

## REPORT SUMMARY

<b>REFERENCE NO - 14/501209/FULL</b>		
<b>APPLICATION PROPOSAL</b> The development of the site for 140 x two, three, four and five bed dwellings, new access road off A20, new estate roads, car parking, landscaping and amenity open space.		
<b>ADDRESS</b> Bridge Nursery London Road Maidstone Kent		
<b>RECOMMENDATION</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The development of the site for housing would represent a sustainable form of development, the harm resulting from which can be adequately mitigated by way of appropriate legal mechanisms and conditions, and would accord with the allocation of the site for residential development in the emerging Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and amend the resolution in respect of the Heads of Terms and draft conditions as set out in the report.		
<b>WARD</b> Allington Ward	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Ward Homes And UCC Strategic Land Ltd <b>AGENT</b> Martin Hull
<b>DECISION DUE DATE</b> 29/09/14	<b>PUBLICITY EXPIRY DATE</b> 29/09/14	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

- MA/00/1712 A residential development application for 80 no. two storey dwellings, associated garaging, provision of public open space and play area, and creation of new highways - REFUSED
- MA/88/1123 Outline application for residential development - REFUSED

## MAIN REPORT

### 1.0 BACKGROUND

- 1.01 The current application seeks full planning permission for a residential development comprising the erection of 140 dwellings, together with a new access road off the A20, new estate roads, car parking, landscaping and amenity open space. The proposed development would provide residential accommodation of various types, including detached, semi-detached and terraced dwellings as well as flatted accommodation, and the development as a whole would provide 30% affordable housing.
- 1.02 The site represents a triangular portion of land formerly in use as a plant nursery. It is bound by London Road to the south west, and the mainline London to Ashford railway to the north and north west. To the east of the site is mid twentieth century residential development along Hildenborough Crescent, to the north of which is agricultural land. The site straddles both the urban boundary of Maidstone in Allington and the municipal boundary between Maidstone Borough Council (MBC)

and Tonbridge and Malling Borough Council (T&MBC). The proposed built development extends across land allocated in the Maidstone Borough-Wide Local Plan 2000 for housing (within the defined settlement boundary of the town of Maidstone) and open countryside, however it does not extend into T&MBC, falling within MBC in its entirety.

1.02 The application was reported to the Planning Committee meeting held on 6<sup>th</sup> November 2014, as amended by an urgent update to Planning Committee on the evening which amended the recommendation through the introduction of additional conditions 19 (additional reptile mitigation) and 20 (landscaping) and an additional informative. At the meeting, in light of advice set out in the urgent update report, Members resolved to impose an additional condition (condition 21) on the consent requiring the submission of details of a landscape and ecological management plan (LEMP) and implementation of the approved details which would replace the relevant Head of Term in a section 106 agreement, set out on the report to Planning Committee; and for Members to take a role in monitoring conditions by way of a monitoring group made up of Ward Members and Councillor Harwood. It was further resolved that the developer of the site and T&MBC be approached in respect of the designation of the land identified on the submitted plans as a local nature reserve.

1.03 As such, the outcome of the meeting was to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement in such terms as the Head of the Legal Partnership may advise to secure the following:

- *The provision of 30% affordable housing; and*
- *£1,350 per dwelling for the A20 Coldharbour Lane junction improvement; and*
- *£86 per dwelling for the improvement of Junction 5 of the M20; and*
- *£4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build cost, and £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat towards land costs, towards the construction of a new primary school; and*
- *£2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of a secondary school within Maidstone; and*
- *£402.95 per dwelling towards the provision public open space within a 1 mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments. Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the lies of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities; and*
- *£111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmeadow Surgery ad Blackthorn Practice all of which are within 1.5 miles of the site; and*
- *£30.70 per dwelling towards community learning facilities for adult learning classes or outreach adult learning in Maidstone; and*
- *£8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area; and*
- *£79.71 per dwelling to provide expansion of library services in Maidstone and additional bookstock and equipment; and*
- *£53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive*

*technology (Telecare) to enable clients to live as independently and securely as possible.*

