with a commensurate decrease in the extent of the built development on the site, and in particular the width of the buildings relative to the site frontage. The diminished scale and number of the proposed dwellings allows for a greater separation between the north and south end elevations and the side boundaries of the site, whilst providing an access point between the terraces and adequate space for the provision of robust landscaping, which would contribute towards a visual gap in the physical form of the development.

3.07 No objection was previously raised by either the Local Planning Authority or the Inspector in relation to the detailed architectural design of the development; these elements of the proposal remain similar to those considered under the scope of MA/12/2100.

4.0 SUMMARY INFORMATION

	Proposed
Site Area	00.24Ha
Number of buildings	2
Approximate ridge height	10.2m
Approximate eaves height	5m
Approximate maximum depth	10.5m (and 0.8m porch)
Approximate width	14.6m
No. of Storeys	2
Approximate minimum set back from public highway	12m
Parking spaces	10
No. of residential units	6
No. of affordable (local needs) units	6

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG) and PPS5 Planning and the Historic Environment – Practice Guide
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006)
Maidstone Borough Council Draft Local Plan: NPPF1, SP5, H2, DM2, DM4, DM6, DM10, DM23, DM25, DM30

6.0 LOCAL REPRESENTATIONS

6.01 A site notice was displayed on 16th May 2014, and a press notice, expiring on 6th June 2014, was published on 23rd May 2014.

6.02 **Councillor Rodd Nelson-Gracie** has requested that the application be reported to Planning Committee in the event of a recommendation for approval, on the following grounds:

- *This land, north of the London to Ashford railway line is not identified as housing land, with a portion of this land, north west of Marden being allocated as employment land and the remainder remaining as open countryside. This has been backed up by appeal decisions in the past (most recently APP/U2235/A/13/2196505).*
- *The recently approved large schemes in the village, together with further schemes in the pipeline, all of which require 40% affordable housing, will more than cover the need for affordable housing in Marden. These applications will result in over 200 affordable homes, which compares with 23 local people identified as needing homes locally in the latest survey.*
- *There are a number of heritage assets in the vicinity of the proposed site, including listed buildings. The development will have an adverse effect on their setting. In addition there will be light and noise impacts in this rural area.*
- *The erection of a further 6 houses at this entry point to the village will create a potential traffic hazard. Most traffic entering the village is not following the 30mph limit.*
- *The site has not been identified in the latest SHLAA as a potential housing site. Indeed Church Farm (opposite the site) has been rejected as a possible site for development.*

6.03 Five objections from three households, and two copies of the same objection from the Marden History Group, were received. These raised the following concerns:

- *The principle of new residential development in the open countryside.*
- *Absence of need in light of existing consents for large residential developments in and around Marden.*
- *The remoteness of the site from Marden and the breaching of the railway line as a barrier to development.*
- *Poor design, in particular the arrangement of car parking in the rear of the site and the density of the development.*
- *Harm to the character and appearance of the open countryside, and in particular the green corridor into Marden from the north.*
- *Highway safety concerns including traffic generation and the use of an access onto Maidstone Road.*
- *Impact upon ecology.*
- *Impact on the setting of heritage assets.*
- *Harm to residential amenity by way of light and noise.*

7.0 CONSULTATIONS

7.01 **Marden Parish Council** support the application on the basis that “it is a rural exception site for Local Needs Housing only and not for any other development”, and wished the application to be reported to Planning Committee.

7.02 **Maidstone Borough Council Housing Officer:** supports the application, and confirms the need for affordable homes, and specifically local needs housing, in Marden, and the robustness of the Marden Local Needs Housing Survey, making the following detailed comments:

“The Marden housing needs survey was published in August 2011 with the support of Marden Parish Council. This identified a need for up to 23 homes for local people who are in need of affordable housing with 1, 2 and 3 bed properties required.

However, since the publication of this survey the Council’s allocation policy has changed (April 2013) so some households who were eligible in August 2011 may no longer be eligible whilst some new households may now be registered with us.

As of today, there are 63 households who are on the Councils housing register who have indicated that they are interested in moving to Marden and 11 who have indicated that they have a local connection. However, it is important to point out that these figures may not be 100% accurate as the applicants details are only verified once they are being considered for a property.

