

'other material considerations' that outweigh the failure to comply with the SDLP in this specific case.

OBLIGATIONS

Five affordable housing units on site

Other community contributions are in line with the previously consented scheme:

£34,418 for Horsley Play Project

£4,000 for Horsley Village Hall

£2,000 for Horsley Village Shop

£1,500 for Horsley Youth Group

£1.500 for Horsley Playgroup

Funding to provide 2 traffic warning signs

Transfer of 2 orchard areas (open spaces to the Parish Council

Management agreement on maintenance scheme for other open spaces.

With regard to education contributions GCC have advised that no contributions will be required as, based on the latest data and forecasts both Horsley Primary School and Sir William Romney Secondary will have sufficient capacity.

REVIEW OF CONSULTATION RESPONSES

It is considered that the issues raised within the letters of objection and representations have been addressed within the relevant subject areas above.

RECOMMENDATION

In light of the above, Officers recommend that Members resolve to grant permission for the proposed development.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

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:

To comply with the requirements 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 hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Materials Layout - Drawing Number 1587 103 E - Received 09/12/2016
Storey Height Plan - Drawing Number 1587 102 C - Received 18/11/2016

Floor Plans Plots 1,3 & 5 - Drawing Number 1587 150 - Received 18/11/2016

Elevations Plots 1,3 & 5 - Drawing Number 1587 151 - Received 18/11/2016

Plot 2 Floor Plans - Drawing Number 1587 152 - Received 18/11/2016

Plot 2 Elevations - Drawing Number 1587 153 - Received 18/11/2016

Plot 4 Floor Plans - Drawing Number 1587 154 - Received 18/11/2016

Plot 2 Elevations - Drawing Number 1587 155 - Received 18/11/2016

Plot 6 Floor Plans - Drawing Number 1587 156 - Received 18/11/2016

Plot 6 Elevations 1 of 2 - Drawing Number 1587 157 - Received 18/11/2016

Plot 6 Elevations 2 of 2 - Drawing Number 1587 158 - Received 18/11/2016

Plot 7 Floor Plans - Drawing Number 1587 159 - Received 18/11/2016

Plot 7 Elevations - Drawing Number 1587 160 - Received 18/11/2016

Plot 8 Floor Plans - Drawing Number 1587 161 - Received 18/11/2016

Plot 8 Elevations - Drawing Number 1587 162 - Received 18/11/2016

Plot 9 Floor Plans - Drawing Number 1587 163 - Received 18/11/2016

Plot 9 Floor Plans - Drawing Number 1587 163 - Received 18/11/2016

Plot 10 Floor Plans - Drawing Number 1587 165 - Received 18/11/2016

Plot 10 Elevations - Drawing Number 1587 166 - Received 18/11/2016

Plot 11 Floor Plans - Drawing Number 1587 167 - Received 18/11/2016

Plot 11 Elevations - Drawing Number 1587 168 - Received 18/11/2016

Plot 12 Floor Plans - Drawing Number 1587 169 - Received 18/11/2016

Plot 12 Elevations - Drawing Number 1587 170 - Received 18/11/2016

Plot 13 Floor Plans - Drawing Number 1587 171 - Received 18/11/2016

Plot 13 Elevations - Drawing Number 1587 172 - Received 18/11/2016

Plot 14 Floor Plans - Drawing Number 1587 173 - Received 18/11/2016

Plot 14 Elevations - Drawing Number 1587 174 - Received 18/11/2016

Plot 15 Floor Plans - Drawing Number 1587 175 - Received 18/11/2016

Plot 15 Elevations - Drawing Number 1587 176 - Received 18/11/2016

Plot 16 Floor Plans - Drawing Number 1587 177 - Received 18/11/2016

Plot 16 Elevations - Drawing Number 1587 176 - Received 18/11/2016

Garage Details (Sheet 1) - Drawing Number 1587 180 - Received 18/11/2016

Garage Details (Sheet 2) - Drawing Number 1587 181 - Received 18/11/2016

Garage Details (Sheet 3) - Drawing Number 1587 182 - Received 18/11/2016

Levels Plan - Drawing Number 16020-101 B - Received 13/12/2016
Levels Plan - Drawing Number 16020-102 B - Received 13/12/2016
Site Sections - Drawing Number 16020-SK 1000 A - Received 13/12/2016
Landscaping Proposals - Drawing Number 957/PA/01D - Received 14/12/2016
Planning Layout - Drawing Number 1587 100 W - Received 25/01/2017
Site Location Plan - Drawing Number 1587 101 A - Received 25/01/2017

