

## REPORT SUMMARY

<b>REFERENCE NO - 13/1823</b>		
<b>APPLICATION PROPOSAL</b>		
An outline planning application for the demolition of existing buildings and the erection of 49 dwellings and associated car parking and landscaping, with the matter of access to be considered at the current time and all other matters reserved.		
<b>ADDRESS</b> Mayfield Nursery, Ashford Road, Harrietsham, Maidstone, Kent, ME17 1BN		
<b>RECOMMENDATION</b> Amend S106 contributions as set out in report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>		
The proposed development does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is at a sustainable location; immediately adjoins an existing settlement; is identified under policy H1 (27) in the emerging Local Plan as a housing allocation and complies with the criteria set out in the relevant policy; and would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought.		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN</b> Harrietsham	<b>COUNCIL</b>
		<b>APPLICANT</b> Mr Habil Kapasi <b>AGENT</b> Robinson Escott Planning
<b>DECISION DUE DATE</b> 30/01/14	<b>PUBLICITY EXPIRY DATE</b> 30/01/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/98/0955 Erection of garden centre building; erection of replacement farm shop; re-siting of polytunnel and retention of existing farm shop as a potting shed (resubmission following refusal of MA/98/0111) - APPROVED WITH CONDITIONS
- MA/98/0111 Erection of garden centre building; erection of replacement farm shop; re-siting of polytunnel and retention of existing farm shop for use as a potting shed - REFUSED
- MA/97/0892 Variation of condition 07 of MA/93/1519 to read ' no goods shall be sold from the site other than those directly associated with agriculture and horticulture items for gardens and gardening and products for the feeding and care of domestic animals except as otherwise agreed beforehand in writing' - APPROVED WITH CONDITIONS
- MA/93/1519 Erection of building and use of land as a garden centre - APPROVED WITH CONDITIONS

- MA/86/1848 Erection of shed to be used as farm shop for the sale and storage of imported produce and produce grown on site with no more than 50% of the floorspace used for the sale and storage of plant, shrubs and small miscellaneous items - APPROVED WITH CONDITIONS
- MA/85/1747 Change of use from nursery to garden centre – REFUSED
- MA/84/0741 Change of use from nursery to garden centre – WITHDRAWN
- MA/83/0896 Widening and improvement to access driveway - APPROVED WITH CONDITIONS
- MA/81/0842 Extension to nursery and garden centre, retail farm produce - REFUSED
- MA/81/0380 New access to existing property - REFUSED
- MA/80/0532 Bedroom and porch extensions plus internal alterations – APPROVED

## MAIN REPORT

### 1.0 BACKGROUND

1.01 The current application seeks outline planning permission for the demolition of existing buildings and the erection of 49 dwellings and associated car parking and landscaping, with the matter of access to be considered at the current time and all other matters reserved on a site adjoining the southern eastern boundary of the rural service centre of Harrietsham.

1.02 The application was reported to the Planning Committee meeting held on 15<sup>th</sup> January 2015. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement prior legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:

- *The provision of 40% affordable residential units within the application site; and*
- *A contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards the build costs of extending Harrietsham Primary School; and*
- *A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the application site; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
- *A contribution of £122.01 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
- *A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
- *A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*

- *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed).*

1.03 The Committee report and urgent updates to the Committee report are attached as Appendix A to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

2.01 As Members will be aware, S123 of the CIL Regulations came into force on 6<sup>th</sup> April 2015. Prior to this date, all contributions subject to a S106 agreement were required under the terms of S122 of the CIL Regulations to be tested in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Subsequent to this date, S123 of the CIL Regulations additionally requires all contributions being sought by way of S106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations can contribute towards the funding or provision of a project or type of infrastructure. As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions.