Moving on to the developments that are in the pipeline, the only site that has an agreement to provide local needs housing is the MAP Depot Site in Goudhurst Road. At 4.10.4 of the signed s106 agreement for this development it states that, ‘10 affordable units and 5 shared ownership units,’ will be available for local people but it goes on to state, ‘Or other such numbers and size of local needs housing as may be agreed between the owners and the Borough Council which variation shall be effected through the deed of nomination rights.’

Due to the sizes of the two developments, it is reasonable to believe that the 6 units at Highfield House would be complete before the much larger MAP Depot site. As the above wording is in the s106 agreement this gives us the flexibility to decrease the number of units

for local needs at the larger site if the need is not there at the time of completion due to the 6 units at Highfield House already being occupied.

With regards to the various other developments that are at the planning stage for Marden, whilst these will provide affordable housing as required by the Council's adopted policy, none of these will provide specific local needs housing for Marden as the two sites mentioned previously.

So to summarise, we believe that there is an identified need for specific local needs housing in Marden. This will be addressed by the Highfield House application and the MAP Depot site, the latter whose s106 agreement can be amended when the units are nearing completion to take account of local need at that time. Other planned developments (if approved) will provide affordable housing in accordance with Council policy but not specifically for local needs."

7.03 Kent County Council Highway Services Engineer: raises no objection to the proposal subject to the imposition of conditions securing the parking and turning places in perpetuity for that use and the use of bonded gravel in the construction of the access, details of cycle storage and surface water drainage, and implementation of the approved access arrangement.

7.04 Kent County Council Biodiversity Officer: raises no objection subject to the imposition of a reptile mitigation strategy, making the following detailed comments:

"We have reviewed the ecological information which has been submitted with the planning application and we are satisfied that sufficient information has been provided with the planning

When we commented on planning application MA/12/2100 we were satisfied with the results of the ecological surveys. However the same surveys were submitted for this application and as they were over two years old we had concerns that the submitted ecological information was no longer valid.

As a result an updated ecological scoping survey has been submitted with the planning application which has satisfied us that the information contained within the Reptile and GCN survey is still valid and there is no requirement to carryout updated surveys.

Reptiles

A medium population of slow worms and a small population of grass snakes have been recorded on site.

We advise that if planning permission is granted a detailed reptile mitigation strategy is submitted for comment. The reptile mitigation strategy must include the following:

- Location of receptor site*
- Reptile survey of the receptor site*
- Confirmation that the carrying capacity of the receptor site will not be exceeded;*
- Details of any enhancements required on the receptor site;*
- Detailed methodology to translocate the reptiles*
- Timetable of the proposed works.*
- Details of proposed monitoring for the receptor site.*

No work can be carried out on site until the reptile mitigation has been agreed by the LPA and implemented.

Great Crested Newts

Although we are satisfied with the results of the GCN surveys – due to the large number of ponds within the surrounding area it is impossible to rule out the possibility of GCN being present.

If GCN are identified during the works all works must cease and they must seek advice from their ecologist and/or Natural England.

Breeding Birds

There is suitable habitat present within the site for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such we recommend that the suitable vegetation is removed outside of the bird breeding season (March – August). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease in that area until all young have fledged.

As there are reptiles present on site which may be impacted by the vegetation removal -we advise that the applicants take advice from their ecologist for the best time of year for the work to be carried out.

Bats

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

Stag Beetle

As detailed within the ecological survey there is suitable habitat present for Stag Beetle. When any dead wood, wooden posts, shrubs, stumps, hedges or trees are removed an ecologist must be present so that larvae or adults that are disturbed/dug up can be spotted, retrieved and placed out of harms way.

We advise that if planning permission is granted an ecological map of the site is submitted, as a condition of planning permission, clearly showing where suitable stag beetle habitat will be created.

Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

The ecological scoping survey has made recommendations for a number of ecological enhancements which can be incorporated in to the site.

We advise that if planning permission is granted detail of the ecological enhancements to be incorporated in to the site are detailed on to the ecological map (as detailed above).”