Reason:

To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3. No work must take place on the external surfaces of the buildings until full samples of the external materials, including render, block paving, stone chippings to be used on the buildings hereby permitted been submitted to and approved in writing by the Local Planning Authority. This shall include a sample panel of one square metre of the walling on site. The panels shall be constructed and protected from the weather at least 14 days prior to inspection by the Local Planning Authority and the approved panels shall be maintained in situ for the duration of the works. Development shall then only be carried out in accordance with the approved details before the building is occupied.

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

4. Prior to their installation, full details and samples of the proposed treatment of all external joinery (including doors and window frames) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

5. The proposed hard and soft landscaping (including boundary treatments) shall be carried out in strict accordance with the details provided on drawing 957 PA 01 D (Landscape Proposals) and drawing 1587 103 E (Materials Layout).

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

	<p>6. Samples of the enclosure details hereby approved shall be submitted and approved in writing prior to the first occupation of the dwellings and shall be carried out in strict accordance with the details provided on drawing 1587 103 E (Materials Layout Enclosure Details).</p> <p>Reason: In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. 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.</p> <p>Reason: In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A - E; of Part 1 of Schedule 2, shall take place.</p> <p>Reason: In the interests of the amenities of the area and comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>9. Prior to their installation, details and plans showing any external lighting (including street lighting) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then only be carried out in accordance with those approved details and shall be maintained as such thereafter.</p> <p>Reason: In the interests of the amenities of the area and to accord with Policies ES3, ES6 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p>
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	<p>10. The development hereby approved shall be carried out in strict accordance with the recommendations made within the submitted Ecological Assessment (Ecology Solutions, April 2016) and updated Addendum (October 2016). Mitigation as recommended in Section 5 shall put in place in full prior to the first occupation of the buildings and shall be maintained as such thereafter.</p> <p>Reason: To ensure the preservation of protected species on site, in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>11. Prior to the commencement of any works on site, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This will outline how retained features will be protected during the construction process (including the orchard and southern hedge) and how they and the proposed new features (hedges, wetland and Nut Copse) will be established and/or adapted to provide ecological benefit and public enjoyment. It shall also set out the location and type of bat and bird boxes to be erected. The LEMP shall also include details of the long term management of the habitat areas and who will be responsible for such management. The LEMP shall be implemented prior to first occupation and shall be retained as such thereafter.</p> <p>Reason: To ensure the preservation of protected species on site, in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>12. Development on site shall be carried out in strict accordance with the recommendations included within the submitted Waste Minimisation Statement (Ref: 3851, Hunter Page, April 2016) with any measures put into place in full, prior to the commencement of development on site or in accordance with an alternative timetable that may have been approved as part of the measures of mitigation.</p> <p>Reason: In the interests the character and amenity of the area and to comply with the provisions of the National Planning Policy Framework.</p> <p>13. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved by the Local Planning Authority.</p>
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	<p>Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land.</p> <p>14. No development approved by the permission shall be commenced until a detailed drainage strategy for foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The strategy must be compliant with the requirements of the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and local policy. The detailed drainage strategy must consider, but not be limited to; the SUDS discharge hierarchy, a scheme of surface water treatment, management of exceedance flows, and be supported by sufficient evidence to demonstrate it is technically feasible (e.g. simulations/modelling of the drainage system(s) and attenuation, groundwater level results, infiltration tests). Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details prior to occupation and be retained thereafter.</p> <p>Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and to minimise the risk of pollution. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015.</p> <p>15. No development shall be put in to use/occupied until a sustainable drainage (SUDS) maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.</p> <p>Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with Policies SA3 (7), ES1, ES3 and CP14 (2) of the adopted Stroud District Local Plan (November 2015).</p> <p>16. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 48m to the right and 63m to the left (the Y points). The area between those splays and the</p>
