

REPORT SUMMARY

REFERENCE NO - 14/0828		
APPLICATION PROPOSAL		
The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.		
ADDRESS Land South Of Ashford Road Harrietsham Kent		
RECOMMENDATION Amend S106 contributions and remove condition as set out in report		
SUMMARY OF REASONS FOR RECOMMENDATION		
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 (26) 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.		
REASON FOR REFERRAL TO COMMITTEE		
To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and to recommend that a condition imposed by Planning Committee be omitted from the decision.		
WARD Harrietsham And Lenham Ward	PARISH/TOWN Harrietsham	COUNCIL APPLICANT Ward Homes AGENT Bidwells
DECISION DUE DATE 20/08/14	PUBLICITY EXPIRY DATE 20/08/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- MA/14/0567 Request for a screening opinion as to whether the proposed development incorporating 117 dwellings and a food retail outlet of 300m² is development requiring an Environmental Impact Assessment- ENVIRONMENTAL STATEMENT NOT REQUIRED
- 59/0137/MK2 Outline application for residential development - REFUSED

MAIN REPORT

1.0 BACKGROUND

- 1.01 The current application seeks full planning permission for a mixed use development comprising the erection of 113/114 dwellings and a retail unit of 365m², together with associated landscaping, access, parking and open space, including provision of allotments and the potential provision of a fitted out 1 bed unit for community use by the Parish Council, subject to the agreement of Harrietsham Parish Council.

- 1.02 The site adjoins the southern boundary of the rural service centre of Harrietsham, and comprises a field formerly used as a depot in connection with the construction of the Channel Tunnel Rail Link high speed rail line.
- 1.02 The application was reported to the Planning Committee meeting held on 5th February 2015, and amended by a verbal update to Planning Committee at the meeting held on 26th February 2015. Members resolved to, subject to the receipt of any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH276 Public Right of Way, 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 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 OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; 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 £148.68 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 £63.56 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 £71,028 (based on £360 per predicted occupier 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); and*
 - *A contribution of £200 towards the improvement and maintenance of public rights of way in the vicinity of the site; and*
 - *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*
- 1.03 The Committee report and urgent updates to the Committee report are attached as Appendix A to this report.
- 1.04 At the meeting Members resolved to impose an additional condition on the consent, minuted as follows:

“an additional condition in consultation with Kent Highway Services relating to the provision of traffic calming measures proportionate and directly related to the development prior to the occupation of the dwellings.”

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 6th 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 £148.68 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 £63.56 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 £71,028 (based on £360 per predicted occupier 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); and*
- *A contribution of £200 per dwelling towards the improvement and maintenance of public rights of way in the vicinity of the site; and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.*

2.03 Kent County Council has reassessed its 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 it is no longer seeking a contribution towards adult

education or adult social services. In addition, the contribution towards library services has been reduced to £48.02 per dwelling, 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 The relevant consultees have confirmed that the contributions sought in relation to public healthcare and public rights of way would be directed towards the improvement of The Glebe Medical Centre in Harrietsham and the public rights of way to the south of the A20 in the vicinity of Harrietsham (KH272, KH272A, KH276 and KH652) respectively, and fall within the five obligation limitation on pooling. Similarly, the Maidstone Borough Council Parks and Open Spaces Officer has confirmed that whilst the terms of the relevant contribution will remain unchanged in terms of the sums sought, and further detail has been provided in respect of the destination of the monies. In this case, in the event of on site provision of allotments the contributions sought would be £907.80 per unit, directed towards Glebe Fields for the improvement and replacement of outdoor sports facilities and areas of equipped play for children. In the event of the on site allotments not being provided, an additional £667.20 per unit would be payable, which would be directed towards Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.
- 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 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 – 2.06 above.

3.0 OTHER MATTERS

- 3.01 As set out above in paragraph 1.04, at the meeting Members resolved to attach an additional condition to the permission, which would seek to secure the provision of traffic calming measures “appropriate and proportionate” to the development associated with the A20 Improvement Scheme prior to the occupation of the dwellings.
- 3.02 The precise phrasing of the condition has been the subject of considerable discussion between officers, Mid Kent Legal Services and Kent County Council Highway Engineers. These discussions have concluded that the condition requested fails the tests for conditions as set out in National Planning Policy Guidance. I discuss the detail of the failure of the condition to satisfy four of the six tests below (the condition is considered to be relevant to planning and relevant to the development).

Necessity

- 3.03 The development would contribute towards the costs of the highways scheme at a pro rata rate of £3,500 per unit, consistent with other developments coming forward in the vicinity.
- 3.04 Given that provision has been made within the proposed S106 agreement for contributions towards the A20 Improvement Scheme and the delivery of the approved access for the development is subject to an implementation condition, to additionally require the elements of the scheme located in closest proximity to the site to be provided prior to occupation is considered to exceed what can be reasonably required in connection with the planning permission, particularly given that Kent Highways Services has raised no objection to the development on the grounds of highway safety.

