

Application No: Y18/1035/FH

Location of Site: Land adjoining The Mount Barrow Hill Sellindge

Development: Outline application for the erection of up to 11 dwellings with the formation of a new access with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

Applicant: Mr E & Mr J Champneys

Agent: Elizabeth Welch
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Ashford

Date Valid: 02.10.2018

Expiry Date: 01.01.2019

PEA Date: 19.04.2019

Date of Committee: 19.03.2019

Officer Contact: Miss B Lennon

SUMMARY

This application is for outline permission for up to 11 dwellings on a site that forms a proposed residential allocation within the emerging Places and Policies Local Plan. All matters except for access are reserved for future consideration. The access has been considered to be safe and suitable by Kent Highways and Transportation for the proposed 11 dwellings. The principle of residential development at this site is accepted, with no likely detrimental impact arising from this use upon the amenity of existing and future occupants. Suitable mitigation can be secured to ensure the protection of protected species, whilst the visual impact of the proposal is also accepted, with no significant contamination of the site considered likely. Further archaeological evaluation of the site is being carried out. Any update on this will be provided either on the supplementary sheets or at the meeting.

RECOMMENDATION: That delegated authority be given to the Chief Planning Officer to grant planning permission subject to: the receipt of a satisfactory archaeological field evaluation report; the conditions set out at the end of the report; and the applicant entering into a S106 legal agreement securing affordable housing, KCC contributions and reptile translocation; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and to add any other conditions that he considers necessary.

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for up to 11 dwellings with all matters other than the means of access reserved for future consideration. The access proposals are for a new central vehicular access on the western boundary of the site onto Barrow Hill (the A20), opposite St John's Cottages. Indicative elevations, floor plans and a block plan have been submitted with the application but these are not for consideration as part of this application.

1.2 The application is accompanied by the following documents:

- arboriculture report
- planning and design & access statement
- stage 1 road safety audit
- transport statement
- utilities statement
- archaeological desk-based assessment
- foul water drainage strategy
- surface water management strategy
- badger, reptile survey & mitigation strategy
- a reptile translocation enhancement strategy & management plan
- preliminary ecological appraisal
- phase 1 environmental assessment

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside (but abutting) the settlement boundary, which runs along the western boundary of the site
- Allocation for residential development of up to 15 dwellings in the emerging Places and Policies Local Plan (ND5 – General Sellindge Policy).
- TPO No. 01 of 2017
- Public bridleway HE271A runs along the eastern boundary of the site
- Close proximity to areas of archaeological potential

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site comprises agricultural land located on the eastern side of Barrow Hill (the A20), between the dwellings known as The Mount to the north and Sade to the south. The site has an area of approximately 0.7 hectares. It is bounded by Barrow Hill to the west and a public bridleway to the east.

3.2 The eastern side of Barrow Hill is characterised by detached properties in larger plots, whilst the development on the western side of Barrow Hill opposite the application site is characterised by mostly terraced properties in narrow plots, with development becoming more spacious and less intense

as you travel further north and south and the area becomes more rural in character.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no recorded planning history for the site.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Sellindge Parish Council

Object – density is too high and visitors parking is insufficient which will encourage parking on the main road

5.3 KCC Highways and Transportation

The proposed 'T-junction' access is suitable for the proposed 11 dwellings, recommend a number of conditions if planning permission is granted

5.4 KCC Archaeology

Request field evaluation works prior to determination of the planning application

5.5 KCC Ecology

Sufficient ecological information has been provided for the determination of the outline planning application. We require no additional ecological information to be submitted prior to determination of the outline planning application but the details mitigation / enhancement requirements must be submitted / implemented as a condition of planning permission if granted.

5.6 Arboriculture Manager

No objection – the loss of T14 and G15 is acceptable and all TPO trees are to be retained, tree protection fencing needs to be installed prior to commencement and checked by LPA's tree officer

5.7 KCC Economic Development

Request financial contributions of £49,885 for Primary Education and £1,191.53 for library book stock as well as a condition requiring High Speed Fibre Optic broadband connection

5.8 Merebrook

The submitted report is a suitable scope and standard, part 1 of the standard condition has been met. No intrusive works are required so parts 2-4 can also be discharged. Part 5 of the standard condition should remain in place as this secures a watching brief and reporting requirement for any unexpected contamination.

5.9 Environmental Health

No objection – agree with comments of contaminated land consultants

5.10 KCC SUDS

Request conditions in relation to surface water drainage

5.11 Southern Water

Request an informative and advise no habitable rooms should be located closer than 15 metres to the boundary of a proposed on-site pumping station site

5.12 KCC Public Rights of Way

No objection and request a number of informatives

5.13 Environment Agency

No comment – development is low environmental risk

5.14 Network Rail

No response received.

