

APPLICATION: MA/10/0220 Date: 12 February 2010 Received: 24 June 2010

APPLICANT: Homeleigh Timber Supplies Ltd

LOCATION: HOMELEIGH TIMBER SUPPLIES, STATION ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0PY

PARISH: Staplehurst

PROPOSAL: Outline planning permission for erection of 14no. dwellings with associated works including parking with access to be considered at this stage and all other matters reserved for future consideration in accordance with illustrative plans, design and access statement, planning statement, sustainability statement, code for sustainable homes pre-assessment submitted on the 12 February 2010.

AGENDA DATE: 12th August 2010

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- Whilst, in principle, it is not contrary to views expressed by the Parish Council they have some concerns about the application and have requested that it be brought before Members for determination.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: T13, ENV6  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3, PPS9, PPG13, Circular 11/95, Circular 05/2005

## **2. HISTORY**

2.1 There is no planning history relevant to this application.

## **3.0 CONSULTATIONS**

3.1 **Maidstone Borough Council Conservation Officer** was consulted due to the proximity of the site to nearby listed buildings and raised no objections to this proposal subject to the imposition of conditions regarding materials, archaeology, and landscaping.

3.2 **Maidstone Borough Council Environmental Health** Officer was consulted and raises no objection subject to the imposition of a suitable condition assessing the contamination within the site, and delivering suitable mitigation.

3.3 **Southern Water** were consulted and raised no objections to this proposal.

3.4 **Kent County Council Archaeology** were consulted and raised no objection to this proposal subject to a condition requiring a watching brief to be undertaken.

3.5 **EDF Energy** were consulted and raised no objections.

3.6 **The Environment Agency** were consulted and made no comment on this application, as it is considered to be a 'low risk' application.

3.7 **Staplehurst Parish Council** were consulted and made the following comments:-

3.7.1 'Councillors considered this application in some detail and after much discussion recommended APPROVAL IN PRINCIPLE but had serious concerns regarding the high density and proposed number of dwellings, the design concept (height, mass, overlooking, loss of visual gap and siting on footway edge) being totally out of keeping with the neighbouring bungalows, chalet-style homes, semi and detached properties to the north, east and west which had long front and rear gardens, set well back from the road. Access and onsite parking space was of concern due to the site being on the busy A229 High Street where parking restrictions applied. Being sited close to the traffic light crossroads queuing traffic causes pollution to the detriment of residents (PPS23 was considered valid) with visibility and access difficulties created also. Although it was appreciated this was an outline application, the density of the proposals did not allow sufficient space for any landscaping. Councillors requested that this application be reported to the Planning Committee.'

3.7.2 **\*Officer Comment:** Following the receipt of this correspondence I contacted the Parish Council and explained that this was an outline planning application, and that details such as design, overlooking etc would be fully considered at any reserved matters stage should the principle be agreed with the granting of outline planning permission. Irrespective of this, the Parish Council wished for the application to be taken to Planning Committee for Members consideration.

#### **4.0 REPRESENTATIONS**

4.1 **Neighbouring occupiers** were notified and 4 letters of objection have been received. The concerns raised within these letters are summarised below: -

- The right of way to the rear garden of the neighbouring property via the shingled area outside Beaconsfield Flats would be affected;
- There would be a lack of car parking provision within the development;
- The loss of existing hedges around the site;
- The impact upon the existing sewers and drains;
- The proposal would result in a loss of daylight into the neighbouring properties;
- The proposal might further reduce the water pressure within the locality;
- Traffic volumes would increase within the area;
- Property values would be adversely affected;
- Overlooking of neighbouring properties;
- There would be too many homes on the site;
- The front buildings are shown as being too tall and too close to the road;
- There would not be enough gardens for each property.

**4.2 The Staplehurst Society** have raised concerns over the loss of a retail amenity in the village. Whilst it is appreciated that the shop would be re-located, it would require villagers to use motor transport to visits, and remove yet another retail establishment from the village.

## **5.0 CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site has an area of 0.27hectares, and is located within the village confines of Staplehurst upon land which has no specific designation within the Maidstone Borough-Wide Local Plan (2000). The site currently runs as a timber merchant's yard (sui generis), with much of the site given over for the storage of timber. To the front of the site is a two storey property which is utilised as the shop and office space. Behind this, there are a number of metal clad sheds, and storage containers, which vary in size from 2metres in height, to over 6metres. These are concentrated within the southern end of the site, with the northern part given over more to open storage and car parking. There is a silver birch near to this car parking area, although this is not significant in size.

