

REPORT SUMMARY

REFERENCE NO - 15/504510/FULL		
APPLICATION PROPOSAL Erection of three (4-bed) detached houses with integral garages and 2 parking spaces per dwelling.		
ADDRESS Land Adj to Eastwells, Kenward Road, Yalding, Kent, ME18 6JP		
RECOMMENDATION – Approve with conditions		
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, and is not considered to result in significant visual harm to the area. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from the Development Plan		
WARD Marden And Yalding Ward	PARISH COUNCIL Yalding	APPLICANT C/o Agent AGENT Wealden Homes
DECISION DUE DATE 28/10/15	PUBLICITY EXPIRY DATE 27/07/15	OFFICER SITE VISIT DATE 26/06/15
RELEVANT PLANNING HISTORY:		

MA/14/0539 - Erection of 3 detached houses – Refused (allowed at appeal)

MA/10/1933 - Erection of ground floor front/side extension and first floor side extension - Approved

MA/01/0689 - Certificate of lawfulness application for (1) use of property as dwelling without complying with agricultural occupancy condition (iii) of MK3/62/299 and (2) use of land shown hatched as domestic garden - Approved

MA/95/0792 - Demolition of existing rear addition, erection of single storey rear and front porch extensions and formation of a bay window to front elevation – Approved

MA/93/0338 - Conservatory - Approved

MA/83/1481 - Double garage – Approved

MK3/62/299 - Pair of cottages for agricultural workers - Approved

1.0 Relevant policy

Development Plan: ENV6, ENV28, T13
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Draft Local Plan: SP5, DM4, DM5, DM30

2.0 Consultation responses

- 2.01 **Yalding Parish Council:** Object to the application but do not wish to see it reported to Planning Committee;

"Councillors are aware that Maidstone Borough Council does not have a 5 year housing supply and the appeal inspector intimates that garden infill should count towards this. However YPC disagrees as its understanding is that gardens are no longer classified as brown field site making it easier for councils to resist the granting of planning permission on such land. As the inspector has allowed the appeal it is therefore assumed that you will be recommending approval of the application and if this is the case, Councillors wish for their objection to be noted but would not ask that it go to planning committee. If however you are of a mind to refuse the application Councillors would fully support this. If planning permission is granted on this land YPC would urge you to consider smaller family homes as the parish has a disproportionate amount of larger homes and is in need of smaller homes."

- 2.02 **KCC Highways:** Raise no objection.
- 2.03 **Environmental Health Officer:** Raises no objection.
- 2.04 **Landscape Officer:** Raises no objection;
- 2.05 **Environment Agency:** Have no comments to make.
- 2.06 **UK Power Networks:** Raise no objection.
- 2.07 **Scottish Gas:** Has no comment to make.

These comments were received under the previous planning application (MA/14/0539) and are still considered relevant;

- 2.08 **Southern Water:** Raises no objection.
- 2.09 **KCC Biodiversity Officer:** Raises no objection.

"The Preliminary Ecological Appraisal report has been submitted in support of this application. We advise that no further surveys are required to inform the determination at this time. Recommendations to minimise the potential for ecological impacts to any reptiles, breeding birds and hedgehogs present on the site are provided in the report and we advise that these are implemented. These should be secured by condition, if planning permission is granted."

One of the principles of the National Planning Policy Framework is that opportunities to incorporate biodiversity in and around developments should be encouraged. We advise that the inclusion of ecological enhancement measures would support Maidstone BC in meeting the aims of the NPPF to deliver gains for biodiversity. The Preliminary Ecological Appraisal report includes ecological enhancement recommendations and the implementation of at least some of these should be secured by condition, if planning permission is granted."

3.0 Neighbour representations

- 3.01 1 representation made in support of application.

4.0 Site description

- 4.01 'Eastwells' is a relatively large semi-detached dwelling located on the south-eastern side of its residential curtilage measuring some 0.22 hectares. The proposal site is triangular shaped, measuring some 0.13 hectares in area; and its frontage onto Kenward Road measures approximately 65m in length (taking in the bend in the road). The site is used and laid out as domestic garden land with vegetable gardens, lawns and flower beds together with sheds and outbuildings. Land to the north and west of the site is in agricultural use; and residential development extends to the south along Kenward Road towards its junction with the High Street, Yalding some 300m to the south-east of the site. Whilst 'Eastwells' itself is within the village envelope of Yalding as defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP), the application site is outside the village boundary and is therefore countryside for planning purposes. The site has no specific landscape or other designation.

