

## REPORT SUMMARY

<b>REFERENCE NO - 14/0241</b>		
<b>APPLICATION PROPOSAL</b> Erection of 2 pairs of semi-detached dwellings (4No. dwellings total)		
<b>ADDRESS</b> Land Adjacent To Beggars Roost, Well Street, Loose, Kent, ME15 0EN		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development represents the provision of well designed housing appropriate to the setting which would not result in harm to residential amenity, highway safety, or in respect of any other material planning consideration in a reasonably sustainable location. Whilst located outside of the defined urban boundary of Maidstone and the village of Loose, in the context of the absence of a five year housing land supply and significant harm as described above, the benefits of the development outweigh the presumption against new residential development in the open countryside as set out in Maidstone Borough-Wide Local Plan 2000 policy ENV28, which is considered to be "outdated" in the terms of the National Planning Policy Framework 2012, such that it is recommended that planning permission be granted subject to conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal is a departure from the Development Plan. Councillor Grigg called the application in before Planning Committee for the reasons set out in the report. The recommendation is contrary to the views of Loose Parish Council.		
<b>WARD</b> Loose	<b>PARISH/TOWN</b> Loose	<b>COUNCIL</b>  <b>APPLICANT</b> Mr Matthew Country House Developments Ltd <b>AGENT</b> Country House Developments Ltd.
<b>DECISION DUE DATE</b> 07/05/14	<b>PUBLICITY EXPIRY DATE</b> 07/05/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/90/0283 Erection of farm workers cottage - WITHDRAWN
- 73/0316/MK3 Outline application for erection of a bungalow - REFUSED
- 72/0316/MK3 Outline application for erection of 4 dwellings - REFUSED
- 62/0210/MK3 Outline application for erection of 4 dwellings - REFUSED
- 59/0133/MK3 Outline application for the erection of 60/66 dwellings - REFUSED

An enforcement investigation undertaken in 2011 into the removal of trees on the land (ENF/11987) concluded that there was no breach.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

1.01 The proposal site is located in open countryside designated as being within the Southern Anti-coalescence Belt as defined in the Maidstone Borough-Wide Local Plan 2000, however its northern boundary adjoins the settlement boundary of the village of Loose as well as the southern boundary of the Loose Village Conservation Area.

1.02 The site, which has an area of approximately 0.2Ha, comprises a former quarry, although it has been not used for such purposes for at least a hundred years, and is in an overgrown state. It is broadly rectangular, aligned along a northeast-south west axis which along its western boundary follows Well Street, an unclassified single track highway which is subject to a 30 mph speed restriction to the north of the site, but subject to the national speed limit to the south. The frontage of the site to the highway is defined by a ragstone wall which is currently fronted by an informal verge. The northern boundary of the site adjoins land associated with Beggars Roost, which is a residential property entirely within both the settlement boundary of Loose and the conservation area, whilst the southern boundary of the site is demarcated by the KM62 public right of way, which rises up a series of steps from Well Street and continues towards Loose Road approximately 400m to the east. The eastern boundary of the proposal site follows the line of the rear gardens of the properties to the north, and does not extend across the entirety of the land associated with the former quarry, the eastern part of which is excluded from the scope of the red line of the application. Beyond the remainder of the quarry is agricultural land. There are a number of trees in the west and south west of the site which are of mixed species and quality, and the land to the east of the site is heavily tree'd.

1.03 The topography of the site is irregular and is elevated in relation to the highway. It rises within the site to both the south and the east, which is a function of its former use and subsequent disuse. As a result the southern part of the site is approximately level with the first floor of Beggars Roost, the property to the immediate north of the site.

1.04 The site has an existing vehicular access from Well Street which, like the site, does not appear to have been used for a while.

1.05 The closest residential properties are Beggars Roost and Pipers Cottage, a pair of semi-detached dwellings to the north of the site. These form the southern most point of the existing extent of the ribbon development extending along the east of Well Street to the south of the centre of the village. To the north of, and screened by, these dwellings, is Snark Cottage, a Grade II listed building.

1.06 The site is not located in an area recorded by the Environment Agency as being prone to fluvial flooding, or designated as a local or national area of ecological importance.

### **2.0 PROPOSAL**

2.01 The application seeks full planning permission for the erection of two pairs of semi-detached dwellings (four new properties). The proposed dwellings would be aligned with Well Street, however they would be set back from the highway by approximately 13m, and in relation to the front elevations of Beggars Roost and Piper Cottage by approximately 5.5m.

