

REPORT SUMMARY

REFERENCE NO - 14/503493/OUT		
APPLICATION PROPOSAL Outline application for the erection of 9 (no.) dwellings with access and scale to be considered at this stage and appearance, landscaping and layout reserved for future consideration as shown on Phase 1 Habitat Survey, Bat Survey Report, MRL Acoustics Noise Impact Assessment, Design and Access Statement, Planning Statement, Tree Survey, Phase 1 Preliminary Investigation Report, and drawing nos. 12581/S1A, 2051/13/B/5, 2025/14/B/1B, 2025/14/B/2, 2025/14/B/3A received 22/08/14, LaDellWood report with further ecological details received 15/12/14, and drawing no. 2025/14/B/11A received 19/12/14.		
ADDRESS - The Lodge London Road Maidstone Kent ME16 0LP		
RECOMMENDATION – Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However in this specific case, the proposed development would represent a sustainable form of development that would not cause unacceptable harm to the character and appearance of the countryside. For the reasons set out, the proposal is considered to accord with the National Planning Policy Framework and represent circumstances that can outweigh the existing Development Plan policies and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from the Development Plan		
WARD Allington Ward	PARISH COUNCIL – N/A	APPLICANT Cheale Meats Ltd AGENT Mr La Dell
DECISION DUE DATE 13/02/14	PUBLICITY EXPIRY DATE 03/12/14	OFFICER SITE VISIT DATE 12/11/14
RELEVANT PLANNING HISTORY:		

Relevant planning history

- MA/06/0629 - Outline application for 20 apartments. Siting, access, design and external appearance to be considered at this stage and landscaping reserved for future consideration – Withdrawn
- MA/06/0480 - Consultation with MBC by TMBC for 25 apartments, access, parking and associated open space – Raise objection
- MA/84/0286 - Outline application for superstore, associated car park and access road improvements - Refused
- MA/80/0809 - Outline application for residential development - Refused

The planning history will be discussed in more detail further on in the report.

MAIN REPORT

1.0 Relevant policy

- Development Plan: ENV6, ENV28, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP5, H1, H2, DM1, DM2, DM4, DM6, DM13, DM14

2.0 Consultation responses

- 2.01 **KCC Biodiversity Officer:** Raises no objection.
- 2.02 **KCC Highways Officer:** Raises no objection.
- 2.03 **Landscape Officer:** Raises no objection.
- 2.04 **Environmental Health Officer:** Raises no objection.
- 2.05 **Environment Agency:** Raises no objection.
- 2.06 **Natural England:** Raises no objection.

"This application is in close proximity to the Allington Quarry Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application."

- 2.07 **Southern Water:** Raises no objection.

3.0 Neighbour representations

- 3.01 No representations received.

4.0 Site description

- 4.01 The proposal site relates to a parcel of land on a corner plot location, with London Road running along its northern boundary and Beaver Road running along its eastern boundary. To the south is an access currently serving an existing hand car wash business, and to the west is agricultural land. The site is largely set down from the road network, with the land noticeably banking up towards Beaver Road. The northern and eastern boundaries of the site are defined by well established planting; the southern boundary is largely enclosed by close boarded fencing; and the western boundary is currently overgrown in nature.
- 4.02 The last known use of the site was as a dwelling and transport yard. Within the site there is a derelict detached dwelling known as 'The Lodge'; there appears to be a couple of other buildings that have either fallen down or been removed; and there is a large area of hardstanding. The site is very much in disrepair and overgrown in nature. Given the site's previous uses, the land appears to be part greenfield and part previously developed land.
- 4.03 Whilst the majority of the proposal site is within the Maidstone borough, the boundary line with Tonbridge and Malling Council does run in a general north/south direction through the site. Please note that the land in Tonbridge and Malling falls within a Strategic Gap. As dictated by procedures, an identical planning application that is still pending has been submitted to Tonbridge and Malling Council for their consideration. It is also worth noting at this stage that the public open space shown outlined

in blue on the site location plan is outside the control of Maidstone and cannot be considered in the determination of this application.

- 4.04 For the purposes of the Maidstone Development Plan, the application site is within the designated countryside, but adjacent the urban area, as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.0 Proposal

- 5.01 This is an outline application for the erection of 9 dwellings (6 x 4-bed and 3 x 3-bed) with access and scale to be considered at this stage and appearance, landscaping and layout reserved for future consideration.

