

REPORT SUMMARY

REFERENCE NO - 15/507908/FULL		
APPLICATION PROPOSAL Change of use from traditional orchard to new build residential development comprising 4 no. two-bed and 2 no. three-bed houses, together with landscaping, parking spaces and access.		
ADDRESS Land Adjacent Highfield House Maidstone Road Marden Kent TN12 9AG		
RECOMMENDATION - Subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, in the context of a lack of 5 year housing supply, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. For the reasons set out, the proposal is considered to accord with the National Planning Policy Framework and represent circumstances that can outweigh the existing Development Plan policies and 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 - It has been called in by Councillor Blackmore		
WARD Marden And Yalding Ward	PARISH COUNCIL Marden	APPLICANT Golding Homes
DECISION DUE DATE 25/11/15	PUBLICITY EXPIRY DATE 30/10/15	OFFICER SITE VISIT DATE 09/10/15
RELEVANT PLANNING HISTORY:		

MAIN REPORT

- MA/14/0679 - Erection of 6 affordable houses – Refused (dismissed at appeal)
- MA/12/2100 - Erection of 8 affordable houses – Refused (dismissed at appeal)
- MA/05/1746 - Outline for house with means of access to be considered and all other matters reserved for future consideration – Refused (dismissed at appeal)
- MA/00/1881 - Erection of 2 dwellings with associated access – Refused
- MA/85/1842 - Formation of new vehicular access - Approved

1.0 Site description

- 1.01 The proposal site takes on a general rectangle shape and is located on the eastern side of Maidstone Road (B2079), some 30m to the north of the railway line that runs in an east/west direction. The proposal site comprises a generally level overgrown field with an area of approximately 0.24ha, and given a number of fruit trees within the site it appears to have been used as some form of orchard. The land is considered to have a current lawful use as agricultural land. The site has an existing agricultural access central to the frontage with Maidstone Road, and its boundaries are marked by mature native hedges of variable quality.

- 1.02 The surrounding area is characterised by sporadic residential development of differing scale, design and age, the closest being Highfield House located close to the southern boundary of the site. The Old Vicarage to the west of the site on the opposite side of Maidstone Road is Grade II listed; and Church Farm House and The Oast House, some 65m to the north of the site are also Grade II listed buildings. The land to the rear (east) of the site appears to be in use as garden land associated with Highfield House. The immediate neighbouring properties are substantial detached dwellings, however in the wider context, properties are typically detached and semi-detached conversions and pairs of semi-detached cottages; and these dwellings vary in scale and appearance, but are predominantly of a traditional Kentish vernacular.
- 1.03 For the purposes of the Maidstone Borough-Wide Local Plan 2000 (MBWLP) the proposal site is within the countryside with no other specific environmental designation; and the boundary of Marden village is some 60m to the south of the site, past the railway line.

2.0 Proposal

- 2.01 This proposal is for the erection of 6 houses and associated works that would provide local needs housing (i.e. has lived in the Parish for continuous period of at least 2yrs immediately previous to completion of development; or has lived in the Parish in the past for a continuous period of at least 2yrs of the last 5yrs; or has immediate family in the Parish who have lived there for a continuous period of at least 2yrs immediately previous to occupation of development; or has employment or about to take up employment in the Parish). The tenure mix is as follows;

<i>Affordable Rent</i>	<i>Shared Ownership</i>
2 x 3-bed houses	2 x 2-bed houses
2 x 2-bed houses	

- 2.02 The dwellings would be arranged in two terraces of three, with the site access going through the middle of the terraces and the properties fronting onto Maidstone Road. The 2 terraces would be handed, and the northern and southern most properties would be larger than the central dwellings, anchoring the two ends of the built development. The form of the terraces would incorporate a main ridge height of some 10.2m from ground level, an eaves height of some 5m, and the roofs would take on hipped and barn-hipped ends with a front and rear gable-end projection.
- 2.03 The design of the terraces would be in a simple Kentish vernacular, incorporating such design elements as gables, barn hips, storm porches and chimney stacks, and utilising typical local materials such as red brick, hanging tiles, weatherboarding and plain roof tiles. The proposal would have parking provision for 10 spaces with associated turning and manoeuvring areas to the rear of the site.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Affordable Housing DPD (2006)

4.0 Consultee responses

- 4.01 **Councillor Blackmore:** Wishes to report application to Planning Committee;

"If you are minded to approve this application I would request this matter is brought to the Planning Committee for their consideration. There is a great deal of history associated with this application and much local needs housing is being built in the village on other sites which have already received approval. This application would appear to be superfluous to the local housing which is available."

