

<b>REFERENCE NO - 18/501236/FULL</b>			
<b>APPLICATION PROPOSAL</b> Variation of condition 32 (retail opening hours) of permission 14/0828 - The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road. Condition 32 to read' The retail use hereby permitted shall only open to customers within the following times: 0700 to 2200 Monday to Sunday, including Public and Bank Holidays'			
<b>ADDRESS</b> Land South Of Ashford Road Harrietsham Maidstone Kent ME17 1HH			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The extension of the opening hours of the retail unit from 8am to 7am and from 9pm to 10pm on Sundays and bank holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan. Restrictions are in place to manage impact of the use. There are no sustainable objections to the extended opening hours and no objections from consultees regarding traffic or environmental impact.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> The Parish Council commented that they see no valid reason why the opening hours need to be extended beyond the previously approved times. There are concerns that, by doing this, it will encourage anti-social behaviour in a residential area. If the Planning Officer view differs, the Parish Council have requested that the application be reported to the Planning Committee. Councillors Sams have requested that if minded to grant the application, they would like it to be brought before the planning committee On the grounds of excessive opening hours within a residential setting and the loss of amenity by the impact of noise and light on local residents. They believe the hours should be 7am- 10pm (called prior to change to hours)			
<b>WARD</b> Harrietsham And Lenham	<b>PARISH</b> Harrietsham	<b>COUNCIL</b>	<b>APPLICANT</b> Co- Operative Group Food Limited <b>AGENT</b> Pegasus Planning Group Limited
<b>DECISION DUE DATE</b> 12/06/18		<b>PUBLICITY EXPIRY DATE</b> 02/07/18	

### Planning History

14/0828

The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.

Approved

18/502417/ADV

Advertisement Consent for 1no. Set of Non Illuminated Acrylic Text, 2no. Internally Illuminated Co-Op Logos, 4no. Non Illuminated Wall Mounted Flat Aluminium Panels, 1no. Internally Illuminated 4.5m Totem.

Approved Decision Date: 03.07.2018

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The proposal site is located to the south of Ashford Road (A20). Planning permission was granted under application reference 14/0828 for the redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road. The subject of this application is the retail store which sits adjacent to Ashford Road
- 1.02 The retail unit sits to the east of the access of the site and set back from, and at an angle to the A20. This siting allowed for the provision of landscaping to the site frontage to echo the existing village green to the north of the A20.
- 1.03 The retail unit has an articulated frontage to the A20 which follows the entrance to the site and allows for openness between it and the apartment block. An enclosed courtyard to the rear of the retail unit provides a service and delivery area.
- 1.04 Condition 32 of the permission states:  
The retail use hereby permitted shall only open to customers within the following times: 0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers

### **2. PROPOSAL**

- 2.01 Initially, permission was sought to vary condition 32 of the condition to permit the use of the retail premises by customers between the hours of 06.00 and 23.00. The applicant has reduced the proposal to seek permission for the opening of the store from 0700 and 2200 Monday to Sunday, including Public and Bank Holidays(i.e. opening 1 hour earlier and closing 1 hour later on Sundays and Bank Holidays) .

### **3. POLICY AND CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policy DM1, SP5, SP6

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 When the proposed hours were 06.00 – 23.00, representations were received from 3 local residents raising the following (summarised) issues

- Extension of hours should only take place once there is a demand due to detrimental impact on residents.
- The decision to allow the opening of a convenience store 30m from another is ill informed.
- The new business will bring large articulated lorry's all day and night. What restrictions have been out in place to protect residents from this blight?
- Given the limited number of parking spaces, Where will visitors to the shop turn their cars, vans and lorry's?
- Are yellow lines and enforcement camera being put in place as a preventative measure?
- Cars turn on neighbouring drives and mount the pavement currently. This will get worse.
- How will the council prevent casual parking by shoppers on pavements and in front of drivers at the entrance to the estate opposite the store?
- Noise and disturbance impact – delivery lorries and cars turning very early or late at night.
- The added traffic coming into the estate will cause more issues on a dangerous main road
- If children are playing outside this could cause an accident as cars will speed into the estate to use the shop without any due care.

4.02 No responses were received during re-consultation on the reduced opening hours of 7.00 to 22.00.

4.3 Harrietsham Parish Council have requested that the application be refused.

The Parish Council sees no valid reason why the opening hours need to be extended beyond the previously approved times. There are concerns that, by doing this, it will encourage anti social behaviour in a residential area. They requested that if the Planning Officer view differs, that the application be reported to the Planning Committee.

