

**REPORT SUMMARY**

|   |   |   |                      |
|---|---|---|----------------------|
| <b>REFERENCE NO - 15/505441/FULL</b>  |   |   |                      |
| <b>APPLICATION PROPOSAL</b><br>Outline application for the erection of upto 108 dwellings with all matters reserved for future consideration except for the means of access (from Straw Mill Hill) to be determined at this stage..   |   |   |                      |
| <b>ADDRESS</b> Tovil Quarry Site Straw Mill Hill Tovil Kent ME15 6FL  |   |   |                      |
| <b>RECOMMENDATION-</b> Approval subject to conditions   |   |   |                      |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b><br>The proposed development does not conform to policy ED2 of the Maidstone Borough-Wide Local Plan 2000, however given the committee resolution to grant planning permission in 2012 under reference MA/12/2022, lack of interest in employment redevelopment and the immediately adjacent residential development, a departure from that policy would be likely to result in only minor harm. In this instance, the provision of housing is considered to be an overriding benefit to justify departure from this policy of the Development Plan, subject to appropriate conditions. |   |   |                      |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>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.<br>Cllr Derek Mortimer has asked that this application to be taken to planning committee if it is recommended for approval.  |   |   |                      |
| <b>WARD</b> South Ward  | <b>PARISH COUNCIL</b> Tovil   | <b>APPLICANT</b> Mr Kevin Clark<br><b>AGENT</b> DHA Planning  |                      |
| <b>DECISION DUE DATE</b><br>14/10/15  | <b>PUBLICITY EXPIRY DATE</b><br>14/10/15  | <b>OFFICER SITE VISIT DATE</b><br>1/03/2016   |                      |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>   |   |   |                      |
| <b>App No</b>   | <b>Proposal</b>   | <b>Decision</b>   | <b>Date</b>          |
| 12/2022   | 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. | 19 September 2013 members resolved to grant planning permission subject to a s106 legal agreement and planning conditions | No decision issued   |
| 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:   | Refused by KCC &<br>Appeal dismissed on   | 18/03/10<br>10/10/11 |
| MA/05/2293  | Outline application for residential development with means of   | Withdrawn   | 13/02/2006           |

|            |   |          |            |
|------------|---|----------|------------|
|            | access to be considered at this stage and all other matters reserved for future consideration                     |          |            |
| 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 |

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site amounts to just under 2.4ha in area. It is located on the west side of Straw Mill Hill Tovil 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.
- 1.02 It is a former quarry with a lawful use as a waste- paper recycling centre. The last use on this site has stopped and all associated buildings have been demolished and the land levelled. A sunken access track currently leads off south-westward from Straw Mill Hill leading to the base of the former quarry.
- 1.03 The north western and western site boundary is marked by extensive banking/quarry face in excess of 8m in height that separates the site from the 'PJ Burke site' which has outline planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01), that was renewed on 22 November 2012 under ref MA/10/0256. The adjacent site has a right of way through the current application site to Straw Mill Hill.
- 1.04 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.
- 1.05 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. Tovil 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 due to height of quarry face and trees.
- 1.06. 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.

## 2.0 PROPOSAL

- 2.01 This is an outline application for the development of upto 108 dwellings with all matters reserved for future consideration except for the means of vehicular access from Straw Mill Hill/Stockett Lane that is to be determined at this stage. This application originally started as a full application but has recently been amended to an outline application; therefore all plans are for illustrative purposes, except for those referred to in this report.
- 2.02 Given the topography of the land and high quarry face enclosing the site construction of the vehicular access would involve the creation of an opening with appropriate sightlines in the eastern boundary of the site on to Straw Mill Lane/Stockett Lane.