- 4.02 **Marden Parish Council:** Recommends approval.

- 4.03 **KCC Highways:** Raise no objection.

- 4.04 **Landscape Officer:** Raises no objection.

- 4.05 **Biodiversity Officer:** Raises no objection.

- 4.06 **Housing:** Raise no objection.

- 4.07 **Environmental Health Officer:** Raises no objection.

- 4.08 **Conservation Officer:** Raised no objection to the scheme proposed under MA/14/0679 (which is the same as now proposed) and made the following comments:

"The development proposed is of a modest scale and in a vernacular style. It will only have a minor and acceptable impact upon the setting of the listed building immediately opposite".

- 4.09 **Natural England:** raise no objection.

- 4.10 **Southern Water:** Raises no objection.

- 4.11 **Building Control:** Raises no objection.

5.0 Neighbour responses

- 5.01 6 representations received raising concerns over highway safety; parking provision; ecology; inappropriate and cramped form of development in countryside; loss of privacy/overlooking; no proven requirement for affordable or local needs housing, or for stated size of these properties; no legal mechanism to secure housing; impact on setting of listed buildings; it is not a rural exception site; foul drainage; and would set a precedent for development.

6.0 Background history

- 6.01 In terms of the most recent site history, planning permission for the same development as is proposed now (with 100% local needs housing) was overturned and refused (decision issued 13th November 2014) by Members of the Planning Committee under MA/14/0679 for the following reason;

"The proposed development, by way of its mass, design and layout, would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of Marden (breaching the northern boundary of the railway line), and would thus cause harm to the character and appearance of the open countryside and would fail to represent good design. To permit the proposal would therefore be contrary to Local Plan Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central Government advice 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 (July 2015), but only because of the absence of an appropriate legal mechanism securing the provision of the local needs housing. Indeed, the Inspector concluded as follows;

"Without a form of mechanism to secure the stated provision, there is no justification, within the context of local and national policies, to permit the scheme in area of designated countryside where residential development would not normally be permitted. Thus, until such time as the appropriate measures are in place to secure the housing for its intended purpose on this rural exception site, the development cannot be allowed to proceed and the appeal must fail."

- 6.03 In direct response to the Council's reason for refusal, the Planning Inspector also stated;

"Drawing these strands together, I consider that the illustrated mass and design of the dwellings would be acceptable and add to the variety of development found within this designated area of countryside. Given, also, the ability to secure a spacious and sensitive layout for the dwellings within a well landscaped site, I find that, overall, the proposal would respect and respond positively to its rural setting and, so, satisfactorily integrate into the character and appearance of the area."

- 6.04 The Inspector then went on to conclude that the development of the site as a rural exception site for affordable housing to meet a local need would be consistent with the aims of Local Plan saved policy ENV28; the Council's Affordable Housing DPD; and the provisions of the NPPF. This also included the aim that planning should always seek to secure high quality design and that any development should respond to the local character and vernacular 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 The application site is outside of the defined settlement boundary of Marden, and is therefore upon land defined in the Local Plan as countryside. 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."

7.03 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.

7.04 The application has been submitted by a Registered Social Housing Landlord, Golding Homes, who has proposed that 100% of the development would provide local needs housing. So notwithstanding this presumption against new development on sites in the countryside, the NPPF provides qualified support for development of rural exceptions sites where housing development would address local needs, as set out in paragraph 54 as follows:

"In rural areas (...) local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate."

7.05 This is in accordance with the Council's Affordable Housing Development Plan Document, which puts forward the principle of "allocating releasing sites solely for affordable housing, including using a rural exceptions site policy". This has also been carried forward in emerging Local Plan policy DM25, which supports local needs housing on sustainable sites.

7.06 In 2011 a Local Housing Needs Survey of Marden was carried out by the Rural Housing Enabler from Action with Communities in Rural Kent to ascertain if there were shortfalls in affordable housing provision for local people within Marden Parish. Overall, a need for up to 23 affordable homes for local people was identified. Since this survey, the Council has subsequently introduced a new Allocation Scheme (April 2013), and unlike previous versions of the Allocation Scheme there are now qualifying entry requirements in order to be accepted onto the register. In order to be accepted onto the register all applicants must meet the two qualifying criteria, these being the need for a local connection and a housing need. As such, not all of the 23 local households previously identified within the aforementioned survey may now qualify for access onto the housing

register. As it has been over four years since this survey and households circumstances may have changed during this time, for the purposes of this application the Council's Housing Department have checked current levels of local housing need on the Housing Register.