5.0 Background information

- 5.01 The most recent planning application on the site (MA/14/0539), which was also for the erection of 3 dwellings, was overturned and refused at Planning Committee for the following reason;

The proposal represents a significant extension into the open countryside and therefore to the built form of Yalding and by reason of its mass and design and associated loss of hedgerows, trees and other natural features would cause harm to the character and appearance of the open countryside and fail to represent good design, contrary to policies ENV28 and ENV41 of the Maidstone Borough Wide Local Plan 2000 and central government advice contained within the National Planning Policy Framework.

- 5.02 The applicant subsequently appealed this decision and the Inspectorate allowed the development on the 15th September 2015. This decision is a strong material planning consideration in the determination of this application. In summary, the Inspector stated that...*"the character of the site would change but I do not consider that there would be harm to the countryside.....and with the benefit of sympathetic design and maturity of existing and proposed planting, the site forms a logical limited extension to the settlement in a sustainable location."*
- 5.03 It should also be noted that under MA/14/0539 that the proposal was said to conflict with saved development plan policy ENV41. However, the ponds have since been removed and the Planning Inspector and the Council accepted at the time of the appeal of MA/14/0539 that reference to that policy is no longer relevant. This remains the case for this current application.

6.0 Proposal

- 6.01 This application is for the erection of three (4-bed) detached dwellings (with integral garages) fronting onto Kenward Road with private amenity space to the rear and/or side. Each dwelling would have direct vehicular

access from Kenward Road and would be set back from the edge of the highway to provide parking to the front.

- 6.02 The properties are of similar scale and design, and they would have a similar materials palette, which would include:

Roof tiles – Redland Duoplain (rustic brown 40 plots 1 and 2 & charcoal grey 77 – plot 3)
Facing brick – Hoskins Brick Ltd (Maltings Antique 135)
Feature brick - Weinerberger Terca – Warnham red (all plots)
Cladding – Handmade clay tile – Sandtoft Goxhill Autumn brown (plots 1 & 2) and Hardiplank weatherboarding – Arctic White (plot 3)

- 6.03 The proposed properties would stand some 8m in height from their ridge to ground level; their eaves height would be some 5m from ground level; and each property's estimated footprint would be some 9m by 8.5m (excluding porch and integral garage projection). Plot 1 is the closest property to 'Eastwells', and the separation distance between the two properties would be 5m; and plot 3, the western most property, would occupy a general triangular shaped plot.

- 6.04 Each plot would benefit from an integral garage and 2 off-road parking spaces; and elements of the existing landscaping would be retained to the front, with further planting also proposed including a replacement Beech hedge to the frontages.

- 6.05 In general terms, this proposal is similar to what has recently been allowed on appeal under MA/14/0539, in terms of number of units, scale, location, landscaping, and parking provision. The only real difference is the change in design and appearance of the houses.

7.0 Principle of development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 7.02 The application site is outside of the defined village boundary of Yalding. It is therefore upon land defined in the Local Plan as countryside.

- 7.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

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

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*

(5) Such other exceptions as indicated by policies elsewhere in this plan.

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."

- 7.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 7.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.
- 7.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- "Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*
- 7.07 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 7.08 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 7.09 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site lies immediately adjacent to the settlement boundary of Yalding, within walking distance of its centre which has a number of facilities expected within a larger village including a shop post office, GP surgery and train station. As such, and as accepted by the Planning Inspector, the site is in a sustainable location and meets the NPPF's core approach to sustainable development.
- 7.10 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues.

8.0 Design, siting and layout

- 8.01 As set out above the site is currently used as residential amenity garden land and is home to a number of trees, and it should also be noted at this stage that the beech hedge that was to the front of the site (as previously considered under MA/14/0539) has been removed. It is noted that many of the trees on site are not visible from public vantage points given their size and location, and none of the trees on or adjacent to the site are protected. The proposal would involve the loss of a number of mature trees but many of these are small domestic specimens and the Landscape Officer does not consider any worthy of formal protection through a Tree Preservation Order.
- 8.02 An Arboricultural Impact Assessment (AIA) has been submitted which concludes that the proposal would result in the loss of 13 C grade and 1 A grade trees. It advises that protective fencing would be used to protect the trees to be retained during construction works and that a scheme of new planting for the site would mitigate the loss of existing planting and soften the proposed development from wider views. As under the previous planning application (MA/14/0539), the Landscape Officer has raised no formal objection and no recommendation has been made to formally protect any of these trees (given their limited public amenity value). The Planning Inspector also raised no objection in this respect.
- 8.03 Whilst it acknowledged that the proposal would extend formal built development into an area currently used as amenity garden land, the scheme has been developed to minimise this impact with the houses set back some distance into the site. This allows an open frontage to be presented to Kenward Road which reflects the "building line" of existing development along the road. Indeed, the site has a more domestic appearance and acts more as a transitional site to the countryside beyond, and the Planning Inspector raised no objection in this respect.
- 8.04 From the east the development would be seen as part of the residential development fronting on to Kenward Road, whilst long range views from