5.1.2 The site also includes a detached bungalow, which is set back from the road by approximately 10metres. The front of this property has a hedge of approximately 3.5metres in height.

5.1.3 To the north of the application site is a further bungalow which has substantial trees within the frontage of the property. Again, this bungalow is set approximately 10metres back from the highway, and is 3metres from the site boundary.

- 5.1.4 The main A229 runs to the front (east) of the application site, with a mixture of residential properties opposite. These are all either two or three storey properties, and predominantly brick built (although there is a timber clad building to the north-east of the application site). There is a relatively strong building line along the eastern side of the highway, with properties set back approximately 10-12metres.
- 5.1.5 To the south of the application site is a row of terraced properties. The property immediately adjacent to the site being a three storey brick built dwelling, with a two storey timber clad element attached. These properties are set close to the highway, being only some 1-2metres back from the pavement. They have rear gardens that run alongside the application site. Further south, there are two storey timber clad, and painted brick properties, which are set back from the road, and splayed to address the corner. The closest property is approximately 3.5metres from the application site.
- 5.1.6 To the west of the application site, is Brooks Close, which contains both two storey dwellings, and chalet bungalows. This development dates from the mid 20<sup>th</sup> Century, and consists of brick properties, that incorporate tile hanging. Along the western boundary of the site is a row of high conifers, that rise to approximately 5-6metres in height. The closest property to the application site is some 18metres from the site boundary.

## **5.2 Proposal**

- 5.2.1 This application is for outline planning permission for 14 residential units (these are shown illustratively as terraced dwellings) following the redevelopment of the existing timber yard. The existing timber merchants are moving to extended premises outside of the village (permission has recently been granted for an extension to the existing site - MA/10/0219 - which will enable this relocation).
- 5.2.2 At this stage, all matters (with the exception of access) are reserved, and as such, in determining this application, one has to assess whether the principle of developing the site for 14 units is acceptable. In order to make this assessment, illustrative plans have been submitted, that demonstrates a layout with frontage development, with a second row of properties behind, creating a courtyard form to the rear. This shows, six properties fronting on to Station Road, with eight properties behind. An area is set aside for car parking within the courtyard, providing spaces for all properties. The proposal shows a relatively high density of 52 units per hectare.
- 5.2.3 The proposed access would be located centrally, with the applicant demonstrating visibility splays on either side of 60metres by 2.4metres. This is shown in plan form as having a pavement on either side.

- 5.2.5 At present, the design of the properties is not for consideration, however, the applicants have provided illustrative plans, that show the site could contain a mix of two and three storey properties – with the three storey dwellings being located on the road frontage, to the south of the access.
- 5.2.6 The applicant has submitted a pre-assessment that demonstrates that all dwellings within the site will meet level 3 of the Code for Sustainable Homes.
- 5.2.7 Due to the scale of the development, the applicant would be required to provide contributions for parks and open space, Primary Care Trust, and Kent County Council. The applicant has also agreed to provide a traffic regulation order to the front of the application site.

### **5.3 Principle of Development**

- 5.3.1 The application site is located within the village confines, and the site constitutes previously developed land, as defined within Annex B of PPS3. I therefore consider the principle of residential development within this site as acceptable subject to all other material considerations being met.
- 5.3.2 Whilst the current use of the site includes retail sales, this type of use is not protected within this location by any Development Plan policy.

### **5.4 Visual Impact**

- 5.4.1 As previously stated, this is an outline planning permission with the matter of design reserved for future consideration. As such, it is not possible to make a detailed assessment of the impact that the proposal would have upon the character and appearance of the area. However, clear parameters have been suggested which would see the erection of properties of two/three storeys on the southern portion of the site, and two storey properties within the northern portion and within the rear.
- 5.4.2 The site is located close to a busy crossroads, and whilst not within the village centre, is within an area which consists of residential properties, of varying scale and form. Many of these properties are located within close proximity to one another, in particular to the south of the site. In this respect, the existing timber merchant's yard appears somewhat incongruous within this location, due to its form (i.e. large sheds and open storage) and its use, which is commercial. Although the shop/office building is of a certain age, I do not consider the loss of this use, and associated buildings to be to the detriment of the character of the area. I do consider the use of the site for residential purposes to have greater respect for the character and appearance of the surrounding area.