2.02 The proposed dwellings are shown on the submitted drawings as being on level areas within the site elevated in relation to the highway and the land to the north, with the access areas being at a level between those of the proposed dwellings and the highway. The northern of the two pairs of dwellings would be set up by approximately 2.5m in relation to the property to the north, Beggars Roost, and the southern of the two pairs of dwellings by

2m in relation to that, as shown on the cross-sections submitted in support of the application (drawing numbers 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22<sup>nd</sup> May 2014). This will require considerable earthworks within the site, however given that the existing levels are not natural, this is not considered necessarily unacceptable. This would give rise to considerable differences in levels between the gardens of the dwellings proposed and the surrounding land to the east and south; it is proposed to maintain the stability of this land by way of the use of retaining Gabion structures along these site boundaries.

2.03 The dwellings would be two storey with additional accommodation provided within the roof space through the insertion of pitched roof dormers to the rear elevations. The dwellings would have a central (dominant) element with subservient side projections which would be set back and down in relation to the front elevation and ridge heights of the central, visually dominant, parts of the buildings. The design would be aligned with that of Beggars Roost and Pipers Cottage, albeit on a larger scale, and would incorporate elements common to the existing dwellings such as the handling of the appearance of the buildings and the use of diminutive front gables with carved soffits, and decorative features such as decorative brick work including the use of arches above windows, rafter feet and storm porches. Each property would have a detached single garage to its side.

2.04 The dwellings would share an access to Well Street central to the site frontage in the approximate position of the existing access, and the existing ragstone wall would be partially modified in order to provide the visibility splays and manoeuvring space required by Kent County Council Highway Services. As set out above in paragraph 2.01, the buildings would be set back from the public highway and the neighbouring dwellings, which would allow for vehicular access to the parking and garaging areas provided for each property and the provision of generous front gardens within the site in addition to the gardens. The proposed access arrangement would also provide an informal passing bay for highway traffic.

2.05 The development would achieve Level 4 of the Code for Sustainable Homes.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV32, T13  
Supplementary Planning Documents: Sustainable Construction Supplementary Plan Document (2006), Kent Design Guide (2009)  
Maidstone Borough Council Draft Local Plan: NPPF1, SS1, SP5, H2, DM2, DM4, DM6, DM10, DM30

### **4.0 LOCAL REPRESENTATIONS**

4.01 A site notice was displayed at the site on 21<sup>st</sup> March 2014.

4.02 Forty five neighbour representations were received from thirty eight households. Of these, all raised objection to or concern over the proposal. The following issues were raised:

- Location of site outside defined settlement boundary.
- Setting of precedent and prematurity in respect of emerging Local Plan; conflict with adopted Maidstone Borough-Wide Local Plan 2000 and draft Local Plan policy, history of unsuccessful applications on the site.
- Contribution toward village sprawl and coalescence between the villages of Loose and Coxheath.

- Overdevelopment of the site and visual impact upon the site and the open countryside.
- Design and scale of the proposal.
- Highway issues, including traffic generation, inadequate provision of on site parking, design of proposed highways mitigation; impact upon Well Street and suitability of Well Street for further additional development and use by HGVs in connection with the construction period.
- Flood risk, impact upon watercourses.
- Harm to residential amenity by way of loss of privacy/overlooking and loss of privacy.
- Lack of information relating to detail of the proposal.
- Pressure on waste water infrastructure and increased surface water drainage.
- Impact on biodiversity.
- Impact on heritage assets.
- Impact on geological and archaeological assets.
- Inaccuracy in the site address (resolved)

4.03 A representation was received from the Valley Conservation Society, which objected to the proposal on the following grounds:

- Location of site outside defined settlement boundary.
- Over development of the site.
- Detrimental impact upon the conservation area.
- Practical difficulties in developing the site.
- Harm to the outlook of walkers, and detriment to the residential amenity of future occupiers as a result of use of the public footpath.
- Impact on the ecological value of the site.
- Highway issues, including the character of Well Street as a public highway and inadequate provision of onsite parking and turning areas.
- Dispute the description of the site as a “former quarry”.

## 5.0 CONSULTATIONS

5.01 **Councillor Grigg** has requested that the application be reported to Planning Committee on the grounds that the proposal is out of character and represents over intensive development, and due to local concern.