## 3.0 SUMMARY INFORMATION

|                          | Existing | Proposed | Change (+/-)      |
|--------------------------|----------|----------|-------------------|
| Site Area (ha)           | 2.4 ha   | 2.4ha    | No change         |
| No. of Residential Units | 0        | 108      | 108 new dwellings |
| No. of Affordable Units  | 0        | 0        | No change         |

## 4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance  
 Tree with Preservation Order  
 Near Loose Valley Conservation area

## 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Development Plan:  
 Maidstone Borough Wide Local Plan 2000 Policies ENV6, ENV35, ENV49, ED2(vi), T13, T23, CF1, CF16  
 MBC Affordable Housing DPD and Open space DPD 2006  
 Maidstone Borough Local Plan Regulation 19 2016

## 6.0 LOCAL REPRESENTATIONS

Two letters of representation have been received raising concern about the following points:-

- impact on the character of the local landscape, Medway tributary Green wedge and the Loose Valley Conservation Area
- The site is suitable for low density development with high proportion of green space.
- Impact of additional traffic on this country lane.
- Proposed access way would destroy part of a substantial Ragstone wall feature.
- Hazardous waste used to infill the quarry
- Lack of sustainable drainage and connection to foul sewage system

- Any new developments at either end of the Loose valley will only exacerbate the use of Hayle Mill Road and Stocket Lane as rat runs at peak times by people trying to avoid traffic on the main roads.
- This is a conservation area and a very beautiful part of Maidstone but walking or cycling on these roads is already an unpleasant experience due to the volume and speed of the traffic. Any further housing will only make this worse.
- If this application is approved then some provision must be made to try and at the least slow the traffic on these roads but preferably to try and reduce the number of cars and to provide some infrastructure to separate pedestrians and motor vehicles.

## 7.0 CONSULTATIONS

### **Tovil Parish Council**

- 7.01 Recommends approval subject to further consideration of highways issues. TPC is engaging a consultant to assist the council concerning the highways issues and the council would be very grateful if we could add TPC's comments on highways issues at a later date. In addition, it is requested that the developer replace the boundary fence of the Tovil Scout HQ site and move the water stop cock used by the Scout HQ to the Scout site.

### **Loose Parish Council**

- 7.02 Loose Parish Council wishes to see the application refused for the reasons below and for the application to be referred to the MBC Planning Committee:
- a) This proposal would increase the traffic, creating a further rat run to Coxheath and Linton via narrow country lanes. These lanes are already ill equipped to cope with the current volume of traffic let alone more.
  - b) The access route in and out of the site into Stockett Lane is dangerous. This would additionally create problems at the Cave Hill and Tovil Road junctions where there is already limited visibility. Although this application is outside of its boundary, Loose Parish Council feels that there would be sufficient implications for Loose and hope that the Planning Officer will take its views into account.

### **Kent police**

- 7.03 Has stated that the scale of the proposed development at this site means that there is limited existing policing infrastructure to cater for the increased demand for policing services and interventions generated by the proposal. As, there would be a considerable population increase within the Borough (Circa 9,400) between now and 2031 to which this development will contribute. This would impair policing services elsewhere in the Borough/County if the necessary policing infrastructure were not provided.

The requirement for additional policing resources at patrol the developments has been identified as a key mitigation measure owing to the potential adverse impact arising from the proposed developments.

The contribution requested as a pro rata basis to the proposed dwelling developments within the Borough between 2015 and 2031. As shown above, Kent police has calculated that the contribution required for this development is £136X91 Market dwellings +£12,376.

The financial contribution sought in this case is not to resolve existing deficiencies in Police Infrastructure provision nor does Kent Police seek to provide a higher level of service. The impact of the development on the capacity of Kent Police to provide an efficient and effective service in the context of the Government agenda for the delivery of safe communities is a material planning consideration and the

contribution/infrastructure sought are appropriate to the impact. The requirement for a Planning Obligation to deliver a financial contribution and secure the provision of the additional infrastructure requirements which are a direct result of the proposed development is therefore reasonable in all respects.

### **Natural England**

#### **7.04 *Local wildlife sites***

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

#### **7.05 *Biodiversity enhancements***

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

#### **7.06 *Landscape enhancements***

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

### **Environmental Agency**

- 7.07 We have reviewed the document ' Geo-environmental Site Assessment' by RSK (reference 27693 R01 (00) dated July 2015). The document reported some contaminants present but these are not at concentrations likely to represent a risk to Controlled Waters and associated remedial measures are not required.

Condition: 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: To protect the underlying groundwater from the risk of pollution. There is always the potential for unexpected contamination to be identified during development ground works. We should be consulted should any contamination be

identified that could present an unacceptable risk to Controlled Waters (the site is located over a Principal Aquifer).