- 7.07 At present there are 22 households in total on the Housing Register (for rented accommodation) with a residence address in Marden and/or have indicated a local connection. This suggests that a level of local need still exists similar in number to that identified in the survey back in August 2011, although the Housing Department want it noted that this is indicative and not 100% accurate in terms of identifying those with a potential local connection, and who would meet the relevant occupation criteria for this scheme. This would not be determined until applicants are verified upon the closing of any bid rounds for properties advertised via Kent Homechoice; and those applicants interested in any shared ownership properties would need to apply to the 'Help To Buy' Agent. Notwithstanding this, there is still support for a development like this in Marden from the parish council and the Council's Housing Department, and so I have no reason to doubt that the need for local needs housing still exists.
- 7.08 Marden is an identified Rural Service Centre because of its level of basic services/amenities and public transport links. Given the proposal site's proximity to the village boundary and the facilities provided within the village, the Planning Inspector (under MA/14/0679) considered the proposal to be sustainable in terms of its location. I am therefore satisfied that this rural exception site is in accordance with the key NPPF objective of achieving sustainable development.
- 7.09 There are concerns that the provision of affordable and rural needs housing should be dealt with in a strategic manner by way of adopted plans and policy. However, it is not considered to be appropriate to refuse, or refuse to determine, the application on these grounds; and in any case, the NPPF and the Council's adopted Affordable Housing DPD do support the use of rural exception sites such as this.
- 7.10 There are 5 approved planning applications for major residential development within and around Marden, all of which include the provision of 40% affordable housing. Below is a summary of these applications;
- The Map Depot Site, Goudhurst Road (MA/13/0115) - Full application for 110 dwellings being built (decision: 1st October 2013)
 - The Parsonage, Land East of Goudhurst Road (MA/13/0693) – Outline application for 144 dwellings (decision: 24th Sept 2014) (reserved matters not yet submitted)
 - Land to the North Of, Howland Road (MA/13/1291) – Outline application for 44 dwellings (decision: 4th June 2014) (reserved matters not yet submitted)
 - Land at Stanley Farms, Plain Road (MA/13/1585) – Outline application for 85 dwellings (decision: 29th Sept 2014) (reserved matters submitted and under consideration – 15/508756)

Marden Cricket & Hockey Club, Stanley Road (MA/13/1928) – Full application for 124 dwellings (Waiting legal agreement)

- 7.11 There is an additional proposed allocation for housing in the draft Local Plan (approximate yield of 50 dwellings) but no planning application has been forthcoming.
- 7.12 If all of these developments were built out, there is the potential to realise 202 affordable units that will be largely for general needs housing within Maidstone borough, with no priority given to local people. Included within this is the Map Depot site, where a small number of affordable homes for local people have been secured in perpetuity. This development will provide a total of 44 affordable units of which 15 are for local needs in perpetuity; and of this number, 10 are being made available for Affordable Rent, with the other 5 for shared ownership. The affordable rented units on the Map Depot site are being delivered now and if successfully allocated (and because the Council's Housing Register is only for affordable rent properties) this would leave 12 households left on the Register that have a reported local connection.
- 7.13 Representations from a local resident have been received, questioning the need for the size of the houses proposed. The Housing Department have confirmed there is still a need for these sized local needs housing in Marden and no objection is raised in this respect.
- 7.14 In summary, and as confirmed by the Council's Housing Officer, there still exists the need for local need housing in Marden, which this proposed development would help towards meeting; and the occupancy criteria within the legal agreement and related Nominations Agreement will reflect the local connection requirements as determined by the new Allocations Scheme. As such, whilst the developments listed above provide affordable housing, only in the case of the MAP depot is this provision restricted by way of the relevant legal mechanism for the provision of local needs housing specific to persons with strong local connections to Marden.
- 7.15 For the above reasons, I consider the principle of the proposed development in this location to be 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 Visual impact and design

- 8.01 The Planning Inspector under MA/14/0679 raised no objection to the proposal on visual amenity grounds, or its impact on the setting of designated and non-designated heritage assets near-by. The development is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant conditions relevant to materials; architectural detail;

landscaping; boundary treatments; surfacing; restricting permitted development rights.