5.02.01 **Loose Parish Council** wish to see the application refused on the following grounds:

*“The development is on the edge of the Loose Conservation Areas, outside the village envelope and within the Anti-coalescence Belt. Developments of this nature, if allowed outside the village envelope, will extend Loose towards Coxheath and the unique identity of the historical Loose village will be lost. We are already aware of proposals to also develop northwards from Heath Road towards Loose.*

*The countryside aspect of this site would be destroyed by these proposals. It is considered to be of great amenity and ecological value. We are surprised that in view of this there is no eco survey to support the application.*

*We oppose the proposed siting of the development. Well Street is a single track narrow road which cannot easily accommodate extra vehicle movements. It is also felt that there will be issues in respect of parking in an already exasperated area.*

*There are safety hazards for both drivers and pedestrians on such a narrow single track road which does not have a pavement. The lane has few passing places and vehicles on occasions do have to dangerously reverse down into the village.*

*There would also be considerable problems with the use of large vehicles during the building works accessing the site, due to the nature of the narrow rural lane. The volume of earth to be removed from the site appears to be huge. A sign has already been erected by the Kent County Highways Authority restricting the access of large vehicles in Well St.*

*The proposed dwellings are felt to be out of keeping with this historic area of the village of Loose. Being so close to the conservation area they would have an adverse effect on it by creating a hard edge. Although not considered to be of high density, the buildings will be located closely together. The height of the southern proposed dwelling is about 6 metres higher than the neighbouring property.*

*Loose village is unique in having waterways and natural underground springs running through it. Recently the Lower Loose Valley Pumping Station experienced grave problems coping with sewage which overflowed into gardens and waterways. It is felt that any development will have a detrimental effect on the sewerage system and pose a risk to natural water courses or underground streams.*

*Maidstone has already rejected this site as unsuitable for development when consideration was made on the "call for sites". It does not form part of the Maidstone Borough Draft Local Plan.*

*We would also strongly recommend that Planning Officers and Councillors should visit the site to see exactly where this development is proposed, so as to appreciate the harm it will have on the surrounding countryside, the village streetscene in this area and the hazards in relation to the narrow rural lane."*

5.02.02 Additional comments were subsequently received welcoming the submission of an ecology report, and urging compliance with its recommendations, and raising concern over the removal of a semi-mature Ash, stressing the proximity of the site to the conservation area and the need to provide a "buffer zone".

5.03 **Maidstone Borough Council Planning Policy** raise no objection to the proposal, making the following detailed comments:

*"The site a former quarry lies outside of but immediately adjacent to the currently defined settlement boundary of Loose Village as set out in the MBWLP 2000 Proposals Map. It is therefore subject to policy ENV28 of the MBWLP 2000, which, as you are aware, firstly requires an assessment of whether development would cause harm to the character and appearance of the countryside.*

*As part of the consideration of the application you should take into account the current position with regard to the 5-year housing land supply (currently 2.1 years). Development of the site would make an (albeit modest) contribution towards meeting the supply.*

*On balance, whilst a departure from the Development Plan, development of this well-contained site located immediately adjacent to an existing settlement is appropriate in my view, subject to all other elements of the proposals, particularly design, landscape impact and highway impact being acceptable."*

**5.04 Kent County Council Highway Services** raise no objection to the proposal, subject to conditions requiring the submission of details of surface water drainage and implementation of the approved details, the retention of parking, turning and access/egress areas for those purposes (and in the case of the latter, kept free of obstruction), the surfacing of access and parking areas being of an appropriately bound material, and the completion of offsite highway improvements including the extension of the 30 mph speed limit approximately 30m to the south to include the frontage of the application site, making the following detailed comments:

*“Well Street at this point is a narrow single track road and it is considered that the central forecourt and driveway arrangement proposed creatively addresses access issues onto such a road. It is anticipated that egress from the outer properties will involve more than a typical amount of reversing. The proportions of the off road shared central area are considered however to enable forward gear left and right turn egress from all of the properties. In addition it is considered that the extended area adjacent to the Well Street carriageway suitably addresses egress visibility for a road of this type as well as assisting issues such as deliveries and refuse collection.”*

**5.05 Maidstone Borough Council Conservation** raise no objection to the proposal, subject to the submission of materials and details of joinery and landscaping, and implementation of the approved details, and the removal of all permitted development rights, making the following detailed comments:

*“The site was a quarry in the 19<sup>th</sup> century, but was abandoned in the 1890s. It lies immediately adjacent to the conservation area boundary, so development of it will undoubtedly have an impact on the setting of the conservation area. However, development in the manner proposed will continue the linear morphology of development along Well Street and the design of dwellings proposed will resemble that of Beggars Roost/Pipers Cottage, the pair of 19<sup>th</sup> century dwelling immediately adjacent which currently terminate the ribbon of development along Well Street. It is proposed to maintain a substantial planted strip along the road frontage. In my opinion, therefore, development in the manner proposed will not have an adverse impact on the setting of the conservation area.”*

**5.06 Kent County Council Archaeology** raise no objection to the proposal, subject to the imposition of a condition requiring a watching brief to be undertaken, making the following detailed comments:

