

REPORT SUMMARY

REFERENCE NO - 16/500374/FULL			
APPLICATION PROPOSAL			
Demolition of existing buildings and erection of 6 residential dwellings, together with associated access, parking, drainage works and landscaping.			
ADDRESS The Forstal, Mount Castle Lane, Lenham Heath, Kent, ME17 2JB			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
Whilst the proposed development does not accord with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or the provisions of the NPPF relating to sustainable housing development in the countryside the balance of issues falls significantly in favour of the proposal and approval is recommended for the following reasons:			
(a) The proposal does not result in any material loss of economic activity to the Borough, (b) it involves reuse of brownfield land in accordance with Government policy, (c) it makes a contribution in meeting the Borough's acknowledged housing shortfall, (d) it will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside, (e) it reduce HGV and employee traffic resulting in a material improvement to highway safety and the free flow of traffic in the locality and (f) will bring about wildlife and habitat improvements to the locality.			
REASON FOR REFERRAL TO COMMITTEE			
The recommendation is a Departure from the Development Plan			
WARD Harrietsham And Lenham Ward	PARISH/TOWN Lenham	COUNCIL	APPLICANT TG Designer Homes AGENT DHA Planning
DECISION DUE DATE 24/03/16	PUBLICITY EXPIRY DATE 04/03/16	OFFICER SITE VISIT DATE 10/2/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505358/FULL	Demolition of existing buildings and erection of 6 dwellings with associated works	Permitted	26/5/15

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site occupies an isolated location in open countryside not subject to any specific landscape designation.
- 1.02 The site is currently in commercial use for the storage, distribution and packing of fruit and vegetables. There are 5 main buildings on the site used for packing, processing and offices with the remainder of the site covered by hardstanding providing for vehicle circulation and parking.

- 1.03 Agricultural land bounds the site to the west and south with residential properties immediately abutting the north and east site boundaries. Access to the site is from Bull Hill to the east.

2.0 PROPOSAL

- 2.01 The proposal involves the demolition of all existing building and their replacement with a cul de sac of 6 no: detached two storey houses comprising 5 no. 4 bedroom units and 1 no. 5 bedroom unit with their own private gardens. The current footprint of commercial buildings on the site comes to just over 1900 square metres with the proposed development reducing this to just over 1000 square metres amounting to a 44% reduction in building footprint.
- 2.02 The dwellings are shown arranged around central road which would be landscaped. The proposed dwellings are shown having either 'L' or 'T' shaped building footprints. The proposal include a minimum of 4 off street car parking spaces for each of the six houses with two spaces provided as garages (one integral and 5 detached double garages) and space for at least two cars to the front of the houses. A further two off street visitor spaces are provided.
- 2.03 Dwellings are to be separated by a combination of close board fencing and hedgerows. The southern and western site boundaries are proposed to be planted with a landscape buffer.
- 2.04 The application is accompanied by an Extended Phase 1 Habitat Survey and Bat Building Report, drainage statement and phase 1 desk study relating to site contamination.

3.0 SUMMARY INFORMATION

	Approved Scheme (14/505358)	Proposed	Change (+/-)
Site Area (ha)	0.53ha	0.53ha	No change
No. of Residential Units	6	6	No change
No. of Parking spaces	12 (garages)	12 (garages)	No change
Dwelling Mix	3no. 4 bedroomed 3no. 5 bedroomed	5no. 4 bedroomed 1no. 5 bedroomed	+2 4no. bedroomed -2 5no. bedroomed
No.storeys	2 storeys (some with basements)	2 storeys	No change (removal of basements)
Building footprint (approximate)	1400sq/m	1000sq/m	-400sq/m

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, T13

5.0 LOCAL REPRESENTATIONS

5.01 Lenham Parish Council

(29/2/16): No objection and wish to see application approved

5.02 Adjoining neighbours were notified of the application and a site notice was also put up at the site. No representation was received.