7.05 Natural England: raise no objection, making reference to standing advice.

7.06 Maidstone Borough Council Conservation Officer: raises no objection to the proposal subject to the imposition of materials and landscaping conditions (including the

retention of the hedgerow along the frontage of the site), making the following detailed comments:

“The development proposed is of a modest scale and in a vernacular style. It will only have a minor and acceptable impact upon the setting of the listed building immediately opposite.”

7.07 Maidstone Borough Council Landscape Officer: initially raised concern over inconsistencies in the reports originally submitted, however after the provision of an amended arboricultural survey and planning integration report confirmed that no objection is raised to the proposal subject to the imposition of landscaping, landscaping implementation and tree protection conditions, making the following detailed comments:

“The revised arboricultural survey and planning integration report dated 7th July 2014, produced by Quaife Woodlands, clarifies the inconsistencies mentioned in my comments of 02/06/14.

I am surprised at the effort being taken to retain T23, a C grade Sycamore tree, when a more sustainable solution would be to remove and replace it as part of a landscape scheme. However, I appreciate that it would not be possible to remove and replace T8, T11, T13 if they are located outside of the site boundary.

In summary, I raise no objection to this proposal on arboricultural grounds subject to a pre commencement condition requiring a landscape scheme which should include the provision of protective fencing around the areas of proposed new planting in accordance with BS5837: 2012 in order to avoid compaction/contamination of the soil.”

7.08 Maidstone Borough Council Environmental Health Manager: raises no objection to the proposal subject to the imposition of conditions requiring compliance with the recommendations of the Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014, submission of details and implementation of the approved details of external lighting, and dealing with contaminated land, making the following detailed comments:

“The site lays to the east of Maidstone Road on the northern outskirts of the village of Marden. A noise assessment, Report ref GA-2012-0058-R1-Rev A and dated March 2014, has been carried out by Grant Acoustics. All the recommended measures as set out in Section 7 of the assessment should be followed, including the advised provision of mechanical ventilation to ensure that residents will benefit at night from adequate ventilation without the need for windows to be opened and the possible disturbance from freight trains and road traffic noise.

As the site is composed of only 6 dwellings it is not expected to have any material impact on the existing transport system.

The Design and Access Statement identifies that the area is well served by public transport as the railway station is nearby and the location is on the edge of the village.

The site is currently a derelict orchard and no contaminated land report has been submitted. The Council has no evidence that the location is contaminated but the developer should be aware that there is always the potential for pockets of contamination to be found during development works. Should any be found on site works should cease and an appropriate remediation scheme be submitted to the Council for approval.”

7.09 **Southern Water** raise no objection to the proposal subject to conditions requiring the submission of details of surface drainage and implementation of the approved details, and confirm that foul sewerage disposal can be accommodated subject to a formal application for a connection to the public sewer.

7.10 **Southern Gas Networks** raise no objection to the proposal, but draw attention to the presence of gas mains within the vicinity of the site.

5.11 **UK Power Networks** raise no objection to the proposal.

8.0 BACKGROUND PAPERS AND PLANS

8.01 The development is shown on drawing numbers 100 rev A, 130 rev A, 131 rev A, and 150 rev A, supported by a Design and Access Statement, Planning Statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758a/jq dated 7th April 2014, KB Ecology Preliminary Ecological Assessment reference 2011/11/08 dated 21st June 2012, KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014, Calford Seaden Flood Risk Assessment reference K14/0103 dated 1st April 2014 and Golding Homes covering letter, all received 23rd April 2014; Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014; and drawing number 113 rev B received 20th August 2014.

9.0 APPRAISAL

Principle of Development

9.01 The application is located in open countryside outside the defined settlement boundary of Marden, and as such is subject to the normal constraints of development in such locations under policy ENV28 (Development in the Countryside) of the Maidstone Borough-Wide Local Plan 2000, which seeks to protect the character and appearance of the open countryside, and restricts new development in the open countryside to certain defined exceptions as set out in the Local Plan. New residential development does not fall within the exceptions set out in the policy, or elsewhere in the Development Plan.

9.02 Notwithstanding this presumption against new development, including residential development, on sites in the open countryside such as this, the National Planning Policy Framework 2012 provides qualified support for development of rural exceptions sites where housing development would address local needs, as set out in paragraph 54 as follows:

“In rural areas (...) local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”

9.03 This accords with the Maidstone Borough Council Affordable Housing Development Plan Document, which puts forward the principle of “allocating releasing sites solely for affordable housing, including using a rural exceptions site policy”. This has been carried forward in emerging Local Plan policy DM25, which supports local needs housing on sustainable sites.