5.15 High Speed 1

No response received.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 30.10.2018

6.2 Site Notice. Expiry date 09.11.2018

6.3 Press Notice. Expiry date 08.11.2018

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

7.2 8 representations received objecting on the following grounds:

- Tree preservation will make adequate entry and exit provision difficult
- Number of proposed developments in Sellindge putting pressures on the surgery and school
- Adopted policy is to minimise ribbon development along the A20
- The aim of the application may be to boost land value with the view to selling it on

- People living in Sellindge are being ignored
- Access onto the A20 will bring risk to motorists
- Will the speed limit be reduced or speed cameras installed
- Applications on this land have previously been refused and nothing has changed
- Archaeological works should be carried out
- Residential road and footpath standards would not be met
- Concerns over works to TPO tree
- A Buzzard is nesting in the pine T3
- 11 houses is too dense for this site
- Extra cars will park on the A20
- TPO trees will be at risk in the future from the houses
- Sellindge is being over developed
- HGVs will damage the road and provide property vibration and noise
- Shouldn't be determined until the emerging Plan has been adopted

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1 HO1 BE1 BE17 TR5 TR11 TR12 LR9 CO1 CO11

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD SS1 SS3 CSD1 CSD2 CSD3

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
ND5 HB1 HB3 T2 T5

8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:
11 48 57 127 175

- 8.6 The following Supplementary Planning Documents apply:
Affordable Housing SPD

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this application are the principle of the development, highway safety and parking, visual impact, amenity, protected trees, ecology, contamination and archaeology.

Principle of development

- 9.2 The NPPF (2018) is clear that local planning authorities should support the Government's objective to significantly boost the supply of homes (paragraph 59) and that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 11). Likewise, Core Strategy policy SS1 of the Core Strategy seeks to direct development to existing settlements, and policy SS3 seeks to protect the open countryside and coastline in accordance with policy SS1.
- 9.3 The site is located in the Barrowhill area to the south of Sellindge which is identified in the Core Strategy as a Rural Centre. Rural Centres are larger or better-served rural settlements within their character area, with the potential for modest expansion from their current built limits to meet rural development needs. The principle of development in the Rural Centre of Sellindge is therefore considered to be in accordance with prevailing planning policy.
- 9.4 The site is allocated for residential development for approximately 15 dwellings within the General Sellindge Policy ND5 of the emerging Places and Policies Local Plan (PPLP). There were seven comments received for the general Sellindge policy ND5 and three comments received on the associated Land at Barrow Hill site pre-amble. Within these comments there is only one objection regarding concerns with TPOs, flooding, infrastructure, light pollution and access. Given the limited amount of objection to this policy, it is considered that the policy can be afforded a significant amount of weight given the advanced stage of the PPLP.
- 9.7 In terms of the criteria within emerging policy ND5; the proposed development is assessed as follows:

Development proposals will be supported where:

1. The design incorporates adequate landscaping to mitigate impact on the setting of the countryside;

As this is an outline planning application with layout and landscaping reserved for future consideration there is no information regarding landscaping submitted with the application. However, this can be

adequately dealt with by condition and be assessed at the reserved matters stage to ensure there is space in the layout to incorporate sufficient landscape to meet the policy criteria.

2. Existing trees and hedgerows around the site boundary are retained and enhanced;

Whilst landscaping is a matter reserved for future consideration, a Tree Preservation Order (No. 1 of 2017) covers several trees and groups of trees across the site, safeguarding their immediate loss. The submitted Planning, Design and Access Statement and the Arboricultural Report identify the trees to be retained and state the intent to retain existing vegetation, consisting of native hedgerows and established trees, which accords with this policy criterion. Again, this can be adequately dealt with at the reserved matters stage.

3. The proposal complements the surrounding street pattern and urban grain, fronting dwellings onto existing streets and following the existing built edge wherever possible;

Layout is one of the matters reserved for future consideration. An indicative site layout plan has been submitted which does not accord with the design parameters set out in criterion 3. However, this is not for approval as part of this application and there is no reason why a suitable layout cannot be accommodated within the site around the access point that is for approval at this stage.

4. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

A provisional archaeological desk-based assessment has been provided which includes mitigation measures. KCC Archaeology has requested field evaluation works prior to determination of the planning application. The applicant is carrying those out and KCC will be consulted on the resulting report.