*“The site of the proposed development lies within a former quarry site and the site of some post medieval buildings. The buildings appear to have disappeared by the 20<sup>th</sup> century as the quarry expanded. Remains associated with this post medieval industrial activity may be revealed during ground works.”*

**5.07 Maidstone Borough Council Landscape Officer** raises no objection to the proposal, subject to conditions requiring compliance with the Sylvan Arb Arboricultural Report reference SA/905/15 received 2<sup>nd</sup> June 2014 and the submission of landscaping details, and implementation of the approved details. The officer has requested a further condition requiring the submission of further details of tree protection in the event of level changes in the vicinity of trees T13 and T14 other than those considered in the submitted Arboricultural Report. It has been confirmed that T7 (the semi-mature Ash in the south east of the site) is not considered to be of sufficient quality or value to merit a tree preservation order.

**5.08 Kent County Council Biodiversity Officer** raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the

LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3<sup>rd</sup> November 2014. Additional conditions requesting a precautionary approach to vegetation clearance and positioning of external lighting are also requested.

5.09 **Natural England** raise no objection to the proposal, making reference to their standing advice.

5.10 **Kent County Council Public Rights of Way** raise no objection to the proposal.

5.11 **Environment Agency** raise no objection to the proposal.

5.12 **Southern Water** raise no objection to the proposal.

## **6.0 BACKGROUND PAPERS AND PLANS**

6.01 The development proposals are shown on drawing numbers 510/WEL/PL/01, 510/WEL/PL/01 (site plan), 510/WEL/PL/01 (site elevation), 510/WEL/PL/02, 510/WEL/PL/03, 510/WS/02, 510/WS/03 and 510/WS/04 received 12<sup>th</sup> February 2014; and 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22<sup>nd</sup> May 2014.

6.02 The application is supported by a covering email received 22<sup>nd</sup> May 2014, LaDellWood Ecology Phase I Habitat Survey received 30<sup>th</sup> May 2014, Sylvan Arb Arboricultural Report reference SA/905/15 received 2<sup>nd</sup> June 2014, supporting statement received 25<sup>th</sup> June 2014, and LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3<sup>rd</sup> November 2014.

## **7.0 APPRAISAL**

### **Principle of Development**

7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 (MBWLP), and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

*"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan."*

7.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.04 Paragraph 47 of the NPPF states that Councils should;

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”*

7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10<sup>th</sup> September 2014.

7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.07 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF 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.

7.08 In respect of the specific circumstances of this case, the proposal site is located adjacent to the settlement boundary of Loose, which for the purposes of development management is identified as a “smaller village” in the draft Local Plan. The site, however, is located in open countryside designated in the Maidstone Borough-Wide Local Plan 2000 designation of being within the Southern Anti-coalescence Belt.

7.09 Members will be aware of previous, unsuccessful, applications for residential development on the site, and also of the rejection of the site for housing in the 2014 Strategic Housing and Employment Lane Availability Assessment (SHEDLAA). The basis of the previous refusals, the most recent of which related to a 1973 application, was primarily the location of the site in the open countryside, in accordance with long established policies

of restraint. The site was rejected for the purposes of residential development under the scope of the SHEDLAA on the basis of sustainability; the location of the site is adjacent to Loose, a “smaller village”, which is not identified in the hierarchy set out in the draft Local Plan as being appropriate for large scale provision of additional residential development. This having been said, the application before Members has to be considered on its own merits, and whilst the broader planning policy reasons for not allocating sites in and around Loose village for strategic provision of housing area are sound, the application before Members is not without value. The site is adjacent to the village boundary and located in reasonably close proximity to a key bus route to Maidstone and social infrastructure including Loose Primary School, a doctor’s surgery and local shops in the southern part of the urban area of Maidstone, which themselves are located within 1km of the site. The proposal site itself is physically contained, and as such does not set a precedent for further development along Well Street, and would not result in the significant extension of the settlement of Loose contrary to policy ENV32 of the MBWLP. In the context for the determination of the planning application, where the adopted MBWLP is considered “out of date” for the purposes of decision making, and the Local Plan is in draft form, the bringing forward of residential development on this site adjacent to the boundary of a village itself located in close proximity to the main settlement of Maidstone and within reasonable walking distance of public transport links in the form of bus routes to the town centre, which would make a contribution towards the provision of housing and therefore help in meeting the shortfall in housing supply, represents a strong material consideration in favour of the development.

7.10 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact, access/highway safety, impact upon heritage assets, landscape and ecology.