### **Consultations**

#### Kent Highways

4.4 No objection to the proposal

#### Environmental protection

4.5 In response to the initial proposal for hours 06.00 to 23.00, Environmental protection raised no objection but suggested that suitable safeguards should be put in place to mitigate any additional noise cause mainly by customers arriving and departing the site.

4.6 In response to the revised hours of 7.00 to 22.00, they have raised no objection to the proposal.

## **5. APPRAISAL**

5.01 The key issues for consideration are:

- The principle of the extended opening hours

- The impact of the extended opening hours

#### Principle of Proposal

- 5.02 Policies SP5 and SP6 of the Local Plan state that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth. At the rural service centre of Harrietsham, services will be retained and supported.
- 5.03 It further states that the loss of local shops, community facilities and green spaces will be resisted, and new retail development, community services and open space will be supported to meet local needs in accordance with policy SP5(3).
- 5.04 The applicant has advised that the current opening hours on Bank Holidays and Sundays do not offer the requisite flexibility that the occupier of the unit requires to trade successfully. This needs addressing so it is proposed that the opening hours are extended on Sundays and Bank Holidays to match those permitted on the rest of the week.
- 5.05 The proposed opening hours are reflective of typical opening hours for convenience stores, which provide a top-up role in locations such as in Harrietsham, and reflect the location of the store.
- 5.06 The earlier retail unit opening with the change from 8am to 7am and the later closing with the change from from 9pm to 10pm on Sundays and Bank Holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan.

#### Impact of the Proposal

- 5.07 Consultation responses have raised concern about the impact of the revised opening hours in terms of impact on the neighbouring store, disturbance through deliveries and visitors to the store, parking provision, highway safety and anti social behaviour.
- 5.08 Visitor parking is provided for the specific use of the store and would remain available during the extra hours on Sundays and Bank Holidays . With regard to the delivery and visitor traffic disturbance, and highway safety, it is noted the Kent Highways have raised no objection to the proposal. As such, the proposal is considered acceptable in this regard.
- 5.09 The original permission includes conditions to control impacts through restricted delivery times (condition 35), the control of noise and vibration of any plant (condition 36), a service yard management plan, including details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays (condition 37), and a restriction on external amplified sound within the service yard (condition 38).

- 5.10 These conditions have all been discharged to the satisfaction of the Environmental Protection Team.
- 5.11 Concerns have been raised about anti social behaviour as a result of the extended opening hours. There is no reason to suggest that the opening of the store between the additional hours of 7-8am and 9-10pm on Sundays and Bank Holidays would result in any additional anti social behaviour. It is not considered that an objection on this basis could be sustained.
- 5.12 Given the existing restrictions in place, the extension of the opening hours of the store on Sundays and Bank Holidays is not considered objectionable and the proposal in this regard is supported.

## **6. CONCLUSION**

The extension of the opening hours of the retail unit from 8am to 7am and from 9pm to 10pm on Sundays and Bank Holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan. Given this and the existing restrictions in place to manage impact of the use, and the lack of objection from consultees regarding traffic and environmental impact, on balance the proposal is supported.

## **7. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- (1) The development shall be constructed using the materials approved under application references 15/507926/SUB and 17/505490/SUB unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

- (2) The development shall be undertaken in accordance with the roof overhangs and eaves, window and doors and recesses/reveals and junction of the timber boarding and the brickwork as approved under application reference 16/502634, and maintained as such thereafter;

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

- (3) Prior to first occupation, the development shall be carried out in accordance with the fencing, walling and other boundary treatment details approved under application reference 17/502628/SUB and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

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

- (5) The approved details of the parking, and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (6) Prior to first occupation of the retail unit, cycle storage facilities for the retail unit shall be provided in accordance with the details approved under application reference 16/502634/SUB and maintained as such thereafter.

Reason: In the interests of sustainable travel.

- (7) Any changes to the components of the remediation strategy approved under application reference 15/507926/SUB requires the express written consent of the Local Planning Authority. Otherwise, the scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

- (8) The long-term monitoring and maintenance plan as approved under application reference 17/505974/SUB shall be implemented in full as approved.

Reason: To prevent pollution of the environment and protect controlled waters.

- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition 7 above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved.

Reasons: To prevent pollution of the environment.

- (10) External lighting shall only be installed in accordance with the plans approved under application reference number 15/507926/SUB. The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

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

- (11) Archaeological work shall be carried out in accordance with the details approved under application reference 15/507162/SUB.

