

<b>2.2 REFERENCE NO - 14/502582/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of the existing bungalow and the construction of 15 new houses with a new access road.			
<b>ADDRESS</b> Freesia Grovehurst Road Sittingbourne Kent ME10 2RB			
<b>RECOMMENDATION</b> Delegate to officers to approve the application subject to an appropriate S106 agreement to secure developer contributions.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is acceptable in principle. It would have an acceptable impact on residential amenity, highway safety and convenience, and would provide appropriate developer contributions. The gas pipeline risk is acceptable and on site contamination can be dealt with.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> A section 106 agreement is required.			
<b>WARD</b> Kemsley	<b>PARISH/TOWN COUNCIL</b> NA	<b>APPLICANT</b> Mr Yadwinder Gill <b>AGENT</b> Calford Seaden	
<b>DECISION DUE DATE</b> 26/03/15	<b>PUBLICITY EXPIRY DATE</b> 16/3/15	<b>OFFICER SITE VISIT DATE</b> 13/2/15	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/75/0397	Garage/workshop	refused	
SW/78/0093	Erection of a store/garage	approved	
SW/89/0991	Outline application for residential homes (starter)	approved	

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located within the built up area boundary of Sittingbourne adjacent to Grovehurst Road. An existing single bungalow lies at the centre of this plot of land.. The site has historically been quarried for brick earth hence it sits approximately 1 metre lower than Grovehurst Road and approximately 3 metres lower than Diligent Drive to the west.
- 1.02 The site is surrounded by residential properties with a mix of designs. There are two storey properties to the north with a residential annex belonging to 21 Grovehurst Road to the north west of the site. There are two storey properties to the west of the site. To the south there is a series of lock up garages belonging to the two storey residential properties beyond ,these garages are accessed via a shared access track directly adjacent to the site.
- 1.03 The site is mostly grassed with some poor quality ever green trees near the garages and other poor quality trees along the north and west boundaries.

**2.0 PROPOSAL**

- 2.01 The proposed development would involve the demolition of the existing bungalow and the erection of 15 two storey dwellings . A new vehicle access in the centre of the site would be formed with a terrace of three dwellings to the north and two detached dwellings to the south of this new access road. Along this entrance road would be five visitor/ shared parking spaces . This road forms leads to a cul-de-sac with a detached and pair of semi-detached dwellings to the north, two detached houses in the north west corner, a staggered terrace of four dwellings along the western boundary and a single detached dwelling located in the south east corner of this irregular shaped plot. A secondary vehicular access directly from Grovehurst Road would serve plots 4 and 5.
- 2.02 An example of the dwelling dimensions is plot 1 which would measure 6 metres wide, 10.2 metres deep and 8 metres to ridge height. There is a variation in the design used such as plot 1 featuring an L shaped canopy with the main roof being hipped whereas plots 3, 4 and 5 have a front canopy, first floor weatherboarding and a gable ended roof. Plots 7 and 14 have front dormer windows.
- 2.03 The development would comprise of 8 three bedroom dwellings and 7 four bedroom dwellings. Each dwelling would have either one or two allocated parking spaces with a further five visitor/ shared parking spaces along the access road and a further four visitor parking spaces are provided to the rear of plots one and two.
- 2.04 The vehicle access to plot 15 would be 3 metres wide and the boundary adjacent to the lock up garages would be partially open and partially enclosed by a 1.8 metre fence to allow vehicles entering the northern garage space to swing the car into the garage without hitting a fence.

**3.0 SUMMARY INFORMATION**

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.4	0.4	0
Approximate Ridge Height (m)	5	8, 8.5, 7.6 etc	various
Approximate Eaves Height (m)	2.5	5.7, 5.5, 5.6 etc	various
Approximate Depth (m)	17	10.2, 9.5, 9.5 etc	various
Approximate Width (m)	17	6.2, 5.5, 5.4 etc	various
No. of Storeys	1	2/3	+1/2
Parking Spaces	2	29	+27
No. of Residential Units	1	15	+14
No. of Affordable Units	0	0	0

**4.0 PLANNING CONSTRAINTS**

- 4.01 The site is located within flood zones 2 and 3 according to the Council’s mapping system. There is also a high pressure gas pipeline running along North Street. The site is allocated for housing under the Swale Borough Local Plan 2008 under policies H2, H5(1).35 and H6. Appendix 4 of the Local Plan allocates the site for an estimated 16 dwellings and specifically states there is no requirement for a flood risk assessment, should not be a mixed use site and that 0% affordable housing is required. This policy is carried forward to the emerging Local Plan.

