

REPORT SUMMARY

REFERENCE NO - 15/503579/FULL		
APPLICATION PROPOSAL Erection of 24 residential units together with associated parking and landscaping on land located to the East of Tovil Green.		
ADDRESS Land East Of Tovil Green Tovil Maidstone Kent		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ED1 of the Maidstone Borough-Wide Local Plan 2000, however given the lack of interest in employment redevelopment and the immediately adjacent residential development a departure from that policy would be likely to result in only minor harm. In this instance, the provision of housing is considered to be an overriding benefit to justify departure from this policy of the Development Plan, subject to the appropriate conditions.		
REASON FOR REFERRAL TO COMMITTEE It is a departure from the Development Plan.		
WARD South Ward	PARISH COUNCIL Tovil	APPLICANT Westerhill Homes AGENT Chartway Group
DECISION DUE DATE 15/12/15	PUBLICITY EXPIRY DATE 24/11/15	OFFICER SITE VISIT DATE 29/05/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- MA/12/1541 - Erection of four blocks of two and three-storey terraced houses comprising 12 two-bedroom and 12 three-bedroom houses for affordable rent with associated private amenity space and car parking – Refused (Dismissed at appeal)

Land to east comprises development of care apartments:

- MA/06/1933 - A consultation with Maidstone Borough Council by Kent County Council for clearance of land to allow the erection of a detached three storey block of 40 extra care apartments for people with learning difficulties, with associated communal facilities – No objection raised (application was subsequently permitted KCC in 2006 and it is built)
- Number of planning applications in 1980's and 1990's for various warehouse developments

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the east side of Tovil Green, with Tovil Green Lane running along the site's northern boundary; and it is some 175m north of the junction with Farleigh Hill. For the purposes of the Maidstone Borough-Wide Local Plan 2000 (MNWLP) the proposal site is designated as employment land under saved policy ED1(iii), and so this residential proposal has been advertised as a departure from the development plan. This said, the site is not currently in employment use; and part of the larger designated employment area is already occupied by a residential development (Tovil Green Court). The proposal site is currently partly hardstanding, partly grass, and is also covered by a

number of close growing often multi-stemmed trees with the exception of a significant Ash tree in the south-west corner of the site.

- 1.02 The site measures some 0.54ha in area and takes on a general rectangular shape. It is bounded to the west by Tovil Green road; to the north by Tovil Green Lane serving the adjacent residential development to the east; and to the south by a private dwelling (20 Tovil Green), and behind Tovil Green Business Park and part of the car parking area for the Tesco store on Farleigh Hill.
- 1.03 The site falls eastwards by approximately 2.7m from Tovil Green to the car park for Tovil Green Court on the site's eastern boundary; it also falls some 8.5m from south to north, although the south west corner of the site is a steeply sloping bank; and away from the banking, the fall south to north is a more modest 3m (approximate).

2.0 Proposal

- 2.01 Full planning permission is sought for the erection of 24, 2-storey, houses, with 8 of these being 2-bed and the remaining 16 being 3-bed properties. In terms of layout, the properties would be split into 6 terraces of 4, with the 3 terraces to the south of the site facing into the site; 2 terraces along the northern boundary facing onto Tovil Green Lane; and the remaining terrace facing onto the access road into the proposal site. Access into the site would be from Tovil Green Lane. No affordable housing will be provided, which will be discussed later on in the report.
- 2.02 The proposal includes 32 parking spaces and 1 visitor parking space, resulting in approximately 1.4 spaces per house; in general terms, parking for each property would be provided to the front of each house; and in terms of surfacing, the allocated parking spaces will be of block paving.
- 2.03 The 3-bed properties will all front into the site and in terms of general parameters would stand some 9m in height from their ridge to ground level; have an eaves height of some 5m; and would measure some 9m in depth. The proposed 2-bed properties will front onto Tovil Green Lane, and would stand some 8.7m in height from their ridge to ground level; have an eaves height of some 5m; and would measure some 8.3m in depth. In terms of materials, the proposal would use red stock facing brick; clay roof tiles; and white weatherboarding. Each property would benefit from an open canopy feature over the front door; the roofs of each terrace would feature barn-hipped ends; soldier coursing detail has been added over much of the fenestration detail; the 3-bed properties would have individual pitched roof elements over a number of front elevation windows; and through further negotiation with the agent, white weatherboarding at first floor level to a number of the houses has also been added. One of the 2-bed terraces (fronting onto Tovil Green Lane) would also see 2 of the houses staggered 2m further forward than the other 2 properties, and have a set down of some 0.4m in terms of ridge heights.