6.0 CONSULTATIONS

6.01 MBC Landscape

There are no protected trees on or adjacent to this site. An arboricultural report doesn't appear to have been provided in support of this application so I have referred to the report on inspection of trees produced by Broad Oak Tree Consultants Limited in relation to the previous application, 14/505358.

Whilst there is no objection I can raise on arboricultural grounds subject to a landscape condition which includes a requirement for tree protection details in accordance with BS5837: 2012, it is disappointing to see that the proposed planting on the western and southern boundary planting has been reduced from the original scheme, particularly to the south of plot B.

6.02 MBC Heritage

The existing large-scale modern farm buildings are unattractive features in the countryside and have some detrimental impact on the setting of the listed Forstal House. The proposal to demolish these buildings and replace them with six new dwellings will result in less of the site being occupied by buildings than is currently the case and will also result in the softening of unbuilt areas, removing the existing extensive hardstanding. Permission was previously granted for 6 houses on this site in 2014 but the current proposals relate to a slightly less intensive scheme with houses of lower height. The design of the proposed dwellings is in a contemporary idiom utilising vernacular materials which I consider to be appropriate to its context. In my opinion, therefore, the proposals would result in an improvement to the setting of the listed building.

Raise no objection to this application on heritage grounds subject to conditions re samples of materials, removal of all PD rights, the use of timber windows and doors and landscaping details.

6.03 Kent Highway Services

The access to the development is existing with a wide radius and good visibility at the junction. There has been no history of vehicle crashes at the junction. The proposed parking provision of 2x independently accessible spaces per dwelling as well as 2x visitor spaces meets our standards as set out in IGN3.

For the reasons outlined above and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities 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 and permanent retention of the vehicle parking spaces and garages shown on the submitted plans prior to the use of the site commencing.

6.04 **Environmental Health**

No objection subject to imposition of condition requiring site investigation and remediation.

6.05 **Southern Water**

No objection subject to informative relating to sewer connection and condition relation to foul and surface drainage.

6.06 **Environment Agency (comments taken from previous application)**

No objection subject to conditions requiring site investigation and remediation and controls over surface water disposal.

6.07 **KCC Ecology (comments taken from previous application)**

The submitted Extended Phase 1 Habitat Survey and Bat Building Report concluded that the site is of limited ecological interest and that no further ecological surveys are required. Nevertheless the site does provide opportunities for nesting birds and to minimise the potential for impacts a precautionary approach to vegetation clearance and the demolition of the buildings is recommended in the report.

Satisfied that the Extended Phase 1 Habitat Survey and Bat Building Report provides an adequate assessment of the potential ecological impacts.

If planning permission is granted advise that ecological enhancements set in the Extended Phase 1 Habitat Survey and Bat Building Report regarding the provision of bird nest boxes and planting of native species be made the subject of condition.

7.0 **BACKGROUND PAPERS AND PLANS**

Application form

Design and Access Statement

Planning Statement

Extended Phase 1 Habitat Survey and Bat Building Report

Drainage Statement

Phase I Desk Study (Soils report)

Drawing Number PR49.01 (Site Location Plan)

Drawing Number PR49.02 Revision B (Existing and Proposed Block Plans)

Drawing Number PR49.03 Revision C (Proposed Masterplan)

Drawing Number PR49.04 (Proposed Plot A and C Plans and Elevations)

Drawing Number PR49.05 (Proposed Plot B Plans and Elevations)

Drawing Number PR49.06 (Proposed Plot D and E Plans and Elevations)

Drawing Number PR49.07 (Proposed Plot F Plans and Elevations)

Drawing Number PR49.08 (Proposed Typical Garage drawing)
Drawing Number PR49.09 Revision A (Proposed Ground Floor Site Plan)
Drawing Number PR49.10 (Proposed comparison plan)