- 5.4.3 Concern has been raised that the proposed would represent an overdevelopment of the application site. Recent changes to PPS3 have seen the removal of the requirement to achieve a density of 30units per hectare, thereby placing greater emphasis on proposals respecting the pattern of development around them. PPS3 does still require that Local Authorities seek to make 'efficient and effective use of land' and in particular previously developed land.
- 5.4.4 This proposal would equate to approximately 52 units per hectare, which is relatively high. However, I am of the opinion that the illustrative plans demonstrate a layout that would respect the existing pattern of development, with properties located close to the footpath, and being of a relatively narrow width. Whilst of a high density, I am of the opinion that a frontage development of a scale and form that respects the existing grain and pattern of development can be achieved. These properties would be the most highly visible from the public domain, and could be sited and designed in such a way as to replicate the scale of the existing properties to the south, whilst tapering down to reflect the lower density development to the north. Any frontage development needs to be well articulated, in order that it contains the visual interest of the existing properties (particularly the older properties to the south) and to be constructed of high quality materials. This will then ensure that the proposal would not appear incongruous within the street scene.
- 5.4.5 The density of this development is so high because this form, i.e. the erection of terraced properties, is continued within the rear of the site. I consider that this is an appropriate form of development despite the fact that there is no backland development within the immediate locality. There are however properties at varying distances from the street frontage, and the creation of a second row of properties would appear more of a 'mews style' of development, which is not uncommon within Kent villages. The form of the buildings would also follow a suitable hierarchy, in that the dwellings on the road frontage would be the large properties, and those to the rear, more subordinate.
- 5.4.6 To conclude, I consider that whilst the density of the development is high, this would not appear as a cramped development from the public domain. As such, I consider that the proposal is acceptable in terms of its density.
- 5.4.7 No listed buildings would be adversely effected by this proposal.
- 5.4.8 I do consider that any development should have particular regard to the distinct change in character from the southern side of the site, to the north. The properties to the north being at a much lower density, and being single storey (as opposed to two and three storey to the south). Furthermore, the plots sizes, and in particular their width varies significantly from the north to the south of the site. As such, I recommend a condition that would enable three storeys to be built on the southern side of the access road, but only two storey properties

to the north – to ensure that there is a suitable relationship between these properties.

5.4.9 I am therefore of the opinion that whilst the development would provide a high number of properties within a relatively small site, this would not have a detrimental impact upon the character and appearance of the locality. Due to the siting of the properties to the rear, the properties along the road frontage would be of a size and scale that one would expect, following the pattern of the existing development to the south. I therefore conclude that the proposal is acceptable, complying with the requirements of PPS1 and PPS3.

## **5.5 Residential Amenity**

5.5.1 The site is relatively contained, with a well established tree line to the rear. The layout that has been illustrated shows that no rear garden space would be directly overlooked as a result of this proposal. The majority of the area behind the site is used as garaging, or garden that is not utilised as the immediate amenity area. At the closest point, the new dwellings would be approximately 20metres from the immediate amenity space (i.e. that to the back of their property, rather than side garden) of the closest dwelling within Brook Close (only one property within the Close is directly impacted by the proposal). Furthermore, the existing trees along this boundary are to be retained, and as these are evergreen, there would be a barrier to further prevent overlooking to this property. Whilst no management plan has been submitted as part of this application, I consider it appropriate to request this as part of any future detailed planning application, to ensure that there would be long term protection of this existing landscaping. Should this be provided, I am of the opinion that the amenities of the occupiers of these properties would be protected.

5.5.2 It is acknowledged that the proposed properties would be located close to the boundary with the bungalow 'Silverwood.' In addition as the development would contain properties within the rear of the application site, there would be the possibility of overlooking into the rear garden of this property. It is therefore important that any future development has regard for the amenities of the occupiers of this property, and design the nearest property in such a way as to not overlook, or create a sense of enclosure. I am of the opinion that this could be achieved. Likewise, 'Beaconsfield' is positioned close to the boundary, and as such, any future development should be designed in such a way as to ensure that no overlooking takes place of the rear garden of this property.

5.5.3 Due to the distance, and the fact that a main road runs to the front of the site, I do not consider that the development would adversely impact the amenities of the properties opposite the application site.

5.5.3 To conclude, I consider that a development of 14 dwellings could be accommodated within this site, with a careful design that would not have a detrimental impact upon the amenities of the neighbouring occupiers. As such, I consider that in this respect, the proposal is acceptable.