## 5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) in relation to the presumption in favour of sustainable development, promoting sustainable transport, delivering a wide choice of quality homes, requiring good design and meeting the challenge of flood risk.
- 5.02 Development Plan: Policies SP1, SP4, SP6, SP7, E1, E16, E19, H2, H3, T3, T4, C2, C3, H5 (see paragraph 4.01 above) and H6 of the Swale Borough Local Plan 2008 and the emerging local plan as far as relevant.
- 5.03 Supplementary Planning Documents: Developer Contributions.

## 6.0 LOCAL REPRESENTATIONS

- 6.01 Five letters of objection have been received which are summarised as follows;
- Roof heights much taller than the surrounding dwellings.
  - Loss of light and privacy to neighbours.
  - Trees on site need trimming to prevent loss of light to neighbours.
  - Too many properties proposed.
  - The vehicles will cause danger on Grovehurst Road.
  - The proposal will increase flood risk in the surrounding properties.
  - Not enough parking spaces will result in parking on the pavement of Grovehurst Road which obstructs pedestrians.
  - Will the access road pavement be dropped to provide disabled access?
  - As shown on the proposed plans, the existing access/garage court should be divided from the new access road, plot 15 has no windows overlooking existing garages, parking should be deterred on the existing shared access road.
- 6.02 Two letters raising general comments have been received which are summarised as follows;
- The existing driveway should be removed and replaced with an entrance from the new site thus giving one access to the road.
  - How will I maintain my garage?

## 7.0 CONSULTATIONS

- 7.01 The Council's Head of Service Delivery notes the submitted contaminated land assessment and agree with the Environment Agency recommended conditions to also prevent harm to human health as well as controlled waters. Further conditions are recommended in relation to hours of construction, asbestos and dust suppression.
- 7.02 The Council's Housing Strategy and Enabling Officer seeks 30% affordable housing (5 dwellings) with 3 of these for affordable rent and 2 for shared ownership. A comparable mix of affordable housing is requested. One dwelling should be fully wheelchair adapted. All types of affordable housing are required in Sittingbourne.
- 7.03 The Council's Greenspaces Manager requests a contribution of £861.80 per dwelling towards the nearest open space/play facilities off site.
- 7.04 The Council's Tree Consultant considers there to be little in the way of notable tree cover and what is present is poor quality and of little long term landscape value and is therefore not a constraint on development. Standard landscaping conditions should apply.

- 7.05 The Council's Climate Change Officer requests that level 3 of the code for sustainable homes be provided .
- 7.06 Kent Highway Services initially raised concerns about the amount of visitor parking as three extra spaces would be required, the parking for plots 1-5 would encourage on street parking on Grovehurst Road, visibility from parking space for plot 3 would be unacceptable, cycle parking should be provided, and refuse freighter moving space should be incorporated. Following receipt of amended plans KHS commented;
- "The latest drawing submitted has been prepared following advice given to the applicant during a recent meeting and additional correspondence, and I am now satisfied that the concerns I had regarding the imposition and amount of parking has been overcome. I consider that the provision is in accordance with the amount suggested by the current adopted parking document, and is located appropriately to serve the intended properties, which should avoid the temptation for vehicles to be parked on Grovehurst Road."*
- 7.07 KCC Developer Contributions request £56,000 for primary education (new build), £28,367.11 for new primary school (land acquisition costs), £33,037.20 for secondary education, £845.99 for community leaning, £3178 for libraries and £747.04 for adult social care. Furthermore, the Council would add £1128.30 for wheelie bins, £12,927 for open space/play facilities and a 5% monitoring charge resulting in a grand total contribution of £143,042.17.
- 7.08 The Environment Agency raises no objection subject to conditions relating to contaminated land, surface water drainage, and a series of informatives regarding flood risk, contamination, surface water drainage, foul drainage, piling and waste.
- 7.09 UK Power Networks raises no objection.
- 7.10 The Health and Safety Executive does not advice against the grant of planning permission on safety grounds in relation to the nearby gas pipeline on North Street.
- 7.11 Southern Water raises no objection and requests an informative regarding a formal application for connection to the public foul sewer and a condition requiring details of foul and surface water disposal to be submitted and agreed by the Council.
- 7.12 The Lower Medway Internal Drainage Board states provided that off-site surface water drainage is attenuated to no more than greenfield rates the Boards interests should not be affected.
- 7.13 Kent Police provides general comments on crime prevention measures and design. A condition or informative requiring crime prevention measures is requested.
- 7.14 KCC Archaeology requires no such measures.