- 8.02 To re-iterate, the proposal is considered to be acceptable in terms of its scale, design and layout, and notwithstanding the inevitable erosion of the openness of the site, the scheme does (to quote the Planning Inspector) *"...respect and respond positively to its rural setting, and, so, satisfactorily integrate into the character and appearance of the area"*. The detail of the scheme is considered to be of an acceptable standard.

9.0 Arboricultural implications

- 9.01 The Planning Inspector under MA/14/0679 raised no objection to the proposal on arboricultural grounds; and the Landscape Officer also continues to raise no objection subject to an appropriate landscape condition and tree protection condition. The proposal is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant tree protection/landscaping conditions.

10.0 Residential amenity

- 10.01 The Planning Inspector under MA/14/0679 raised no objection in terms of the residential amenity of future and existing occupants. The development is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant conditions regarding external lighting; boundary treatments; and noise mitigation.

- 10.02 It should also be noted that the reserved matters (15/505181) for the replacement Marden Cricket and Hockey Club have been recently approved to the east of the proposal site. However, given the separation distance of some 170m between the two developments, I am satisfied that this replacement sports facility would not cause unacceptable harm to the living conditions of future occupants of this development.

11.0 Highway safety implications

- 11.01 The Planning Inspector under MA/14/0679 raised no objection on highway safety grounds; and the Highways Officer continues to raise no objection to this development. The development is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant conditions

12.0 Biodiversity

- 12.01 The Planning Inspector under MA/14/0679 raised no objection in terms of its ecological/biodiversity impacts. The development is the same as proposed under MA/14/0679 and the Biodiversity Officer is still satisfied that sufficient information has been provided in order to determine this application, and that there is no requirement to carry out updated surveys prior to a decision being made. Indeed, the 2014 scoping survey details that the habitat on site was similar to what was there in 2012 when the original surveys were carried out, and so the Biodiversity Officer is of the

view that it is unlikely that there has been a significant change on site. I have no reason to come to a different conclusion subject to the imposition of the relevant conditions for a detailed reptile mitigation strategy; a precautionary mitigation strategy; re-siting of stag beetles; and in accordance with one of the principles of the NPPF to provide "*opportunities to incorporate* biodiversity in and around developments should be encouraged", the submission of an ecological enhancement plan.

12.02 Lighting can also be detrimental to roosting, foraging and commuting bats, and as advised by the Biodiversity Officer, an informative will be added advising that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

13.0 Legal mechanism

13.01 The proposal is for the provision of local needs housing, and this provides justification for approval of the scheme where an unrestricted residential use would normally be considered unacceptable. In these circumstances, a legal mechanism is necessary to ensure that the proposed dwellings are secured for the intended purpose. A legal agreement has been submitted as part of the application, and this is the subject to negotiations between the legal representatives of the relevant parties, to ensure that the terms of the agreement adequately ensure that the housing remains affordable and will meet a local need in perpetuity. The Council's Housing Department have also indicated that the format of the submitted legal agreement is acceptable.

14.0 Other considerations

14.01 The Planning Inspector under MA/14/0679 raised no objection to the proposal in terms of flood risk and foul and surface water drainage; and the Environment Agency and Southern Water also continue to raise no objection. The proposal is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of an appropriate condition requesting details of foul and surface water drainage.

14.02 The proposal will result in the loss of a small area of Grade 2 agricultural land, however this is located between a highway, garden land and the site of the replacement Marden Cricket and Hockey Club site, and as such is unlikely to be brought into productive agricultural use. As such the loss of the land to agriculture is not considered to be significant, or prejudicial to approval of this current application. The Planning Inspector under MA/14/0679 also raised no objection in these respects.

14.03 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

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.

14.04 Given the history of the site (former use as orchard which raises potential for land contamination to have occurred particularly through the use of pesticides), I consider it necessary to impose a land contamination condition, as recommended by the Environmental Health Officer.

14.05 The Council cannot currently demonstrate a 5-year supply of deliverable housing sites, and this proposal would help towards this supply through providing local needs housing for which there is local and national policy support.

