

## REPORT SUMMARY

<b>REFERENCE NO - 13/1928</b>		
<b>APPLICATION PROPOSAL</b>		
<p>Erection of 124 dwellings with parking, vehicular and pedestrian access, and associated hard and soft landscaping as shown on the site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2), DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014.</p>		
<b>ADDRESS</b> Marden Cricket & Hockey Club, Stanley Road, Marden, Kent		
<b>RECOMMENDATION</b> Amend S106 contributions as set out in report		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>		
<p>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 (35) 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.</p>		
<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> Marden And Yalding Ward	<b>PARISH/TOWN</b> Marden	<b>COUNCIL</b> Countryside Properties <b>AGENT</b> Dha Planning
<b>DECISION DUE DATE</b> 12/03/14	<b>PUBLICITY EXPIRY DATE</b> 12/03/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>

99/1243	Erection of 3m high fencing around perimeter of all weather surface sports pitch	REFUSED
97/1498	An application under S192 of the Town Planning Act for the use of mobile floodlighting units to illuminate all weather surface sports pitch permitted under reference MA/94/0339 (units to be folded to storage mode and removed from operating position to safe storage position when not in use to illuminate playing surface)	APPROVED
96/0913	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED
96/0815	Installation of artificial grass hockey pitch (revised siting to that permitted under MA/94/0339) and erection of 8 no. 15m high floodlighting masts and a 3 metre high perimeter fence	REFUSED, DISMISSED AT APPEAL
96/0356	Erection of floodlighting system (8 No. 15m high masts) for proposed artificial grass hockey pitch	WITHDRAWN
94/0339	Installation of all-weather surface sports pitch	APPROVED SUBJECT TO CONDITIONS
87/1053	Change of use of agricultural land to sports ground	APPROVED
72/0452/MK3	Extensions and alterations, ladies cloakroom, boiler house, changing room	APPROVED SUBJECT TO CONDITIONS
71/0042/MK3	New first floor to existing single storey pavilion	APPROVED SUBJECT TO CONDITIONS
62/0009A/MK3	Details of pavilion at Cricket Club	APPROVED SUBJECT TO CONDITIONS
62/0009/MK3	An outline application for new pavilion	APPROVED SUBJECT TO CONDITIONS

## MAIN REPORT

### 1.0 BACKGROUND

1.01 The current application seeks full planning permission for the erection of 124 dwellings together with associated landscaping, car parking and amenity space on a site adjoining the southern eastern boundary of the rural service centre of Marden.

1.02 The application was reported to the Planning Committee meeting held on 16<sup>th</sup> October 2014. 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 development.*
- *£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School.*
- *£2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden.*

- £30.70 per dwelling to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- £8.44 per dwelling to address the demand from the development towards youth services locally.
- £100.79 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- £15.95 per dwelling to address the demand from the development 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.
- £18,628.35 towards the extension of and works to the Marden Medical Centre.
- £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.
- £7,762.50 towards the improvement of the KM276.
- £25,956.92 towards improvement works to Marden Station.
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted.

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:

- £8.44 per dwelling to address the demand from the development towards youth services locally.
- £100.79 per dwelling to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- £15.95 per dwelling to address the demand from the development 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.
- £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens.

- 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 £5,953.95, and it has been specified that this will be used to improve the offer at Marden Library.
- 2.04 Kent County Council have provided further details of the contributions sought towards primary and secondary education, and youth services, and confirm that these requests satisfy the tests in relation to pooling set out in the CIL Regulations; these requests therefore remain in place.
- 2.05 The relevant consultees have confirmed that the contributions sought towards the improvement of Marden Medical Centre, Marden Station and KM276, and the provision and improvement of outdoor sports facilities and children's and young people's play equipment at Marden Playing Fields, fall within the five obligation limitation on pooling. The requirement for the provision of the alternative sports facility is a standalone requirement specific to this consent, and as such is acceptable under the legislation.
- 2.06 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 – 2.04 above. In addition, condition 16 is amended and additional informatives included in the recommendation, in accordance with the resolution of the Planning Committee at the meeting on 16<sup>th</sup> October 2014.

### **3.00 RECOMMENDATION**

- 3.01 The recommendation, as amended in respect of the Heads of Terms for contributions, and the amendment to condition 16 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 development.*
- *£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School.*
- *£2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the first phase of expansion of Cornwallis School used by residents of Marden.*
- *£1,046.56 to address the demand from the development towards youth services (supplied to youth workers and organisations serving Marden).*
- *£5,953.96 to address the demand from the development towards additional bookstock at Marden library serving the development.*
- *£18,628.35 towards the extension of and works to the Marden Medical Centre.*
- *£78,120.00 towards the provision and improvement of offsite outdoor sports facilities and children's and young people's equipped play areas at Marden Playing Fields.*
- *£7,762.50 towards the improvement of the KM276.*
- *£25,956.92 towards improvement works to Marden Station.*
- *The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under*

*MA/13/0358 or any further/replacement planning permission relating to the replacement sport facility prior to commencement of the development hereby being permitted.*

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

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in order to allow the replacement facility granted outline planning permission under MA/13/0358 to be provided for use prior to the commencement of the development hereby permitted.

(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, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes to the boundary facing elevation of every other building on the site boundaries and swift bricks to the north or west elevations of every other building on the site boundaries (so as bat boxes and swift bricks are incorporated into alternate buildings on the site boundaries), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

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

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.