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution. The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

### **Flood Risk**

The site is located in Flood Zone 1, defined by the National Planning Policy Framework (NPPF) as having a low probability of flooding. We recommend you consult and liaise with the Lead Local Flood Authority (LLFA) regarding the surface water aspects of this site as this now falls within their remit.

### **Upper Medway IDB**

- 7.08 Confirms that this location is outside of the IDB's district and the proposal is unlikely to affect IDB interests.

### **Southern Water**

- 7.09 There is currently in adequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Should this application receive planning approval, please include as an informative to the permission the following requirement:

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

Condition

- 7.10 Construction of the development shall not commence until details of proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by, the local planning Authority in consultation with southern Water.

**Southern Gas:**

- 7.11 There is not a Gas line close to the application site. No objection

**KCC Heritage Environment, Planning and Enforcement**

- 7.12 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 20<sup>th</sup> 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.

**Kent Wildlife Trust**

- 7.13 Kent Wildlife Trust would recommend that Maidstone Borough Council ensures that the peripheral features of the quarry are retained and enhanced as much as possible; and that a conservation management and monitoring plan with corresponding financial provision for this green infrastructure is submitted prior to approval and supported by condition.
- I would also strongly recommend that the invertebrate survey work that appears to be outstanding and the detail for mitigation measures for reptiles (including any translocation details) are submitted in advance of determining this planning application. There is a lack of information regarding avoidance of disturbance to bats; a mitigation plan that provides lighting detail and how foraging corridors will be retained around the edges of the site is particularly important.
- In conclusion, Kent Wildlife Trust makes no objection to this planning application, subject to the above recommendations.

**KCC Economic Development**

- 7.14 The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

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

- Primary: £2360.96 per 'applicable' house, and £590.24 per 'applicable' flat – 'Applicable' excludes 1 bed units of less than 56 sqm GIA
- Secondary : £2359.80 per 'applicable' house, and £589.85 per 'applicable' flat
  
- Community learning @ £28.71 per dwelling – 'dwelling' means all residential units on the site
- Library bookstock @ £48.02 per dwelling
  
- Adult Social Care – delivery of 2 Wheelchair Adaptable Homes as part of the Affordable homes delivery for the site
- Superfast Broadband by Planning Condition

#### **Environmental Health**

- 7.14 The previous application for this site, 12/2022, was given a resolution to approve at planning committee in 2013 (but there was no resolution on 106's so there is no current valid planning permission). Environmental Health noted and accepted the conclusions of a Phase 1 Contamination report submitted with this previous application, which concluded that gas monitoring should be carried out in boreholes along with intrusive investigation regarding potential contaminants. It was also noted that "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." A Geo-environmental report has been submitted with the current application and I note that the Environment Agency have reviewed the Geo-environmental Site Assessment by RSK (reference 27693 R01 (00) dated July2015), and state that although the document reported some contaminants present; these were not at concentrations likely to represent a risk to controlled waters. I also note that RSK document reports that the results from the 5 boreholes they used for gas monitoring, leads to the conclusion that the site is suitable for residential development, but that a further 12 monitoring visits are recommended to be carried out over the next 12 months. In addition analysis of samples from the 16 trial pits indicated a hotspot of localised contamination in the vicinity of TP1 and asbestos was detected in two stockpiles on site, so it's been concluded that there are potentially significant risks to end users of the proposed development. Parts 1 and 2 of our standard land contamination condition have therefore already been satisfied, but 3 and 4 have not. A remediation method statement is required and subsequent remediation verification should also be submitted. The site is in an urban area, but traffic noise is unlikely to be a significant problem for this particular site. The site is within the Maidstone Town Air Quality Management Area, and approximately 1km from the nearest Air Quality hotspot; I consider the scale of this development and its site position warrant an air quality assessment plus requires an Air Quality Emissions



Reduction condition applied to it. (No Air Quality assessment appears to have been submitted with this current application.) There is no indication of any significant chance of high radon concentrations for this site. The application form states that it is unknown how foul sewage will be dealt with and I note that Southern water state there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal for the proposed development but the Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer. [I also note that there are no known Private Water Supplies in the vicinity.] Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. Any buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

**RECOMMENDATIONS:** No objection, subject to comments above plus conditions and informatives below.

The development shall not be commenced 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.