- 9.8 Although full compliance with the criteria of emerging policy ND5 cannot be assessed at this stage due to the outline nature of the application, there is nothing to indicate that the criteria cannot be met in the reserved matters and the approval of the access in the proposed location will not prejudice that. This is not a valid reason for refusing outline planning permission. The application is acceptable in principle and any subsequent reserved matters application would be assessed against all relevant policy criteria, at that time. Consequently, the principle of developing this site for up to 11 dwellings is considered to be compliant with national and local planning policy.

Highway safety and parking

- 9.9 Access is a matter for approval under this application. The proposed access onto Barrow Hill is in approximately the centre of the site, between two

protected trees. The proposed access would be a 'T-junction' and would have visibility splays of 2.4m x 120m.

- 9.10 Kent Highways and Transportation have confirmed the proposed 'T-junction' access is suitable for the proposed 11 dwellings, including the identified visibility splays. They have recommended a number of conditions if planning permission is granted including the provision of vehicle and cycle parking, the completion and maintenance of visibility splays and the completion of footways and carriageways within the site. With these conditions imposed, it is considered that there would be sufficient control to ensure that the proposal would be acceptable in terms of highway safety and parking and the proposal would comply with saved policy TR11 and emerging policy TR1.
- 9.11 Sellindge Parish Council has objected on the grounds that parking provision is insufficient. However as this is an outline planning application, parking numbers and layout are indicative only and are not being considered as part of this application. Therefore this is not a valid reason for refusing planning permission.

Visual impact

- 9.12 The site is located outside of, but adjacent to the defined settlement boundary, and within a semi-rural area that carries no landscape designation. The built character of the area varies between the east and west sides of Barrow Hill, with the west side being characterised by smaller, terraced or semi-detached dwellings, whilst the dwellings on the east tend to be larger detached properties, in spacious plots. Generally, the housing follows the line of the road, giving a 'ribbon' style development, but with cul-de-sac residential development found more frequently when moving northward toward the M20 and railway lines.
- 9.13 The site would change markedly as a consequence of the proposed scheme, moving from an undeveloped to a developed character. However, as identified in paragraph 9.3 above, the site is located in the Barrowhill area to the south of Sellindge which is identified in the Core Strategy as a Rural Centre. Rural Centres are larger or better-served rural settlements within their character area, with the potential for modest expansion from their current built limits to meet rural development needs. Further, the proposed allocation of the site for residential development in the emerging Places and Policies Local Plan, via policy ND5, indicates that this fundamental change in character has already been accepted in principle, subject to detailed considerations.
- 9.14 The proposal would provide up to 11 dwellings at a density of approximately 15.9 dwellings per hectare, which should allow for green areas, landscape buffers and an internal road in order for a scheme that is sensitive to the semi-rural location of the site to be provided. The submitted Arboriculture Report identifies that the majority of the trees across the site covered by Tree Preservation Order No. 1 of 2017 will be retained (as discussed in the 'Protected Trees' section below), which will allow for mature landscaping to be incorporated into future landscaping proposals for the site.

- 9.15 In the context of the wider area, the application site is approximately 2 kilometres from the Area of Outstanding Natural Beauty and as it is of a relatively minor scale, is considered unlikely to have any detrimental visual impact upon the setting of the AONB or upon views out from the AONB.
- 9.16 Overall, it is considered that, subject to a suitable building heights, design and layout at the reserved matters stage the principle of the change in the visual character at this location is acceptable in the context of saved policy CO1 and Core Strategy policies SS1, SS3 and CSD3 and has been accepted in the proposed allocation of the site under policy ND5.

Protected Trees

- 9.17 There are a number of trees on site protected by Tree Preservation Order No. 1 of 2017, two which are positioned at the front of the site either side of the proposed vehicular access. The submitted Arboriculture Report identifies that an individual tree (T14 – Lawson’s Cyprus) and a group of trees (G15 – Blackthorn) would be removed, alongside pruning works to the crown of a Pine Tree (T3). The report also identifies measures to protect roots during the construction period.
- 9.18 The Council’s Arboriculture Officer has reviewed the submitted Arboriculture Report and has raised no objection to the proposed tree removals, pruning works and protection measures, the provision of which can be secured via condition. Consequently, the proposal is considered to comply with saved policy BE17.