## **5.6 Highways**

5.6.1 The existing timber merchant's use does give rise to obstruction of the highway with the company vehicles being parked to the front when loading and unloading. Furthermore, from my site visit, it was clear that many of the vehicles do not enter and leave the site in a forward gear, giving rise to further highway safety concerns. The A229 is a particularly busy road, and the site is near to the junction with Marden Road, which is a well used route. The Highway Engineer has stated that the operation of the site at present does cause obstruction to both drivers and pedestrians. As such, I do not consider the existing use compatible with such a well trafficked stretch of road, and as such, I consider the loss of this use (to a more suitable site), to be of an overall benefit to the safety of both pedestrians and drivers upon this stretch of road.

5.6.2 The proposal, to erect 14 dwellings would clearly change the nature of the use, and the traffic generation significantly. The applicant is seeking for the access to be determined as part of this application, the Highway Engineer considers that its location, and form is acceptable. It would enable suitable visibility splays on either side and with all parking to the rear, would ensure that vehicles could enter and leave the site in a forward gear. The proposal would comply with the requirements of the Highway Officer, and as such, I raise no objection to the siting of the access. Furthermore, to reduce the risk to highway safety, I have requested that the applicant provide funds to enable suitable traffic regulation orders along the frontage of Station Road (and within the site, where appropriate) to ensure that the development does not impinge upon the free flow of traffic along this busy road, to be secured by condition. On this basis, I consider the proposal, not only an improvement upon the existing situation, but also acceptable in its own right.

5.6.3 Kent Highway Services have raised some concerns with regards to the level of parking provision within the development (a ratio of 1.5 spaces per dwelling), as there are some tandem spaces suggested. However, they do acknowledge that the site is close to the village centre (which has a good variety of shops and services) and within walking distance of bus routes and the train station, and as such, is considered a relatively sustainable site. Members are aware that Maidstone Borough Council has not adopted any Kent Guidance on parking standards, and as such are able to accept tandem parking spaces within residential developments. As this is an outline application, I do consider it appropriate to suggest a condition, that would ensure that a suitable parking ratio be provided within the development. Due to its sustainable location, and



the likely size of the dwellings (small family units) I would suggest that a ratio of no more than 1.5 spaces per dwelling shall be provided, which would ensure that the development accords with the sustainable objectives of this Authority, whilst also ensuring that there is a suitable parking provision within the development that would not spill out onto the surrounding rounds, to the detriment of highway safety, which would be further aided by the provision of the traffic regulation order previously referred to.

5.6.4 Furthermore, the applicant has agreed to make a contribution of £5,000 for the improvement of two existing bus stops within the locality. This money would be spent on providing raised border kerbs, and improving the availability of passenger information at these stops. This would further improve the likelihood that the bus service would be used to a greater extent, and reduce the reliance upon the private car.

5.6.5 However, I do have concerns about the level of hardstanding proposed within the development, in particular the provision on the illustrative plan of pedestrian paths on either side of the access. I therefore propose a condition that would ensure that there would only be a pedestrian access located upon one side – thereby reducing the level of hardstanding, and increasing the opportunity to provide more soft landscaping.

## **5.7 Landscaping**

5.7.1 Landscaping is a reserved matter with no details submitted. I am of the view that a good level of landscaping could be provided within the site, with the illustrative plans showing all properties to be provided with a private garden, and all properties on the road frontage provided with a front garden. Whilst the illustrative plans show a small front garden area, this is not uncommon within the centre of villages and small towns. There would be sufficient space to provide a small hedge along the road frontage, and I consider it appropriate to suggest a condition that would require the developer provide this, as this would then ensure that the development respects the existing development on either side.

5.7.2 Internally, there would be a small amount of space for low level planting, and one/two compact trees. With the existing use in mind, I consider that even this relatively small amount of planting constitutes an improvement on the existing situation, and as such, I find this acceptable.

## **5.8 Other Matters**

5.8.1 The applicant has submitted details of the heads of terms for the S106 agreement, which include the following: -

- Contributions for the Primary Care Trust. This would consist of a contribution of £11,793.60 to improve the existing health care facilities within the locality of the application, in order to accommodate the additional need generated by this proposal.
- Contributions for Parks and Open Space. This would be a contribution of £22,050 towards improving parks and open space within a 1mile radius of the application site. This would address the need generated by this proposal and would be in accordance with the Councils adopted DPD;
- Contributions for Kent County Council (Mouchel). This would consist of a sum of £785.22 towards improving the book stock of local libraries;
- Contributions of £5,000 towards the improvement of a bus stop within the locality of the site, to ensure that future occupiers of the site have high quality alternative transport to the private car.