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	<p>carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.</p> <p>Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.</p> <p>17. The boundary wall of Nupend Farmhouse to be set back as shown on drawing 4032/SK201 Rev D within the submitted Transport Statement [Cole Easdon Consultants (CEC) April 2016] shall be rebuilt using the reclaimed stone and to the same height and finish. The work shall be completed before the vehicular access hereby permitted is brought into use.</p> <p>Reason: In the interests of highway safety and to ensure the preservation of the character and special interest of the wall, in the interests of the visual amenities of the area and to comply with Policies CP14 and ES10 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>18. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed, including the existing western access into the site being returned to grassland with the exception of a level of hard standing being retained to service the remaining field gate access, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.</p> <p>Reason: To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development and so as to limit loose material from farm vehicles being discharged onto the public highway and in accordance with paragraphs 32 and 35 of the NPPF.</p> <p>19. Prior to occupation of the development the forward and emerging visibility splays as shown on Drawing No plans 4032/SK/201 Rev D, Plan 4032/202 Rev. E and Plan 4032/203 Rev. E shall be provided and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1 metre and 2.1m above the adjacent carriageway level.</p>
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	<p>Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained, and in accordance with paragraphs 32 and 35 of the NPPF.</p> <p>20. The dwellings hereby permitted shall not be occupied until the car parking associated with those dwellings (including garages and car ports and visitor parking where proposed) has been provided in accordance with the submitted plan ref. 100 Rev V and shall be maintained available for that purpose thereafter.</p> <p>Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway, and in accordance with paragraphs 32, 35 & 39 of the NPPF.</p> <p>21. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 16 bicycles (1 per dwelling) has been made available in accordance with details to be submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.</p> <p>22. Notwithstanding the details of footways as shown on drawing plan ref. 100 Rev. W, prior to the occupation of the development details of all internal footways together with the footway along the frontage of the development adjacent the Highway (B4058) (which all footways shall be a minimum width of 2m) shall be submitted to and agreed in writing by the LPA.</p> <p>Reason: To ensure that safe and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.</p> <p>23. No dwelling on the development shall be occupied until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footways to surface course level.</p> <p>Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the</p>
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	<p>visual amenities of the locality and in accordance with paragraph 35 of the NPPF.</p> <p>24. Prior to the first occupation of the development hereby permitted, details of the Gateway Feature Ramp shall be submitted to and agreed in writing by the Local Planning Authority. The ramp must provide a level transition from full height kerbs to the shared surface street. It shall then be constructed in accordance with the approved plan and made available for public use prior to the first occupation of the dwellings hereby permitted.</p> <p>Reason: To ensure that safe and suitable access to the site can be achieved for all people in accordance with Paragraph 32 of the NPPF.</p> <p>25. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.</p> <p>Reason: To ensure that safe and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.</p> <p>26. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:</p> <ul style="list-style-type: none"> i. specify the type and number of vehicles; ii. provide for the parking of vehicles of site operatives and visitors; iii. provide for the loading and unloading of plant and materials; iv. provide for the storage of plant and materials used in constructing the development; v. provide for wheel washing facilities; vi. specify the intended hours of construction operations; vii. measures to control the emission of dust and dirt during construction; and viii specify the access points to be used and maintained during the construction phases ix. specify management of surface water to ensure flood risk is not increased elsewhere and avoid storage/inappropriate use of heavy
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machinery, plant or material in areas where infiltration SuDS proposed, and avoid soil compaction of such locations.

Reason:

To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer contacted the applicant/agent and negotiated changes to the design which has enhanced the overall scheme; these have been detailed in the Officer Report.
2. For the avoidance of doubt and notwithstanding the grant of planning permission for the works to the boundary wall of Nupend Farmhouse as shown on drawing 4032/SK201 Rev D within the submitted Transport Statement, attention is drawn for the need to seek and be granted separate Listed Building Consent prior to works commencing on the wall to discharge Conditions 15 and 18 of this permission.
3. The applicant is advised that to discharge condition 23 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.
4. Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
5. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke or fume complaints be received.

	<p>6. The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.</p>
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