9.04 The application has been submitted by a Registered Social Housing Landlord, Golding Homes, who has proposed that 100% of the development would provide local needs

housing, whilst the Marden Housing Needs Survey evidences the fact that there is a demonstrable need for affordable housing for local people, identifying a local need (at that time) for 23 residential units. Whilst the survey is dated August 2011, its contents are supported by both the Maidstone Borough Council Housing department and Marden Parish Council, and I have no reason to doubt that the need for local needs housing still exists. To my mind, therefore, the site should be considered as a rural exception site.

9.05 Whilst the site is on Greenfield land located in the open countryside, and therefore would not normally be considered acceptable for new residential development, the application has been put forward as a proposal to provide local needs housing by a recognised Registered Social Landlord, and as such it falls to be considered as a local needs rural exception site. In respect of the location of the site, whilst it is located in the open countryside to the north of a clear boundary to the main body of the village, namely the railway line, which has been historically supported through development management decisions by both the Borough Council and the Planning Inspectorate, it is considered, as set out in previous appeal decisions that by virtue of the proximity of the site to the village of Marden, it is in a sustainable location in respect of services and facilities. This is set out in paragraph 2 of the appeal decision relating to MA/12/2100 which describes the site as being *“just beyond the defined settlement boundary of Marden”* and refers to the services and facilities provided there as being accessible to any future occupiers of the site.

9.06 For these reasons, I therefore consider that whilst located in the open countryside, the proposed development represents a rural exception site for the purpose of providing local needs housing, and furthermore that its location is such that it represents a sustainable location for such a site, in accordance with the key National Planning Policy Framework 2012 objective of achieving sustainable development.

9.07 I am aware of concerns that the provision of affordable and rural needs housing should be dealt with in a strategic manner by way of adopted plans and policy, however it is not considered to be appropriate to refuse, or refuse to determine, the application on these grounds, and in any case, the NPPF and the Council's adopted Affordable Housing Development Plan Document support the use of rural exception sites such as this. I am also aware of five planning applications for major residential development within and around Marden which have either been recently consented, all of which include the provision of 40% affordable housing to address a general need for such housing within the borough of Maidstone (MAP depot site [110 dwellings of which 44 would be affordable] and Howland Road [44 dwellings, of which 18 would be affordable]) or have resolutions to grant subject to legal mechanisms (Marden Cricket and Hockey Club [124 dwellings of which 49 would be affordable], Parsonage Farm [144 dwellings of which 58 would be affordable] and Stanley Farm [85 dwellings, of which 34 would be affordable]). These developments, if all built out, would provide a total of 44 local needs housing units (MAP depot site) and 159 affordable housing units (the other developments).

9.08 However, of the sites detailed above in paragraph 9.07, whilst the development proposed for the former MAP Depot site is currently in the process of being built out, the permissions granted in respect of the developments proposed at Parsonage Farm, Stanley Farm and Howland Road are outline at the current time, and as such require the further submission and approval of reserved matters or a subsequent full planning application prior to realisation of the proposals, and in the case of the Marden Cricket and Hockey Club site, the replacement facility (which currently only has outline consent) is required to be provided for public use prior to the commencement of the residential development. As such, there is limited prospect of these schemes coming forward in the immediate future. In this context, it is not considered that the identified need has been yet fully addressed by way of the recent development management history of Marden.

9.09 Furthermore, the Council's Housing Officer, who supports the current application, has confirmed that firstly, there is an identified need for affordable homes for local people (i.e. a local need rather than a general borough wide need), and secondly, that this specific need will not necessarily be addressed by way of the developments for which planning permission exists or is pending as a result of the absence (in most cases) of a legal mechanism restricting occupation to persons of local connection, due to the requirement for the Council to build in flexibility of tenure in order to address the needs of all its residents, not just those of a very limited group. As such, whilst the developments listed above provide affordable housing, only in the case of the MAP depot is this provision restricted by way of the relevant legal mechanism for the provision of local needs housing specific to persons with strong local connections to Marden. In any case, this provision is flexible as a result of the wording of the legal agreement in order to open the occupation of these to a wider population, including potentially the 63 households identified by the Council's Housing Officer as being willing to consider moving to Marden.