#### **PUBLICLY ACCESSIBLE EV CHARGING POINTS**

1 EV "rapid charge" point per 10 residential dwellings and/or 1000m<sup>2</sup> of commercial floor space should be provided. Where this is not practicable, contribution towards the installation at nearby locations should be considered.

#### **LAND CONTAMINATION**

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on

(1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment

(2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should 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; any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

#### LAND CONTAMINATION

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

#### Landfill Gas

To safeguard the future occupants of the site, a detailed scheme for the investigation, recording and remediation of gas shall be carried out. Such a scheme to 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; CODE OF CONSTRUCTION PRACTICE (MAJOR SITES) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall

then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

INFORMATIVES Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Noise and Vibration Transmission between properties (informative). Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

#### Asbestos

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.

#### 7.15 **MBC Landscape and Conservation**

There is an area of woodland to the northeast which is protected by TOP No18 of 1996 but there are no protected trees on the application site. The submitted report on Inspection of Trees produced by Broad Oak Tree Consultants, dated 11<sup>th</sup> May 2015 and detailed Landscaping proposal plan and Landscaping design Statement, Produced by Mark Hanton Studio are considered to be acceptable in principle. 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. It is however important to enhance the landscape character of the narrow, enclosed land 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 landscaping condition addressing the above issues.

## 8.0 BACKGROUND PAPERS AND PLANS

|  |                       |
|--|-----------------------|
| Site location  | 21156B_001 Revision A |
| Exiting site layout  | 21156B_002 Revision A |
| Proposed site entrance survey                                  | 21156B_005 Revision A |
| Proposed site entrance sections                                | 1156B_006 Revision A  |
| Proposed site entrance   | 21156B_007 Revision A |
| Boundary investigations  | 0123/1195/01          |
| Proposed site access and off site<br>Improvements- survey      | T0208-01 Revised P1   |
| Proposed site access and off site<br>Improvements- survey      | T0208-02 Revised P1   |
| Proposed access road long section                              | T0208-04 Revised P1   |
| Typical access section   | T0208-05 Revised P1   |
| Ecology Appraisal by Lloydbore landscape and ecology           | Jan 2013              |
| Ecology Addendum by JFA Environmental                          | July 2013             |
| Phase 1 habitat survey by Bureau Veritas Limited               | November 2009         |
| Flood Risk Assessment & Surface Water Drainage Strategy by RSK | June 2015             |
| Geo-environmental site assessment Part (1) by RSK              | July 2015             |
| Geo-environmental Final Borehole Log by RSK                    | July 2015             |
| Tree report by Broad Oak Tree Consultants Limited              | May 2015              |
| Transport Assessment Report and related appendices by DHA      | June 2015             |
| Planning statement by DHA                                      | July 2015             |

## 9.0 APPRAISAL

### Background

- 9.01 In November 2012 the Planning Committee resolved to grant outline planning permission under ref 12/2022 for upto 113 dwellings with all matters reserved except for the means of access subject to a section 106 legal agreement and planning conditions to secure affordable housing and developer's contributions. The section 106 has not been signed and no planning permission has been granted.
- 9.02 The current application was originally submitted as a full application, this has been revised to an outline application with all matters reserved except for the means of access.

### Principle of Development

- 9.03 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 9.04 In terms of location, Development Plan policy and Central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "Housing applications should be considered in the context of the presumption in favour of sustainable development". The site is within a sustainable location.
- 9.05 The site is designated as an employment site under saved policy ED2 of the MBWLP. However, it should be noted that employment use of this site ceased many years ago and the site has been cleared of any buildings or structure.

- 9.06 The Tovil area has undergone a significant change in character in recent years with a move away from industrial and employment use towards a more residential character with a resultant decrease in demand for employment sites. A number of other sites in the area have either been developed for residential purposes or have consent for residential development.
- 9.07 In terms of the emerging Maidstone Borough Local Plan, the proposal site has not been designated as an Economic Development Area under emerging policy DM18; and it has not been identified as a site for future employment development in emerging policy EMP1 of the draft Local Plan. Furthermore, Government guidance in the paragraph 22 of NPPF directs that "...planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"; and so in this context and in view of the considerable time that has elapsed with no apparent market interest in implementing the employment allocation, it is considered that the employment use of this site can be set aside in this case.
- 9.08 As mentioned above in November 2012 the Planning committee approved the principle of development of this land for residential purposes under ref 12/2022. It is considered that residential use had already been accepted in principle on this allocated employment land and there has not been any material change in the nature of the proposal or circumstances of the site since 2012. Also the emerging local plan has not allocated this site for employment purposes, as such it would be unreasonable to conclude at this time that the site should be retained for employment purposes. On these grounds therefore it is considered appropriate in this instance to depart from policy in this instance. It is therefore considered that a development of this nature on this brown field site would be acceptable in principle and there is no objection to the loss of allocated employment land to residential use.

