

APPLICATION: MA/12/2022 Date: 2 November 2012 Received: 7 November 2012

APPLICANT: Pinden

LOCATION: TOVIL QUARRY SITE, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT, ME15 6FL

PARISH: Tovil

PROPOSAL: Outline application for the demolition of existing buildings and the erection of residential development with associated parking and landscaping together with the extinguishment of the existing access to Straw Mill Hill and the formation of a new access from Straw Mill Hill/Stockett Lane. Access to be determined at this stage with appearance, landscaping, layout and scale reserved for subsequent approval as shown on drawing nos. 21156A/1000, 01revB, 10, 11, Phase 1 habitat survey, Arboricultural Implications Assessment, Planning statement, Site condition report, Design and access statement and Transport assessment received 14/11/2012, as amended by Ecological appraisal, response to KCC highway comments, photographs of wall in Straw Mill Hill and drawing no. 21156A/12revA received 07/02/2013 and further amended by ecological addendum to ecological appraisal received 03/07/2013.

AGENDA DATE: 19th September 2013

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan as the site is a designated employment site under Policy ED2 of the Maidstone Borough-wide Local Plan 2000

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV35, ENV49, ED2(vi), T13 T23, CF1, CF16
- MBC Affordable Housing DPD and Open Space DPD 2006
- Government Policy: NPPF 2012

2. HISTORY

2.1 The site has lengthy planning history, the most recent of which, is detailed below.

- MA/10/0167: An Article 10 Consultation with Maidstone Borough Council by Kent County Council for the development of a Materials Recycling Facility and Transfer Station for waste recovery: MBC RAISED OBJECTIONS 18/03/2010.

An appeal was lodged against the ultimate decision of Kent County Council to refuse planning permission which was dismissed on 10/10/2011 following an informal hearing held on 13 September 2011.

- MA/05/2293: Outline application for residential development with means of access to be considered at this stage and all other matters reserved for future consideration: WITHDRAWN 13/02/2006.

2.2 The site can be used for the conversion of waste paper as a result of permission MA/83/0048, although that permission is 'personal' to "a company owned by Reed International PLC". Subsequent permissions MA/86/1675 and MA/88/1338 allowed minor built development pursuant to the permitted use.

- MA/88/1338: Alteration of approved ground floor weighbridge office extension (ref MA/86/1675N) and first floor extension over: APPROVED 30/10/1988.
- MA/86/1675: Industrial waste paper processing building with ancillary office and weighbridge office extension: APPROVED 02/02/1987.
- MA/83/0048: Change of use of part to conversion of waste paper: APPROVED 25/03/1983.

2.3 The site is currently unused and the buildings associated with the site remain in-situ.

3. CONSULTATIONS

3.1 **Tovil Parish Council:** Have stated they wish to see the application approved. They have however, questioned whether the level of car parking is sufficient, questioned the indicated use of a contemporary design approach due to the site's location close to the Conservation area and also questioned the number of one and two-bedroom properties rather than family houses that are proposed. Previous concerns regarding the access point and Straw Mill Hill expressed by the Parish Council have now been addressed.

- 3.2 **Environment Agency:** Have confirmed that they have no objections to the development and permission could be granted subject to the conditions and informatives:

Conditions: Contamination, gas monitoring and migration measures, ensuring that surface water is not infiltrated into the ground without the express approval of the authority in safeguarded areas due to the need to protect groundwater.

Informatives: Waste management on site

- 3.3 **Natural England:** Advised that that an up-to-date ecological scoping survey should be carried out as the previous one is now too old. (*Officer comment: As can be seen later in the report, an updated survey was undertaken*).

- 3.4 **KCC Biodiversity:** Originally commented as follows:

'The ecological scoping survey which has been submitted with the planning application was carried out in 2009 as part of a separate planning application which was determined by KCC (MA/10/0167).

Scoping Survey

The 2009 survey identified that dormouse, reptiles, bats and breeding birds were present on the site. However in 2009 the majority of the site was hard standing – we are concerned that the area of habitat suitable for protected species may have increased.

As a result we recommend that an updated ecological scoping survey is carried out as the site may have changed significantly since the survey was carried out. The survey must make recommendations for any species specific surveys which are required. All surveys and any details of any mitigation requirements must be submitted prior to determination of the planning application.

Bats

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The updated ecological scoping survey must make recommendations for enhancements which can be incorporated in to the proposed development site.'

3.4.1 On receipt of the revised scoping survey on 7 February 2013 additional comments were received as follows:

'We have reviewed the ecological scoping survey which has been submitted with the planning application, in conjunction with the desk top information we have available to us (including aerial photos and biological records).

We are satisfied with the information which has been submitted however we do require additional information to be submitted prior to determination of the planning application.

The ecological scoping survey has made the following recommendations for further surveys:

- Habitat Suitability Index (HSI) on the ponds within the surrounding area - there is suitable habitat within the site for Great Crested Newts. As a result there is a need to establish the suitability for the ponds to contain GCN.
- Great Crested Newt survey – If the results of the HSI recommend there is a need for GCN surveys.
- Bat Emergence surveys – a number of the buildings had suitable features for roosting bats and the site was suitable for foraging and commuting bats
- Reptile surveys – there is suitable habitat within the site for reptiles

All surveys and details of any necessary mitigation must be submitted for comment prior to determination of the planning application.

In addition the survey has identified that if the banks were directly impacted by the proposed development there would be a need for invertebrate surveys to be carried out. Please confirm if the banks will be impacted by the development - If they will be impacted there will also be a need for invertebrate surveys to be carried out.'

3.4.2 A further updated ecological survey was then undertaken and submitted on 3 July 2013 and the following comments raising no objections to the proposals were made:

'We have reviewed the updated ecological survey which has been submitted with the planning application, in conjunction with the desk top information we have available to us (including aerial photos and biological records) and we are generally satisfied with the information which has been submitted. We require no additional information to be provided prior to determination of the planning application.