9.10 As is clearly set out in the Inspector's decision relating to the previous application, *"it may well be that affordable housing will be forthcoming at Marden through planned provision. However, rural exception sites are not just a 'last resort' should other options have failed."*

9.11 It is also the case that "affordable housing" is only secured for a single cycle of tenureship for that purpose; this is a significant difference to the proposal before Members, which would provide "local needs" housing, i.e. for persons (and their dependents) who can demonstrate a strong connection to the parish of Marden, in perpetuity. In this context, notwithstanding the extant and pending planning permissions and the location of the site in open countryside, it is considered that the proposal for the provision of local needs housing by way of the rural exception site mechanism set out in the NPPF and local policy documents is sound in policy terms for the reasons (including need) set out above, subject to consideration of all other material considerations, including those of design (including layout and scale) and impact on the open countryside and streetscene; highway safety; impact in respect of ecology and biodiversity; impact on heritage assets; and other matters.

Visual Impact and Design

9.12 The National Planning Policy Framework sets out a clear presumption in favour of sustainable development which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7). Although the National Planning Policy Framework 2012 identifies the provision of new housing by way of various means of delivery as a priority, as evidenced by paragraph 54, it also makes clear that this is not to take place at the expense of either the built or natural environment, and should be balanced against the need for new development to be sustainable. The National Planning Policy Framework 2012 goes on to set out core planning principles, including high quality design which should take account of the different characters of different areas whilst recognising the intrinsic character and beauty of countryside and contribute to conserving and enhancing the natural environment. This is supported by section 7 of the document, which underlines the importance of good design, and its intrinsic role in sustainable development. As well as setting out the need for development proposals to be high quality, the document requires development to add to the overall character of areas, and to respond to local character and reflect the local surroundings in respect of overall scale, massing, height and layout (paragraphs 58 and 59). Paragraph 64 states that "permission should be refused for development of poor design", which, as set out above, can be in respect of a failure to properly relate and respond to the local area.

9.13 In the case of the previous scheme proposed for the site, the Council and Planning Inspectorate were in agreement that the scale of the development, and its layout within the site and relationship to the surroundings, were such that it did not represent good design. The key objections to the design of the previous scheme related to the scale of the proposed terraces; the positioning of the terraces within the site which was of an urban form; the width of the terraces and lack of visual gaps within the development, particularly along site boundaries; and the inclusion of large areas of car parking on the site frontage.

9.14 As set out above in paragraphs 3.05 and 3.06, the applicant has sought to respond in a positive fashion to the points raised in both the Council's refusal of planning permission and the dismissal of the appeal, in particular through a reduction in the number of units and the adoption of a more conventionally rural approach in respect of the relationship of the development to the highway.

9.15 To my mind, this approach has been largely successful in addressing the objections to the design of the previous scheme; the proposed dwellings, which of themselves are of a good quality of traditional design, address the highway whilst respecting the established building line and maintaining much of the existing landscaping to the western boundary of the site. The car parking, which in terms of its extent satisfies the requirements of Kent County Council Highway Services, is located in the rear of the site, and is therefore subordinate in views of the development and allows substantial landscaping of the site frontage to soften the relationship between the development and the public realm. I note concerns in respect of this element of the design, however the use of rear garden land to provide ancillary car parking is not uncommon in rural settings, and is preferable in design and safety terms to the use of forecourt parking to the front of dwellings directly off/onto Maidstone Road.

9.16 The reduction in the number of units, and therefore the width of the terraces from 18m to 14.6m, allows them to be set in from the site boundaries by 6m in regard to the southern boundary (formerly 3.2m) and 5m in relation to the northern boundary (formerly 1m), which helps to maintain the sense of spaciousness to the development. This sense of spaciousness is also reinforced by way of the provision of a wide visual gap of 10m (formerly 6m) between the terraces for the access and additional landscaping.