2.02 In the circumstances of this case, the coming into force of S123 directly effects and changes the following elements of the Heads of Terms:

- *A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the application site; and*
- *A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*
- *A contribution of £122.01 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and*
- *A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*
- *A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and*
- *A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed).*

2.03 Kent County Council have reassessed their requests in light of S123 of the CIL Regulations, and in particular in relation to the limitation on the pooling of contributions, and as a result they are no longer seeking a contribution towards adult education or adult social services. In addition, the contribution towards library services has been reduced to £2,352.78, and it has been specified that this will be used to fund the mobile library serving Harrietsham.

2.04 Kent County Council have provided further details of the contributions sought towards primary education and youth services, and confirm that these requests

satisfy the tests in relation to pooling set out in the CIL Regulations; these contributions therefore remain in place.

- 2.05 In respect of the A20 improvement scheme, the cost of the evolving scheme is such that a contribution of £3,500 per dwelling in respect of the housing site allocations identified in the emerging Local Plan within and adjacent to the rural service centre of Harrietsham is required to secure delivery of the highway and public realm improvements that are sought in order to reconcile the north and south of the village and allow for the necessary safeguarding of the amenity of local residents in this regard. It is considered that this contribution meets the tests set out in the CIL Regulations.
- 2.06 The relevant consultee has confirmed that the contribution sought in relation to public healthcare will be directed towards the improvement of The Glebe Medical Centre in Harrietsham, and that this request falls within the five obligation limitation on pooling.
- 2.07 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 2.03 – 2.05 above. In addition, additional condition 23 and additional informatives are included in the recommendation, in accordance with the resolution of the Planning Committee at the meeting on 15<sup>th</sup> January 2015.

### **3.00 RECOMMENDATION**

- 3.01 The recommendation, as amended in respect of the Heads of Terms for contributions, additional condition 23 and additional informatives as previously resolved by Planning Committee, is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 40% affordable residential units within the application site; and*
- *A contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards the first phase of the 1FE expansion of Harrietsham Primary School; and*
- *A contribution of £413.56 to be used to address the demand from the development towards youth services (supplied to youth workers and organisations serving Harrietsham); and*
- *A contribution of £2,352.78 to be used to address the demand from the development towards additional book stock supplied to the mobile library service serving the development) and*
- *A contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) towards the improvement of healthcare facilities at The Glebe Medical Centre, Harrietsham being the provision of two additional clinical rooms; and*
- *A contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham.*

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO THE IMPOSITION OF THE CONDITIONS SET OUT BELOW:

- (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. Scale c. Appearance e. Landscaping

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

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, 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 details of reserved matters of layout and appearance submitted pursuant to condition 1 above shall include inter-alia;

(i) A landscape and topography led layout with a softer more informal dispersed pattern of development that applies a 'looser' pattern of built form and less hard surfacing than shown on the indicative layout which creates an active frontage onto the A20;

(ii) The provision of on site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat and habitat for the Cinnabar Moth (through the provision of Ragwort planting);

(iii) A full landscape and visual impact appraisal of the development including views from public rights of way in the North Downs Area of Outstanding Natural Beauty;

(iv) Full details of rooflines and roofscapes, streetscenes within the site and to the site frontage with the A20, and north-south sections across the site; and

(v) The incorporation of decentralised and renewable or low-carbon sources of energy.

Reason: no such details have been submitted, to ensure a high quality design for the development and to safeguard biodiversity assets.

(3) The details of landscaping submitted pursuant to condition 1 shall provide for the retention and repair of existing trees and mature hedging to north, south and east site boundaries, and hedgerows and tree lines within the site;

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

(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 boundary treatments shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, and shall include the retention and where necessary reinforcement of boundary hedges to the site using appropriate native species as set out in Maidstone Landscape Character Assessment 2012 and Maidstone Landscape Local Character Assessment Supplement 2012, and access through or under site and plot boundaries for small mammals including badgers and hedgehogs shall be provided for by way of the inclusion of post and rail fencing and/or fencing raised a minimum of 20cm above ground level.

The development shall be carried out in accordance with the approved details before the first occupation of the development and maintained thereafter;

Reason: to ensure a satisfactory appearance to the development, secure the amenity of future occupiers,, and safeguard biodiversity assets.

(5) 5. The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. 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.