Great Crested Newts

A HSI survey has been carried out on the ponds within the surrounding area. We are satisfied with the assessment that due to the low HSI scores and the limited amount of suitable habitat within the site there is a low potential of GCN being present and being negatively impacted by the proposed development.

Bats

The buildings on site were assessed as having a low potential to contain roosting bats and one emergence and activity survey was carried out. As detailed in the NE standing advice 2-3 surveys are usually required to be carried out, however due to the low suitability of the building to contain roosting bats we accept that on this occasion 1 bat survey is acceptable. No bats were recorded emerging during the survey but bats were recorded foraging along the proposed site entrance. We had some concerns that if the trees along the site entrance were to be removed it would result in a negative impact on the foraging and commuting bats. However the applicants have confirmed that no trees will be removed as a result of the proposed development. As such we are satisfied that no additional bat surveys are required.

Lighting

As detailed within the submitted report lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements) to reduce any impact on any foraging or commuting bats within the site.

Reptiles

A low population of reptiles were recorded along the boundary adjacent to the landfill site. As there is suitable reptile habitat within the landfill site it is possible that reptiles are also present within in that area. The applicants have confirmed that the area where reptiles have been recorded will be retained within the site. This is welcomed as it appears that the reptiles may be part of a large population within the landfill site and it is preferable that the reptiles are retained within the boundary. We recommend that this area is enhanced to increase the suitability for reptiles. As a condition of planning permission we recommend that details of enhancements for reptiles are submitted for comment.

Invertebrates

We are satisfied that there is no requirement for any invertebrate surveys as the applicant have confirmed that the banks will not be directly impacted by the proposed development.

Enhancements

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". It is recommended that the ecological enhancements recommended within chapter 5 of the Addendum to the ecological survey are incorporated in to the site plan. The ecological enhancements must be shown on any landscaping plans submitted as part of the reserve matters if planning permission is granted.'

3.5 Kent Highway Services: Originally commented as follows:-

1. A Transport Assessment has been submitted based on a development of up to 120 homes. The internal layout and internal accesses are reserved matters however the main access is to be considered at this stage.
2. The site is allocated for B1 and B2 uses and was previously used for waste paper recycling and storage. There is an existing access to the site on the western side of Straw Mill Hill and this is shared with a garage doors business. This access has substandard visibility splay to the south.
3. A new replacement access is therefore proposed to serve the site, located further to the south and providing satisfactory vision splays. Emergency access would be provided along a cycleway / footway adjacent to the main access road. This aspect has previously been considered and agreed by KCC Highways and Transportation. It is intended that the new access will serve construction traffic and a construction traffic management plan will be provided.
4. A new footway is proposed along the eastern side of Straw Mill Hill to provide a link between the existing footway to the north of Cave Hill and the development site. Due to land constraints Straw Mill Hill is to be narrowed to one way working for a short distance in order that a continuous footway can be provided; this has previously been discussed and agreed with KCC Highways & Transportation. A safety audit has been completed and the design found to be acceptable in principle.
5. Parking provision within the site should be provided in accordance with IGN3 for suburban locations.
6. The nearest bus stop is on Farleigh Hill on the north eastern side of the junction of Straw Mill Hill. This provides an hourly service between 0930 and 1647 with an additional bus at 0857. I would recommend that improvements be made to the existing facilities by providing raised kerbing and a shelter. Also subject to discussions with the bus operators consideration should be given to providing a more frequent/longer service.
7. The junction of Straw Mill Hill and the B2010 Farleigh Hill has a sub standard ghosted right turn lane with a pedestrian island on the north eastern side of the junction on the B2010. Visibility from Straw Mill Hill is restricted to the south west.
8. The development of this site for 120 houses will generate more daily traffic movements than could potentially be generated from the existing use of the site; this is likely to be in the region of 161 additional trips, with 19 fewer trips during the morning peak hour and 20 additional trips in the evening peak hour and significantly less goods vehicle trips.
9. The crash record indicated that 8 reported injury crashes had occurred in the study area within the 3 year period to 31.3.12. There had been 1 slight injury crash at the B2010 junction with Straw Mill Hill during this period.
10. I am concerned that the existing vision splay at the junction of Straw Mill Hill with the B2010 is restricted to the south west and the additional traffic generated by this proposal will mainly be distributed to this junction. I would therefore recommend that improvements to the junction are investigated.
11. A capacity assessment has been completed of the junction of the B2010 and Straw Mill Hill. The assessment includes predicted traffic flows from the permitted residential development on the land adjacent to the site and growth rates have been applied to test the junction for the 2022 design year. The results indicate that the junction has sufficient capacity to accommodate the development traffic.

12. With regards to air quality the reduction in the number of goods vehicle trips will be to the benefit of air quality in this area.
13. The development will lead to a significant increase in pedestrian trips along Straw Mill Hill and a continuous footway is to be provided, however the existing footway is poorly constructed in places and in order that this is suitable for the increased use I would recommend that improvements be made to the existing footway between Cave Hill and the junction with the B2010. DDA compliant footway crossings are required on Straw Mill Hill at its junction with the B2010.'

'I am pleased that the applicant has agreed to provide improvements to the bus stop on Farleigh Hill near to the junction of Straw Mill Hill and the improvement of the existing footway on Straw Mill Hill between Farleigh Hill and Cave Hill. This work should be completed under a Section 278 Agreement as opposed to a financial contribution secured under a S106 Agreement.

3.5.1 Additional details were subsequently submitted on 7 February and have resulted in the following further comments

With regard to my request for improvements at the junction of Straw Mill Hill and Farleigh Hill, I realise that this junction is not a safety critical site and perhaps the increase in traffic flows from this application (161 trips per day) may not justify comprehensive junction improvement works; however I do consider that minor improvements would be justified in order to improve safety for the residents of the development site and I would recommend that a junction warning sign be provided on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking. Also it may be possible for the radius kerbing on the southwest side of this junction to be amended in order to bring the 'give way' line out slightly. This would be subject to tracking and safety audit but I would be grateful if this could be investigated further.'