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

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

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

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

(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 and G and Schedule 2, Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

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

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

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

(7) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

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

(8) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved 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 a 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 in full as approved;

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

(9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted a revised remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

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

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

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

(12) 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 by the Local Planning Authority. The archaeological work shall be carried out thereafter in accordance with the approved details;

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

(13) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Amazi Reference AMA342 Rev A, dated 6th November 2013, subject to the details approved in respect of the following:

1. 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. As set out within the approved drainage strategy report, off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

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;

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; and

Relevant manufacturers details on all SUDS features and any SW pumping station should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

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

(14) The development shall not commence until full details of the flood attenuation basins and swales, which shall include details of levels; provision of a receptor site for Great Crested Newts in accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014; and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and ecology and biodiversity.

(15) No infiltration of surface water drainage into the ground, other than that allowed under the SUDS scheme approved under condition 13 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.

(16) The development shall not commence until details of foul water drainage, which shall include any necessary off-site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details and off-site works 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 shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.



The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing numbers CPL-MAR-LST-001-1 rev C and CPL-MAR-LST-001-2 rev C and Landscape Strategy Supporting Statement, and shall include, inter alia, the retention of all trees and hedges identified as such in the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November 2014; wild flower meadow area to the peripheral areas of the "green", and the use of reed beds in the swales and drainage basins associated with the approved SUDS details.

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.

(18) 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.

(19) The development shall be carried out in compliance with the FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA received 7th November 2014, except insofar as all references in the document to "minimum dig method" shall be read as "no dig construction" in accordance with BS5837:2012, unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

(20) The development shall be undertaken in strict accordance with the recommendations of the Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 7th November 2013 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, subject to the additional information and mitigation required by condition 21 below, and maintained thereafter;

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

(21) Notwithstanding the details and recommendations set out in Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report received 17th November 2014 and Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, the development shall not commence until an ecological enhancement and long term management plan and revised mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content

of the ecological enhancement and long term management plan and revised mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision within the design of the flood attenuation basins and swales required by condition 14 above;
- ii) Aims and objectives of the management plan;
- iii) Appropriate management options for achieving the identified aims and objectives;
- iv) Prescriptions for management actions;
- v) Details of the body or organisation responsible for implementation of the plan; and
- vi) Ongoing monitoring and remedial measures.

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

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

(22) No part of the development hereby permitted shall be occupied until the following works have been constructed and completed:

- i) Dropped kerb crossings to the north and south of the junction of Albion Road and Stanley Road and to each side of the proposed accesses to the site from Albion Road;
- ii) The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing;
- iii) The improvement of two bus stops to aid accessibility for the mobility impaired, one on the north and one on the south side of High Street in the vicinity of the junction with Haffenden Close; and
- iv) The provision of an uncontrolled pedestrian crossing across Church Green;

Reason: In the interests of highway and pedestrian safety and sustainability.

(23) The approved details of the accesses to the site as detailed in the Road Safety Audit Stage 1 reference DHA/T0303/1/BS received 30th September 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

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

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

(25) The development shall not commence until 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 by the Local Planning Authority. 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 and in the interests of ecology and biodiversity.

(26) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan undertaken in accordance with the recommendations of the DHA Transport Assessment reference SEH/T0303 received 7th November 2014 (Sustainable Travel Statement) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in full;

Reason: In the interests of sustainable transport use.

(27) 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.

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

Reason: To secure a high standard of design.

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

site location plan and drawing numbers A306, supported by a DHA Affordable Housing and Contributions Statement reference KC/9763, CGMS Archaeological Desk Based Assessment reference DH/KB/16009, FLA Arboricultural Impact Assessment and Method Statement reference CPL-MAR-HD-AIA, GEA Desk Study and Ground Investigation Report reference J13245, FLA Supporting Statement (Landscape), Corylus Ecology Extended Phase 1 Habitat and Bat Building Survey Report, FLA Landscape and Visual Impact Assessment (including drawing numbers CPL-MAR-LST-001-1 rev C, CPL-MAR-LST-001-2 rev C, CPL-MAR-LST-002, and CPL-MAR-LVI-001-1, and viewpoint sheets 1 and 2 of 2), DHA Planning Statement reference MJW/9763, Ruskins Pre-Development Tree Condition Survey reference 0813-1364 rev 1, DHA Statement of Community Involvement reference KC/9763, Turley Associates Sustainable Design and Construction Assessment, DHA Transport Assessment reference SEH/T0303 and PDI Utilities Utilities Feasibility Report reference 13.303 rev 1, all received 7th November 2014, Design and Access Statement and Amazi Flood Risk Assessment reference AMA342 rev A received 13th November 2013; Addendum Design and Access Statement received 16th January 2014; Corylus Ecology Addendum GCN Survey Report received 23rd April 2014, drawing number A307, proposed bollard strategy drawing number 2509/13/21748A, Road Safety Audit and covering email received 30th September 2014; drawing number 21748A/100F received 3rd October 2014; site layout and house types booklet and email received 7th October 2014;

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

## 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 EHM 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.

(8) 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.

(9) 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 on online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

(10) 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

(11) For the purposes of clarity, the bat boxes and swift bricks referred to in condition 2 shall be placed on alternate buildings on the site boundaries.

The bat boxes and swift bricks required by condition 2 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>.

(12) For the purposes of clarity, the bat boxes and swift bricks referred to in condition 2 shall be placed on alternate buildings on the site boundaries.

The bat boxes and swift bricks required by condition 2 shall be located in accordance with guidance published by the Bat Conservation Trust and Royal Society for the Protection of Birds, which can be found at [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and <http://www.rspb.org.uk/advice/helpingbirds/nestboxes/smallbirds/siting.aspx>.

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

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

Case Officer: Catherine Slade

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

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