1.04 Additional condition 21 reads as follows:

*“No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following.*

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.*

*Reason: In the interests of biodiversity and ecology.”*

1.05 The Committee report, urgent update to the Committee report and relevant Planning Committee minutes are attached as Appendix A to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

2.01 As Members will be aware, section 123 of the Community Infrastructure Levy (CIL) Regulations were amended on 6<sup>th</sup> April 2015. Prior to this date, all contributions subject to a s106 agreement were required, under the terms of s122 of the CIL Regulations, to be tested in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Since 6<sup>th</sup> April 2015, s123 of the CIL Regulations additionally requires all contributions being sought by way of s106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions.

2.02 An alternative legal mechanism to that resolved at the meeting held on 6<sup>th</sup> November 2014 for dealing with ecological mitigation is being proposed. The discussion of this element of the recommendation, which relates to a legal agreement and conditions 6 and 21, is being reported in an exempt Appendix under Part II. The effect of these discussions is that I will be recommending the removal of conditions 6 and 21, and amendments to the Heads of Terms.

- 2.03 A number of relatively minor changes to conditions are also proposed; these are discussed in detail in section 5 of this report.

### **3.0 MATTERS RELATING TO THE COMING INTO EFFECT OF THE CIL REGS**

- 3.01 In the circumstances of this case, the amendment of s123 directly effects and changes the Heads of Terms of the s106 agreement in respect of the quantum of contributions requested in respect of secondary school education and libraries. Further clarification of the projects to which the monies would contribute has been received in relation to the contributions sought in respect of primary and secondary school education; libraries; community learning; youth services; social services; parks and open spaces; and health services.
- 3.02 In respect of the changes to sums being sought, Kent County Council has reassessed its requests in light of the amendment to the CIL Regulations. This has resulted in a change in the contribution being sought in relation to land acquisition costs for the Hermitage Lane Primary School site from a flat rate of £2,701.63 per applicable house and £675.41 per applicable flat to a sliding scale dependent on the actual price to be paid for the land with the previously stated sums representing maximum rates within the calculation. In addition, the contribution sought in respect of library services has been reduced to £48.02 per dwelling, and it has been specified that this will be used to fund additional library stock at Allington Library.
- 3.03 Kent County Council have provided further details of the projects to which contributions would be made in respect of primary and secondary education (Hermitage Lane Primary School and Maplesden Noakes, respectively), libraries (provision of additional bookstock being copies of the most popular/required books to be provided at Allington Library), community learning (an ICT project at the St Faiths Adult Education Centre), youth services (equipment at InFoZoNe in Maidstone) and social services (a changing place facility in central Maidstone), and confirm that these requests satisfy the tests in relation to pooling set out in S123 of the CIL Regulations. The county contributions (as amended in relation to the sums sought towards primary education and library services) are therefore now considered to be in compliance with the CIL Regulations and remain in place.
- 3.04 The relevant consultees have confirmed that the contributions sought in relation to public healthcare, highway improvements and parks and open spaces would remain unchanged in respect of the sums sought, and that the requests are compliant with the restriction on pooling of contributions. The contributions will be directed towards the improvement of Aylesford Medical Centre, the improvement of the A20/Coldharbour Lane junction and Junction 5 of the M20, and the improvement, refurbishment and maintenance of the existing area of open space and equipped play at Midley Court. These requests are now considered to be in compliance with the CIL Regulations and remain in place.
- 3.05 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 3.02 – 3.04 above.

### **4.0 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)**

- 4.01 As set out above in paragraphs 1.02 and 2.02, at the meeting held on 6<sup>th</sup> November 2014 Members resolved to grant planning permission for the development subject to an appropriate legal mechanism to secure contributions towards social infrastructure

and conditions as set out in the officer report and urgent update report. In the course of the decision making process on the night of Committee, the requirement of the Landscape and Ecological Management Plan (LEMP) was removed from the scope of the legal mechanism in response to the urgent update report, and attached instead as an additional condition to the resolution of the Planning Committee.