3.5.2 The applicants have now confirmed that they are prepared to undertake the requested improvements to the junction of Straw Mill Hill and Farleigh Hill. These comprise a junction warning sign provided on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking, and amendments to the radius kerbing on the southwest side of the junction in order to bring the 'give way' line out slightly. These will be secured through a s278 agreement. Kent Highway Services have confirmed that they are content with this approach.

3.6 **KCC Heritage Conservation:** Do not object and comment as follows

'The site of the application lies within an area of archaeological potential associated with early prehistoric activity, Roman activity and post medieval industrial heritage. The site lies within an area of Hythe Beds which in certain areas can contain remnants of Pleistocene deposits which may contain palaeolithic remains. To the north of the site lies the recorded location of a Romano-British cemetery and associated remains may survive in unquarried areas nearby. This quarry was part of a network of quarrying which developed

during the post medieval period and possibly before. Although this quarry itself seems to be part of the later 20th century expansion, there may be elements of local industrial heritage which need consideration.

In view of the above archaeological interest, I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

3.7 KCC (Mouchel): Have requested the following contributions:

- Primary school: £1389/applicable flat (excludes 1-bed flats of less than 56m²) and £5559.96/dwelling towards build costs and £675.41/ applicable flat and £2701.63/dwelling towards land acquisition costs.
- Secondary school: £589.95/applicable flat and £2359.80/dwelling.
- Libraries: £20,561.50 (£181.96/dwelling):
For the provision of additional bookstock at Kent History and Library Centre and Shepway Library.
- Community Learning: £3,244.09
For Maidstone Adult Education Centre and outreach community learning facilities).
- Adult Social Services: £5,233.99
For use with Integrated Dementia Care, Co-location with Health in Maidstone, The Changing Place facility and also Assistive Technology (Telecare).

3.8 NHS Property Services (formerly West Kent PCT): Seek a contribution of £95,191 towards improvements to primary care infrastructure.

'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. These improvements to the primary care infrastructure will enable the PCT to support the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Lockmeadow surgery

- Loose, (Boughton Lane)
- Blackthorn Medical Practice
- Brewer Street surgery
- Stockett Lane surgery

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 (£120/year for three years). When the unit sizes are not identified then an assumed occupancy of 2.34 persons is used.

For this particular application the contribution has been calculated as such:

- **113 dwellings of unknown sizes x 2.34 = 264.42**
- **264.24 x £360 = £95,191'**

3.9 **Southern Water:** They point out the location of a public sewer that runs under Straw Mill Hill as far as access to the Kent Fire & Rescue Service HQ. They also advise that there is currently inadequate capacity to provide foul drainage to the site. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity and prevent flooding. They recommend that a condition requiring details of foul and surface water drainage is added to any permission granted for the development. They also request that an informative is attached advising the applicant of the details needed to apply for a formal agreement to provide the necessary sewerage infrastructure to service the development.

3.10 **UK Power Networks:** No objections

3.11 **MBC Environmental Health:** Have commented as follows:-

'This will obviously be a major application. The main EH concern would be in connection with the potential contamination of the site by previous uses. The Planning statement mentions the existence and submission of a site condition report. This is basically a phase 1 site walkover report, whose recommendations are that there are likely to be several sources of historic contamination present on and within the site. I would agree with this conclusion and with the recommendation that further work is carried out. The report is quite comprehensive but poorly presented and is nothing more than a scanned document which is difficult to read in places. However it is evident that an intrusive investigation is carried out together with a gas monitoring programme from boreholes within the site. I would also recommend that the Environment Agency are consulted over the potential risk to groundwater quality. The site is not in a radon affected area.

A new development of this size will have a noticeable adverse impact on local air quality due the increased number of vehicles that will now be present. Therefore, an air quality assessment should be submitted showing what this impact is likely to be and what measures should be put in place to minimise it.

I do not anticipate there being a noise issue on this site from traffic on or off the site, or from any remaining industrial activities in the vicinity. Other issues of EH concern such as waste disposal arrangements can be covered at a later date.

Recommendation: No objections subject to a contaminated land condition, a landfill gas condition, and an air quality condition together with informatives governing conduct and hours of operation on site during construction.'

3.12 MBC Landscape Officer: Raises no objections and comments as follows:-

'Whilst there is an area of woodland to the northeast of the site which is subject to TPO No. 18 of 1996, there are no protected trees on the site.

The tree survey included within the Arboricultural Implications Assessment (AIA) produced by Broad Oak Tree Consultants is considered to be fairly accurate, with only 1 category B tree and the remainder falling within categories C or R.

Whilst as a group, the trees adjacent to the proposed new access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. If you are minded to grant consent, it will however be important to enhance the landscape character of the narrow, enclosed lane by ensuring that new planting is provided to mitigate the loss of removed trees and those that are retained are appropriately managed. This can be dealt with by way of a detailed landscape proposal together with an implementation specification and long term management plan in accordance with the principles set out in the AIA.

In conclusion, there are insufficient arboricultural grounds to justify refusal of this application and I, therefore, raise no objection subject to landscape conditions addressing the above issue.'

3.13 MBC Conservation Officer: Objects to the application on the following grounds:-

'Whilst development of the site for residential purposes could probably be achieved without harm ensuing to the setting of the Loose Valley Conservation Area, I do have substantial concerns regarding the new vehicular access to be created under these proposals. Stockett Lane forms the boundary of the Conservation Area at this point; it is a highly characterful narrow lane at this location where the carriageway is squeezed between ragstone walls on either side and its appearance makes a positive contribution to the character of the Conservation Area. The proposed access would involve the widening of the lane and the loss of a stretch of the tall ragstone retaining wall fronting the quarry site. In my view this would result in an urbanisation of the existing rural character, and the loss of the ragstone wall would be visually unfortunate. Both would be detrimental to the setting of the Conservation Area.'