8.0 APPRAISAL

Background history

8.01 Planning application 14/505358 was presented to Members in April 2015 which sought planning permission for the redevelopment of the site to include the demolition of the existing buildings and provide 6 new dwellings (a copy of the report is appended to this report). This application was approved by Members subject to conditions. (A copy of this report is attached as an Appendix)

8.02 The summary conclusion to support the recommendation read as follows:

Notwithstanding that the proposal can be considered to represent unsustainable housing development in the countryside taking into account that it will:

- *Not result in any material loss of economic activity to the Borough;*
- *Involves reuse of brownfield land in accordance with Government policy;*
- *Make a contribution in meeting the Borough's acknowledged housing shortfall*
- *Will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside.*
- *Reduce HGV and employee traffic resulting in a material improvement to highway safety and the free flow of traffic in the locality and;*
- *Bring about wildlife and habitat improvements to the locality*

it is considered that the balance of issues fall significantly in favour of the proposal and it is recommended that planning permission is granted accordingly.

8.03 The submitted application now seeks to amend the layout and design of the approved scheme. There would be no change to the number of dwellings proposed, remaining at 6. The mix of units would have a minor change with 4 bedroomed units favoured and a decrease in the number of 5 bedroomed units

Principle of Development

8.04 Planning policy has not significantly changed since the previous approval and the main considerations with regard to the principle of development remain largely unchanged.

8.05 The new Local Plan has advanced and is out to Regulation 19 publication being the plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the Objectively Assessed Need (OAN) figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.

- 8.06 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.
- 8.07 The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 8.08 The scheme still fails to meet any of the exceptions set out in Policy ENV28 of the Local Plan and does not meet any of the exceptions to allow residential development in an isolated location as set out in Paragraph 55 of the NPPF. However it was considered in the assessment of the previous submission that there are significant material considerations to outweigh this and approve the principle of development. These are considered as follows (largely following the consideration of the extant approval).
- 8.09 One of the core planning principles set out in paragraph 17 of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This site clearly falls within the category of previously developed land.
- 8.10 The existence of large commercial buildings, which are considered to represent sources of visual intrusion, harmful to the outlook and amenity of houses abutting the site boundary in Mount Castle Lane while also intruding into the setting of The Forstal, a Grade II Listed Building, must be acknowledged. There is also the impact on aural amenity, not only from activities taking place within the buildings but also activities taking place outside, none of which are subject to any planning controls.
- 8.11 The current commercial use of the site (and in all likelihood any future commercial users of the site) will continue to attract HGV's (both articulated and fixed wheelbase) to the site in addition to car borne employee traffic given the unsustainable location of the site poorly served by public transport. Access to the site is only via narrow country roads unsuitable for HGV's. The proposal will therefore see a reduction in inappropriate HGV traffic on local roads (estimated at 23 HGV movements) along with a reduction in car borne traffic. Public safety is a material planning consideration and where a proposal can be seen to improve this by, for example, reducing HGV traffic on narrow country roads this should be given significant weight.
- 8.12 In the event of planning permission being refused, were the sited to be vacated by the current user, the buildings because of their size, condition and siting could be difficult to re-let and therefore are likely to remain vacant for some time. The risk here is that the appearance of the site will deteriorate while becoming prone to damage and vandalism. Taking into account the prominent location of the site close to houses and a Listed Building, it is considered that these possibilities also represent material considerations.
- 8.13 As such and notwithstanding that the proposal represents unsustainable development in the countryside contrary to the provisions of the NPPF, and policy ENV28 of the adopted local plan, taking into account it (a) will not result in any material loss of economic activity to the Borough (b) involves reuse of brownfield land in accordance with Government policy (c) make a contribution in meeting the

Borough's acknowledged housing shortfall (c) potential improvements to the visual and aural amenity of nearby houses and setting of a Listed Building (d) potential improvements in local highway condition and (e) result in potential wildlife and habitat improvements to the locality and (f) the existence of an extant planning consent for a similar scheme it is considered that the balance issues fall in favour of the principle of the proposal and consideration turns on matters of detail.