6.0 Background history

- 6.01 The Council did object to a consultation made by Tonbridge and Malling Borough Council for a residential development on this site under MA/06/0480. The grounds for objection were based on not accepting the principle of such a development in the countryside and Strategic Gap. However, this was based on the now deleted Kent and Medway Structure Plan 2006 and PPS7, and not the NPPF which encourages appropriate sustainable development; and the Council now has to consider the 5-year land supply issue which is a material planning consideration.
- 6.02 The land to the south of the proposal site has an extant outline permission for a residential development comprising eight detached and semi-detached houses (with design, external appearance and landscaping reserved for subsequent approval) under MA/14/0114 which was granted at Planning Committee. Tonbridge and Malling Council also approved this development under 13/03946. This site is currently being used as a hand car wash centre (granted by both Maidstone Council and Tonbridge and Malling Council [TM/11/02741 and MA/10/1790]). Further south again (outside Maidstone borough), outline permission has also been granted for the erection of 43 dwellings (TM/11/00617 for the erection of 43 dwellings); and beyond this a golf course that has been approved by Tonbridge and Malling Council under 13/00516.
- 6.03 The planning history puts the proposal site into context with its surroundings, demonstrating that not only is it adjacent the defined urban area, but that beyond this built development that has already been approved in the countryside hereabouts.

7.0 Relevant policy/guidance

- 7.01 For the purposes of the Development Plan, the application site is within the designated countryside, but adjacent the urban area, as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP). Development in the countryside, especially new housing, is tightly controlled under the terms of Development Plan policy and central government guidance in the form of the National Planning Policy Framework (NPPF).

National Planning Policy Framework

- 7.02 The NPPF states that there should be a presumption in favour of sustainable development, which in the context of decision making is defined as approving development proposals that accord with the Development Plan without delay, and where the Development Plan is silent, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. So, although the NPPF identifies the provision of new housing by way of various means of delivery as a priority, it also sets out that this is not to take place at the expense of either the built or natural environment.
- 7.03 Moreover, paragraph 53 of the NPPF seeks to resist inappropriate development of residential gardens, particularly where development would cause harm to the local area; and paragraph 55 of the NPPF is clear that new isolated homes in the countryside should be avoided unless there are special circumstances. This proposal does not qualify as one of these special circumstances (as listed in paragraph 55 of the NPPF). The NPPF also makes it clear that proposed development needs to respect the intrinsic character and setting of the countryside (paragraph 17); and should seek to conserve the landscape and scenic beauty of the AONB (paragraph 115). Garden land is also considered to be greenfield land.
- 7.04 It is my view that this proposal is in a sustainable location, located immediately adjacent to the defined urban boundary of Maidstone. Indeed, there are 2 primary schools within 1km of the site; a Park and Ride service is in close proximity to the south of the site; the Mid-Kent Centre, Castle Road, Allington is also within 1km of the site; and London Road is well served by frequent bus services in and out of Maidstone Centre. There are also a number of doctor surgeries within 3 miles of the site. With this considered, I am satisfied that the principle of this proposed development would be in accordance with the NPPF in terms of its location.

Development Plan

- 7.05 Policy ENV28 of the MBWLP restricts new residential development in the countryside for which there is no justification, to prevent harmful sporadic development within the countryside. For Development Plan purposes, the proposal is contrary to policy ENV28 and therefore considered to be a departure from it.

5-year housing land supply

- 7.06 This lack of a five year supply is a significant factor. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably

outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

Affordable housing

- 7.07 This outline application is for 9 dwellings and so the applicant is not required to provide affordable housing.

Summary

- 7.08 The proposal is contrary to policy ENV28 of the Development Plan and therefore considered a departure. However in weighing everything up, the proposal site is not in a truly unsustainable location; and the Council cannot currently demonstrate a 5 year land supply. In the absence of a 5 year housing supply, policy ENV28 is not considered grounds to object to the principle of this proposal. It is the detail of the proposal that must be assessed, and as I have considered the location to be acceptable, I will now assess the other matters.

8.0 Matters for consideration at this stage

Scale

- 8.01 This application seeks to agree the scale at this stage. In terms of scale, the proposal shows 3 dwellings that are 2.5 storey in height; and 6 dwellings that are 2 storey. The 2 storey dwellings measure some 9.5m by 7m (66.5m²) in footprint; and some 9m in height. The 3 storey dwellings measure some 9m by 6m (54m²) in footprint; and some 10m in height.
- 8.02 The site is set at a lower level than Beaver Road and London Road, and the proposed scheme has been designed to work with the changes of level in the local area. The 3 storey houses would appear as 2 storey houses when viewed from Beaver Road and London Road, and in my view the changes in land levels; the set back shown of the properties from the main highways; and the retention and enhancement of the established landscaping, would minimise the visual impact of the proposed development on the wider area. It should also be noted that the scale of the buildings shown is similar to the scale of the buildings approved under extant permission MA/14/0114 that is to the south of this proposal site. I therefore raise no objection to there being properties of this scale on this site.