### **Visual Impact**

7.11 The proposal site is extremely contained in terms of its relationship to the surroundings as a direct result of its former history as a small scale ragstone quarry. That having been said, there will inevitably be an impact as a result of the development on both the character and appearance of the site and the open countryside as a whole.

7.12 A critical feature of the proposal site is that it is set down in to the surrounding land to the south and east. This, together with the engineering operations required to provide a level surface for the proposed dwellings and associated parking and landscaping (as described in paragraph 2.02 above), the band of trees to the east, and the boundaries of the site to Well Street, the KM62 and the garden associated with Beggars Roost, mean that the development would be very contained within the site boundaries. Whilst the proposed development would be prominent in views from Well Street, I concur with the Maidstone Borough Council Conservation Officer’s view that the dwellings would be seen in the context of the existing pattern of development, and in particular the pair of dwellings to the immediate north, which are of a similar architectural character. To my mind, the scheme impact would appear as an organic extension to the existing streetscape, which would be terminated at a natural point by the public right of way and the higher land levels to the south, and not lend itself to future expansion of the village southwards or on the western side of Well Street where the land is currently in agricultural use, whilst the stepping up of the development across the site would not appear incongruous in the context of the topography of Well Street.

7.13 In terms of the detailed design, the architecture of the proposed dwellings is of a very traditional form, and clearly takes inspiration from the detailing and overall character of the adjacent properties to the south and the wider Kentish vernacular, and is appropriate in terms of the proposed materials. This having been said, conditions requiring the submission of materials and details of joinery, and the implementation of the approved details, in order to safeguard a satisfactorily high quality to the development are considered in the circumstances of this case appropriate, as suggested by the Conservation Officer. In addition to these, conditions requiring the submission of details of external lighting, which should not be prejudicial to bats or the rural character of the area in respect of spillage, and restricting permitted development rights, are considered necessary.

7.14 For these reasons it is considered that, on balance, the visual impact of the development when assessed against the benefit of the provision of dwellings on this site is acceptable subject to conditions as set out above.

### **Highways**

7.15 Various concerns have been raised in respect of the impact of the development on the local highway system. It is the case that Well Street is a single track lane, however this does not of itself result in the application being unacceptable. As set out in the comments of the Kent County Council Highway Services, the proposed access arrangement, whilst “creative” achieves the necessary visibility splays and manoeuvring space required to allow vehicles to enter and exit the site in a forward gear whilst providing an adequate level of onsite parking and an area which could potentially be used as a passing bay. Similarly, the local highway network has been assessed and found to be capable of accommodating the additional vehicle movements that would be generated as a result of the development and the development would not result in prejudicial conditions in respect of existing site accesses. I note concerns over the use of Loose’s lanes by heavy vehicles during the construction period, however this would be a temporary issue, and the logistics of implementing the consent are a matter for the developer to resolve.

7.17 Notwithstanding this, the Kent County Council Highway Services Engineer has requested that the 30 mph speed limit, which currently ends at the site access be extended southwards by 30m in order to include the entirety of the site frontage and respond to the inevitable change to the extent of the built environment that would result from a grant of planning permission. This is considered to be reasonable and appropriate in the circumstances of this case, and the necessary works can suitably secured by way of a Grampian condition.

7.16 For these reasons it is considered that, subject to the conditions suggested above in paragraph 5.04 above which are considered to satisfy the “tests”, the proposal is acceptable in respect of highway safety.

### **Impact on Heritage Assets**

7.17 As set out above in paragraph 1.02, the site adjoins the southern boundary of the Loose Village Conservation Area and is located in close proximity to a number of Grade II listed buildings, the nearest of which is Snark Cottage to the north of Beggars Roost and Pipers Cottage.

7.18 As set out in the comments of the Council’s Conservation Officer, it is not considered that the development, the design of which is strongly aligned with the architectural form of the closest dwellings, would be harmful to the setting of the conservation area due to the respect that the scheme affords the established character of the existing form of the built environment.

7.19 In respect of the listed buildings, only Snark Cottage would be visible in views of the development, however the proposed dwellings, by virtue of their set back from the highway and traditional design including the retention (and modification) of the ragstone wall to the site frontage, the screening effect of the existing dwellings, and the prominence of the listed building in the streetscape, would be subservient to this building and provide a positive response to it in the context of the wider streetscene.

7.20 For these reasons, it is considered that the impact of the proposal on neighbouring heritage assets is acceptable.

### **Landscaping**

7.21 The proposal site has been cleared of much vegetation, however this did not require consent as no trees were protected by tree preservation orders and the site is outside of the conservation area. Of the trees which remain, two, located on the southern part of the site frontage, are identified as being retained within the development, and an arboricultural report (including arboricultural impact assessment and tree protection plan) has been submitted demonstrating how they can be successfully retained, the recommendations of which have been accepted by the Council's Landscape Officer. The officer has also confirmed that, notwithstanding the views of the Parish Council and others, the semi-mature Ash in the south east corner of the site is not worthy of protection under the scope of a tree preservation order in the circumstances of this case.