### **Visual Impact**

- 9.09 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 physical separation of the site from public vantage points would ensure that 3 or 4 storey buildings on this site would not generally be visible from the surrounding area.
- 9.10 As this application is in outline and details of design, scale and external appearance are reserved for future consideration, the submitted drawings are for illustrative purposes only, but they do show a range of building heights and density that indicate the site is capable of accommodating this type/form of development without impacting significantly on the locality.
- 9.10 It is considered therefore that given the separation from Straw Mill Hill together with the intervening and retained existing landscape cover and the site's topography, the proposed development would not be unacceptably or visually intrusive, with possibly only glimpses of the roofscape of some of the buildings within the development being likely. As such It is considered that residential development on this site will not per-se have a significant impact on the surrounding area or the character of the nearby Loose Valley Conservation Area.
- 9.11 The greatest visual impact will occur from the change to the retaining wall along Straw Mill Hill as a result of the construction of the proposed site access. Currently the walls are tight to the carriageway on both sides although there is a significant gap at the entrance to the Kent Fire and Rescue Service HQ.

- 9.12 The proposals for the access point to the site are exactly the same as what was accepted under the 2012 outline application for this site. The proposals as submitted show the wall to be set back behind the new visibility splay 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.
- 9.13 Whilst the moving of the wall will reduce the current sense of enclosure it is being retained except for the extent of the access point. To ensure adequate sight lines and visibility are provided, part of the wall will be set back and reconstructed using ragstone, thus helping to create an appearance similar to the present street scene situation.
- 9.14 The rebuilding of the wall will ensure that poor repairs that were carried out in the past that resulted in the use of bricks and cement render are replaced by ragstone, thus improving the appearance of the wall and the setting of conservation area. To ensure that this objective is achieved, 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 rebuilding work for the wall commencing. This can be secured by an appropriate condition.
- 9.15 It is therefore considered that with appropriate detailing and a sample panel being provided and approved, the alterations to the wall will not cause such an adverse visual impact so as to warrant a ground of refusal and that no objections are raised to the visual impact of the development.
- 9.16 The Landscape officer has no objection to the proposal subject to a landscaping and protection of the trees to be retained during the construction period.
- 9.17 It is also considered that although the proposed access opening would impact on the setting of the nearby Loose Valley conservation area, on balance this would not be significant or severe that would warrant a refusal of the application given the 2012 resolution of the Planning Committee, the Council's position with regard to five years housing land supply and the improvement to the wall that will result from use of ragstone and restoration and repair of the damaged areas.

#### **Residential Amenity**

- 9.18 The development of the site will not have any adverse impact on residential amenity as there are no dwellings in close proximity to the site that would be affected.
- 9.19 An appropriate level of residential amenity for the future occupier of this site can be secured through detailed design consideration at reserved matters application stage.
- 9.20 Whilst the development itself is likely to lead overall to an increase in traffic compared to the worst case scenario of the potential use of the existing lawful use of the site (as a waste recycling site), there would be a slight reduction in morning peak traffic together with a slight increase in evening peak traffic. There is therefore no objection to the proposal for amenity reason.

#### **Highways**

- 9.21 The proposed development is for upto 108 dwelling and KCC highway authority has considered the proposal and has not raised any objection on the ground of impact of the proposal on the local road network or highway safety. The proposed alterations

and provision of the footway improvement along Straw Hill have been subject to an initial safety audit and are considered acceptable.