2.04 Given the topography of the land, the proposal will involve the use of retaining walls, and garden separation between the properties would be of 1.8m high close boarded fencing. Rear garden sizes will vary between 8.5m-12m in length. The submitted plans show the retention of a number of perimeter trees, particularly along the western/south-western corner of the site; and proposed planting is also shown along the boundaries and within the site

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, ENV49, ED1, T13, CF1
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Affordable Housing DPD (2006)
- Open Space DPD (2006)

4.0 Consultee responses

- 4.01 **Tovil Parish Council:** Recommends approval of application.
- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Landscape Officer:** Raise no objection.
- 4.04 **Biodiversity Officer:** Raises no objection.
- 4.05 **Housing:** Stated that until the viability report has been assessed, they oppose the development being provided with no affordable housing on this site. Housing were reconsulted on the District Valuer's findings, but no further comments have been received.
- 4.06 **Environmental Health Officer:** Raise no objection.
- 4.07 **Environment Agency:** Raises no objection.
- 4.08 **Southern Water:** Raise no objection.
- 4.09 **KCC SUDS:** Raises no objection.
- 4.10 **UK Power Networks:** Raise no objection.
- 4.11 **KCC Archaeology Officer:** Wishes to make no comment.
- 4.12 **Kent Police:** Raise no objection.
- 4.13 **NHS Property Services:**

"NHS Property Services Ltd seeks a healthcare contribution of £20,217.60. This proposed development is expected to result in a need to invest in these local surgery premises:

- Lockmeadow Clinic
- The College Practice

The above surgeries are within a 1 mile radius of the development at Tovil Green. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity."

4.14 KCC Education:

Primary Education

The County Council requires a financial contribution of £56,663.04 towards construction of the additional classroom at South Borough Primary school.

Secondary School Provision

No contributions sought.

Library Bookstock

The County Council requests £1152.38 to deliver additional books to mitigate the impact from this development.

Superfast Fibre Optic Broadband

To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings."

4.15 Parks and Open Spaces:

"We request an offsite financial contribution of £37,800 towards the improvement, refurbishment and maintenance of Bridge Mill Way Open Space."

5.0 Neighbour responses

- 5.01 4 representations received raising concerns over parking provision and congestion; highway safety; disruption during construction phase; added pressure on local amenities and infrastructure; loss of trees; cramped development; no affordable housing; impact on biodiversity; loss of privacy; noise; and light pollution.

6.0 Background history

- 6.01 It should be noted that planning permission for the erection of 24 houses (100% affordable) was overturned and refused (decision issued 27th June 2013) by Members of the Planning Committee under MA/12/1541 for the following reason;

"The proposed development, by virtue of its layout and design would fail to respond positively to the sylvan nature of the site and would result in significant harm to the character and appearance of the area. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012."

- 6.02 The applicant at the time subsequently appealed this decision and the Planning Inspector dismissed the appeal (27th January 2014), but only because of the absence of a section 106 legal agreement securing the provision of the affordable housing. Indeed, the Inspector at the time conceded that the loss of the group value of the trees would reduce the site's verdant contribution to the area in the short term, but that a suitable landscape scheme (including the retention of the Ash tree and a 'wild' area in the south-western corner of the site) once established would help to soften the visual impact of the development and make a different but equally valuable contribution to the verdant qualities of the area. The point was also made that developing the site for employment purposes would also result in tree removal and public views of built development.