Impact on the rural character and setting of the locality,

- 8.14 The site is occupied by a prominent group of large buildings and outbuildings of commercial/agricultural appearance and in that sense is not materially different from many existing farm complexes within the Borough. As such if the complex were sited in a less sensitive location it is not considered that there would be any overwhelming visual arguments in favour of its redevelopment for housing and the resulting material improvement in the rural character of the area.
- 8.15 In acknowledging the harm caused by the scale, appearance and use of the existing buildings on adjoining houses and character and setting of the Listed Building, there is the need to consider the impact of the proposed redevelopment on the rural character and setting of the locality.
- 8.16 The existing buildings are concentrated in the northern part of the site. The proposal involves the erection of 6 no two storey dwellings of varying, design, footprint and profile located around a central road.
- 8.17 Dealing with the design of the dwellings, this is one area where the submission varies from the approved scheme. The previous Committee Report in its assessment of the design stated the following:
- 'all are traditional in appearance and detailing with features such as projecting gables, chimneys, small pitched roof dormers and canopies along with the use of ragstone, and tile hanging along with a garaging 'barn' to serve the unit proposed on plot 6.'*
- 'Such a design approach reflects many design elements already evident in properties abutting the site in Mount Castle Lane and the nearby Listed Building. As such there is considered to be no design objection to the proposed development in its impact on the rural character of the locality'*
- 8.18 The design approach now taken does not reflect the traditional appearance of the earlier scheme. The design incorporates a more 'contemporary' approach but would still use brick and slate as well as timber cladding and aluminium windows. The dwellings incorporate irregular shaped windows and detailing to provide a simple, modern approach to design. Visual interest would remain with the design of the dwellings, through the use of varying footprints, roof pitched and four different house types. For this small-scale development the visual interest of the buildings would be maintained.
- 8.19 Paragraph 60 of the NPPF sets out that:
- 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'*

- 8.20 It is considered that the design of the dwellings themselves would be acceptable within this setting, the use of materials and landscaping would allow the dwellings to assimilate within the setting.
- 8.21 To maintain the design integrity of the development and prevent overdevelopment of the site, rights to alter or extend the properties or to erect outbuildings should be withdrawn. In addition to ensure that the night-time rural environment is also protected no external lights should be installed anywhere on site without first obtaining the approval of the Council. It is recommended that planning conditions be added to an approval of permission for these purposes.
- 8.22 Turning to the layout, this is the other area where the scheme differs from the extant consent. The development does not propose a greater number of dwellings and would reduce the footprint of buildings by approximately 44% from existing commercial buildings and by approximately 28% compared to the approved residential scheme. The previous application relating to the amount of development discussed the following:
- 'Concerns relating to the development appeared cramped and overcrowded while having too small gardens are noted. However for the reasons set out above a more concentrated development format is considered appropriate to avoid any increase in the impression of built mass compared to current site conditions.'*
- 8.23 The reduction in footprint seeks to achieve a less cramped layout; there would be increased separation between the dwellings themselves, whilst retaining the inwards orientation of the dwellings facing towards the central part of the site. The courtyard approach previously taken has somewhat dissolved, with the central hardsurfacing solely used for access, however this would result in additional landscaping within the central area of the site and there is no substantive reason to refused permission due to the absence of the central courtyard.
- 8.24 The scheme has been amended to maintain the buffer planting proposed around the southern and western boundaries.
- 8.25 In the circumstances it is considered that there is no sustainable objection to the proposal based on harm to the rural character or setting of the locality.