5.8.2 I would advise Members that the proposed Heads of Terms for the s106 obligations have been considered against the statutory tests as set out within Regulation 122 of the Act. This sets out that any obligation should be;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

I consider that this proposal would meet these requirements in that the legal agreement is necessary, it is related to the development, and it is fair and reasonable in terms of the scale of the requirements, to the development. These contributions are as requested by the interested parties. I consider that the provision of these contributions would ensure that the development would provide a suitable level of funding to ensure that any additional strain placed upon the existing services and infrastructure within the locality is addressed. I therefore consider that the proposal complies with Policy CF1 of the Maidstone Borough Wide Local Plan (2000).

5.8.3 I do not consider that the site is likely to provide habitat for any protected species. Whilst the open structures are of a certain size that might otherwise be suitable for bats, due to the level of noise, and dust generated within the site, I am not of the opinion that these would be likely to be utilised for roosting. The remainder of the site is in constant operation, with large timbers being moved during working hours. As such, I am content that there is no requirement for any ecological report to be submitted.

5.8.4 The applicant has indicated that they would be willing to ensure that all dwellings are built to level 3 of the Code for Sustainable Homes. I believe that achieving this level accords with this Authorities desire to ensure that all properties incorporate this fundamental element of good design.

## **6.0 CONCLUSION**

6.1 I therefore consider that the proposal would adequately address the context of the locality, and would be a suitable use of this previously developed site. Whilst the application is in outline form, I consider that the applicant has demonstrated that this number of units could be provided without a detrimental impact upon the character of the area, or upon the amenities of the neighbouring occupiers. I consider that this application complies with central government guidance and the policies within the Development Plan. I therefore recommend that Members give this application favourable consideration, and give delegated powers to approved, subject to the receipt of a suitable S.106 agreement and the imposition of the conditions as set out below.

## **7.0 RECOMMENDATION**

Subject to the receipt of a Section 106 legal agreement which provides for the following: -

- Contributions for the Primary Care Trust. This would consist of a contribution of £11,793.60.
- Contributions for Maidstone Borough Council Parks and Open Space. This would be a contribution of £22,050.
- Contributions for Kent County Council (Mouchel). This would consist of a sum of £785.22.
- A contribution of £5,000 towards the improvement of a bus stop within the locality of the site.

The Development Manager BE GRANTED DELEGATED POWERS to approve subject to the following conditions: -

1.

## **REASON FOR APPROVAL**

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

3. The development hereby permitted shall not exceed three storeys in height upon the road frontage at the southern end of the site, and shall not exceed two storeys within the northern end of the road frontage and at any part of the rear of the site.

Reason: In the interests of ensuring that the development respects the existing pattern of development, and to protect the amenities of the neighbouring occupiers, in accordance with PPS1 and PPS3.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1.

5. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

6. The development shall not commence until, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include a native hedge along the front boundary of the site, together with the retention of the existing tree line to the rear, and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in accordance with PPS1 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 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, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with PPS1 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

9. Notwithstanding the illustrative plans submitted, the access into the site shall only be provided with one pedestrian pathway.

Reason: In the interests of the visual amenity of the locality, and to ensure that the proposal would have a suitable level of soft landscaping, in accordance with PPS1.

10. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

11. There shall be no more than 1.5 spaces per dwelling.

Reason: In the interests of the sustainability of the site, and to ensure a suitable level of soft landscaping within the development, in accordance with PPS1, PPS3 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

12. The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment in accordance with PPS23.

13.No occupation of the development hereby permitted shall take place until the applicant (or their successors in title) have secured, following consultation with the Highway Authority, an appropriate Traffic Regulation Order to the front of the application site.

Reason: In the interests of highway safety in accordance with PPG13.

### **Informatives set out below**

For the avoidance of doubt, with regards to wording of condition 3, the southern section of the road frontage refers to any property on the southern side of the access road. Likewise, the northern section of the road frontage refers to the northern side of the access road.

The development shall be designed in such a way as to ensure that there would be no direct overlooking of the neighbouring properties. In particular, regard should be had to the amenities of the occupiers of the neighbouring property to the north, to ensure that their rear garden space is not overlooked.

The applicant is made aware of the need to ensure that all interested parties that have a right of way over any of the land that forms part of this application site, are consulted with prior to the submission of any reserved matters application.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

No burning shall take place on site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.