3.13.1 Following receipt of revised details showing a re-built ragstone wall on both sides of the access point but set-back behind the visibility splays on 7 February, the Conservation Officer has reiterated the above comments.

3.14 **MBC Parks & Leisure:** Have commented as follows

'Although information is fairly vague at the moment, we note that the developer proposes to install a children's play area. We would assume that this would be aimed at toddler and junior ages and would be of suitable size as fits the development size. Should this be the case we would be happy for this to be included in the development although we would not be willing to adopt this site. Access to existing nearby play areas is constrained by our concerns below and as such we believe it important that a suitable play area is installed

We have concerns about the access to the development from the existing roads which are narrow and contain some blind bends with little or no footpaths, especially coming up from Cave Hill and Straw Mill Hill

Obviously this development is still in the outline planning phase and should there be any changes proposed in any way then we would appreciate being consulted and informed as necessary.'

4. REPRESENTATIONS

4.1 Councillor Chittenden has commented as follows:-

'Obviously it will come to the Planning Committee as it is a change in designation in relation to the use of the site.

The principle of housing would be well supported by local residents, but I am concerned at the density. While I recognise this outline application relates to principle and access only, the principle in relation to the number and style of the houses will be established. My concern with regard to density is that a number of the properties are shown built into the banks which would require a considerable degree of retaining if at the time of a full application being made.

The principle of the changed access route looks acceptable subject to the normal safety checks by the Highway Authority. We do however have very serious concerns about the affect on the junction of Straw Mill Hill and Farleigh Hill. There is a record of serious accidents at this junction because of poor visibility. As an example I attach a photograph of an accident at that junction about 18 months ago. Since then, there has been an accident involving a cyclist and an accident only yesterday again involving police and the ambulance service. I believe special consideration needs to be given with regard to safety at this junction and would consider that traffic lights should be provided as part of a Section 106 arrangement.

The Local Play area not more than 100m from this site is Woodbridge Drive. I would ask that a section 106 arrangement be agreed to include support for local play facilities.

The Tovil area is much in need of a good community facility. Recently the Tovil Parish Council has leased the old Archbishop Courtenay School in Church Road with the intention of purchasing it. It is already being used by a Play and Learn Group for toddlers 0-5, local Brownies, Maidstone Boxing and Ladies Kick Boxing and an after-school club is

due to start in January, and I would ask that an amount of money be included as a section 106 to support local community facilities.'

4.2 **Kent Fire and Rescue Service** whose headquarters is located on the eastern side of Straw Mill Hill opposite the proposed site access have commented. They have no objections to the application as new homes bring local employment and increased housing provision which they support. The only area of concern is traffic management and the increased traffic movements on Straw mill Hill and Stockett Lane which are narrow roads.

4.2.1 Detailed comments are as follows:

1. Looking at the plan layout, the development is sited within a disused quarry with only one access road. This means there is a high chance of this road becoming blocked and preventing access by the fire and other emergency services. A second means of access /egress should be provided.
2. The land locked nature of the site means car parking may spill out onto the access road if there is not sufficient parking provision. I would suggest a figure of 2 parking bays per household as a reasonable figure.
3. The access road appears onto Stockett Lane on a downward gradient and adjacent a wall which will obscure the vision of the junction by users of Stockett Lane. The wall should be cut back to allow both users of the junction the best view to avoid collisions.
4. The access road to the new development appears sufficient in width but the increased flow of traffic, from the development on to straw mill, will cause problems both at the bottom of Straw Mill Hill, with its junction of Tovil hill, and at the width restrictions on Straw Mill Hill, at the top of Cave Hill. Straw Mill Hill should be widened to accommodate the additional traffic flow. The Junction at the bottom of Straw Mill Hill and Tovil Hill is a blind junction and should be replaced with a mini roundabout to improve road safety.
5. Traffic entering Cave hill from Straw Mill Hill will causes a congestion problem on Straw Mill Hill. This could be avoided by preventing access into Cave Hill from Straw Mill Hill.
6. The street lighting from Tovil Hill up Straw Mill Hill will need improving.
7. The KFRS site is in constant use during the hours 0600 and 2100 daily.'

4.3 The Valley Conservation Society has also commented on the following (summarised) grounds:-

- No objections in principle, but they would prefer to see a high quality of development of low density with a high proportion of allocated green space.
- They wish to see the character of the road maintained/enhanced as discussed in the recent appeal decision relating to the site.
- Access onto Straw Mill Hill/Stockett Lane is narrow and has no pavements, they suggest that a more sensible solution would be to negotiate for access through the adjoining land onto Farleigh Hill which is wider and already has pavements.

4.4 No other representations have been received

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site amounts to just under 2.4ha in area. It is located on the west side of Straw Mill Hill Tovel some 30m south of its junction with Cave Hill. It is within the urban area of Maidstone as defined by the Maidstone Borough-wide Local Plan (MBWLP) 2000. It is allocated as an employment site under saved policy ED2 (vi) of the MBWLP 2000 as suitable for Development within Use Classes B1 and B2
- 5.1.2 It is a former quarry, currently disused, but with a lawful use as a waste paper recycling centre. A sunken access track currently leads off south-westward from Straw Mill Hill leading to the base of the former quarry where a range of dilapidated buildings, portable structures and hardstandings are found.
- 5.1.3 The north western and western site boundary is marked by extensive earth banking/quarry face in excess of 10m in height that separates the site from the 'PJ Burke site' which has detailed planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01), that has been renewed under application MA/10/0526. The adjacent site has a right of way through the current application site to Straw Mill Hill.
- 5.1.4 Land levels within the site, as a former quarry, are also approximately some 10m lower than Straw Mill Hill/Stockett Lane which runs along the eastern site boundary and also along the adjoining land to the south. There are trees on the banked areas around the quarry floor.
- 5.1.5 Land on the east side of Straw Mill Hill/Stockett Lane lies within the Loose Valley Area of Local Landscape Importance (MBWLP policy ENV35). The land associated with 'Godlands' (the HQ of the Kent Fire & Rescue Service) and the former cricket ground to its south, on the eastern side of the above mentioned road, are within the Loose Valley Conservation Area. Tovel Scout Hut is located on higher land to the east side of the site (accessed from Straw Mill Hill/Stockett lane) and is not visible from the site.
- 5.1.6 Straw Mill Hill/Stockett Lane in the vicinity of the site are narrow roads with a rural character and appearance and are enclosed in part by ragstone walls on both sides of the road, although the wall bounding the application site has been repaired/re-built in the past and includes bricks and cement render over some of its length. A significant breach in the wall to provide access to 'Godlands' exists on the east side of Straw Mill Hill.