6.03 The Planning Inspector considered the development to be consistent with the NPPF and saved development plan policies ENV6 and ENV22, in the sense that it would be sustainable and of good design that would positively respond to the local character of the area. So whilst this previous scheme was different in terms of design and layout, it was for 24 dwellings and the Planning Inspector was satisfied that this scale of residential development here would not cause adverse harm to the character and appearance of the surrounding area. This is a material consideration in the determination of this application.

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 In terms of location, Development Plan policy and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "*Housing applications should be considered in the context of the presumption in favour of sustainable development*". The site is within a sustainable location.
- 7.03 The site is part of a larger area designated as an employment site under saved policy ED1 of the MBWLP. However, it should be noted that no interest has been shown in developing the site for employment purposes, and that the majority of the designated site has been developed for residential purposes (care apartments for the elderly). The site has therefore been the subject of a long standing allocation which has not been converted into a planning consent for employment use. So whilst no marketing information has been submitted as part of this application which demonstrates that the land is unsuitable for employment use, in my view because residential use has already been granted (and built) on part of this allocated employment land, it would be unreasonable to refuse this application on these grounds and I do not therefore consider that it is inappropriate to depart from policy in this instance. To reiterate, with the existence of immediate adjacent residential development to the north, east and south of the proposal site, and the character of the wider area, I consider that a development of this nature on this site would be acceptable in principle. It is also a material planning consideration that residential use on this site has been previously considered (under MA/12/1541), and whilst this application was refused (and upheld at appeal) officers at that time did not raise an objection to the loss of allocated employment land to residential use, and the Planning Inspector also had no issues in this respect.
- 7.04 In terms of the emerging Maidstone Borough Local Plan, the proposal site has not been designated as an Economic Development Area under emerging policy DM18; and it has not been identified as a site for future employment development in emerging policy EMP1 of the draft Local Plan. Furthermore, Government guidance in the NPPF directs that "...planning

policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose” (paragraph 22); and so in this context and in view of the considerable time that has elapsed with no apparent market interest in implementing the employment allocation, it is considered that the employment use of this site can be set aside in this case.

- 7.05 The site is also a currently undeveloped space, largely occupied, as stated earlier, by an unmanaged group of trees. Whilst the trees are not worthy of a Tree Preservation Order, the loss of this area and the visual impact of the proposals also needs to be carefully considered. Policy ENV22 of the MBWLP does refer to proposals to develop existing open areas and requires an assessment of the visual contribution such areas make to their surroundings.
- 7.06 I accept the principle for this proposed development and will now go on to assess the main issues in relation to this scheme.

8.0 Arboricultural implications

- 8.01 The proposal would result in the clearance of the majority of the existing trees on the site, comprising Sycamore, Hazel, Hawthorn, Goat willow and Silver birch. All of the trees with the exception of one Ash tree (Category B) in the south-western corner of the site are classified as C or U in the arboricultural assessment and stated as being largely poor, hazardous or indifferent in terms of their structure. The Landscape Officer has raised no objections to the removal of these trees, or in terms of future pressure for removal. The mentioned Ash tree is to be retained, along with a strip of trees along the boundary of Burial Ground Lane, as part of the proposed development and the Landscape Officer is satisfied that this is achievable. Just to confirm, there are no protected trees within or adjacent the proposal site and it is not designated as Ancient Woodland. I therefore raise no objection to this proposal on arboricultural grounds.