Access

- 8.03 Access is shown to be from Beaver Road, using the existing junction to the immediate south of the proposal site. From here, the new access road would run along the western side of the proposed housing, with the each unit fronting on to it. Pedestrians and cyclists would use this same access point; and there is an existing pavement along the southern boundary of the site. The applicant has also shown footpath provision and crossing facilities, which will allow pedestrians to safely access the Park and Ride facilities and have safe access to the crossing to the

south-east of Beaver Road which includes a pedestrian phase in the signal timings. In the interests of highway safety, these works will be ensured by way of a S278 agreement. The KCC Highways Officer also raises no objection to the proposal in terms of access and I consider the details for this matter to be acceptable.

- 8.04 On other highway matters, adequate parking and turning facilities within the site are also possible; the existing visibility splays are considered to be acceptable; and the local road network would be able to cope with the addition of 9 new dwellings in this location. The KCC Highways Officer also raises no objection on these issues.

9.0 Reserved matters not for consideration at this stage

Layout and appearance

- 9.01 Whilst the layout is reserved for future consideration the applicant has submitted an indicative site layout showing 9 detached dwellings. This shows the two storey dwellings located on the northern, southern, and western sides of the site. The three storey units would be, in part, set into the existing bank on the eastern boundary, with parking on the ground floor. These units would be seen as two storey from Beaver Road due to the local level changes. Each property would have parking spaces; all properties would front inwards of the site, with the rear gardens on the outer edges; and a shared open space on the western edge of the site is also shown.
- 9.02 The site is some 0.46ha in area, and this proposal would give a density of approximately 19/20 dwellings per hectare. This is below the density anticipated under emerging Draft Development Plan policy H2 which expects 35 dwellings per hectare. However, this is a relatively small site with its own constraints and I am satisfied that 9 dwellings in this instance is suitable for this edge of urban area site that is partly in a Strategic Gap (Tonbridge & Malling side).
- 9.03 In my opinion the layout shown could be further improved by way of reducing the level of hardstanding shown; by softening the scheme through native planting throughout the site; and by repositioning the dwellings in such a way to provide better visual interest within the site, and a better relationship with each other. This said, the layout shown is indicative only and I am satisfied that it demonstrates that a proposal for 9 dwellings on this site is possible without the development appearing dominant, cramped, over engineered, or awkward in terms of layout.
- 9.04 In terms of the proposal's impact on the wider area, the indicative layout is not too dissimilar to that of the extant permission for 8 dwellings on the former Kent House site to the south of the proposal site; and cul-de-sac type development is a prevalent feature in this part of Maidstone. I am therefore satisfied that the indicative layout has also shown that a development for 9 dwellings here would not be at odds with the prevailing pattern and grain of development in the area. I am also of the view that the open space along the western edge of the proposal site together with

appropriate landscaping would provide a suitable buffer between the built development and the countryside beyond, and therefore minimising the visual harm to the character of countryside hereabouts.

- 9.05 The appearance of the development is also a reserved matter for future consideration, and so the applicant has given no real indication what palette of external materials would be used, both in terms of the buildings and the areas of hardstanding. I am satisfied that the the external built form of the development, in terms of its architecture, materials and surrounding finishes can be sufficiently dealt with by way of condition to ensure a satisfactory appearance to the development.

Landscaping

- 9.06 Whilst landscaping is a reserved matter for future consideration, the applicant has confirmed that the existing hedgerow and planting that buffers the site to the north and east will be retained and enhanced; and that the shared space to the west has the potential for new native tree planting. There are no protected trees on this site and the Tree Survey produced by Tom La Dell is considered acceptable in principle by the Landscape Officer. As such, there is no objection to the application on arboricultural grounds. It should also be noted that the noise mitigation measures set out in the submitted Noise Impact Assessment include an acoustic barrier along the northern and eastern boundaries of the site, and the visual impact of this boundary treatment should also be assessed.
- 9.07 After consultation with the landscape officer, it is important to ensure appropriate native planting on the site boundaries, which ideally includes the removal and replacement of the Leyland Cypress located near the eastern corner of the site. Already with the agreement of the agent, this will be duly added to the landscape condition, along with requesting full details of any proposed alterations in existing ground levels; and the location, species and size of all new trees, shrubs and hedgerows to be planted.
- 9.08 Details of any acoustic barrier to be erected along the inner edge of the planting along the northern and eastern boundaries of the site will also be requested by way of condition. I consider it important to secure this detail at this stage because of the likely visual harm it would have on the character of the area if it were to be erected on the outside and therefore not screened from view. Details for all other boundary treatments will also be secured by way of condition to ensure a satisfactory appearance to the development.