7.22 The layout shown on the submitted plans shows landscaping to the site frontage behind the ragstone wall, as well as planting to the site boundaries to soften the edge of the development, and the conditions requested by the Council's Landscape Officer requiring the submission of details of landscaping and implementation of the approved details are considered to be reasonable and necessary in order to safeguard the appearance of the development as well as the character and appearance of the open countryside and the setting of the conservation area.

7.23 For these reasons it is considered that, subject to the conditions suggested above, the proposal is acceptable on landscape grounds.

### **Ecology**

7.24 Surveys have been undertaken of the site, and evidence has been presented of high levels of badger activity in close proximity to the site, as set out in the report, which makes appropriate recommendations for mitigation. The supporting information has been accepted by the Kent County Council Biodiversity Officer, who has requested conditions requiring the development to be undertaken in accordance with the recommendations and the submission of a biodiversity method statement and implementation of the approved details. In addition, the materials and landscaping conditions should require the incorporation of biodiversity enhancements, and the external lighting condition should restrict impact of lighting on bats.

7.25 For these reasons it is considered that, subject to the conditions suggested above, the proposal is acceptable on ecology grounds.

### **Other Matters**

7.26 The issue of residential amenity has been raised by objectors. Due to the relationship between the site and the existing properties in close proximity, the only dwelling which would potentially be directly affected by the proposal in respect of overshadowing/loss of light, loss of privacy or harm to outlook would be the adjacent property, Beggars Roost, which is

located immediately to the north of the proposal site. The topography of Well Street in this location rises towards the south, away from the Loose Valley, albeit at a generally relatively gentle degree. The ground level within the site would be levelled to be equivalent in elevation to top of the existing ragstone wall at the point of access to the site, the gardens and buildings being set up in relation to the access and turning areas in the west of the site. As a result, the finished floor level would be approximately 2.5m higher than that of Beggars Roost. However, this is considered to be an appropriate response to the topography of the setting and such arrangements are not uncommon in streetscapes with gradients. Whilst the relationship between the northernmost of the proposed dwellings and the existing property could potentially give rise to issues of loss of light and privacy, and an overbearing impact, it is considered that these are satisfactorily mitigated by the separation distances involved, the set back of the proposed dwellings in respect of the established building line, the presence of an existing garage and a proposed garage between the two dwellings, and the absence of openings to habitable rooms to the facing flank elevation at first floor level. Members will be aware that there is no private right to a view in the determination of planning applications.

7.27 Various parties have raised the matter of the site history. It is true that there have been various applications on the site for residential development, which have either been withdrawn or refused. However, the current policy context and the absence of a five year housing land supply are such that the previously applied presumption of restraint evidenced by the previous outcomes is of limited weight when balanced against the limited harm that would result from the proposal.

7.28 The site is a former quarry, and whilst it has not been used as such for a considerable period of time, the formerly wooded character of the site and its relationship to adjacent farmland are such that it is not reasonable to assume that its use for agricultural purposes would ever come forward. It is therefore not considered to represent agricultural land, despite the description of it as falling within Grade II of the DEFRA agricultural land classification system in the SHEDLAA. Concerns over the "loss" of the quarry are noted, however as set out above, no rock faces have been exposed within the site for a considerable period of time due to the cessation of quarrying activities a considerable period of time ago, and it is not considered that the proposed development would cause the loss of a geological or archaeological asset of significant value. An archaeological watching brief has been requested by the Kent County Council Archaeological Officer, which is considered reasonable. In terms of the geological quality of the site, it is one of the lower quality examples of quarrying sites local to Loose, and the development would not in any case directly affect the back wall of the site where any significant exposures would be expected to be located.

7.29 Concerns have been raised in respect of foul drainage generated from the proposed development, and reference has been made in a number of representations, including that of the Parish Council, to overflow events at the Lower Loose Valley Pumping Station. Southern Water have been consulted in respect of this application, and have confirmed that the scale of the development is under the threshold of generating a capacity check (normally 20 dwellings), and that the sewage arising from four additional properties would be considered to be de minimis in the context of existing flows. I am aware of the Draft Loose Stream Action Plan, which has identified capacity of the pumping station as an issue, however Southern Water have confirmed that the overflow events referred to in representations were related to significant rainfall events rather than resulting in exceedance of the capacity of the pumping station. As such, it is not considered that any objection to the scheme on the grounds of insufficient capacity in the foul drainage system is sustainable, and that conditions requiring the submission of details of foul and surface drainage and the implementation of the approved details are considered to be reasonable, necessary and appropriate in the circumstances of this case, and to adequately address the matter of foul and surface drainage resulting from the proposal. I note that concerns have also been raised

in respect of the impact of the development on watercourses within the village. These are not located in close proximity to the application site, and the Environment Agency has confirmed that they do not consider that the proposal would have any detrimental impact upon them.