## **8.0 APPRAISAL**

- 8.01 The roof heights are not dissimilar to those of the surrounding dwellings so I do not consider this a reason for refusal. The impact on privacy and loss of light is acceptable in my opinion as set out below. Tree maintenance is not considered under this application. I do not consider the density (37.5 dwellings her hectare) to be at odds with the character of the area. The impact on vehicle safety on Grovehurst Road and the number of car parking spaces is acceptable as discussed below. Flood risk implications are considered acceptable by the Environment Agency and a condition relating to foul and surface water drainage is recommended to deal with this issue. The existing garage court would be mostly separated from the development with the only open area designed to allow

continued access to the end garage. Ideally there would be a single access to the site and adjacent garages however this application must be determined on its merits. Garage maintenance can still be undertaken and is dealt with under non-planning legislation.

### **Principle of Development**

- 8.02 The principle of residential development on the site is acceptable because the site is located within the built up area boundary as defined by the Proposals Map of the Swale Borough Local Plan 2008. Furthermore, the site is allocated for housing in the adopted Local Plan which estimates a site capacity of 16 dwellings with the proposal containing one less at 15. The principle is acceptable in my opinion.

### **Visual Impact**

- 8.03 The surrounding area is characterised by residential developments of various forms and designs. There are some larger, more individual dwellings fronting Grovehurst Road. Some dwellings front Grovehurst Road whereas others have side garden walls that front the highway resulting in no overall coherent design character to the area. In my opinion, Freesia is something of an anomaly because a single dwelling occupies a very large plot.
- 8.04 In visual terms, the proposal would remove a poorly maintained bungalow and gardens and replace it with a housing development that in my view would complement the area reasonably well with no meaningful harm to the visual amenities of the area. The dwellings fronting Grovehurst Road address the road frontage which is good in visual terms and the front gardens are not dominated by vehicle parking whilst there would be sufficient space for good quality landscaping to soften the visual impact of the development.
- 8.05 The majority of the development would sit behind the frontage dwellings thereby reducing their visual impact on the area which would be acceptable in my opinion.

### **Residential Amenity**

- 8.06 The proposed dwelling nearest to 'The Spinney' to the north of the application site would not project significantly to the front or rear of it and there would be a separation distance of 3.5 metres which would ensure minimal impact on this neighbouring property. 'The Spinney' has a large detached garage that would screen it to a significant degree from the development to the west of its rear garden. The overlooking to the rear garden of 21 Grovehurst Road would be acceptable in my view because of the 10 metre rear garden depth of the proposed dwellings nearest to it which would mitigate overlooking to an acceptable degree. The relationship of plot 9 to this neighbour is acceptable in my view as there are only 2 windows at first floor level facing the rear garden to this property no 21 one of which would serve a landing area and I therefore consider that there would not be a significantly harmful impact on the annex in the rear garden of 21 Grovehurst Road.
- 8.07 The impact on the residential amenity of occupants of properties on Dilligent Drive would be minimal because of the substantial change in land levels, with the application site being approximately 3 metres lower. The impact on the dwellings to the south would be acceptable in my opinion because of the separation distance created by the existing shared access to the garage court and the orientation of the proposal in relation to the properties to the south would not create harmful overlooking. Plot 15 would be far in excess of 21 metres from the rear elevations of properties to the south resulting in minimal overlooking.
- 8.08 The impact of mutual overlooking within the development itself would be minimal and acceptable in my view. The impact on residential amenity is acceptable in my opinion.

### Highways

- 8.09 Following the receipt of amended plans Kent Highway Services and I are content that the proposal would have an acceptable impact on highway safety and convenience. The number and size of car parking spaces for individual dwellings, visitors and shared parking are in accordance with Kent Highways Interim Guidance Note 3. The internal circulation space and access to plot 15 are all acceptable. The new vehicle access onto Grovehurst Road would have acceptable visibility splays. Great care has been taken in negotiating the amendments to provide some parking to the front of the dwellings fronting Grovehurst Road but at the same time without this resulting in a parking dominated frontage that would create a poor appearance. In my opinion, this has been achieved successfully.
- 8.10 Cycle parking sheds have been provided in the rear gardens. Grovehurst Road benefits from dedicated cycle lanes which will hopefully result in a significant amount of trips via cycle.

### Landscaping

- 8.11 There are no trees worthy of protection on the site. A wholesale landscaping scheme for the site would be secured by the imposition of an appropriate condition.