Precision

- 3.05 Members were clear that the condition should only extend to what is “appropriate and reasonable” in relation to the development proposed. Unfortunately, it is extremely difficult to define what is “appropriate and reasonable” in the context of what would in fact be required by the condition, and to isolate elements that might be specific to road safety and the development under consideration.
- 3.06 This is due to the strategic scale of the A20 Improvement Scheme, and the fact that key elements of the traffic calming measures, such as the narrowing and realignment of the carriageway, extend over significant distances, as well as the interdependence of specific elements which would be very difficult to undertake separately (the realignment of the carriageway and the enlargement of the village green, for example). This difficulty is exacerbated by the absence of objection to the development from Kent Highway Services in respect of highway safety, which may otherwise have identified specific elements germane to the application site that could be set out in the wording of the condition.

Reasonable in all other respects

- 3.07 It has been agreed that the development would contribute towards the costs of the highways scheme at a pro rata rate of £3,500 per unit, consistent with other developments coming forward in the vicinity. Similar conditions have not been attached to these earlier applications, and as such it is unreasonable to go against this precedent in imposing the condition, particularly given the proximity of the development considered under the scope of MA/14/0095 (Land at Church Road).
- 3.08 Furthermore, the nature of the A20 Improvement Scheme, involving significant works to the public highway, is such that the responsibility for ensuring delivery of the scheme (the totality of which extends far beyond the zone “appropriate and proportionate” to the development currently under consideration) will ultimately rest with Kent County Council as the relevant Local Highway Authority, who will be collecting the monies in order for the scheme to be implemented. The applicant has no control over the progress of delivery, and it is therefore unreasonable to impose a condition which is beholden to the delivery of a scheme which is reliant not only on a third party, but also contributions from other developers coming forward in due course and also statutory obligations contained in legislation outwith the planning sphere imposed upon the Highways Authority.

Enforceability

3.09 The condition would be unenforceable as a result of the flaws set out above.

SUMMARY

3.10 For these reasons, it is recommended that the condition imposed by Members at the Planning Committee meeting of 5th February 2015 be struck from the recommendation.

3.11 However, notwithstanding the above recommendation, it is recognised that Members are concerned that the A20 Improvement Scheme is delivered in a timely fashion such that the growth of the southern part of the village is not compromised by conditions detrimental to the amenity and safety of future residents as well as the amenity of and character of the village as a whole.

3.12 To this end, additional work, which Kent County Council Highway Services has been party to, has been undertaken to establish a potential scheme of phasing of works corresponding with the likely coming forward of contributions as sites get built out. The works undertaken includes the identification of a central section of the A20 in Harrietsham in the location of the site, which could potentially be prioritised in terms of delivery of the overall scheme if necessary, and which has been designed to be delivered by way of the monies that would be secured in relation to MA/14/0828. Details of the proposed phasing are shown in the documentation attached to this report as Appendix B.

3.13 It is hoped that this will give Members and local residents sufficient surety that the A20 Improvements, and in particular those relating to the application site are achievable and deliverable.

4.0 RECOMMENDATION

4.01 The recommendation, as amended in respect of the Heads of Terms for contributions and the removal of additional condition 42, 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 OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; 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 £8.44 per dwelling 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 £48.02 per dwelling 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 £71,028 (based on £360 per predicted occupier 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.*
- *A contribution of £200 towards the improvement and maintenance of public rights of way to the south of the A20 in the vicinity of Harrietsham (namely KH272, KH272A, KH276 and KH652 (in no particular preferential order)); and*
- *The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields OR a contribution of £1,575 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and the improvement of infrastructure and provision capacity of the existing allotments to the west of the site.*

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:

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, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes and swift bricks into the fabric of the buildings, 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 in writing by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site.
- 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.
- iv) Details of the shop front to the retail unit.

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 unless screened by landscaping, and shall include, inter alia, the retention and where necessary reinforcement of boundary hedges to the site, gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs) and any physical mitigation required in association with the acoustic investigation required in association with condition 16 below, 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, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

(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, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 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, garaging and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, 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, garaging and turning provision is likely to lead to parking inconvenient to other road users and detrimental to the interests of road safety.

(7) No development shall take place until details of the cycle storage facilities provided for the retail unit have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

(8) 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:

i) 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.

ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and detailed risk assessment referred to in (ii) above 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.

iv) 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 (iii) above 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.

(9) 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 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 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.

(10) 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 investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition (7) above, 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.