the west of the site are limited due to the bend in the road. There are also robust boundaries (such as a belt of well established trees) between the site and the agricultural land to the north, providing good screening. The loss of the Beech hedge was regrettable, and through further negotiation with the applicant, it has been agreed to plant a replacement Beech hedge along the frontage. This will be secured by way of condition. Further planting to the site's boundaries will help to soften the visual impact of the development from both long and short range views, although it is recognised that the planting along the Kenward Road frontage would have to be carefully considered in order to provide adequate visibility splays to the proposed dwellings. In locational terms therefore, the site would form a logical extension of the village which would not significantly impact upon the character of the surrounding countryside, or be perceived as extending into that countryside in any meaningful or adverse way. It should also be noted that the Planning Inspector also raised no objection in terms of design, siting and layout.

- 8.05 As set out above, the proposed dwellings would be of similar design and materials palette which would be consistent with other properties in the locality; each of the units would be substantial family dwellings; and the plot sizes and spacing between each property would be comparable with other existing development along Kenward Road and not out of place as a result. This general approach was considered acceptable by the Planning Inspector under MA/14/0539; and I am satisfied that it would continue to reflect the general character and appearance of Kenward Road where the style and design of properties do vary.

9.0 Highway safety

- 9.01 This application proposes three dwellings with separate accesses coming out on to Kenward Road, which along this stretch (apart from the approximately 10m at the most western extreme of the site) is subject to a 30mph speed restriction. There is also an existing pedestrian footpath from 32 Kenward Road towards Yalding village; the proposed driveways would be wide enough to allow for turning and forward egress; and the applicant has demonstrated acceptable visibility splays (even with the replacement Beech hedge). As accepted under the previous application, KCC Highways have raised no objection to the erection of 3 properties here; and a relevant condition to ensure adequate visibility splays is supported. It should also be noted that the Planning Inspector raised no highway safety objection to 3 dwellings of this size in this location.

10.0 Biodiversity implications

- 10.01 The applicant has submitted the same Preliminary Ecological Appraisal that was considered under MA/14/0539. Dated June 2014, I am satisfied that the findings and recommendations are still relevant and do not consider it reasonable request an updated report in this instance. The report highlights that the site is an area of well maintained amenity garden land with lawns and flowerbeds, a number of ornamental trees of various ages, an extensive vegetable plot and small orchard area. The 2 key changes from this time are that the pond has been filled in and the Beech hedge to the front has been removed.

- 10.02 As previously mentioned, a replacement Beech hedge will be planted along the frontage of the site. It was also regrettable that the pond within the site was filled in, however after further discussions with the applicant, they are not prepared to include a replacement pond as part of the scheme. In their view it is not practical, as 2 of the plots have a relocated underground electricity cable; plot 1 has a retained tree that could be disturbed/damaged by the introduction of a new pond; and there is no room for a pond in plot 3. The applicant also commented that from a marketing and health and safety point of view, customers are unlikely to want a pond, particularly with young families. On balance, I accept this reasoning and would consider it unreasonable to insist on a replacement pond in this instance.
- 10.03 Even with the pond and Beech hedge, the report found that the site offered negligible potential for amphibians due to the fact that it was highly managed and the lack of suitable breeding ponds within 250m of the site; because there were few unmanaged areas within the site, it also offered limited potential for reptiles; and there was no potential within the site to support dormice or badgers. The report went on to say that none of the trees present on the site offered potential for roosting bats, though it was accepted that bats might use it for foraging although given that it was unlikely to support many prey animals this use, if any, would be occasional. There was the high potential, however, that the site could support breeding birds within its trees, hedges and within bird boxes. The appraisal makes recommendations to minimise the potential for ecological impacts to any reptiles, breeding birds and hedgehogs.
- 10.04 KCC Ecology was satisfied that no further ecological survey work was required under MA/14/0539, and that the proposed works to minimise the ecological impact of the development could be secured by condition. Such recommendations within the ecological report included the provision of hedgehog, and bird nesting boxes, bat roosting spaces, and native planting including areas of wildflower planting to attract invertebrates. I am satisfied that this remains the case and will duly impose such a condition. To reiterate, the Planning Inspector raised no objection on ecological grounds.
- 10.05 I would add that under MA/14/0539, the Planning Inspector was of the view that whilst a condition relating to the recommendations included within the ecological report was necessary in the interests of promoting biodiversity, a further condition relating to the review of ecological matters if the development does not commence within 2 years is unreasonable. On this basis, I consider it unreasonable to add such a condition in this case.

11.0 Residential amenity

- 11.01 The proposed layout and fenestration detail would provide acceptable living conditions (internally and externally) in terms of outlook, light and privacy for future residents; and it would not adversely affect the residential amenities of existing neighbouring properties. It should also

be noted that the Planning Inspector raised no residential amenity objections under MA/14/0539.