9.0 Visual impact and design

- 9.01 The proposals would result in the clearance of the majority of the existing trees with the exception of a band of trees along the western boundary of the site (including the mature Ash) and a couple of trees along the south-eastern boundary. In the short term this would have a significant visual impact, but through the retention of the already mentioned trees within the site and by securing an appropriate native landscaping scheme and management programme, I am satisfied the sylvan character of the site would be reinstated over time. Tree planting has been indicatively shown along sections of all boundaries, which will help soften the scheme; and within the site, helping to break up views of the development from either outside or within the site. The boundary planting (existing and proposed) will also provide a softer edge to the development, and would leave a buffer between this proposal and the development at Tovil Court and any development to the south of the site. To ensure a satisfactory appearance to the development, details of the landscaping scheme will be requested prior to the commencement of the development. So whilst the loss of the trees would have an immediate impact, this would be mitigated

over time as the proposed landscaping matures. This was also the view taken by the Planning Inspectorate under MA12/1541. With this considered together with the varied pattern of built development surrounding the site, it is my view that the proposed development of this site would not appear cramped or be so harmful to the character or the appearance of the area, as to warrant and sustain an objection on these grounds.

- 9.02 The proposed development has been designed to address Tovil Green Lane, with 2 terraces of 4 fronting onto this highway and a further terrace set perpendicular to the road, fronting onto the access road. This approach has been effective and I am satisfied that there is enough visual interest along this frontage for it to not appear unrelated to the surrounding area, what with the differing heights of these 3 terraces; the staggered appearance and split ridge line of block B; the barn-hipped roofs; the use of block paving for all parking spaces; the use of first floor weatherboarding; front door canopies; tree planting; and the flank windows to Block C. The tree planting (retained and existing) along the southern and western boundaries would largely screen the internal terraces from public view outside the site, and block F would be set back some 20m from the western boundary; and there would be some visual interest in the roadside flank of block B with the use of windows, and quality boundary treatment here would also enhance the overall development.
- 9.03 The other 3 terraces within the site are of a similar scale and design to the front terraces, and I also consider these to be of an appropriate character. Again the use of design elements like the first floor weatherboarding; projecting canopies; barn-hipped roofs; and individual hipped roofs above a number of windows that puncture the eaves line all add to the vitality of the scheme. In addition, I do not consider there to be an excessive amount of hardstanding and the use of appropriate planting and block paving for the allocated parking spaces would further enhance the appearance of the development in this respect. In securing the weatherboarding elements and more landscaping through negotiations, I consider the design of the scheme to have been further enhanced. The difference in site levels would also bring visual interest into the site, what with the differing ridge lines.
- 9.04 The simple materials pallet of red stock brick, white weatherboarding and plain clay roof tiles is also considered acceptable and in keeping with the character of the surrounding area; and suitable boundary treatments would further improve the development's overall appearance. To ensure a satisfactory appearance to the development, details of these materials/boundary treatments will be requested prior to the commencement of the development.
- 9.05 To re-iterate, whilst a different scheme was proposed under MA/12/1541, the Planning Inspector only dismissed the appeal in the absence of a suitable means of securing the provision of the affordable housing, and not in terms of its visual impact. Whilst this current application should be considered on its own merits, it is worth noting what improvements there

are with this proposal from what was proposed (and accepted by the Planning Inspector) under MA/12/1541. This current proposal has seen a noticeable reduction in the level of hardstanding; the smaller terraces give a better sense of openness within the site; the retention of a larger number of existing trees along the western boundary would provide better screening; and all properties would be 2-storey with no 3-storey/split level houses, reducing the dominance of the buildings.

- 9.06 In my view the proposal would contribute to the character and appearance of the surrounding area and it is sufficiently varied in terms of its design to provide vitality and interest. Residential development on this site would not appear out of character with the surrounding area, which has undergone a noticeable transition in recent years from an industrial character towards residential; and it must also be considered that whilst a different scheme, the Planning Inspector did not object to the principle of 24 dwellings on this site under MA/12/1541. I therefore raise no objection to the development in terms of its visual impact, whilst noting the short term impact of the loss of the trees.