- 9.22 The proposed development is likely to result in 154 daily additional trips compared to the worst case scenario of the lawful use of the site as a waste recycling site. However, there would be 20 fewer trips during the morning peak hour and 19 additional trips in the evening peak hour. The proposal would however result in significantly less HGV goods vehicle trips.
- 9.23 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.
- 9.24 Appropriate levels of car parking provision can be secured at reserved matters stage.
- 9.25 Having regard to the above there is no objection to this development on highway grounds.
- 9.26 The long term objective is to create the opportunity for pedestrian and vehicular access links between the application site and the land to the north to provide permeability. It is anticipated that the reserved matter application will address this issue in the housing estate layout and road network design.

#### **Landscaping**

- 9.27 The application has been supported by appropriate arboricultural and ecological survey reports.
- 9.28 The MBC Landscape Officer has stated that whilst the trees adjacent to the proposed access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. If permission is to be granted it would 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 landscaping proposal together with implementation and management specification pursuant to reserved matter application and planning conditions.
- 9.29 It is considered that subject to use of ragstone and appropriate landscaping at the access point to the site the impact of the proposal on the Loose Valley Conservation area would not be significant or severe and as such is considered acceptable.

#### **Ecology issues**

- 9.30 The application includes an ecology appraisal and phase 1 habitat survey. These are the same documents that were submitted with the 2012 application. It is important to mention that since the appraisal and surveys were carried out the buildings on site have been demolished.
- 9.31 The KCC ecology officer has considered the ecological reports submitted and raise no objection provided the tree line around the site perimeter is retained, an and appropriately designed lighting scheme to minimise harmful impact on bats is installed and a range of native flowering and berry species to trees and hedges and shrubs as well as imposition of a planning condition requiring inclusion of the followings:-
- The provision of bat bricks/boxes, birds nest and swift bricks.

- The retention of a proportion of the cordwood within the site.
- The provision of refugia and hibernacula.
- The provision of wildlife- friendly drainage gullies.
- The retention within the site as undeveloped of the area where reptiles have been recorded.

### **Planning Obligations and Financial Viability**

9.32 Planning applications should be determined in accordance with the provisions of the Development Plan (Council policies) and the government guidance unless material considerations indicate otherwise. Members should not depart from the Council's policies unless material considerations are proven to be of enough weight to justify departure.

9.33 The National Planning Policy Framework states that evidence of viability issues will be a material consideration in some cases. Where the deliverability of a development may be compromised by the scale of planning obligations, tenure requirements or other costs, a viability assessment may be necessary. Where viability is a material consideration, it will be just one of a number of factors to be weighted in the decision making process. Just because viability is a consideration does not mean it is the only determining matter.

9.34 Adopted Development Plan Document 2006 Policy AH1 seeks 40% Affordable housing and policy DM13 of Maidstone Borough Local Plan Regulation 19 Consultation 2016 seeks 30% affordable for previously developed land in the urban area. Also policy ID1 (Infrastructure delivery) of Reg 19 gives a list of Council's priorities. These policies also recognise that the capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site economic viability analysis. If an applicant suggests that a development cannot afford to be policy compliant, they will be expected to submit a development appraisal as justification.

Adopted local plan and emerging Local plan policies state that the Council will seek to secure affordable housing and developer's contributions.

9.35 These policies require that if an applicant suggests that a development cannot afford to bear the expected charge, they will be required to submit a development viability appraisal as justification to demonstrate the case. The applicant has stated that due to the cost associated with bringing this ex- land fill site to an acceptable standard for residential development and the low values of properties in Tovil, this site cannot afford to provide any affordable housing and make contributions toward infrastructure and community facilities.

9.36 A viability report has been submitted by the applicant. As is standard practice, the Council has instructed an independent appraisal of the applicant's viability report. This report has been assessed by an independent viability assessor who has generally concurred with the findings of the viability report submitted. Although the detailed values and costs within the report are commercially sensitive the report concludes that the contribution towards affordable housing and infrastructure/community facilities would unacceptably reduce profit levels and thus jeopardise delivery of the scheme at this time. The applicant has stated the reason for the lack of progress with the 2012 outline application has been the required affordable housing and s106 contributions.



**Other Issues**

- 9.37 History of this site and the adjoining land show that these were once landfill sites and the issues of contamination and potential gas migration would need to be properly managed. It is relevant to mention that the cost associated with restoration of the land to make it suitable for human habitation and construction of dwelling on this site influenced the viability argument.
- 9.38 Contamination and gas mitigation (from the nearby former landfill site) and air quality issues raised in the comments of the Environmental Health and Environmental Agency can be addressed by means of suitable conditions.