- 4.02 For reasons which are set out in the Part II Appendix to this report, it is concluded that a condition is not the appropriate means of securing the ecological mitigation required in association with the development, and I therefore propose amending the recommendation as set out in section 6 of this report. Councillors are directed to the Part II Appendix to assist in their decision-making.

## **5.0 AMENDMENTS TO CONDITIONS**

- 5.01 The suggested amendments to the conditions are as follows:

5.02 Firstly, I propose amending the time limit condition from three years to one, in order to safeguard the delivery of housing.

5.03 Secondly, the wording of condition 3 (boundary treatments) should be amended to safeguard pedestrian access between the site and the existing residential development to the south east and the open space to the north west.

5.04 It is proposed that the wording of conditions 4 (Ecological Design Strategy) and 5 (Construction Environmental Management Plan) be amended to more accurately chime with the legislation in respect of the prevention of activities on the land prior to approval.

5.05 The recommendation that condition 6 (Biodiversity Monitoring Strategy) and condition 21 (LEMP) be deleted and their requirements incorporated into the LEMP provisions of the appropriate legal mechanisms is discussed in full in the Part II (exempt) Appendix to this report.

5.06 In addition to the above, it is recommended that the wording of the conditions relating to surface water and contaminated land should be amended in order to confine the relevant “reasons” to planning matters, and avoid duplication of legislation.

5.07 As Councillors will be aware, the Ministerial Statement of 25th March 2015 precludes Local Planning Authorities from imposing conditions requiring compliance with technical housing standards in cases where there are no relevant existing policies, and withdrawing the Code for Sustainable Homes from the scope of planning control.

5.08 As such, conditions can no longer be imposed on planning permissions seeking compliance with the Code for Sustainable Homes and other technical housing standards, and these matters will henceforth be dealt with under Building Regulations. I therefore propose to delete condition 15.

5.09 I also propose the introduction of an additional “approved plans” condition, in accordance with central government guidance on flexibility in planning permissions as set out in National Planning Policy Guidance.

5.10 The deletion of two conditions (conditions 6 and 15) will result in the renumbering of subsequent conditions.

## **6.0 RECOMMENDATION**

- 6.01 The recommendation, as amended in respect of the Heads of Terms as described in full above and the deletion of conditions 6, 15 and 21, the re-numbering and/or amendment of conditions as appropriate for the reasons set out above, and the additional approved plans condition is set out in full below for the purposes of clarity:

SUBJECT TO THE PRIOR SUBMISSION AND WHERE NECESSARY, COMPLETION, OF APPROPRIATE LEGAL MECHANISMS, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- *The provision of 30% affordable residential units within the application site; and*
  - *A contribution of £1,350 per dwelling towards highway improvements to the A20/Coldharbour Lane junction; and*
  - *A contribution of £86 per dwelling towards highway improvements to Junction 5 of the M20; and*
  - *A contribution of £4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build cost of phase two of the Hermitage Lane Primary School; and*
  - *A contribution of a MAXIMUM of £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat (to be reduced if appropriate in accordance with the actual price paid by Kent County Council for the Hermitage Lane site) towards the land acquisition costs of the Hermitage Lane Primary School; and*
  - *A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the build costs of the phase one expansion of Maplesden Noakes Secondary School; and*
  - *A contribution of £402.96 per dwelling towards improvement, refurbishment and maintenance of existing areas of open space and equipped play areas at Midley Court; and*
  - *A contribution of £111,996 towards the improvement (refurbishment and reconfiguration) of healthcare facilities at Aylesford Medical Practice; and*
  - *A contribution of £30.70 per dwelling to be used to address the demand from the development towards additional ICT works at for the St Faiths Adult Education Centre expansion; and*
  - *A contribution of £8.44 per dwelling towards youth service equipment at InFoZoNe Maidstone; and*
  - *A contribution of £48.02 per dwelling towards additional book stock at Allington Library and*
  - *A contribution of £53.88 per dwelling towards a specialist changing place facility in central Maidstone and the provision of two specifically designed Lifetime Home wheelchair accessible units within the affordable home provision;*
  - *A landscape and ecological management plan (LEMP) together with details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The content of the LEMP shall include the following.*
- *a) Description and evaluation of features to be managed.*
  - *b) Ecological trends and constraints on site that might influence management.*
  - *c) Aims and objectives of management.*
  - *d) Appropriate management options for achieving aims and objectives.*
  - *e) Prescriptions for management actions.*
  - *f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
  - *g) Details of the body or organization responsible for implementation of the plan.*