10.0 Other considerations

Ecology/biodiversity

- 10.01 The Biodiversity Officer has reviewed the ecological information which has been submitted with this application and they are satisfied that sufficient information has been provided to determine the planning application. A summary of the findings are as follows.

- 10.02 The Bat Survey Report and the additional information provided by the applicant have fully demonstrated that there is limited potential for the building to be used by roosting bats. An activity survey was also carried out within the site and found low numbers of pipstrelles foraging within the site. As recommended, a condition will be imposed to ensure that any external lighting within the site will shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology.
- 10.03 The Phase 1 Habitat Survey details that there is suitable habitat present for reptiles within the site and recommends that a precautionary mitigation strategy is carried out to minimise the potential for reptiles to be injured/killed by the proposed development. In addition, further information has been provided clarifying why the ecologist is satisfied that the precautionary approach is appropriate, and the Biodiversity Officer accepts this view. To minimise the potential for reptiles to be injured/killed by the development, a suitable condition will be imposed to ensure that details of a precautionary mitigation strategy, as recommended in the Phase 1 Habitat Report received 22/08/14, is submitted for approval.
- 10.04 The site also has suitable habitat for breeding birds, and all nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such, work to remove vegetation which is suitable for breeding birds must be carried out, outside of the breeding bird season. This will be ensured by way of condition.
- 10.05 In the interest of ecological enhancements, a condition will also be imposed to ensure that when the reserved matters are submitted, the appearance of the buildings will include details of bat and/or bird boxes and swift bricks.
- 10.06 The Biodiversity Officer has also asked for there to be a detailed management plan for the open space to the north-west. However, this area is outside the control of Maidstone and cannot be considered in the determination of this application.

Residential amenity

- 10.07 It is not known at this stage the layout and appearance of the residential units. However, I am of the view that the proposed dwellings could be designed and set out in such a way to ensure that there would not be an adverse impact on the amenity of future occupants in terms of being overwhelmed, or from loss of light, outlook, and privacy. I am also satisfied that the amenity of neighbouring occupants outside the site would not be adversely affected by this proposed development. In terms of amenity space for future occupants, I am of the view that it would be possible to provide useable and suitably sized private gardens for each house; and that through appropriate design an acceptable level of internal living accommodation could be achieved for each unit.

- 10.08 The applicant has submitted a Noise Impact Assessment by MRL Acoustics. The Environmental Health Officer is satisfied that the recommended noise mitigation measures set out in the report would ensure sufficient attenuation against excessive day and night time noise levels in living rooms and bedrooms, and external amenity areas. Such mitigation would include appropriate ventilation systems and an acoustic barrier along the northern and eastern boundaries of the site. I accept this view and a condition will be imposed to ensure that when details of appearance and layout are submitted for consideration, the applicant will have regard to the recommended noise mitigation measures set out in the Noise Impact Assessment. This would be to safeguard the amenity of future occupants, as well as ensuring a satisfactory appearance to the development (as discussed earlier in the report).

Flood risk/land contamination/drainage

- 10.09 The Phase 1 Preliminary Investigation Report into land contamination identified site conditions that may represent a risk to Controlled Waters; and the applicant has indicated that the site is known and suspected to be contaminated. With this considered, it is reasonable to impose a condition requesting details of a scheme to deal with the risks associated with contamination of the site.
- 10.10 The Environment Agency has made it clear that the method of discharge of surface water must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground. This will be controlled by way of an appropriate condition. The Environment Agency also raises no objection to the proposal in terms of flood risk.
- 10.11 Whilst Southern Water raises no objection to the proposed development, it is requested that details of the foul and surface water sewerage disposal are submitted for approval prior to the commencement of work. I consider this reasonable and shall duly impose the condition.

Other issues

- 10.12 The proposal would not require the provision of financial contributions as the outline is for 9 residential properties only.
- 10.13 The applicant has confirmed that the proposal would achieve a minimum of code level 4 in terms of the Code for Sustainable Homes and this will be conditioned accordingly.