5.2 Proposal

- 5.2.1 The application is submitted in outline with access to be determined and layout, scale, appearance and landscaping reserved for subsequent approval.
- 5.2.2 An indicative layout has been submitted which indicates up to 113 new dwellings comprising a mixture of 1 & 2 bedroom flats and 2 & 3 bedroom houses. Indicatively, the scheme is shown to provide 45 1-bedroom flats, 10 2-bedroom flats, 36 2-bedroom houses and 22 3-bedroom houses. The density as indicated by the numbers shown in the illustrative layout would be approximately 47 dwellings/ha. The applicants have indicated that Code for Sustainable Homes Level 4 will be achieved and that 40% affordable housing will be delivered in accordance with the adopted DPD.
- 5.2.3 Access to the site is shown to be from a newly created access road leading onto Straw Mill Hill. This involves the removal of a section of the existing ragstone wall which would be rebuilt behind the vision splays and returned into the site. The existing access to Straw Mill Hill would be stopped-up and the roadway landscaped.
- 5.2.4 The illustrative layout shows the proposed dwellings located in the areas of the site where the quarry floor widens out from the more constrained section where the proposed access road runs through. The flats are generally indicated to be located towards the northern end of the site and the houses towards the southern end. Whilst the layout is illustrative, it does indicate that the proposed houses can be provided with appropriate private amenity space. The layout as shown will also enable the retention of the existing trees and landscaped areas around the site's edges.
- 5.2.5 It is also proposed to undertake some highway improvement works to Straw Mill Hill to improve pedestrian access. These involve building a footway on the east side of Straw Mill Hill either side of the junction with Cave Hill and the provision of a crossing point/pinch point in Straw Mill Hill together with the introduction of a give-way feature for Trolly-bound traffic at the crossing point.
- 5.2.6 The applicants have also confirmed that they are prepared to undertake improvements to the junction of Straw Mill Hill and Farleigh Hill. These comprise a junction warning sign provided on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking, and amendments to the radius kerbing on the southwest side of the junction in order to bring the 'give way' line out slightly.
- 5.2.7 All the necessary highway works will be secured through a s278 agreement.

5.2.8 Heads of Terms for a s106 agreement that would secure the following have been agreed with the applicant.

- A minimum 40% affordable housing
- A primary school contribution of: £1389/applicable flat (excludes 1-bed flats of less than 56m²) and £5559.96/dwelling towards build costs and £675.41/applicable flat and £2701.63/dwelling towards land acquisition costs for the provision of a primary school.
- A Secondary school contribution of: £589.95/applicable flat and £2359.80/dwelling.
- A Library contribution of: £20,561.50 (£181.96/dwelling): For the provision of additional bookstock at Shepway Library and the Kent History and Library Centre.
- A Community Learning contribution of: £3,244.09 (£28.71/dwelling): For Maidstone Adult Education Centre and outreach community learning facilities).
- Adult Social Services: £5,233.99 (£46.31/dwelling) : For use with Integrated Dementia Care, Co-location with Health in Maidstone, The Changing Place facility and also Assistive Technology (Telecare).
- A contribution of £95,191 towards improvements to primary care infrastructure at Lockmeadow surgery (Tonbridge Road), Loose (Boughton Lane), Blackthorn Medical Practice (Tonbridge Road/St Andrews Road), Brewer Street surgery and Stockett Lane Surgery (Coxheath).

5.3 Principle of Development

5.3.1 The site a designated employment site under Policy ED2 of the MBWLP 2000. The site has been vacant/unused for a considerable period of time. Members will have noted the planning history set-out earlier in the report relating to the dismissed appeal for the development of the site as; a materials recycling facility and transfer station for waste recovery. A copy of the appeal decision is attached at Appendix One to this report.

5.3.2 As noted in the appeal decision, the Tovil area has undergone a significant change in character in recent years with a move away from industrial and employment uses towards a more residential character with a resultant decrease in demand for employment sites. The former paper mills, a printing works and other sites in the area have either been redeveloped for residential purposes or have consent for redevelopment such as land at Burial Ground Lane. In addition, the site lies immediately to the east of land known as the 'PJ Burke site' off Farleigh Hill which also has an extant permission for residential development.

5.3.3 The Inspector acknowledged in paragraph 7 of his decision that 'although there has been no marketing of the (appeal) site the prospect of other employment use also appears to be limited having regard to the above evidence' (that relating to the development on the adjacent site and the changes in the area

and as documented in the Tovil Community Plan 2008 referred to in paragraphs 5 & 6 of the appeal decision).