### Other Matters

- 8.12 As prescribed by the site allocation policy there is no affordable housing requirement for this proposal.
- 8.13 The applicant has agreed in principle to the other developer contribution requests and should Members decide to approve the application a section 106 agreement will be entered into to secure this.
- 8.14 The presence of a high pressure gas pipeline on North Street has not resulted in an objection from the Health and Safety Executive.
- 8.15 The impact from flood risk is considered acceptable by the Environment Agency because it considers the site to be in flood zone 1, as opposed to zones 2 and 3 as shown on the Council's mapping system.
- 8.16 The Head of Service Delivery has considered the Phase 1 contaminated land assessment and finds it acceptable. Further surveys are required and would be secured by the recommended conditions.

## 9.0 CONCLUSION

- 9.01 The proposal is acceptable in principle. It would have an acceptable impact on residential amenity, highway safety and convenience, it would improve the character and appearance of the area, and would provide appropriate developer contributions. The impact of the nearby gas pipeline is acceptable and on site remediation is achievable.

- 10.0 RECOMMENDATION** – GRANT Subject to the signing of a Section 106 Agreement and the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.



- 2) Prior to the commencement of development, details of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 3) The dwellings hereby approved shall achieve at least a Level 3 rating under The Code for Sustainable Homes or equivalent, and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development

- 4) No development shall take place until full details of both hard and soft landscape works (to include berry-bearing, indigenous species) have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species, (which should be native species where possible and of a type that will enhance or encourage local biodiversity and wildlife), plant sizes and numbers where appropriate, tree pit sizes, tree protection measures, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 6) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area.

- 7) The development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure appropriate foul and surface water drainage at the site.



- 8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0800 - 1800 hours, Saturdays 0900 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 9) No asbestos associated with the demolition of the existing building shall remain on the site.

Reason: In the interests of appropriate contamination control.

- 10) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing building and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 11) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters, the protection of human health.

- 12) No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect controlled waters, the protection of human health.

- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters, the protection of human health.

- 14) No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect controlled waters, the protection of human health.

- 15) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and road safety.

- 16) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- 17) During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- 18) The area shown on the submitted layout, namely GA-002 Revision B, as vehicle parking and turning space shall be provided, surfaced and drained before the dwellings are occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 19) No dwelling shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be securely sheltered and stored.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 20) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 21) The gradient of the access way shall not at any point be steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter from its junction with the public highway.

Reason: In the interests of highway safety and convenience.

- 22) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each access prior to the commencement of any other development in this application and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 23) The development shall proceed in accordance with the following approved plan numbers; L-01, E-001, GA-002 Rev B, GA-003 Rev A, GA-004 Rev A, GA-005 Rev A, GA-006, P1, P2, P3, P6, P7 Rev A, P8, P9 Rev A, P10, P11, P12 Rev A, P13, P14 Rev A and P15 Rev A.

Reason: for the sake of clarity.

## INFORMATIVES

Southern Water requires a formal application to connect to the public sewerage system to serve the development. To initiate a sewer capacity check to identify the appropriate connection point for the development contact Southern Water on 0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Kent Highway Services wishes to make the applicant aware of the following;

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Planning permission does not convey any approval for construction of the required vehicular crossings or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

The Environment Agency wishes to make the applicant aware of the following;

### **Flood Risk**

We consider that the site is situated within Flood Zone 1 (low risk). The flood zone observed on our Flood Map is a product of our broad scale JFLOW model outputs. It remains on our Flood Map despite the SFRA indicating that the site is within Flood Zone 1 because the SFRA does not take account of fluvial flooding (whereas JFLOW broadly does).

JFLOW was created on a national scale to produce our Flood Map extents in 2004 and assumes an impermeable catchment. However, these extents are for indicative purposes only and as there are no obvious watercourses in the area which would indicate a fluvial flood risk, one possible explanation for indicative flooding is that the area is actually a dry valley. These are common features in the chalk of the North Downs and were formed in the geological past, under very different climatic conditions from today. The chalk is significantly more permeable than when the valley feature was formed and so instead of forming a watercourse, most runoff now permeates into the underlying bedrock.

Unfortunately, there may be instances where "dry valleys" may begin to flood during periods of intense rainfall or following very wet winters. Because of this, we'd recommend flood proofing within such areas to mitigate that risk (such as barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels).

### **Contamination**

The phase 1 investigation (Reference 3044/14 and dated June 2014) has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

### **Surface water drainage**

The following points should be noted wherever soakaways are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)
- No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

### **Foul Drainage**

The application form indicates that the foul drainage will be discharged to mains foul drainage. If this changes then we should be consulted.

### **Piling**

If there are any proposals for piling through made ground, we would refer you to our guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest

that approval of piling methodology is further discussed with us when the guidance has been utilised to design appropriate piling regimes at the site.

**Waste**

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

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance: [

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.