(6) 6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and Maidstone Landscape Character Assessment Supplement 2012 (Harrietsham to Lenham Vale landscape type), and shall include, inter alia, the retention of all trees and hedges identified as such in the Sylvan Arb Arboricultural Report (Tree Survey and Tree Constraints Plan) ref SA/771/13 received 24th October 2013; the retention and repair of hedgerows and tree lines within the site; the provision of wild flower meadow areas; and provision of on site reptile receptor site with suitable levels of connectivity with the surrounding reptile habitat and habitat for the Cinnabar Moth (through the provision of Ragwort planting).

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

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

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

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

Reason: to ensure a satisfactory external appearance to the development.

(8) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been

submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

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

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

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

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

(11) The development shall be undertaken in strict accordance with the recommendations of the JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014, subject to the additional information and mitigation required by condition 12 below, and maintained thereafter;

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

(12) Notwithstanding the details and recommendations set out in JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014, the development shall not commence until a long term management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall incorporate the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.
- i) Specific details and locations of the biodiversity enhancement measures outlined JFA Landscape and Ecology Ecological Assessment ref KEN 1836 received 24th October 2013 and JFA Landscape and Ecology Ecological Survey Report Bats and Reptiles ref KEN 1836 received 22nd April 2014 and the inclusion of enhancement measures to be incorporated into the fabric of buildings.
- j) Details of the management of open space areas to provide biodiversity enhancement.

The approved plan will be implemented in accordance with the approved details.

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

(13) 13. The development hereby permitted shall be carried out in strict accordance with the recommendations of the Peter Moore Acoustics Acoustic Assessment ref 130701/1 received 24th October 2013;

Reason: in the interests of residential amenity.

(14) The development hereby permitted shall be carried out in strict accordance with the recommendations of the Lustre Consulting Air Quality Assessment ref 1218/AK/10-13/169 received 24th October 2013;

Reason: in the interests of residential amenity.

(15) 15. The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off- site.

The drainage details submitted to the Local Planning Authority shall:

Specify the responsibilities of each party for the implementation of the SUDS scheme;

Specify a timetable for implementation; and

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the development, and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: to reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.



(16) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be 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; and  
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, 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) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

(17) No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved unless with the written agreement of the Local Planning Authority;

Reason: to prevent pollution of the environment.

(18) 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 a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: to prevent pollution of the environment.

(19) No infiltration of surface water drainage into the ground, other than that allowed under the sustainable surface water drainage scheme approved under condition 15 above, 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;

Reason: to prevent pollution of the environment and protect controlled waters.

(20) No development shall take place until full details in the form of drawings to an appropriate scale of all piling and any other foundation designs using penetrative methods which do not result in unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless agreed in writing with the Local Planning Authority;

Reason: to prevent pollution to the environment.

(21) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: in order to secure a satisfactory form of development.

(22) The approved details of the access, as shown in Appendix E of the Gateway TSP Transport Assessment ref LF/13-0601 received 24th October 2013 shall be completed before the commencement of the use of the land and maintained thereafter;

Reason: in the interests of road safety.

(23) The details of landscape, ecological mitigation and sustainable surface water drainage required by conditions 1, 6, 12 and 15 above shall include, inter alia, an ecological receptor site and a sustainable urban drainage system in the south of the site adjacent to the site boundary.

Reason: in the interest of pollution and flood prevention, and safeguarding biodiversity assets.

## INFORMATIVES

(1) The lighting scheme provided in accordance with condition 9 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)).

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)).

(3) 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.

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.

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.

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

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

If the existing premises, including outbuildings, are found to contain asbestos based material the following informative must also be complied with:

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.

(4) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

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 Environment Agency guidance PPG1 General guide to prevention of pollution, which is available online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

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

(5) The design of any scheme coming forward at reserved matters stage should, in its detailing, reflect the local vernacular of the built environment to the south of Ashford Road in the vicinity of Harrietsham.

(6) The materials submitted in accordance with condition 5 should be considered in conjunction with Ward Members and Harrietsham Parish Council.

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.