- 5.3.4 The applicants have confirmed that they have received no interest in acquiring the site for business use since the Inspector's decision. The site was made available on the market from early 2012 following the dismissal of the previous appeal and this continues to be the case. The site has been marketed therefore for at least 18 months. However, the applicants have stated that due primarily to the previous appeal decision regarding continued industrial use of the site there has been no serious interest in any continued employment/industrial use. The only real interest shown has been for a residential redevelopment.
- 5.3.5 Members will also be aware of the current situation with regard to the current lack of a 5-year supply of housing land in the Borough. This site is clearly previously developed land and whilst a designated employment site, there has been no interest in acquiring or developing the site for employment purposes other than the applicant's own attempt in 2011 which was rejected at appeal. I consider that the current situation with regard to the lack of a five-year housing supply and the fact that the site is previously developed land are also strong material considerations as to why in this case a departure from the Development Plan can be justified.
- 5.3.6 Given the Inspector's conclusions at the 2011 enquiry and the lack of interest in the site for continued/alternative employment purposes since as well as the housing land supply situation, I consider that, whilst to permit the development would be a departure from the Development Plan, redevelopment of the site for residential purposes is acceptable in principle.

5.4 Visual Impact

- 5.4.1 The main part of the site is set well down from surrounding land levels (in excess of 10m). It is well contained in terms of visibility from public viewpoints due to the lower land levels, the existing landscaping around the site boundaries and the physical separation of the site from public vantage points (the closest indicated position of the flats is in excess of 55m from Straw Mill Hill). The illustrative information within the Design and Access Statement indicates that the houses would have ridge heights of between 10m and 11m approximately and the flats around 12.5m at their highest.
- 5.4.2 I consider therefore that given the separation from Straw Mill Hill together with the intervening and retained existing landscape cover and the site's topography, it is my view that the proposed development would not be unacceptably visually intrusive, with only glimpses of the roofscape of the houses plus a slightly greater potential glimpse of the flats within the development being likely. As

such, I do not consider that residential development on the site will per-se, have an unacceptable impact on the surrounding area or the character of the nearby Conservation Area.

- 5.4.3 The greatest visual impact will be as a result of the changes to the wall along Straw Mill Hill as a result of the construction of the proposed site access. I note the concerns of the Conservation Officer regarding the impact of the changes to the walls bounding the road. Currently, the walls are tight to the carriageway on both sides although there is a significant gap at the entrance to the Kent Fire & Rescue Service HQ.
- 5.4.4 The proposals as revised show the wall to be set back behind the new visibility splays at the site access and it returning into the site. The proposed footpath from the site access road along Straw Mill Hill will be located to the front of the wall. The wall itself is not in its original condition having been poorly repaired in the past with the introduction of bricks and cement render in places. The affected wall is not within the Conservation Area but lies opposite to it.
- 5.4.5 Whilst the moving of the wall will reduce the current sense of tight enclosure it is not being removed completely (except for the access point) but will be set further back, thus retaining in my view an appearance of enclosure along the road. The revised position of the wall would also improve forward visibility on Straw Mill Hill for pedestrians and other road users as well.
- 5.4.6 The re-building of the wall will also ensure it is able to be undertaken appropriately without the bricks and cement render currently found and thus securing an improvement in its overall appearance. I do consider that it would be appropriate for a sample panel showing the bond and mortar mix/detailing of the new section of wall to be provided on-site and agreed prior to any re-building work for the wall commencing. This can be secured by an appropriate condition.
- 5.4.7 I consider therefore that with appropriate detailing and a sample panel being provided and approved, the alterations to the wall will not result in such an adverse visual impact as to warrant and sustain refusal and that no objections are raised to the visual impact of the development.

5.5 Residential Amenity

- 5.5.1 Development of the site will not have an adverse impact on residential amenity as there are no dwellings in close proximity to the site that would be affected.
- 5.5.2 An appropriate level of residential amenity within the site can be secured through detailed design at reserved matters application stage.

- 5.5.3 Whilst the development itself is likely to lead overall to an increase in traffic (some 161 extra trips) compared to the 'worst case scenario' of the potential use of the existing site, there would be a slight reduction in morning peak traffic together with a slight increase in evening peak traffic. However, and of importance for local residents in the area further away from site a significant reduction in heavy goods vehicle movements would result. I consider that this can be considered as a benefit of the scheme.
- 5.5.4 I raise no objections to the development on grounds of impact on residential amenity.

5.6 Highways

- 5.6.1 Members will have noted the views of Kent Highway Services set out earlier in the report. No objections are raised to the proposals on the grounds of the impact on the local road network or highway safety. The proposed alterations and the provision of the footway improvements along Straw Mill Hill have been subjected to an initial safety audit and are acceptable.
- 5.6.2 The development is likely to result in 161 daily additional trips compared to the 'worst-case scenario' of the potential use of the existing site. However, there would be 19 fewer trips during the morning peak hour and 20 additional trips in the evening peak hour. The development as now proposed would however result in significantly less goods vehicle trips.
- 5.6.3 Improvements to the junction of Straw Mill Hill and Farleigh Hill have also been agreed and secured as well as improvement of the existing bus shelter at that location. These measures are necessary and appropriate in safety and increasing modal choice and will be deliverable through an appropriate agreement under s278 of the Highways Act.
- 5.6.4 Appropriate levels of parking provision can be secured at reserved matters stage.
- 5.6.5 No objections are raised to the development on highway grounds

5.7 Landscaping/Ecology

- 5.7.1 The application has been supported by appropriate arboricultural and ecological surveys.

5.7.2 The Landscape Officer has raised no objections to the development in terms of its impact the trees within site which have been predominantly categorised as grade C or R with one grade B tree (unaffected).

5.7.3 The main comments with regard to the setting and landscaping of the site is as follows;

'Whilst as a group, the trees adjacent to the proposed new access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. If you are minded to grant consent, it will however be important to enhance the landscape character of the narrow, enclosed lane by ensuring that new planting is provided to mitigate the loss of removed trees and those that are retained are appropriately managed. This can be dealt with by way of a detailed landscape proposal together with an implementation specification and long term management plan in accordance with the principles set out in the AIA.'

5.7.4 I concur with these views. Appropriate landscaping of the site can be secured through detailed landscape design at reserved matters stage. It would be appropriate to ensure appropriate tree planting and landscaping along the proposed site access road and also to secure the reinstatement of and planting along the section of the existing site access road to be abandoned. These matters can be addressed through an appropriate condition.