Residential Amenity

- 9.19 Saved policy SD1 of the Shepway District Local Plan Review, policy HB1 of the emerging Places and Policies Local Plan and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 9.20 The residential amenities most likely to be affected by the proposed development would be those of occupants of ‘The Mount’ to the north, ‘Sade’ to the south and the dwellings located on the west side of Barrow Hill, opposite the application site. Southern Water has also identified that should a pumping station be required as part of the waste water strategy, then dwellings could not ordinarily be located within 15 metres of this, in order to avoid potential detrimental impact from noise, vibration and odour.
- 9.21 At the reserved matters stage, when the matters relating to layout, appearance, scale and landscaping are submitted for approval, a detailed assessment will be able to be made of the inter-relationship of the proposed dwellings to existing dwellings, including issues relating to outlook, light, privacy and screening. It will also be possible to assess whether the proposed units will be compliant with emerging policy covering space standards, as well as position the dwellings appropriately with respect to any utilities infrastructure. Detailed consideration of these issues cannot be

undertaken as part of this outline application, but it is considered that there is adequate space on the site to be able to accommodate the number of dwellings proposed and the necessary infrastructure without unacceptable impact on the amenities of either existing or new residents.

9.22 impacts from increased traffic and general noise and disturbance associated with the access and vehicular activity can be assessed, as the location of the proposed access is for approval as part of this outline application. In this respect, the access is located away from any existing properties on the eastern side of the A20 and comings and goings would be unlikely to be detrimental to residential amenity, above the noise associated with the busy main road.

9.23 As such, it is considered that the proposed residential development can, in principle, be located at this site without an unacceptable impact on residential amenity in accordance with saved policy SD1.

Ecology / biodiversity

9.24 Saved policy CO11 states the District Planning Authority will not give permission for development if it is likely to endanger plant or animal life (or its habitat) protected under law unless;

- i. There is a need for development which outweighs these nature conservation considerations and;
- ii. Measures will be taken to minimise impacts and fully compensate for remaining adverse effects.

Emerging policy NE2 states “Development proposals that would adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided”.

Reptiles

9.25 The submitted reptile survey states that 3 species of reptiles were found present on site and as such the site can be considered as a key reptile site in Kent. 0.7 hectares of reptile habitat would be lost by the proposed development and a reptile mitigation strategy, including a reptile translocation methodology and an off-site receptor site has been proposed.

9.26 KCC Ecological Advice Service have confirmed they are satisfied with the submitted detailed Reptile Mitigation Strategy and Enhancement and Management Plan for the off-site receptor site, with the receptor site considered to have sufficient carrying capacity for the population of reptiles to be translocated to and be sustainable in time, with the receptor site maintained free from future development in perpetuity, written agreement of which has been received from the applicant and will be included in the legal agreement, should permission be granted.

Badgers

- 9.27 The submitted badger report has adequately demonstrated that badgers are not currently using the hole under tree T3 on site. However, as a badger was observed in the vicinity of this hole it is considered that badgers are present within the area and as a precautionary measure, a pre-commencement survey should be secured via condition, with a mitigation strategy to be submitted if badgers are found to be present on site.

Bats

- 9.28 Two oak trees along the north and east boundaries offer high suitability for roosting bats. These trees are not proposed to be impacted by the development, therefore no further survey work has been sought with regard to roosting bats. However, lighting can be detrimental to roosting, foraging and commuting bats and it is recommended that a condition be imposed requiring a lighting design strategy be submitted to ensure that external lighting does not result in harm to protected bats.

Birds

- 9.29 The site contains suitable habitat for breeding birds and all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). As such, KCC Ecology have recommended an informative be included if planning permission is to be granted advising the developer that it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. This is separate legislation to planning and therefore cannot be imposed as a condition, however, the informative will make the developer aware of their responsibilities.

Enhancement

- 9.30 The proposal provides opportunities to incorporate features into the final design which are beneficial to wildlife, such as native species planting or the installation of bat / bird nest boxes. It is therefore considered reasonable to secure measures to enhance biodiversity by condition, in accordance with paragraph 175 of the NPPF which states "opportunities to incorporate biodiversity improvements in and around development should be encouraged".
- 9.31 Overall, with appropriately worded conditions and the protection of the reptile receptor site by legal agreement, it is considered that the proposal would appropriately protect protected species and their habitats, as well as providing opportunities for biodiversity enhancement, in accordance with saved policy CO11, Core Strategy policy CSD4 and emerging policy NE2.

Archaeology

9.32 The application site falls outside of an area of archaeological potential but is in close proximity to the Bronze Age barrow to the north of the site, which is an indicator of potential for the application site to contain important archaeological remains.

9.33 Paragraph 189 of the NPPF notes that where a site includes (or has the potential to include) heritage assets with archaeological interest, local planning authorities should require an appropriate desk-based assessment and, where necessary, a field evaluation. In this case, the former has been submitted, but field evaluation works have been requested prior to the determination of this planning application. These works are being undertaken and as the final report may not have been submitted to the Council or considered by KCC by the time of the Committee meeting delegated authority is sought for the Chief Planning Officer to grant planning permission subject to this matter being satisfactorily resolved.

