

REPORT SUMMARY

REFERENCE NO - 17/501449/FULL			
APPLICATION PROPOSAL – Erection of 250 residential dwellings development with associated access, parking, public open space, drainage and landscaping.			
ADDRESS - Land North of Bicknor Wood, Sutton Road, Maidstone, Kent			
RECOMMENDATION - Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions. (see Section 9 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION – The site is a strategic housing allocation H1(7) in the submitted Maidstone Local Plan 2016 (as modified by the Inspector's Final Report (Regulation 25)).			
REASON FOR REFERRAL TO COMMITTEE – <ul style="list-style-type: none"> • Departure from the Development Plan • Referral from two Parish Councils. • Objection from Statutory Consultee 			
WARD Downswood & Otham	PARISH/TOWN COUNCIL Otham	APPLICANT: Bellway Homes AGENT: DHA Planning	
DECISION DUE DATE 5 th July 2017	PUBLICITY EXPIRY DATE 9/5/17	OFFICER SITE VISIT DATE Various site visits	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/509251	Outline application for residential	Resolved to be granted	17/7/16
15/507187/ENVSC R	Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure	EIA not required.	23/12/2015
15/506840/FULL	Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective)	Approved	26/2/2016
13/0951/FULL	Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works	Approved	
16/503775/FULL	Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.	Approved	18/1/17

MAIN REPORT

The current proposal is a detailed application for 250 dwellings on the site Land North of Bicknor Wood. The proposal is essentially consistent with the outline proposal (15/509251) for which Planning Committee resolved to grant planning permission on 14th July 2016.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a parcel of agricultural (arable) land, of approximately 14 hectares in area, situated to the north of A274 Sutton Road, to the south of White Horse Lane and to the east of Gore Court Road, located on the south-eastern edge of Maidstone.
- 1.02 To the north the site is bound by White Horse Lane, surrounded by residential development along Gore Court Road and Church Road to the northeast and residential development along White Horse Lane to the northwest.
- 1.03 The eastern boundary of the site is defined by a mature tree lined hedgerow, surrounded by agricultural land and sports pitches with residential development along Honey Lane beyond.
- 1.04 There are no existing landscape features within the Site itself and well-established hedgerows along Gore Court Road and White Horse Lane provide a degree of visual enclosure. Bicknor Wood screens views from the Imperial Park housing development to the south, and along the eastern boundary an avenue of lime trees filters views from the east.
- 1.05 To the south of the application site is 'Bicknor Wood' – an area of woodland classified as Ancient Woodland. Immediately to the south of Bicknor Wood is the Imperial Park housing development of 186 houses (13/0951/FULL). This land is promoted by Bellway Homes and is currently under construction.
- 1.06 To the southeast is Bicknor Farm; this land is being promoted by Jones Homes and currently has a full planning application pending (14/506264/FUL) for the provision of 271 dwellings.
- 1.07 To the west the site is bounded by Gore Court Road, surrounded by residential development situated on the south-eastern edge of Maidstone. To the south west of the site is an open playing field associated with a community centre at the southern end of Titchfield Road.
- 1.08 The topography of the site is relatively flat, with a slight slope from the lowest point in the northwest corner to the highest point in the southeast corner.
- 1.09 The site adjoins the settlement boundary of Maidstone, located outside settlement confines, within the countryside. Within the Emerging Local Plan, the site has a residential allocation in draft MBLP policy H1(7).

2.0 PROPOSAL

- 2.01 This is a full application for 250 residential dwellings, together with areas of open space, landscaping and access. The development proposes more open space and more developable area than Submitted Local Plan Policy H1 (7) which suggests the site is suitable for approximately 190 units with 3.99ha of open space, at a density of

approximately 27 dwelling per hectare. The proposed development shows 250 dwelling with 5.7ha of open space and the suitable woodland and landscape buffers required by the H1(7) policy.