10.0 Residential amenity

- 10.01 The car park serving Tovil Green Court and Pine Court would be in between the proposed development and the built development to the east, with an approximate separation distance of 25m between the existing building and the nearest flank of block D. To the south, 20 Tovil Green is set more than 10m away from its northern boundary, and then would be at least a further 15m away from the rear elevations of block F, with elements of boundary planting here to be retained. With this considered, in my view this proposal would not result in any unacceptable loss of privacy, light or outlook to the occupants of neighbouring properties. In addition, no access is proposed from the site to the car park area to the north-east; and elements of retained landscaping would help maintain suitable levels of privacy. Given the layout of the proposed scheme and its separation distances from any property to the north and west of the site, I am also satisfied that this proposal would not cause unacceptable living conditions for these properties. I also do not accept the argument that a residential development of this scale here would result in unacceptable levels of noise and general disturbance for existing neighbouring residents. I am therefore satisfied that this proposal would not have an adverse impact upon the amenity of the surrounding residential properties.

11.0 Impact on future occupants

- 11.01 I am satisfied that the separation distances between the 5 blocks, together with the orientation of the first floor windows would not result in an unacceptable level of privacy for any new property (both internally and externally), enough to refuse the application alone; and whilst the side flank openings may in areas be compromised, these openings serve bathrooms (non-habitable rooms), or are secondary windows to the living room areas. The proposed dwellings would benefit from adequate sized private garden areas; and boundary treatments would retain acceptable levels of privacy at ground floor level; I am satisfied the parking area

adjacent the north-eastern boundary of the site would not cause significant disturbance to the future occupants of blocks C and D; and the layout of the proposed parking provision is also considered acceptable in terms of its relationship with the properties and vehicles coming and going from the site.

11.02 The Environmental Health Team have recommended that prior to the commencement of works that a scheme is submitted to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice. Given the site's location, close to the recycling centre and industrial park to the south and east of the site and the storage/distribution business to the west, I consider this reasonable.

11.03 The land to the south and west of the site (on the opposite side of Burial Ground Lane) is designated as Economic Development Areas in the emerging Local Plan. However, I am satisfied that the future design of any employment would ensure that the living conditions of future occupants would not be adversely harmed.

11.04 I am therefore satisfied that this proposal would not cause adverse harm to the amenity of future occupants.

12.0 Highway safety implications

12.01 The proposal will provide 33 parking spaces. I am satisfied that this is adequate parking provision for a development of this scale and nature in a sustainable location, in terms of proximity to local facilities and public transport links. The Highways Officer is also satisfied that the proposed development would offer sufficient parking and turning facilities; and that the additional vehicle trips generated by the development would not be detrimental to the capacity of the local road network. I also raise no objection in terms of visibility splays (vehicle and pedestrian) associated to the new access.

12.02 The applicant is also proposing the installation of a footpath along the western boundary of the site and tactile paving and dropped kerbs on both sides of Tovil Green Lane. This will help the site link in to its surroundings as well as allowing for the safe movement of pedestrians in and out of the site, and the Highways Officer has raised no objection to this proposal. This will be ensured through a S278 agreement between the applicant and the Highway Authority.

12.03 I am also satisfied that the level of traffic movements to and from the site would not be to the detriment of local residents. Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained.

13.0 Biodiversity

- 13.01 The applicant submitted a Preliminary Ecological Appraisal and Bat Survey Report as part of the application, and after consultation with the KCC Biodiversity Officer, I am satisfied that no additional information is required prior to determination of the planning application.
- 13.02 In terms of bats, the surveys have provided a good understanding of bat usage of the site. This said, there is the potential for the development to have a negative impact on foraging/commuting bats due to an increase in lighting and a loss of habitat, and there is still a need for the 2nd activity survey to be carried out. This said, the Biodiversity Officer is satisfied that a detailed lighting scheme and the additional activity survey (the results of which will inform the finalised lighting scheme) can be dealt with by way of appropriate conditions, and I duly accept these recommendations. In addition, the Biodiversity Officer also recommends that the areas of new planting along the southern and western boundaries of the site is native, to encourage bats to continue to forage within the site. I am satisfied that an appropriately worded landscape condition will address this concern. An appropriate informative will also be added setting out the recommendations of the Bat Conservation Trust's Bats and Lighting in the UK guidance.
- 13.03 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The submitted surveys have recommended a number of enhancements which can be incorporated in to the site. After consultation with the Biodiversity Officer, I consider it appropriate and reasonable to request the submission of a detailed ecological enhancement plan for approval prior to the commencement of any works.