Impact on outlook and amenity of properties overlooking and abutting the site

- 8.26 The houses abutting the site in Mount Castle Lane and the adjoining Listed Building already have their outlook materially affected by the bulk and siting of the existing buildings occupying the site. It is Plots D, E and F that are most likely to impact on the amenity of the neighbouring occupiers (namely 1, 2 and 3 Malt House Cottages and Forstal House).
- 8.27 The northern facing elevation of Plot D and two detached garage would span the rear (southern) boundary of 3 Malt House Cottages, the separation distance of new buildings from the boundary would range from approximately 3 metres reducing to a metre. Distances of between 10 and 18 metres would separate existing and proposed building elevations. The part of the proposed dwelling in closest proximity would have a low eaves height. There would be windows at ground floor level, with two high level feature rooflights within the roof. There is an existing 3 metre high boundary wall along the boundary, with the existing commercial building abutting this boundary.

- 8.28 The previous application was accompanied by cross-sections which demonstrated the difference in height between the proposed and existing buildings. This concluded that the replacement dwellings would exceed the height of the existing commercial building but due to the reduced footprint of the proposed dwellings, resulting in a reduced bulk and prominence of the buildings the development is considered acceptable. It is considered that the same rationale and approach should be taken to the proposed scheme. When compared to the existing commercial buildings the proposal represents an improvement in relation to the bulk and massing of buildings in this location.

Heritage considerations:

- 6.31 The NPPF requires the character and setting of Listed Buildings to be safeguarded. As the proposal will result in a material improvement to the setting of the Listed Building and given the support to the proposal from the Heritage Advisor the proposal is considered to be acceptable in its heritage impacts.

Highways and parking considerations:

- 6.32 The current commercial use of the site generates a significant volume of both HGV and employee traffic movements. The proposal will therefore remove these HGV movements from inappropriate country roads while reducing employee related car borne traffic.
- 6.34 In relation to car parking 12 garages are to be provided with an additional 12 off street car parking spaces for future occupants and a further 2 visitor spaces. This provision is considered acceptable for the number of units proposed.
- 6.35 Given that the proposal will bring about a material betterment in highway safety and the free flow of traffic and the absence of objection from Kent Highway Services it is considered that the proposal is acceptable in its highway and parking impacts.

Wildlife considerations:

- 6.36 The submitted phase 1 habitat survey did not identify any protected species occupying the site while proposing habitat improvements including additional planting to provide habitats for breeding birds and foraging bats along with the installation of 4 bird boxes.
- 6.37 As such in the absence of previous objection from KCC Ecology it is considered that the proposal is acceptable in wildlife terms and meets the provisions of the NPPF.

Site contamination and drainage:

- 6.38 Subject to the imposition of a condition requiring a site investigation along with remediation measures (should this prove necessary) there is considered to be no objection to the proposal on site contamination grounds.
- 6.39 Regarding drainage, as the proposal will result in a net reduction in hard surfacing and that a Sustainable Urban Drainage system is proposed and in the absence of objection from the Environment Agency, no objection is raised to the proposal on flooding grounds.
- 6.40 In connection with foul drainage, the existing commercial use of the site (which is already connected to the waste water system) already generates a significant amount

of waste water. As such there will be a considerable reduction in waste water volume. However given the site cross falls it is intended to construct a pumping station in the south east corner of the site to connect with the existing adopted pumping station in The Forstal. This comprises underground chambers and enclosure by 1.2m close boarded fencing. Given the small size of the station no harm to visual amenity is identified.

Other issues

- 6.41 Condition 1 of the extant approval (14/505358) limited timescales for implementation to one year. The reasoning being '*to secure the prompt delivery of housing in accordance with Government Guidance*'.

The permission for the extant approval expires 26 May 2016. The reasoning for the timescale remain pertinent and therefore it is considered reasonable and necessary to again allow for one year for implementation.

9.0 CONCLUSION

- 9.1 The following conclusions are reached:

- 9.2 Whilst the proposed development does not accord with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or the provisions of the NPPF relating to sustainable housing development in the countryside the balance of issues falls significantly in favour of the proposal and approval is recommended for the following reasons:

- (a) The proposal does not result in any material loss of economic activity to the Borough,
- (b) it involves reuse of brownfield land in accordance with Government policy,
- (c) it makes a contribution in meeting the Borough's acknowledged housing shortfall,
- (d) it will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside,
- (e) it reduce HGV and employee traffic resulting in a material improvement to highway safety and the free flow of traffic in the locality and
- (f) will bring about wildlife and habitat improvements to the locality.