9.17 Concern has been raised in respect of overdevelopment of the site and the density of the proposed development. The density of the scheme is 25.5 dpha, which is considered to be appropriate to this location, and not to constitute over development of the site. In the circumstances of this case, the proportions of the buildings within the site are considered to be more or less in keeping with the traditional forms of rural cottages in the wider area, albeit not in relation to the substantial detached and rural conversions which are located in closer proximity to the site. It is recognised that residential development on sites such as this which are Greenfield sites in rural settings will inevitably have some effect on openness and the character of the area, and this is acknowledged in the NPPF. The key consideration is whether that impact is unacceptable. This is reiterated in the appeal decision, in which the Inspector states that *"any rural exception site will inevitably be on land where development would not normally be permitted. As a consequence, it is bound to have some impact on the open, unspoilt nature of undeveloped land in the countryside. This should be taken into account in any assessment so it does not follow that the unacceptability of a single market house in 2006 means that the proposal should automatically fail. Rather any development should be designed so that it appears to 'belong' in its setting."*

9.18 It is my view that the amendments to the scheme are such that the proposal currently under consideration satisfactorily addresses the concerns previously raised in terms of the scale and layout of the development, and notwithstanding the inevitable erosion of the openness of the site dealt with in paragraph 9.17, the design of the proposal fits within the

site, and to borrow the words of the Inspector, belongs in, and pays respect to, its rural setting. The detailed design is considered to be of an acceptable standard, however in order to secure an appropriate level of quality in the building out of the development, conditions should be imposed requiring the submission of details (and where appropriate, samples) of materials and architectural details, and the implementation of the approved details. I also propose a condition restricting permitted development rights in order to prevent dilution of the quality of the scheme and harm to the residential amenity of future occupiers.

9.19 I am aware of concerns in regard to the erosion of the green corridor into Marden from the north along Maidstone Road, however the site is not subject to any environmental designations, either locally or nationally, which would support a refusal on this basis. Furthermore the perception of a green corridor in the specific vicinity of the site is to some extent eroded by virtue of the proximity of the outbuilding associated with The Old Vicarage to the highway opposite the southern part of the site. It is noted that the developer has sought to retain landscaping to the site frontage by paying respect to the building line established by Highfield House, and that this can be safeguarded by way of robust landscaping, landscaping implementation and tree protection conditions.

9.20 For these reasons, it is considered that the visual impact of the proposal and its design is acceptable, subject to the conditions set out above.

Highways

9.21 The proposal includes the improvement of an existing access to Maidstone Road (including the provision of visibility splays), as shown on drawing number 113 rev B received 20th August 2014. The detail of the access has been arrived at in close consultation with Kent County Council Highway Services Engineers, and is considered to be appropriate to the scale of the development and the speed/traffic volume of Maidstone Road.

9.22 Although the on site parking provision is one less than the level required by Kent County Council, no objection has been raised in this regard. It is my view that to provide additional spaces would compromise the layout and character of the development, and that ten off road parking spaces for the development is adequate.

9.23 The conditions sought by the Highway Engineer, as set out in paragraph 7.03 above, are considered to be reasonable and necessary, and subject to their imposition, no objection is raised to the development on the grounds of highway safety.

Ecology and Biodiversity

9.24 The applicant has, following initial concerns from the Kent County Council Biodiversity Officer, provided updated ecological information which supports the information previously provided and makes recommendations for mitigation. Subject to the implementation of these recommendations, some of which will be incorporated into other conditions for the purposes of completeness, and the submission and implementation of a detailed reptile mitigation strategy, it is not considered that there is any objection to the proposal on the grounds of ecology.

Conservation

9.25 It is recognised that there are a number of designated and non-designated heritage assets in close proximity to the site, and within the wider context, which provide the setting for the site. However, the Council's Conservation Officer has raised no objection to the proposal, subject to conditions safeguarding the quality of the development, regarding the impact to be restricted to that on The Old Vicarage, and to be in any case "minor". This is

supported by the previous appeal decision, which related to a larger scheme of less sensitive design, in which the Inspector opined that *“although the appeal site contributes towards semi-rural character it is separated from The Old Vicarage, which is a listed building, by an outbuilding and the road. Church Farm House and the Oast House to the north are also listed but are about 125m away. Because of these factors the impact on their setting would be minor. Highfield House is a non-designated heritage asset although not formally recognised as such. However, its value derives mainly from its Victorian architecture. Therefore, the proposal would accord with the Framework in conserving them in a manner appropriate to their significance.”*

9.26 For these reasons there is not considered to be any objection to the proposal on the grounds of harm to heritage assets.