15.0 Conclusion

15.01 The issues raised by Councillor Blackmore and the 5 local residents have been dealt with in the main body of this report.

15.02 For the reasons set out above, whilst the proposed development constitutes a departure from the Development Plan, it is supported by national and local plan policy, and the scheme currently under consideration addresses the matters resulting in the refusal and dismissal at appeal, of the previous application (MA/14/0679). I therefore recommend that the Head of Development and Planning be given delegated powers to approve the application subject to an appropriate legal mechanism such as to secure the development for local needs housing in perpetuity, and the conditions set out above.

RECOMMENDATION – Subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Services may advise, to secure the provision of the dwellings for local needs housing in perpetuity, the Head of Planning and Development **BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION** subject to the following 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, which shall include brick, plain clay tiles and timber weatherboarding, to be used in the construction of the external surfaces of the buildings hereby permitted 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 satisfactory appearance to development and high quality of design.

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

- i) Details of the roof overhangs and eaves.
- ii) Details of window and door joinery (which shall be of timber), 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 brick courses and the brick plinth (which shall have a minimum projection of 50mm).
- v) Details of the storm porches.

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

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

- (4) The development shall not commence until written details and samples of the materials, which shall be of permeable construction and include a bound surface to the first 5m of the access from the public highway, to be used in the construction of the hard surfaces of the development hereby permitted 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 satisfactory appearance to development and high quality of design.

- (5) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include close boarded fencing of a height greater than 1.8m, or close boarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, the provision of ground level gaps of a height of 120mm in any solid boundary treatment to allow the unfettered passage of wildlife, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

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

- (6) The development shall not commence until an ecological enhancement plan, incorporating the recommendations within the KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, including the incorporation of bat boxes into the proposed buildings, 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 secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (7) Notwithstanding the details and recommendations set out in KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, the development shall not commence until a detailed reptile mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content of the reptile mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision;
- ii) A reptile survey of the receptor site;
- iii) Confirmation that the carrying capacity of the receptor site will not be exceeded;
- iv) Details of any enhancements required on the receptor site;
- v) Detailed methodology for the translocation of reptiles;
- vi) Timetable for any proposed works; and
- vii) Details of monitoring of the receptor site.

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

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

- (8) Notwithstanding the details and recommendations set out in KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, the development shall not commence until a Greater Crested Newt precautionary mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

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

- (9) Notwithstanding the details and recommendations set out in the KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, the development shall not commence until an ecological map of the site (undertaken by a suitably qualified person), including on-site provision of stag beetle habitat, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

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

- (10) 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.

- (11) The development shall be undertaken in strict accordance with the recommendations of the Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014, and maintained thereafter. No dwelling shall be occupied until the recommendations of the report have been implemented in full;

Reason: To safeguard the residential amenity of future occupiers of the development.

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

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

- (14) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing number 113 rev B and shall include, inter alia, the retention of all trees and hedges identified as such in the Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 with the exception of T23 which should be removed and replaced with a Cherry (*Prunus avium*) or Hawthorn (*Crataegus monogyna*), and a wild flower meadow to the west of the front path to the dwellings. 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.

- (15) 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.

- (16) The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details;

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

- (17) The development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. 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.

- (18) 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.

- (19) 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 of any property or the laying of hardstanding 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.

- (20) 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.

- (21) 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: In order to secure a satisfactory form of development.

- (22) The dwellings hereby permitted shall not be occupied until details in the form of drawings of the cycle storage areas have been submitted to the Local Planning Authority and approved in writing. The approved details shall subsequently be implemented and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and to encourage sustainable travel choices.

- (23) The approved details of the access to the site as shown on drawing number 113 rev B received 20th August 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

- (24) The development hereby permitted shall be carried out in accordance with the following approved plans: K14-0103 113 Rev B, 130 Rev A and 131 Rev A received 25/09/15;

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

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) 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.

(3) 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.

- (4) 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.
- (5) When any dead wood, wooden posts, shrubs, stumps, hedges or trees are removed an ecologist must be present so that larvae or adults that are disturbed/dug up can be spotted, retrieved and placed out of harms way.
- (6) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- (7) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
- (8) 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.
- (9) 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.

- (10) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (11) Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (12) We recommend that the developer produces a Site Waste Management Plan; in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- (13) The following measures should be adopted during the construction period:
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- (14) The applicant is advised to undertake a percolation test to justify the final size and design of any soakaway.

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.