5.7.5 The potential ecological impact of the development has been the subject of lengthy and detailed discussions between the developer, their ecological advisors and the Council's retained ecological advisors, the KCC Biodiversity team. These have now reached a stage where the concerns of the KCC biodiversity team have now been satisfactorily addressed and they are satisfied that the development would not have an unacceptable impact on protected species and that appropriate enhancement measures can be introduced and secured by condition.

5.7.6 The ecological appraisal recommends retention of tree-lines around the site perimeter, an appropriately designed lighting scheme to assist bats, the use of a range of native flowering and berry bearing species of trees, hedges and shrubs and the inclusion of open areas, the provision of bird and bat boxes and the provision of log piles.

5.7.7 Subject to appropriate conditions requiring ecological enhancement measures in particular relating to reptiles no objections are raised to the development in terms of potential impact on ecology within the site.

5.8 S106 Obligations

5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations and paragraph 204 of the NPPF 2012. These have strict criteria that set out that any obligation must meet all the following requirements: -

- (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.

5.8.2 The summarised matters below are sought within a completed Section 106 and are discussed in full later in this section.

- A minimum 40% affordable housing
- A primary school contribution of: £1389/applicable flat (excludes 1-bed flats of less than 56m²) and £5559.96/dwelling towards build costs and £675.41/applicable flat and £2701.63/dwelling towards land acquisition costs for the provision of a primary school.
- A Secondary school contribution of: £589.95/applicable flat and £2359.80/dwelling.
- A Library contribution of: £20,561.50 (£181.96/dwelling): For the provision of additional bookstock at Shepway Library and the Kent History and Library Centre .
- A Community Learning contribution of: £3,244.09 (£28.71/dwelling): For Maidstone Adult Education Centre and outreach community learning facilities).
- Adult Social Services: £5,233.99 (£46.31/dwelling): For use with Integrated Dementia Care, Co-location with Health in Maidstone, The Changing Place facility and also Assistive Technology (Telecare).
- A contribution of £95,191 towards improvements to primary care infrastructure at Lockmeadow surgery (Tonbridge Road), Loose (Boughton Lane), Blackthorn Medical Practice (Tonbridge Road/St Andrews Road), Brewer Street surgery and Stockett Lane surgery (Coxheath).

5.8.3 The Council's policy AH1 in its affordable housing DPD requires the provision of a minimum of 40% affordable housing on schemes of 15 units and above. The applicants have agreed to this provision. I consider that the provision of 40% affordable housing is in accordance with the affordable housing DPD and therefore complies with the requirements of the Development Plan.

5.8.4 Mouchel of behalf of Kent County Council has requested a contribution of £1389/applicable flat (excludes 1-bed flats of less than 56m²) and £5559.96/dwelling towards build costs and £675.41/ applicable flat and £2701.63/dwelling towards land acquisition costs for the provision of a primary school in the South Maidstone Area. Evidence has been submitted that the schools in the vicinity are at or above capacity and that the projections over the

next few years show that capacity would continue to be exceeded. I therefore consider that the requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 5.8.5 There is also a request for a Secondary school contribution of: £589.95/applicable flat and £2359.80/dwelling. There has been evidence submitted that the secondary schools in the local area are nearing capacity and that the projections over the next few years that capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the schools would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 5.8.6 KCC have identified that there would be an additional requirement for bookstock at Shepway Library and the Kent Library and History centre, on the basis that the development would result in additional active borrowers and therefore seek a contribution of £20,561.50 (£181.96/dwelling): I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 5.8.7 A Community learning contribution of £3,244.09 (£28.71/dwelling) for Maidstone Adult Education Centre and outreach community learning facilities. I consider that this request is justified, compliant with policy CF1 and the applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.8.8 An Adult Social Services contribution of £5,233.99 (£46.31/dwelling), for use with Integrated Dementia Care, Co-location with Health in Maidstone, The Changing Place facility and also Assistive Technology (Telecare). Telecare provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and the applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

- 5.8.9 A contribution of £95,191 towards improvements to primary care infrastructure at Lockmeadow surgery (Tonbridge Road), Loose (Boughton Lane), Blackthorn Medical Practice (St Andrews Road/Tonbridge Road), Brewer Street surgery and Stockett Lane surgery (Coxheath). These surgeries are all within a 3km radius of the site. NHS Property Services have demonstrated that the development will generate additional demand that cannot be accommodated in the surgeries. I consider that the request meets the three tests and is compliant with policy CF1.

5.9 Other issues

- 5.9.1 Contamination and gas migration (from the nearby former landfill site) and air quality issues raised in the comments of the Environmental Health section and the Environment Agency can be addressed by means of suitable conditions.
- 5.9.2 Similarly details of surface and foul water drainage can be secured by condition as recommended by Southern Water.

6. CONCLUSION

- 6.1 Whilst a departure from the Development Plan as it is not employment development, I do consider the principle of residential development on this site to be acceptable, given the comments of the appeal inspector in the 2011 appeal decision regarding the adjoining land to the west, together with the lack of interest in the site by potential developers for employment purposes as the site has been marketed.
- 6.2 The development proposes the re-use of a brownfield site which should also be balanced in favour of allowing the development. The current shortfall in the five-year housing supply is also a factor that weighs in favour of allowing a departure from the Development Plan in this instance.
- 6.3 The proposed access and highway improvements are considered to be acceptable and will result in improved pedestrian safety along Straw Mill Hill. Appropriate improvements at the junction of Straw Mill Hill and Farleigh Hill have also been secured.
- 6.4 I do not consider that the alterations to the existing ragstone wall on Straw Mill Hill would be so injurious to the character of the adjacent Conservation Area as to warrant or sustain refusal when judged against the re-use of a brownfield site.
- 6.5 Appropriate design and landscaping for the development can be secured at reserved matters stage.