7.30 The applicant has confirmed that the proposed development would achieve Code for Sustainable Homes Level 4, and as such is compliant with emerging Local Plan policy. A condition should be imposed securing this. The scale of the development is such that it falls below the thresholds for financial contributions towards social infrastructure and affordable housing.

## **8.0 CONCLUSION**

8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, the contained character of the site and positive response to the existing streetscape, and the location of the site adjoining a settlement boundary in a relatively sustainable location, it is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.

8.02 Whilst the development would be seen in public views, particularly from Well Street and the KM62 public right of way, it would be seen in the context of the existing built form of Loose, and would, by virtue of the design approach taken and the physical constraints of the site, be seen as a sympathetic continuation of the existing pattern of built development within the Loose valley Conservation Area which provide a suitable end stop to the village. Conditions are suggested that will require the submission of details of landscaping, materials and joinery, and requiring implementation of the approved details. As a result it is considered that the overall visual impact of the proposed development is acceptable in the context set out above.

8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of additional dwellings in a reasonably sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members grant planning permission subject to the following conditions.

**11.0 RECOMMENDATION** – GRANT PLANNING PERMISSION subject to the following conditions:

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of one year 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, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the use of high quality materials appropriate to the locality such as stock brick, plain clay tiles and hanging tiles, and detailed design features which take their cue from the pair of dwellings to the immediate north of the site (Beggars Roost and Pipers Cottage) and general local area, including decorative brick quoinwork and arches, and shall incorporate a bat box at a height of at least 5m above ground level to the western elevation of each dwelling and a minimum of two swift bricks at a height of at least 5m above ground level to the eastern elevation of each dwelling into the fabric of the development. 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 and to safeguard the setting of the Loose Valley Conservation Area.

(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 in writing by the Local Planning Authority;

i) All external joinery, including details of the design of the storm porches, bargeboards and soffits. The details submitted in respect of the storm porches and bargeboards shall take their decorative cue from those of the adjacent properties Beggars Roost and Pipers Cottage; and

ii) Details of the roof overhangs and eaves, which shall include exposed rafter feet; and

iii) Details of windows, doors and recesses/reveals (which shall be a minimum of 70mm).

The development shall be undertaken in accordance with the approved details and maintained thereafter 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 and to safeguard the setting of the Loose Valley Conservation Area.

(4) The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing. The submitted details shall include:

i) Details and a sample panel of the rebuilt ragstone wall which shall be pointed in lime mortar with a rubbed-back joint, keeping the mortar off the faces of the stones and slightly recessed from their edges, and have a maximum height of 1m when measured against approved ground levels within the site; and

ii) Where defined front garden boundaries are proposed, post and rail fencing.

The details shall not include any closeboarded fencing with a height greater than 1m forward (i.e. west) of the rear elevation, and where any close boarded fencing or other solid means of enclosure is proposed, the details shall include gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs).

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 a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(5) 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, G and H 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 a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(6) The approved details of the parking, garaging and turning areas and visibility splays as shown on drawing numbers 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014 shall be completed before the commencement of the use of the land or buildings hereby permitted and 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, garaging and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

(7) The approved details of the access and visibility splays as shown on drawing numbers 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014 shall be completed before occupation of the development. The access shall be maintained thereafter unless with the agreement in writing of the Local Planning Authority and the visibility splays be kept free of obstruction above a height of 1.2m above ground level;

Reason: Development without adequate parking, garaging and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

(8) No part of the development hereby permitted shall be occupied until all works necessary to extend the southern boundary of the 30 mph speed limit 30m to the south have been constructed and completed to the satisfaction of the Highway Authority;

Reason: In the interests of highway and pedestrian safety.

(9) The dwellings hereby approved 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.

(10) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:

- i. A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).
- ii. A schedule of proposed hours of use for the different components of the submitted light scheme
- iii. 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 lighting, which shall minimise light spillage to surrounding land, shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area and the safeguarding the setting of the Loose Valley Conservation Area.