- 10.0 RECOMMENDATION – GRANT PLANNING PERMISSION** Subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to secure the prompt delivery of housing in accordance with Government Guidance.

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

Extended Phase 1 Habitat Survey and Bat Building Report
Phase I Desk Study (Soils report)
Drawing Number PR49.01 (Site Location Plan)

Drawing Number PR49.02 Revision B (Existing and Proposed Block Plans)
Drawing Number PR49.03 Revision C (Proposed Masterplan)
Drawing Number PR49.04 (Proposed Plot A and C Plans and Elevations)
Drawing Number PR49.05 (Proposed Plot B Plans and Elevations)
Drawing Number PR49.06 (Proposed Plot D and E Plans and Elevations)
Drawing Number PR49.07 (Proposed Plot F Plans and Elevations)
Drawing Number PR49.08 (Proposed Typical Garage drawing)
Drawing Number PR49.09 Revision A (Proposed Ground Floor Site Plan)
Drawing Number PR49.10 (Proposed comparison plan)

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

- (3) Before the development hereby approved reaches damp proof course level all external materials (including wearing surfaces for the roads, turning and parking areas, shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A -H (inc) to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

- (5) The development hereby approved shall not be occupied until the parking and turning areas shown on the approved plans have first been provided and shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

- (6) Before first use of the access onto Bull Hill by occupants of the approved development a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: To prevent surface material being dragged onto the public highway in the interests of the free flow of traffic and public safety.

- (7) Secure cycle parking shall be provided in accordance with details to be submitted and approved by the Local Planning Authority prior to occupation of the first unit.

Reason: In the interests of sustainability.

- (8) No external lights shall be installed anywhere on site without first obtaining the approval of the Local Planning Authority. Lighting shall only be installed with the approved details and retained as such at all times thereafter.

Reason: To protect the night-time rural environment in the interests of visual amenity.

- (9) Prior to occupation of the first unit details of proposed boundary treatment shall be submitted to and approved by the Local Planning Authority and the scheme shall be carried out in accordance with the approved details. Notwithstanding the provisions

of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected within the application site area other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to protect the visual amenities of the locality.

- (10) The development hereby permitted shall not reach damp proof course level commence until details of the size, design and siting of the following have first been submitted to and approved in writing by the Local Planning Authority being:
- (a) Four integrated sparrow nest bricks (two each to be placed on two dwellings with two facing in an easterly direction on a single dwelling); and
 - (b) Two integrated bat bricks (one each to be placed on two dwellings); and
 - (c) Two integrated swift bricks (one each to be placed on two dwellings).

The above requirements shall not be provided in combination on any dwelling.

The approved details shall be implemented in full prior to occupation and maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site.

- (11) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality setting and external appearance to the development.

- (12) Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) for (a) the landscape buffer running along the whole southern and western site boundaries sited as shown on drawing no: PR49.09 Revision A and (b) within the site, shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping shall be carried out in the first available planting season. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (13) The development hereby permitted shall not commence until a scheme for the disposal surface water (which shall in the form of a SUDS scheme) has been

submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (14) If, during construction/demolition works contamination not previously identified is found to be present on site, work shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of amenity and public safety.

- (15) All arisings from tree and shrub removal shall be used to create hibernaculum which shall be provided within landscaped areas and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

INFORMATIVES

1. You are reminded of the legal protection afforded to nesting birds and to ensure that no development is carried which might affect these.
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. As the development involves demolition and / or construction broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Planning Committee Report
7 April 2016

4. In carrying out the development you should take into account the requirements of the Environment Agency set out in its letter dated the 8th January 2015 relating to application 14/505358.

Case Officer: Rachael Elliott

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