- *h) Details of ongoing monitoring and remedial measures in the form of a biodiversity monitoring strategy (BMS) which shall include:*
  - i) Aims and objectives of monitoring to match the stated purpose; and*
  - ii) Identification of adequate baseline conditions prior to the start of development; and*
  - iii) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged; and*
  - iv) Methods for data gathering and analysis; and*
  - v) Location of monitoring; and*
  - vi) Timing and duration of monitoring; and*
  - vii) Responsible persons and lines of communication; and*
  - viii) Review mechanisms, and where appropriate, publication of results and outcomes; and*
  - ix) A report describing the results of monitoring at intervals identified in the strategy, which shall set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified.*
- *j) Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.*

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of one year from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(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 any buildings and hard surfaces 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.

(3) 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. The submitted details shall include, inter alia, the provision of a minimum of two pedestrian access points from the residential development hereby permitted along the south eastern boundary, and a minimum of three pedestrian access points between the residential development hereby permitted and the area of public open space to the north west of the site.

The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the enjoyment of their properties by existing and prospective occupiers and secure adequate pedestrian permeability between residential properties and public open space.

(4) No works required in association with the planning permission hereby granted shall take place (including demolition, ground works and vegetation clearance) shall take place until an ecological design strategy (EDS) addressing all species mitigation (for all species recorded within site) has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works; and
- b) Review of site potential and constraints; and
- c) Detailed method statements to achieve stated objectives for each species; and
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans; and
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance; and
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; and
- g) Persons responsible for implementing the works; and
- h) Details of initial aftercare and long term maintenance; and
- i) Details for monitoring and remedial measures; and
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity and ecology.

(5) No works required in association with the planning permission hereby granted shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities; and
- b) Identification of biodiversity protection zones; and
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); and
- d) The location and timing of sensitive works to avoid harm to biodiversity features; and
- e) The times during construction when specialist ecologists need to be present on site to oversee works; and
- f) Responsible persons and lines of communication; and
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of biodiversity and ecology.



(6) The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: In the interests of biodiversity and ecology.

(7) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of all trees to be retained, any facilitation pruning required and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations' has been submitted to and approved in writing by the Local Planning Authority.

The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design, where the AMS identifies that specialist foundations are required. 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 sitting 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 ensure a satisfactory setting and external appearance to the development.

(8) The development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until adequate foul water drainage has been provided;

Reason: In the interest of pollution prevention.

(9) The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

Reason: In the interests of pollution prevention and prevention of surface water flood risk.

(10) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority;

Reason: In the interests of human health and pollution prevention.

(11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority;

Reason: In the interests of human health and pollution prevention.

(12) 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 in writing by the Local Planning Authority;

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

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

Reason: To ensure long term conservation of the pill box with heritage interpretation for understanding, awareness and enjoyment of the local heritage.

(14) No dwelling shall be occupied until all highway works required at the junction of the A20 and Beaver Road/site access as shown in principle on drawing number 10256/SK05 rev. P3 and SL-01 Rev D have been completed;

Reason: In the interests of highway safety.

(15) Prior to commencement of work on site there shall be provision for construction vehicle loading/unloading and turning facilities prior and parking facilities for site personnel and visitors and for the duration of construction;

Reason: In the interests of highway safety.

(16) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking

and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(17) Pursuant to condition 4, if, during translocation from the application site, the reptile population is found to be greater than a 'medium population' as defined by Froglife 1999 the applicants shall prepare and submit to the Local Planning Authority details identifying a suitable alternative receptor site(s) and translocation strategy. The submitted details shall include a full reptile survey and mitigation strategy. If such details are required, no development shall commence on the site until the additional mitigation, including translocation, has been carried out in accordance with the details approved in writing by the Local Planning Authority;

Reason: To ensure that should further populations of reptile and other species be present then appropriate ecological mitigation is in place.