Legal Mechanism

9.27 The proposal is for the provision of local needs housing, and this provides justification for approval of the scheme where an unrestricted residential use would normally be considered unacceptable. In these circumstances, a legal mechanism is necessary to ensure that the proposed dwellings are secured for the intended purpose.

9.28 No legal mechanism has been provided in support of the application, however local connection criteria may include –

- Having lived, or having immediate family who have lived in the Parish for a continuous period of at least 5 years immediately preceding the date of application for accommodation.
- Having full time employment in the Parish for at least 1 year
- Having been forced away from the Parish (having satisfied the above requirements) due to a lack of suitable accommodation.

9.29 If these criteria cannot be met then the same criteria would be applied to an applicant from a neighbouring Parish.

9.30 The Council’s housing and legal sections would be required to be entirely satisfied with the terms of the agreement in respect of whether it would adequately ensure that the housing remains affordable and will meet a local need in perpetuity, however this would be the subject to negotiations between the legal representatives of the relevant parties.

Other Matters

9.31 Some trees would be lost as a result of the development, however these have been assessed as being of limited value, whilst higher quality trees are proposed to be retained within the scheme. As such, the Council’s Landscape Officer raises no objection to the proposal, subject to the imposition of landscaping, landscaping implementation and tree protection conditions, which shall, inter alia, include the retention of existing boundary planting.

9.32 Concern has been raised in respect of harm caused to residential amenity. The proposed use is residential, and as such there is no reason to expect this to conflict with neighbouring residential land uses. I note the concerns over the lighting of the scheme, and as such a condition is proposed requiring the submission and implementation of an approved external lighting scheme, which should provide the minimum level of lighting required, designed so as to minimise any impact on the occupiers of dwellings and bats.

9.33 The site is located close to the railway line between London and Ashford, and a Noise Assessment has been provided in support of the application. The condition suggested by the Council's Environmental Health Manager requiring compliance with its recommendations in order to safeguard the residential amenity of future occupiers is considered to be reasonable and necessary, as are the other conditions requested, which relate to land contamination.

9.34 The site is not located on land recorded by the Environment Agency as being prone to flood, however it is considered appropriate and necessary in this case to require the submission and approval of details of surface water drainage. Members will note that Southern Water have not objected to the proposal, and have not raised any concern in respect of the capacity of the existing foul drainage system, however in the circumstances of this case I consider it appropriate to request details of foul drainage to be considered in consultation with Southern Water, and to require implementation of the approved details of surface and foul water drainage prior to occupation of the dwellings.

9.35 The proposal will result in the loss of a small area of Grade 2 agricultural land, however this is located between a highway, garden land and the site of the replacement Marden Cricket and Hockey Club site, and as such is unlikely to be brought into productive agricultural use. As such the loss of the land to agriculture is not considered to be significant, or prejudicial to approval of the current application.

9.36 The dwellings would be constructed to Lifetime Homes standards, and Level 4 of the Code for Sustainable Homes, and as such is compliant with emerging Local Plan policy.

10.0 CONCLUSION

10.01 For the reasons set out above, whilst the proposed development constitutes a departure from the Development Plan, it is supported by national and emerging Local Plan policy, and the scheme currently under consideration addresses the matters resulting in the refusal, and dismissal at appeal, of the previous proposal. For these reasons, I recommend that the Head of Development and Planning be given delegated powers to approve the application subject to an appropriate legal mechanism such as to secure the development for local needs housing in perpetuity, and the conditions set out above.

11.0 RECOMMENDATION – Subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Services may advise, to secure the provision of the dwellings for local needs housing in perpetuity, the Head of Planning and Development BE DELEGATED POWERS TO 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, which shall include brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the proposed buildings, to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

3. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of window and door joinery (which shall be of timber), and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of brick courses and the brick plinth (which shall have a minimum projection of 50mm).
- v) Details of the storm porches.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

4. The development shall not commence until, written details and samples of the materials, which shall be of permeable construction and include a bound surface to the first 5m of the access from the public highway, to be used in the construction of the hard surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

5. The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, the provision of ground level gaps of a height of 120mm in any solid boundary treatment to allow the unfettered passage of wildlife, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and secure the amenity of future occupiers.