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

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

- i) The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.
- ii) The drainage details submitted to the Local Planning Authority shall:
  - (a) Specify the responsibilities of each party for the implementation of the SUDS scheme;
  - (b) Specify a timetable for implementation;
  - (c) Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for

adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

(d) Relevant manufacturers' details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (13) The development shall be carried out in accordance with the details approved under application reference 15/507932/SUB and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

- (14) The details approved under application reference 15/507932/SUB shall be in full prior to the first occupation of the development. implemented

Reason: In the interest of pollution and flood prevention.

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

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

- (16) The landscaping of the site and its management thereafter shall be carried out in accordance with the details approved under application reference 17/506192/SUB.

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

- (17) All planting, seeding or turfing comprised in the details of landscaping approved under application reference 17/506192/SUB shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

- (18) The development shall be carried out in accordance with the details approved under application reference number 15/507929/SUB and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014;

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

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

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

- (20) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall be carried out in accordance with the construction environmental management plan approved under application reference 15/507929/SUB unless otherwise agreed in writing by the Local Planning Authority;

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

- (21) The development shall only be carried out in accordance with the ecological design strategy approved under application reference 15/507929/SUB.

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

- (22) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140

received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

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

- (23) The facilities for the storage of refuse and recycling on the site shall be provided in accordance with the details approved under application reference 17/502628/SUB before the first occupation of the development and maintained thereafter;

Reason: In the interest of amenity.

- (24) The development shall be undertaken in accordance with the details of the materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points as approved under application reference 15/507162/SUB and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

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

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

- (26) The Sustainable Travel Measures Action Plan as approved under application reference number 17/506193/SUB shall be implemented in full;

Reason: In the interests of sustainable transport use.

- (27) The development shall be completed strictly in accordance with the levels approved under application reference number 16/502021/SUB

Reason: In order to secure a satisfactory form of development.

- (28) The external meter cupboards, vents, and flues shall be installed only in accordance with the details approved under application reference 16/502021/SUB.

Reason: To secure a high standard of design.

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

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

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

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

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

0700 to 2200;

Reason: To protect the amenities of the neighbouring occupiers.

- (32) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls other than in accordance with the details approved under application reference 18/501235/SUB

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

- (33) Plant and ducting shall only be carried out in accordance with the details approved under application reference 18/501235/SUB and maintained as such thereafter. No new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

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

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

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

- (35) The scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) as approved under application reference number 18/501235/SUB shall then be installed in accordance with the approved details prior to the first use of the premises and maintained thereafter. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

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

- (36) The use of the retail unit shall be carried out in strict accordance with the service yard management plan as approved under application reference number 18/501235/SUB, and maintained thereafter;

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

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

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

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

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

- (39) The construction of the retail unit of the development hereby permitted shall not commence until details of the shop front to the retail unit in the form of large scale drawings (at a scale of 1:20 or 1:50) have 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 ensure a satisfactory appearance to the development and a high quality of design.

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

drawing numbers : 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094\_DR\_001 and 3094\_DR\_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev B, 061302-WARD-BLK3-E3 rev B, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094\_DR\_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev C, 061302-WARD-BLK3-P1 rev C, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094\_RP\_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect

Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

As amended by the following plans: 14-45-311 RevP1, 14-45-310 RevP3, 14-45-253 RevC2, 14-45-312 Rev P1, 14-45-251 Rev C2, 14-45-252 OptB Rev C2, 14-45-252 C2 Plot 9 First Floor Opt B, 14-45-252 C2 Plot 9 ground floor, 14-45-308 Rev C1, 14-45-335 Rev C1, 14-45-339 Rev C1, 14-45-342 Rev C1, 14-45-346 Rev C1, 14-45-376 Rev B, 14-45-379 Rev B, 14-45-378 Rev B, 14-45-380 Rev B, 14-45-381 Rev B, 14-45-404 Rev B, 14-45-406 Rev B, 14-45-210 C1, 14-45-211 C2, 14-45-223 C2, 14-45-310 P8, 14-45-341 C1, 14-45-342 C1, 14-45-343 C1

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

Informative(s):

- (1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.  
Bats and Lighting in the UK  
Summary of requirements  
The two most important features of street and security lighting with respect to bats are:
  1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
  2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.  
Tungsten Halogen, if unfiltered, emit a high UV component  
Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night; Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).
- (3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).
- (4) For the purposes of discharge of conditions 33 and 34:  
The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 :

1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

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

- (5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
- Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
- Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).
- Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during

remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

- (7) No new planting should be introduced within 1m of the KH275 public right of way.  
Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works). Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.
- (8) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk).
- (9) The applicant is advised that the site lies within a Area of Special Control of Advertisements.
- (10) Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site.

Case Officer: Jo Russell

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