14.0 Foul sewage and surface water disposal

- 14.01 After the submission of the Surface Water Management Plan (SWMP) Rev B (dated September 2015) prepared by Nimbus Engineering Consultants, the KCC Sustainable Drainage Engineer is satisfied that in terms of surface water disposal, the proposal is unlikely to increase the risk of flooding elsewhere.
- 14.02 In summary, the revised plan indicates that a feasible drainage solution can be provided, which restricts discharge from the site to 3 litres per second. Storage tanks of combined capacity of 112m³ will be provided beneath the access road. A total of 137m³ is required for the development and so the shortfall of 25m³ will be provided using rainfall harvesting tanks for individual properties. The precise details of these systems are yet to be provided but Sustainable Drainage Engineer is satisfied these details can be included as part of a condition of planning.
- 14.03 The application confirms that foul sewage would be disposed of via the mains sewer. Southern Water has indicated that they can provide foul sewage disposal to service the proposed development, and a condition will be imposed requesting details of the proposed means of foul and surface water sewerage disposal.

15.0 Community infrastructure and affordable housing

15.01 The applicant has submitted a viability statement to demonstrate that the provision of any infrastructure contributions and affordable housing would render the proposal unviable. In short, given the topography of the site the costs of excavation, foundation and retaining wall works are considerably high; and with building costs estimated at £2,180,338 the expected profit level with 100% private housing and no infrastructure contributions would still be below expected market returns at less than 7%. This report has been independently assessed by the District Valuer, who is in agreement with these findings and I have no reason to question this conclusion. This independent assessment was also requested by the Council's Housing Department, and after further consultation on the District Valuer's findings, no further comments have been received.

16.0 Other considerations

16.01 Changes as a result of a Housing Standards Review by the Government earlier this year have resulted in the withdrawal of the Code for Sustainable Homes and introducing a new system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations, which are mandatory. This does not preclude requiring renewable or low-carbon sources of energy within new development, and in my view the provision of energy sources on major residential developments is intrinsic in achieving a high standard of design and sustainable development, as required by the NPPF. Indeed, this would contribute towards achieving the NPPF's environmental role of sustainability, and supporting the transition to a low carbon future and encouraging the use of renewable sources as outlined within the core planning principles of the NPPF. A suitable condition will therefore be imposed requesting details of how renewable energy will be incorporated into the scheme.

16.02 Given the history of the site and the conclusions within the submitted Environment Desk Based Assessment, I consider it necessary to impose a land contamination condition. The Environmental Health Team also recommends such a condition.

16.03 The Environmental Health Team is satisfied that, given the scale of the development and its distance from the nearest Air Quality hotspot, an air quality assessment is not warranted. However, they do recommend that a scheme of air quality emissions reduction is submitted, but given the scale of the development I do not consider this reasonable.

16.04 Whilst the development is satisfactory in terms of its design and layout, I consider it reasonable to remove each property's permitted development rights to extend, or to lay hardstanding, in order preserve the character of the development and to ensure that the amenity of future occupants is respected.