(11) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work, which shall be undertaken prior to development commencing on the site, shall be carried out thereafter in accordance with the approved details;

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(12) The development shall not commence until 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, has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Farleigh Greensand Fruit Belt landscape type). The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014, the introduction of native hedges of appropriate species mix to the northern and southern boundaries of the site, the introduction of climbing plants of appropriate species to the Gabian walls in the south and east of the site, and the retention and safe stacking of cordwood with a diameter greater than 150mm arising from tree clearance within landscaped areas for purposes of biodiversity enhancement.

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 appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(13) If, during the course of implementing the permission hereby granted, excavations, groundworks or changes in levels in the south west corner of the site other than those considered in the Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014 are required, all works shall cease until there has been submitted to and approved in

writing by the Local Planning Authority a further Arboricultural Method Statement and Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012. The development shall thereafter be carried out in accordance with the approved details;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(14) 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 safeguard existing trees and hedges to be retained and ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

(15) 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. The submitted details shall show the finished floor levels of the northern dwellings to be no more than 2.5m greater in elevation than those of the adjacent property to the north, Beggars Roost. The development shall be completed strictly in accordance with the approved levels;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard the setting of the Loose Valley Conservation Area, and maintain the residential amenity of the occupiers of adjacent residential properties.

(16) The development shall not commence until details of foul 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.

(17) The development hereby permitted shall not commence until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed in accordance with SUDS principles and shall not allow drainage onto the public highway. The development shall be undertaken in accordance with the approved details and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of pollution and flood prevention.

(18) Prior to commencement of the development hereby permitted, full details of the construction of all Gabion walls and any other retaining structures on the site required for land stabilisation, including any temporary structures required during the construction period, in the form of drawings to an appropriate scale and any necessary engineering reports

(including soil structure and loading analysis), shall be 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 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, safeguard the setting of the Loose Valley Conservation Area, and maintain the structural integrity of the boundaries of the site.

(19) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of badgers and reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall incorporate the recommendations of the LaDellWood Ecology Phase I Habitat Survey received 30th May 2014 and LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3rd November 2014 and shall include the following additional information:

- i) Purpose and objectives for the proposed works; and
- ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including timetabling of further survey / monitoring work for badger setts, a precautionary approach to vegetation removal and measures to minimise the potential impacts of construction works; and
- iii) Extent and location of proposed works shown on appropriate scale maps and plans; and
- iv) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- v) The times during construction when specialist ecologists need to be present on site to oversee works; and
- vi) Use of protective fences, exclusion barriers and warning signs; and
- vii) Persons responsible for implementing the works.

The works shall be carried out strictly in accordance with the approved details.

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

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

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

(21) The development shall not commence until samples and details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved in writing by the Local Planning Authority. The surfacing materials will be of permeable design and/or construction.

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

Reason: To ensure a high quality external appearance to the development, prevent surface water flooding, and in the interests of safeguarding biodiversity assets.

(22) 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 ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

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

drawing numbers 510/WEL/PL/01, 510/WEL/PL/01 (site plan), 510/WEL/PL/01 (site elevation), 510/WEL/PL/02, 510/WEL/PL/03, 510/WS/02, 510/WS/03 and 510/WS/04 received 12th February 2014; and 510/WEL/PL/03 rev A and 510/WEL/PL/03 rev B received 22nd May 2014, as supported by a covering email received 22nd May 2014, LaDellWood Ecology Phase I Habitat Survey received 30th May 2014, Sylvan Arb Arboricultural Report reference SA/905/15 received 2nd June 2014, supporting statement received 25th June 2014, and LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3rd November 2014;

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design and to safeguard the setting of the Loose Valley Conservation Area.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

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

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

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:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) 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](http://www.southernwater.co.uk)).

(3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).

(4) 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.

(5) 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.

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

(7) 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. The applicant is advised that the highway within Loose village is unsuitable for HGVs.

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

(9) Please note that 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.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(10) A precautionary principle should be applied to all vegetation clearance on site and all works to trees should be undertaken outside of the bird nesting period (March to August).

(11) It is the responsibility of the applicant to contact the Health and Safety Executive for confirmation of the structural integrity of the Gabion and masonry retaining walls.

(12) The applicant will be aware that there is a badger sett in close proximity to the eastern boundary of the site. Disturbance of badgers and damaging any part of a badger sett is an offence under the Protection of Badgers Act 1992, and all necessary precautions

should be taken to prevent such disturbance or damage, including compliance with condition 18 in order to secure appropriate stabilisation of the eastern boundary of the site prior to construction of the development.

(13) The applicant should contact Kent County Council Public Rights of Way prior to commencement of the development to demonstrate the extent of works adjacent to the KM62.

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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.