12.0 Flood risk and drainage

12.01 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage (SUDs). The site is not within a high risk flood area as identified by the Environment Agency and it is noted that they have no comments to make in relation to this scheme. The Planning Inspector also raised no objection in this respect.

12.02 In addition, in terms of surface water, Southern Water previously advised that there are no public surface water sewers in the immediate vicinity to serve this development and an alternative means of draining surface water from the development is, therefore, required. It is considered appropriate to secure this via a planning condition. The Planning Inspector also raised no objection in this respect.

13.0 Other considerations

13.01 Although this proposal would only make a small contribution towards the borough's shortfall in housing supply, it would be consistent with the Council's objective within the draft local plan of Yalding having the potential for limited new housing provided that it is of a scale in keeping with the character of the settlement.

13.02 Under MA/14/0539, the Planning Inspector agreed that conditions relating to materials, boundary treatments, refuse, visibility splays, surface water, site levels, retention of parking facilities, landscaping and lighting are all necessary in the interests of good planning and to achieve an acceptable standard of development. These conditions have been duly imposed.

13.03 The Inspector was also of the view that because there was no evidence to suggest that there were any issues with land contamination or foul sewer capacity, it was not necessary to impose conditions relating to those issues. The Environmental health Officer continues to raise no objection in these respects and so I have no reason to go against this view. I therefore raise no objection on these issues and consider it unreasonable to impose any related conditions.

14.0 Conclusion

14.01 The issues raised by Yalding Parish Council have been dealt with in the main body of this report, but I would reiterate that a proposal of this scale in this location is considered to be acceptable garden land development and the Planning Inspector also raised no objection in this respect.

14.02 The proposal site is not considered to be unsustainable as to warrant refusal given the current land supply issue; and the visual impact of the

proposal would be localised and would not result in any harmful protrusion into open countryside. There are also no residential amenity, highway, landscape/arboricultural and ecological objections. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I am of the view that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. On balance, it is therefore considered that compliance with the NPPF is sufficient grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

RECOMMENDATION – Approve subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the development, including, all hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- (3) The development shall be undertaken in accordance with the hard boundary treatments as shown on drawing number PL-WH-004 Rev A received 06/10/15, and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

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

- (4) No development above ground level shall take place until full details of all facilities for the storage of refuse and recyclable have been submitted to and approved in writing by the local planning authority. The facilities shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.

Reason: In the interests of amenity.

- (5) The garage and parking areas shown on the approved plans shall be provided before first occupation of the dwelling to which they relate. Thereafter both garage and parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land.

Reason: In the interests of road safety.

- (6) No development above ground level shall take place until full details of all visibility splays, to include provision of a 1.2 metre open grassed area along the full extent of the site's frontage have been submitted to and approved in writing by the local planning authority. The splays and grassed area shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.

Reason: In the interests of highway safety and amenity.

- (7) No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be provided before first occupation of the dwelling to which it relates and thereafter retained as approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- (8) No development above ground level shall take place until details of existing and proposed site levels and the finished slab levels of the buildings hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity.

- (9) No development shall take place above ground level until details of any external lighting, including details of spread and intensity of light and size and design of light fittings, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as approved.

Reason: In the interests of amenity and to ensure the proposed development is satisfactorily integrated into its setting.

- (10) No development shall take place above ground level until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority that shall include;

a) A replacement Beech hedge to the frontage of the site that is in accordance with drawing number PL-WH-005 Rev A received 06/10/15.

The said scheme shall include hard and soft landscaping; trees and hedgerows to be retained together with measures for protection during construction; planting plans; written specifications; schedules of trees, plants, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other 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 a similar size and species unless the local planning authority give prior written consent to any variation.

Reason: To ensure the proposed development is satisfactorily integrated in to its setting and provide for landscaping.

- (11) No development shall take place above ground level until full details of the recommendations contained within the preliminary ecological appraisal report dated 23 June 2014 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (12) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-WH-007, 008, 009, 010 and 011 received 01/06/15 and PL-WH-003 Rev A, 004 Rev A, 005 Rev A and 006 Rev A received 06/10/15;

Reason: To ensure the appearance and the character of the building are maintained.

INFORMATIVES

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

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

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.considerateconstructorscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

The Bat Conservation Trust's 'Bats and Lighting in the UK' guidance should be adhered to in the lighting design.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (tel. 0330 303 0119) or www.southernwater.co.uk

Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk.

The applicant may be required to apply for other consents directly from the Environment Agency. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and the Environment Agency has a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult the Environment Agency's website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Case Officer: Kathryn Altieri

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.