(18) No development shall commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping which shall include 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 the development and programme for maintenance.

The landscaping scheme shall be compliant with the landscaping aspirations indicated on drawing number SL-01 rev H received 1st July 2015, and particular regard should be given to the use of native species and provision of a prickly shrub belt between the built development and nature conservation site (comprising hawthorn, gorse) in order to protect the retained area.

All planting, seeding and turfing shall be carried out in the first planting and seeding season following commencement of the development and any trees or plants which within 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size species unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure the proposed development is satisfactorily integrated into its setting, provide for landscaping and protect ecological interests.

(19) The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers WARD140211 LP.01, WARD140211 SL-01 Rev H, WARD140211 BML.01, WARD140211 DML.01, WARD140211 SE-01, SE-02, HT.TY14.pe, Rev A, HT.TY16.pe, Rev A, HT.TY27.e, Rev A, HT.TY27.p, Rev A, HT.FOG.e, Rev A, HT.FOG.p, Rev A, FLATTAFF.e1, FLATTAFF.e2, FLATTAFF.p1, FLATTAFF.p2, FLATTAFF.P3, HT.BAR.e, Rev A, HT.BAR.p, Rev A, HT.BRE.e, Rev A, HT.BRE.p, Rev A, HT.CAM.Ae, Rev A, HT.CAM.Ap, Rev A, HT.CAM.Be, Rev A, HT.CAM.Bp, Rev A, HT.COL.Ae, Rev A, HT.COL.Ap, Rev A, HT.COL.Be, Rev A, HT.COL.Bp, Rev A, HT.LIN.Ae, Rev A, HT.LIN.Ap, Rev A, HT.LIN.Be, Rev A, HT.LIN.Bp, Rev A, T.MOR.Ae, Rev A, HT.MOR.Ap, Rev A, HT.MOR.Be, Rev A, HT.MOR.Bp, Rev A, HT.PAD.e, Rev A, HT.PAD.p, Rev A, HT.ROC.pe, Rev A, HT.STR.Ae, Rev A, HT.STR.Ap, Rev A, HT.STR.Be, Rev A, HT.STR.Bp, Rev A, HT.WAR.Ae, Rev A, HT.WAR.Ap, Rev A, HT.WAR.Be, Rev A, HT.WAR.Bp, Rev A, HT.WOO.Ae, Rev A, HT.WOO.Ap, Rev A, HT.WOO.Be, Rev A, HT.WOO.Bp, Rev A,

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Supported by Tree Constraints Report (JFA Ref: KEN 1867), Aboricultural Implications Assessment (JFA Ref: KEN 1867), Ecological Mitigation Strategy June 2014 (JFA Ref: KEN 1867), Ecological Mitigation Strategy Addendum Sep 2014 (JFA Ref: KEN 1867), Flood Risk Assessment (ref 11225), Noise and Vibration Assessment (ref AS7669.140602.NVIA) and Transport Assessment (ref SEH/10256);

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

## INFORMATIVES

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

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

(3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 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.

(4) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

(5) 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.

(6) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

(7) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

(8) 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.

(9) The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

(10) There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

(11) The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

(12) The applicant should enter into a formal agreement with Southern Water to provide the necessary sewage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

(13) The proposed use of deep bore soakaways linked to outfalls from surface water ponds. Generally, roof drainage going direct to soakaway is acceptable, but other surface drainage may need to go through appropriate mitigation/treatment systems.

(14) Surface drainage from car parking for less than 20 private cars is normally acceptable, provided there are suitable pollution prevention measures in the system prior to the discharge point.

(15) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

(16) Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

(17) In the interests of promoting public safety and reducing the risk of trespass and vandalism on the railway, the applicant should ensure that a suitable trespass resistant fence is located along the northern side of the site (adjacent to the railway). Any new fencing must be independent of existing Network Rail fencing and should leave sufficient distance to allow for future maintenance and renewal.

(18) Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

(19) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Case Officer: Catherine Slade

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.