(11) 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.

(12) 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 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.

(13) 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 shall be carried out thereafter in accordance with the approved details;

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

(14) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in writing in respect of the following:

(i) 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 incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. 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.

(ii) The drainage details submitted to the Local Planning Authority shall:

(a) Specify the responsibilities of each party for the implementation of the SUDS scheme;

(b) Specify a timetable for implementation;

(c) 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

(d) Relevant manufacturers' details on all SUDS features 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.

(15) The development shall not commence until full details of the flood attenuation basins and swales required in association with the SUDS strategy required by condition (14) above, which shall include details of levels 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 safeguarding biodiversity assets.

(16) The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and 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 shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

(17) Notwithstanding the recommendations of the Noise Assessment prepared by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

(18) 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 (Harrietsham Vale landscape type) and shall be based on the principles shown on drawing numbers 3094_DR_001 and 3094_DR_004 received 21st May 2014 and 3094_DR_002 rev C received 21st November 2014, and the Design and Access Statement Addendum received 21st November 2014. The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014; a minimum of three pedestrian access points between the interior of the site and the KH276; full details

(including a plan to a scale of 1:200 or 1:500 of a predominantly soft landscaped area featuring native tree planting and pollution tolerant landscaping to the public amenity area to the north of block 1 and the retail unit; the introduction of native hedging to the frontage of dwellings and adjacent to any acoustic fences required as noise mitigation in association with the noise report required by condition (16) above to soften the internal streetscape of the development; a landscaping buffer of a minimum of 25m which shall include native tree planting and a wild flower meadow area in the south of the site; the ecological mitigation identified in the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014; and the use of reed beds in the swales and drainage basins associated with the approved SUDS details required by condition (13) above.

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.

(19) 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 ten 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.

(20) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement, which shall include provision for the protection of areas of new planting during construction, undertaken by an appropriately qualified party in accordance with BS5837:2012 and the recommendations of the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014. The development shall thereafter be carried out in accordance with the approved details and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014;

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

(21) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

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

(22) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall not commence until an construction environmental management plan undertaken by a suitably qualified party has been submitted to and approved in writing by the Local Planning Authority. The content of the construction environmental management plan shall incorporate the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved construction environmental management plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

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

(23) No development shall take place until an ecological design strategy addressing the ecological enhancement of the site, as outlined in chapter 7 (Biodiversity Action Plan) of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014, has been submitted to and approved in writing by the Local Planning Authority. The ecological design strategy shall fully consider the impact of the use of the relevant area(s) of the site as semi-wild public open space, and shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints incorporating up-to-date ecological surveys where necessary;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

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

(24) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140 received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

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

(25) 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.

(26) 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 in writing by the Local Planning Authority. The submitted details shall include, inter alia, a minimum of three pedestrian access points between the interior of the site and the KH276 to the south of the proposed retail unit and associated service yard, and the provision of an alternative route to the KH276 to be extinguished, through the northern part of the site, as indicated on drawing number 061302-WARD-01 rev B received 27th January 2015. 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, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

(27) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval in writing of details of, and completion in accordance with the approved details, the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

(28) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan, which shall include a Business Travel Plan for the retail unit (which shall include measures for its implementation, monitoring, review and subsequent enforcement) and Welcome Pack for residents of the proposed dwellings (which shall include maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations; approximate time it takes to walk or cycle to various local facilities; site specific public transport information including up to date public transport timetables; links to relevant local websites with travel information such as public transport operator information,

cycling organisations and the Council; details of local car share and car club schemes, including links to County & District Council sponsored schemes; information on public transport season tickets and offers; information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives; and information on the health, financial and environmental benefits of sustainable travel) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full;

Reason: In the interests of sustainable transport use.

(29) 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.

(30) 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.

(31) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(32) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(33) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers.

(34) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason : In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(35) Prior to the first occupation of the retail unit, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(36) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary with their refrigeration units in operation in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(37) Prior to the first occupation of the retail unit, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(38) Prior to occupation of the retail unit hereby permitted, a service yard management plan, which shall include details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays, shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in strict accordance with the approved details and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(39) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

(40) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

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

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

drawing numbers 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094_DR_001 and 3094_DR_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094_DR_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and

drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094_RP_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers

061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

Reason: In the interests of clarity and to ensure the quality of the development is maintained.

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).

(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).

(4) For the purposes of discharge of conditions 33 and 34:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

(5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM 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.

(6) 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.

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

(7) No new planting should be introduced within 1m of the KH275 public right of way.

Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works).

Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.

(8) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk.

(9)

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

(10) The applicant is advised that the site lies within a Area of Special Control of Advertisements.

(11) Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site."

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.