- 6.6 Subject to appropriate conditions and the completion of the s106 agreement to secure the necessary infrastructure contributions and 40% affordable housing permission should be granted

7. RECOMMENDATION

SUBJECT TO:

- A: The prior completion of a suitable s106 agreement, in such terms as the Head of Legal Services may advise, to secure,

- A minimum 40% affordable housing
- A primary school contribution of: £1389/applicable flat (excludes 1-bed flats of less than 56m²) and £5559.96/dwelling towards build costs and £675.41/applicable flat and £2701.63/dwelling towards land acquisition costs for the provision of a primary school.
- A Secondary school contribution of: £589.95/applicable flat and £2359.80/dwelling.
- A Library contribution of: £20,561.50 (£181.96/dwelling): For the provision of additional bookstock at Shepway Library and the Kent History and Library Centre .
- A Community Learning contribution of: £3,244.09 (£28.71/dwelling): For Maidstone Adult Education Centre and outreach community learning facilities).
- Adult Social Services: £5,233.99 (£46.31/dwelling) : For use with Integrated Dementia Care, Co-location with Health in Maidstone, The Changing Place facility and also Assistive Technology (Telecare).
- A contribution of £95,191 towards improvements to primary care infrastructure at Lockmeadow surgery (Tonbridge Road), Loose (Boughton Lane), Blackthorn Medical Practice (Tonbridge Road/St Andrews Road), Brewer Street surgery and Stockett Lane surgery (Coxheath).

- B: THE HEAD OF PLANNING & DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the following conditions and informatives:

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 details of landscaping submitted pursuant to condition 1 above shall provide for the following:
 - (i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans in accordance with the recommendations of BS5837:2012 'Trees in relation to design demolition and construction-recommendations'.
 - (ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the new site access road.
 - (iii) A long term landscape management plan for the site in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.
 - (iv) Measures to prevent parking on any landscaped verges along the site access roads.
 - (v) A detailed planting and landscaping schedule for the re-instatement of the section of the existing site access road to be stopped-up.
 - (vi) Details of tree, hedgerow and appropriate under-storey planting for the proposed new access road.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

3. The development shall be carried out in accordance with the recommendations of the ecological survey report dated July 2013 and shall include;
 - (i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.
 - (ii) the retention of a proportion of the cordwood within the site.
 - (iii) the provision of refugia and hibernacula.
 - (iv) the provision of 'wildlife-friendly' drainage gullies.
 - (v) the retention within the site as undeveloped of the area where reptiles have been recorded.

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

4. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Design Demolition & Construction-Recommendations'. No work shall take place on site until full

details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

5. The dwellings shall achieve at least code 4 of the Code for Sustainable Homes. A final Code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 4 has been achieved.

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

6. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped areas and undeveloped areas around the site has been minimised.

The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area and ecology/biodiversity.

7. The development shall not commence until a details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding both on and off site by ensuring the satisfactory disposal of foul and surface water.

8. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter. The submitted details shall show inter-alia;

(i) Large scale drawings of the re-built ragstone wall to the Straw Mill Hill frontage.

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

9. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed.

i) The provision of the highway works and footpath on Straw Mill Hill as shown on drawing no. 21156A/12revA

ii) The provision of improvements to the existing bus stop in Farleigh Hill including the provision of a bus shelter, bus boarders and bus information,

iii) The provision of a junction warning sign on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking and amendment of the radius kerbing on the southwest side of this junction to bring the 'give way' line forward.

Reason: In the interests of highway and pedestrian safety.

10. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

11. 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.

12. To safeguard the future occupants of the site the development shall not commence until, a detailed scheme for the investigation, recording and remediation of gas has been carried out. Such a scheme shall comprise:
 1. A report to be submitted to and approved by the local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.
 2. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.
 3. Approved works shall be carried out in full on site prior to first occupation.
 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 scheme;

Reason: To prevent harm to human health and pollution of the environment.

13. The development shall not be commence until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 - 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter

Reason: To prevent harm to human health and pollution of the environment.

14. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately sized, designed, located and equipped children's' play area.

Reason No such details have been submitted and to ensure a satisfactory environment for the occupiers of the development.

15. The development hereby permitted shall be carried out in accordance with the following approved plans:
21156A/01B, 10, 11and 12A;

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the surrounding area.

16. The details of layout, scale and appearance submitted pursuant to condition 1 above shall show, inter-alia,
i) The maximum height of any apartment building no greater than 12.5m and any house no greater than 10.5m.

Reason: To ensure an appropriate scale for the development.

17. The reconstruction of the ragstone wall as shown on drawing no. 21156A/12revA shall not be commenced until a sample panel of the ragstone to be used that clearly demonstrates the proposed bond, mortar mix and pointing method has been provided on site for approval by the local planning authority. The development shall thereafter be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to re-build the ragstone wall have been completed.

Reason: To ensure a satisfactory visual appearance to the site in the interests of the visual amenity and character of the area.

18. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and in the interests of the visual amenity of the area.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, D, E and F and Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area.

Informatives set out below

You are advised that in preparing the details of the children's' play area pursuant to condition 14 above, you should contact the Council's Parks and Leisure Section (parksandleisure@maidstone.gov.uk) for advice on the type and quantity of the play equipment to be provided.

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.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

When designing the lighting scheme for the proposed development pursuant to condition 6 above, the recommendations by the Bat Conservation Trust must be considered (where applicable)

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of

mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.

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

e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.

f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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.

Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

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 with 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.

The proposed development does not conform with policy ED2 of the Maidstone Borough-wide Local plan 2000. However given the site's status as previously developed land in the urban area, its location adjacent to a site with an extant permission for residential development, the current lack of a demonstrated 5 year supply of housing land and no interest in the development of the site for employment purposes despite it being marketed as such, together with the lack of harm to the character or appearance of the area that would result from the development, a departure from that policy would not result in harm to the overall employment provision subject to the imposition of appropriate planning conditions and obligations.