- 2.02 The plans submitted with the application seek to demonstrate that the site can accommodate this level of residential development, show a layout with the main access road to the west off Gore Court Road, entering the site via a tree lined avenue, looping around the site with a number of shared surface lanes running off with green lanes and private drives around the perimeter of the site. Landscape buffers are shown along the western, southern, eastern and northern boundaries, with an area of open space, including a LEAP, village pond and SUDs running through the centre of the site.
- 2.03 Vehicular access to the application site will be provided from Gore Court Road via Sutton Road and the Imperial Park development. The existing junction connecting Gore Court Road to Sutton Road will be closed off and the new Imperial Park junction will take cars off Sutton Road, through Imperial Park and onto Gore Court Road. A new priority junction is proposed to the southwest of the application site off Gore Court Road. This will allow vehicles to access Church Road via Gore Court Road and White Horse Lane via the proposed new route running through the application site.
- 2.04 As the proposed new route through the application site provides direct access to White Horse Lane and given the poor visibility at the existing White Horse Lane / Gore Court Road junction – the proposed development seeks to downgrade the western end of White Horse Lane; limiting this part of White Horse Lane to pedestrian and cyclists only.
- 2.05 Several landscape features comprising parts of the Site's physical fabric, would be modified or removed, as follows:
- Small areas of hedgerow will be removed to accommodate vehicular access to the Site from Gore Court Road and White Horse Lane. The majority of the perimeter hedgerow will be retained and reinforced.
 - A few small gaps would be made in the hedgerow along the northern and Western boundaries of the Site to allow for pedestrian and cycle access.
 - The replacement of an arable field with residential land, public open space and a new woodland belt.
 - The existing junction between Gore Court Road and White Horse Lane will be altered with an approximate 100m section of White Horse Lane becoming closed to traffic and being used for cycle/pedestrian access only.
 - At its south western boundary, the realignment of the proposed access road to the south west into Senacre recreation ground , the open space associated with the community building at the south of Titchfield Road;
 - As a consequence of the proposed road realignment, to accommodate the widening of Gore Court Road and introduction of a footpath along this edge of the road the 3 TPO trees and ancient woodland of Bicknor Wood are protected.
 - Provision of a footpath via the south eastern corner of the site, providing a more direct access south towards Sutton Road and access to public transport;

- 2.06 The proposal includes a range of housing types and materials with traditional two storey semi-detached and detached houses predominating. A range of materials include Kentish ragstone on key prominent buildings, brick, tile hanging and weather boarding, clay tiles and slate tiles.

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies: ENV6, ENV21, ENV26, ENV28, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1 (7), DM1, DM2, DM3, DM5, DM7, DM11, DM12, DM13, DM14, DM22, DM23, DM24, DM25, DM27, ID1
- Schedule of Proposed Main and Minor Modifications to the Regulation 19 Maidstone Borough Local Plan March 2017
- Kent Waste and Minerals Plan 2016
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

4.0 LOCAL REPRESENTATIONS

4.01 Local Residents: objections on the following grounds:

- Increases in traffic congestion;
- Damage to road safety;
- Buffkyn way (access via Imperial Park) congested with parked cars;
- White Horse Lane should remain open;
- Pressures on local services including health, sewage, water, green space and schools;
- Damage to ecology;
- More appropriate alternative housing sites available;
- Site should not be housing;
- Site is good agricultural land;
- Effect on air quality and pollution;
- Welcome the inclusion of increased buffer to the Western edge of the site;
- Object to the closure of the junction of White Horse Lane and Gore Court Road;
- No traffic access from the North;
- Would prefer a smaller development of large mansions;
- Density too high;
- Want a community hall;
- Proposed ragstone entrance walls will stop farm traffic;
- Conduct of Bellway;
- Change in character of Otham;
- Closure of Gore Court Road;
- Concerns over construction impact on amenity and wildlife
- Suggest vehicle access should be via Bicknor Farm
- Widen Gore Court Road.
- Poor visual impact of buildings and landscaping;

- Speed limit should be limited to 30 mph;
- Concern over future residential amenity from adjoining floodlighting of football pitches;

4.02 The agents for the owners of Bicknor Farm and Bicknor Wood have objected and suggest a rerouting of the highways access to the site via the Bicknor Farm site.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 Downswood Parish Council: object on the basis of highways impact, change in village character, impact on ecology, flooding and lack of infrastructure.
- 5.02 Otham PC: object on the basis that lack of community facilities, flooding, change in character and highways concerns.
- 5.03 UK Power Network: no objections
- 5.04 West Kent CCG: £202,392 required towards health facilities
- 5.05 Kent Police: no objection subject to condition
- 5.06 KCC rights of way: No objection subject to improvements to public footpaths KM87, KM88 and KM94 sought costing £31,680
- 5.07 KCC Flood: no objection subject to condition.
- 5.08 Southern Water. The proposal needs additional infrastructure to avoid flooding. As a consequence a condition is suggested to ensure such infrastructure is provided at an appropriate time.
- 5.09 MBC Parks and Leisure: Quantity and mix of open space is adequate and of a good mix. Long term management and maintenance will need to be provided.
- 5.10 KCC Highways have objected on the grounds of highways impacts, parking and lack of minerals and waste assessment. They require a turning head at the closed end of Gore Court Road. Pedestrian and cycle routes are seen as good.
- 5.11 Highways England consider the proposal has a material impact on Junction 7 of the M20 and consider that it should contribute to a managed approach to the delivery of signalisation of this junction.

All standard consultees were re-consulted shortly before this report was drafted. All relevant responses will be included in an update report

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Density, Design, numbers of units and amount of open space
 - Junction 7 signalisation

- Air quality
- Minerals provision
- Affordable housing
- Health requirements
- Highways

6.02 **Density, Design, number of units and amount of open space.**

6.02.1 The proposed development puts forward 250 dwellings which exceeds the proposed allocation of 190 dwellings put forward in the Submitted local plan policy H1(7). The indicative layout underpinning 250 units was accepted when Committee resolved to grant permission in July 2014. Policy H1 of the Submitted Local Plan states that *“the dwelling yield ...is an estimate and the actual number of dwellings...could be higher or lower following the detailed consideration of a planning application”*. One local example of such a change is H1(9) Bicknor Farm, which was allocated for 335 dwellings in the Submitted Local Plan but granted permission for 271 units.