6. The development shall be undertaken in strict accordance with the recommendations of the KB Ecology KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012 and KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, both received 23rd April 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

7. Notwithstanding the details and recommendations set out in KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, both received 23rd April 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014, the development shall not commence until a detailed reptile mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content of the reptile mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision;
- ii) A reptile survey of the receptor site;
- iii) Confirmation that the carrying capacity of the receptor site will not be exceeded;
- iv) Details of any enhancements required on the receptor site;
- v) Detailed methodology for the translocation of reptiles;
- vi) Timetable for any proposed works; and
- vii) Details of monitoring of the receptor site.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

8. Notwithstanding the details and recommendations set out in the KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014, the development shall not commence until an ecological map of the site, including on site provision of stag beetle habitat will be provided on the site, undertaken by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

9. The development shall be undertaken in strict accordance with the recommendations of the Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014 received 23rd April 2014, and maintained thereafter. No dwelling shall be occupied until the recommendations of the report have been implemented in full;

Reason: To safeguard the residential amenity of future occupiers of the development.

10. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included;

Reasons: To prevent pollution of the environment and protect controlled waters.

11. The development shall not commence until details of any external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon residential amenity, the character and appearance of the rural setting, and ecology. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

12. The development shall not commence 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 landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing number 113 rev B received 20th August 2014 and shall include, inter alia, the retention of all trees and hedges identified as such in the Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 received 16th July 2014 with the exception of T23 which should be removed and replaced with a Cherry (*Prunus avium*) or Hawthorn (*Crataegus monogyna*), and a wild flower meadow to the west of the front path to the dwellings.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

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 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 external appearance to the development.

14. The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

15. The development shall not commence until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

16. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by 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, F and G and Schedule 2, Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

18. No development shall take place until details of the proposed slab levels of the buildings 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.

19. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

20. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or above has been achieved;

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

21. The dwellings hereby permitted shall not be occupied until details in the form of drawings of the cycle storage areas have been submitted to the Local Planning Authority and approved in writing. The approved details shall subsequently be implemented and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and to encourage sustainable travel choices.

22. The approved details of the access to the site as shown on drawing number 113 rev B received 20th August 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

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

drawing numbers 100 rev A, 130 rev A, 131 rev A, and 150 rev A, supported by a Design and Access Statement, Planning Statement, Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758a/jq dated 7th April 2014, KB Ecology Preliminary Ecological Assessment reference 2011/11/08 dated 21st June 2012, KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014, Calford Seaden Flood Risk Assessment reference K14/0103 dated 1st April 2014 and Golding Homes covering letter, all received 23rd April 2014; Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014 received 18th July 2014; and drawing number 113 rev B received 20th August 2014;

Reason: In the interests of clarity and to secure a high quality of development.

INFORMATIVES

(1) If GCN are identified during the works all works must cease and they must seek advice from their ecologist and/or Natural England.

(2) Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers - Summary of requirements

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

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
- o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- o Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.
- Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

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

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

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

Security and domestic external lighting

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

- o Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;
- o Lamps of greater than 2000 lumens (150 W) must not be used;
- o Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- o Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

- o Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- o Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- o Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(3) There is suitable habitat present within the site for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such suitable vegetation should be removed outside of the bird breeding season (March - August). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease in that area until all young have fledged.

(4) When any dead wood, wooden posts, shrubs, stumps, hedges or trees are removed an ecologist must be present so that larvae or adults that are disturbed/dug up can be spotted, retrieved and placed out of harms way.

(5) 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 Environmental Health Manager regarding noise control requirements.

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

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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

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

We recommend that the developer produces a Site Waste Management Plan (for any development which is over £300,000); in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

(6) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

(7) The following measures should be adopted during the construction period:

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

Provision of measures to prevent the discharge of surface water onto the highway.

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

(8) There is a low pressure main close proximity to the site. No mechanical excavations should take place within 0.5m of this main.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Catherine Slade

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.