17.0 Conclusion

17.01 Whilst the scheme is on a designated employment site it is considered, for the reasons outlined in this report, in this instance it is acceptable for residential development to take place as a departure from the Development Plan. Indeed, the scheme is acceptable in terms of its layout and design and impact on adjacent residents and the local highway network; appropriate landscaping and ecological enhancement measures can be secured by means of appropriate conditions; the Planning Inspector did not object to the principle of residential development on this site; and in terms of viability, it has been accepted that the development cannot provide any infrastructure contributions or affordable housing. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

RECOMMENDATION – APPROVE with conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (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 any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and shall include;

- (i) red stock brick
- (ii) plain clay roof tiles
- (iii) white weatherboarding
- (iv) block paving for all parking spaces

The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

(4) 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 long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- (i) Location, species and size of all new trees and shrubs to be planted;
- (ii) Retention of existing trees along western boundary (as shown on drawing 3615/p02a received 09/11/15);
- (iii) Enhancement of boundary planting;
- (iv) Native tree planting along northern frontage;
- (v) Retention of cord wood from tree and shrub clearance works on site to provide biodiversity enhancement.

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the interests of biodiversity.

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

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

(6) The development shall not commence until an ecological enhancement plan, incorporating the recommendations within the Preliminary Ecological Appraisal (The Ecology Consultancy received) and Bat Survey Report (The Ecology Consultancy received 09/07/15), has been submitted to and approved in writing by the local planning authority. The ecological enhancement plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

(7) In accordance with the submitted Bat Survey Report (The Ecology Consultancy received 09/07/15), details of a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity protection and visual amenity.

- (8) The development shall not commence until a second bat activity survey is carried out (as detailed in the Bat Survey Report received 09/07/15) and has been submitted to and approved in writing by the local planning authority, and the results of which will inform the finalised lighting design strategy;

Reason: In the interest of biodiversity protection.

- (9) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property or any laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (11) No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been provided in full (as shown on plan ref: 10523-T-06 Rev P1 received 18/11/15);

- (a) Installation of footpath along western boundary and in part along northern boundary of site;
- (b) Installation of tactile paving and dropped kerbs on each side of Tovil Green Lane.

Reason: In the interests of highway safety.

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

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

(13) No occupation of the development hereby permitted shall take place until a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To safeguard the amenity of future occupants.

(14) The development shall not commence until details of the rainwater harvesting tanks (including details regarding the network analysis and vortex control structure) based on details described within the Surface Water Management Plan (Rev B) dated September 2015 and prepared by

Nimbus Engineering Consultants, have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and Surface Water Management Plan (rev B) before the development is completed;

Reason: To prevent an increased risk of flooding both on site and elsewhere.

- (15) If the development hereby approved requires piling or any other foundation designs using penetrative methods, works shall not commence until details have been submitted to and approved in writing by the local planning authority which demonstrate there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details;

Reason: Development will not be permitted where there is an unacceptable risk posed to Controlled Waters.

- (16) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, and the development shall be carried out in accordance with the approval details;

Reason: To ensure there is no unacceptable risk to controlled waters.

- (17) The development hereby permitted shall be carried out in accordance with the finished floor levels of the buildings and finished site levels, as shown on drawing number 3615/p02a received 09/11/15, and the development shall be completed in accordance with these levels unless otherwise agreed in writing by the local planning authority;

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

- (18) The gradient of the access hereby approved shall have a gradient no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: In the interests of highway safety.

- (19) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (20) The development hereby permitted shall be carried out in accordance with the following approved plans: 3615/p02a, p03, p04, p05_1, p05_2, p05_3, p05_4 received 09/11/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.
- (2) The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund. 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 the Environment Agency's guidance "PPG1 - General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf
- (3) 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. Under the Code of Practice:
- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - o treated materials can be transferred between sites as part of a hub and cluster project
 - o some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991

- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2010
- o The Waste (England and Wales) Regulations 2011

(4) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.

(5) 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.

(6) Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

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

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
- o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- o 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.

- (7) The site contains suitable habitat for breeding birds, and so vegetation should be removed outside of the breeding bird season (March-August). If that is not possible, an ecologist should examine the site prior to works starting on the site, and if any nesting birds are identified all work must cease in that area until all the young have fledged.

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.