11.0 Conclusion

- 11.01 The proposed development is in a sustainable location; it would have limited impact on the countryside; and I am satisfied that there would be no other significant harm caused. Therefore, in the absence of a 5 year housing supply, compliance with the NPPF is sufficient grounds to depart from Development Plan policy. I therefore recommend approval subject to the appropriate conditions.

RECOMMENDATION – APPROVE with the following conditions:

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Appearance c. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (3) The details of landscaping submitted pursuant to condition 1 above shall be based on the Tree Survey (received 22/08/14) and Landscape Planting Strategy (received 22/08/14 ref:2025/14/B/6) and provide for the following:

(a) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

(b) removal of the Leyland Cypress located near the eastern corner of the site including appropriate native replacement;

(c) Details of the acoustic barrier fence that is to be erected along the inner edge of the planting along the northern and eastern boundaries of the site;

(d) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development;

(e) the location, species and size of all new trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting and transplanting. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is completed for occupation or in accordance with a programme of planting agreed in writing by the Local Planning Authority. Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation;

Reason: To ensure that the proposed development is satisfactorily integrated with the its immediate surroundings and provides for adequate protection of trees.

- (4) The details of appearance and layout submitted pursuant to condition 1 above shall have regard to the recommended noise mitigation measures set out in the Noise Impact Assessment undertaken by MRL Acoustics (ref:MRL/100/529.1v1 July 2013);

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

- (5) The details of appearance of the buildings submitted pursuant to condition 1 above shall include details of bird and/or bat boxes/tubes/bricks and swift bricks;

Reason: In the interest of ecological enhancement.

- (6) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces 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.

- (7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments, including details of the acoustic fence that is to be set behind the existing boundary planting along the northern boundary of the site, to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the dwellings hereby approved are occupied.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

- (8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a precautionary mitigation strategy, as recommended in paragraph 3.3 of LaDellWood's additional ecological information received 15/12/14. The work shall be completed in strict accordance with the approved details unless any amendments are agreed in writing by the local planning authority and no work can be carried out on site (including the removal of the rubble piles) until the precautionary mitigation has been implemented.

Reason: To minimise the potential for reptiles to be injured/killed by the development.

- (9) All site clearance works shall take place outside of the bird-breeding season (March to August) and if this is not possible, an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease until all the young have fledged.

Reason: To ensure that nesting birds are not disturbed.

- (10) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: To prevent harm to human health and pollution of the environment.

- (11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To protect controlled waters from unexpected contamination during development groundworks.

- (12) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- (13) The development shall not commence until details of foul and surface water sewerage disposal and drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

- (14) The development shall not be occupied until details of any 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 ecology. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

- (15) 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 has been achieved.

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

- (16) Unless otherwise agreed in writing by the Local Planning Authority no development permitted by this permission shall commence until such time as an agreement under Section 278 of the Highways Act 1980 has been completed with respect to the following highway works: a) The provision of footways and dropped kerb crossings as shown on drawing no. 2025/14/B/11A received 19/12/14. No part of the development hereby permitted shall be occupied until such time as the above mentioned highway works are complete;

Reason: In the interests of highway safety.

- (17) In relation to the access only, the development hereby permitted shall be carried out in accordance with the following approved plans: 2025/14/B/11A received 19/12/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to highway safety.

INFORMATIVES

- (1) 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 Team regarding noise control requirements.
- (2) Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. 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 Team regarding noise control requirements.
- (3) 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.
- (4) 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.
- (5) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (6) 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.
- (7) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - o treated materials can be transferred between sites as part of a hub and cluster project

- o some naturally occurring clean material can be transferred directly between sites.
- (8) Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
- o Duty of Care Regulations 1991
 - o Hazardous Waste (England and Wales) Regulations 2005
 - o Environmental Permitting (England and Wales) Regulations 2010
 - o The Waste (England and Wales) Regulations 2011
- (9) All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency's guidance "PPG1 - General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to controlled waters.
- (10) 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.

- (11) A formal application for connection to the public sewage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Southern Water, Southern House, Sparrow grove, Otter Bourne, Hampshire, SO21 2SW (tell 0330 303 0119) or www.southernwater.co.uk.
- (12) The applicant is advised to refer to the Environment Agency's document Groundwater Protection: Policy and Practice (GP3). This report highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>.

Planning Committee Report

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

Case Officer: Kathryn Altieri

- 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.