**10.0 CONCLUSION**

- 10.01 Whilst a departure from the Development Plan as the proposal is not employment development, it is considered that the principle of residential development on this site is acceptable, given the lack of interest in the land for employment use and the Council's resolution to grant a similar proposal under 2012/2022 application.
- 10.02 The development proposes the reuse of a brownfield site which should also be balanced in favour of allowing the development. The current shortfall in the five years housing land supply is also a factor that weighs heavily in favour of allowing a departure from the development plan in this instance.
- 10.03 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.
- 10.04 It is considered that the alterations to the existing ragstone wall on Straw Mill Hill would not be so harmful to the character of adjacent Conservation Area as to warrant a ground of refusal when judged against the re-use of a brownfield site.
- 10.05 Appropriate design and landscaping for the development can be secured at reserved matters stage.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

**CONDITIONS**

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 2 years from the date of this permission.

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscaping charter Assessment 2012 and using indigenous species which shall include indications of all existing trees on the land and details of any to be retained.

The development hereby permitted shall be begun before the expiration of 2 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.

## Planning Committee Report

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.

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

3. Prior to the commencement of the development written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

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

4. 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.

5. 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.

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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 sewerage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water. 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. There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and Highway Authorities 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. 21156B\_007 revA
- 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:

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i. 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.

ii. 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.

iii. 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.

iv. 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:

i. 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.

ii. 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.

iii. Approved works shall be carried out in full on site prior to first occupation.

iv. 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 commenced 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:

i) 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.

ii) 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

## Planning Committee Report

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 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: To protect the underlying groundwater from the risk of pollution.

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution.

17. 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.

18. The development hereby permitted shall be carried out in accordance with the following approved plans:-

|  |                       |
|--|-----------------------|
| Site location  | 21156B_001 Revision A |
| Exiting site layout                                    | 21156B_002 Revision A |
| Proposed site entrance survey                          | 21156B_005 Revision A |
| Proposed site entrance sections                        | 21156B_006 Revision A |
| Proposed site entrance                                 | 21156B_007 Revision A |
| Boundary investigations                                | 0123/1195/01          |
| Proposed site access and off site Improvements- survey | T0208-01 Revised P1   |
| Proposed site access and off site Improvements- survey | T0208-02 Revised P1   |

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Proposed access road long section T0208-04 Revised P1  
Typical access section T0208-05 Revised P1  
Ecology Appraisal by Lloydbore landscape and ecology Jan 2013  
Ecology Addendum by JFA Environmental July 2013  
Phase 1 habitat survey by Bureau Veritas Limited November 2009  
Flood Risk Assessment & Surface Water Drainage Strategy by RSK June 2015  
Geo-environmental site assessment Part (1) by RSK July 2015  
Geo-environmental Final Borehole Log by RSK July 2015  
Tree report by Broad Oak Tree Consultants Limited May 2015  
Transport Assessment Report and related appendices by DHA June 2015  
Planning statement by DHA July 2015

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

19. The reconstruction of the ragstone wall as shown on drawing no. 21156B\_007 revA 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 rebuild 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.

20. 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.

21. The approved details of the parking/turning area shall be completed before the commencement of the occupation of the dwellings hereby permitted and shall thereafter be kept available for such a use. No development, whether permitted by the Town and Country Planning (General Permitted Development Order 2015 (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: In the interests of highway safety.

22. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately designed and located potential pedestrian and vehicle link between the application site and the land to the north.

Reason: In the interest of permeability and greater integration with future development of the land to the north.

Reason: In the interest of pollution control and sustainability.

Informatives set out below

1- The layout plan, elevational drawings and the design and access statement submitted with the full application are not consider acceptable for follow up submission of reserved

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matters application(s). Applicant is advised to discuss the design of the layout design of the housing estate and elevational design of any flat blocks and houses. The layout design should make provision for a play area for children.

2- 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.

3- 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.

4- 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.

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

6- 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.

7- 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.

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

9- 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.

10 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

11- 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.

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- 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.

12- 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.

13- 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.

14- The use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

15- Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Case Officer: Majid Harouni