Contamination

9.34 A Phase 1 Land Contamination Assessment (including desk study and site walkover) has been submitted with the application which concludes the site has a very low environmental risk and no intrusive investigation of the site is required. The Council's contamination consultants have been consulted on the assessment and they concur with the conclusions of the assessment, and as such, no further investigation is required. It is recommended that a condition should be imposed to secure a watching brief and reporting requirement for any unexpected contamination that may be encountered during the works and the proposal is considered to accord with saved policy U10a and emerging policy NE7.

Environmental Impact Assessment

9.35 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is not considered to fall within either category nor is it in a sensitive area and as such does not require screening for likely significant environmental effects.

Developer contributions

9.36 The County Council has assessed the implications of the proposal in terms of the delivery of community services and has advised that the proposal would have an additional impact on the delivery of its services, which requires mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

9.37 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended) require that requests for development contributions of various kinds to comply with three specific legal tests:

- Necessary
- Related to the development, and
- Reasonably related in scale and kind

9.38 These tests have been applied in the context of this planning application and give rise to the following specific requirements:

	Per dwelling	Total	Project
Primary education	£4,535.00	£49,885.00	Towards Sellindge Primary School 1 ½ FE expansion project
Secondary education	There is a secondary need arising from this development, however, as Folkestone & Hythe Council have CIL and due to the current CIL Reg 123 restriction, KCC are not pursuing this separately under a S106 agreement		
Library bookstock	£108.32	£1191.53	Towards additional bookstock for the mobile Library service attending Sellindge and improvements to Hythe library

Affordable Housing

9.39 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Policy CSD1 of the Core Strategy is up to date and requires the provision of 2 affordable units for developments of 10 to 14 dwellings. The submitted Planning Statement states that two affordable units would be provided which would be included in the legal agreement. Details of the location, size and tenure of these affordable units would need to be submitted and approved to ensure they are appropriate.

9.40 The agent has confirmed that the applicant is willing to enter into a Section 106 agreement requiring the financial contributions set out above and the provision of 2 affordable units.

9.41 However, as the application is for outline permission for up to 11 dwellings, if the reserved matters were submitted for only 10 dwellings, in accordance with the written ministerial statement of 28 November 2014 contributions would not be sought from developments of 10-units or less. Consequently, it is necessary to include a caveat into the legal agreement that if the submission of reserved matters is for 10 dwellings only then no financial contributions or affordable housing would be sought.

9.42 Overall, given the contributions that have been agreed by the applicant, the proposed development is considered to fully comply with the aims of policies CSD1 and SS5 of the Core Strategy and paragraph 57 of the NPPF.

Local Finance Considerations

- 9.43 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 9.43 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £138.94 per square metre for new residential floor space, with the exception of the affordable housing units which are exempt.
- 9.44 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £13,999 for one year and £55,994 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

- 9.45 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.
- 9.46 This application is reported to Committee due to the views of Sellindge Parish Council.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION –

That delegated authority be given to the Chief Planning Officer to grant planning permission subject to: the receipt of a satisfactory archaeological field evaluation report; the conditions set out below; and the applicant entering into a S106 legal agreement securing affordable housing, KCC contributions and reptile translocation; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:

1. 3 year permission for submission of Reserved Matters
2. Development to commence within 2 years of Reserved Matters approval
3. Standard Reserved Matters conditions (details of appearance, layout, scale and landscaping)
4. Approved plans
5. Reserved Matters to provide for no more than 11 dwellings
6. Samples of materials
7. Water efficiency
8. Installation of fibre optic broadband

Ecology

9. Implementation of reptile mitigation strategy
10. Pre-commencement badger checks
11. Lighting design strategy
12. Ecological enhancement plan

Highways

13. Construction management plan
14. Provision and retention of vehicle parking spaces
15. Provision and retention of secure, covered cycle parking
16. Completion and maintenance of the access details, visibility splays and footway connection as shown on the submitted drawings
17. Completion of footways and carriageways between a dwelling and the adopted highway prior to occupation

Trees

18. Tree protection fencing
19. Retained trees

Contamination

20. Part 5 of standard land contamination condition

Foul and Surface Water

21. Detailed sustainable surface water drainage scheme to be submitted
22. Verification Report of surface water system to be submitted
23. Details of foul water drainage

Landscaping

24. Planting plans
25. Implementation and Maintenance Schedule
26. Hard landscaping details

Informatives

Ecology – breeding birds
KCC PROW
Southern Water
Street naming and numbering
S106

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Land adjoining The Mount
Barrow Hill
Sellindge