6.02.2 In regards to the amount of development and open space - policy H1(7) suggests 3.99 hectares of open space to be provided on site. The application site is 14.84 hectares in total with 5 hectares of open space and new woodland planting provided. A further 0.7 hectares of buffer land to the woodland is provided. If the ancient woodland buffer is excluded, the density is 17.65 dwellings per hectare. If you exclude the new woodland planting and just leave the open space, the development equates to 21 dwellings per hectare. Policy H1(7) requires a density of 27 dwellings per hectare. Accordingly the development fully accords and is below the suggested density of the emerging policy.

6.02.3 Acceptable dwelling numbers are a result of design-driven assessment. The proposal is considered to be an attractive and well-designed housing with the use of Kentish ragstone and other local vernacular materials. The density, height and massing of the proposal is considered acceptable. The proposal provides suitable buffers to the ancient woodland Bicknor Wood as well as to the east west and north of the site and provides 5.7 hectares of open space in total, as opposed to 3.99 hectares required by policy H1(7).

6.02.4 In terms of visual impact on landscape character, there will be a moderate to slight effect on visual receptors. The provision of extensive landscape buffers on all four sides of the development minimises the visual impact and no widespread visual impact.

6.03 **Junction 7 Signalisation**

6.03.1 As per the outline application at this site being reported back on this agenda, Highways England consider the proposal has a material impact on Junction 7 of the M20 and consider that it should contribute to a managed approach to the delivery of signalisation of this junction. They have previously stated:

“6.13 Highways England: We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario. In the absence of any timescales for the development of the Medical Campus M20 Junction 7 instigation scheme or indeed certainty around its delivery it would be necessary to ensure the

required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place”.

6.03.2 Highways England consider that a ‘managed approach’ should be taken and have been reference to the statement of common ground drawn up for the Examination in Public of the Local Plan. They have indicated that they would object if the proposed development did not make a suitable contribution to the J7 works.

6.03.3 This Council, as local planning authority, does take a ‘managed approach’ both in terms of policy and practice. In effect, we have a clear strategy.

6.03.4 Policy DM21 ‘Sustainable Transport’ inter alia identifies the need for traffic signalisation at J7 (para 17.127 of the explanatory text) then refers to the need to work in partnership with the Highways Authorities and the Integrated Transport Strategy. It highlights the need for transport assessments in accordance with the NPPF.

6.03.5 Effectively, this means an area based approach to the planning and delivery of infrastructure is employed in that the specific improvements are identified in the Local Plan (together with the ITS and IDP) and through transport assessments, the impacts and so the apportionment can be identified.

6.03.6 Mott McDonald have been employed to undertake detailed analysis in line with this approach. A report is appended. Three sites have been identified as having a significant impact on J7 and with a reasonably high level of certainty of delivery in the next 6 years or so. Moreover, with developers. Therefore it is proposed to attach a Grampian condition requiring the developer to enter into a Section 278 Agreement under the 1980 Highways Act with Highways England securing a financial contribution toward J7. The apportionment of this substantial contribution would be based on the indicative percentages for the 3 schemes by Mott McDonald:-

- This site, namely, land south of Sutton Road, Local Plan reference H1 (10)
- Land north of Bicknor Wood H1 (7)
- Land west of Church Road, Otham H1 (8).

6.03.7 These are the sites currently with the greatest certainty of delivery and demonstrate the ‘managed approach’ in practice. However, given that the J7 improvement works may not be implemented for over 10 years then it may be that other allocated sites or windfall sites contribute in the fullness of time depending on the impact (as assessed in Transport Assessments) and timing.

6.03.8 It may also be the case that the ‘medical’ campus at J7 is built out earlier than anticipated. If such a future scenario were to happen then contributions could be taken to fund capacity improvements at roundabouts/junctions in close proximity to J7 for example.

6.04 **Air quality**

6.04.1 In April 2015, ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible. Those plans were deemed inadequate by ClientEarth who took the government back to the High Court in a Judicial Review. On 2 November 2016 the court ruled that the government’s 2015 Air Quality Plan failed to comply with the

Supreme Court ruling or relevant EU Directives and said that the government had erred in law by fixing compliance dates based on over optimistic modelling of pollution levels.

6.04.2 The responsibility for achieving EU limit values lies with central government (DEFRA) rather than Local Authorities although planning decisions are made on the basis of the national Air Quality Objectives (AQO) which are the same as the limit values. The assessment undertaken to inform this application has been undertaken in consultation with the Senior Scientific Officer (Environmental Protection) and a sensitivity test has been included which uses base year emission factors in the future year scenarios (i.e. assuming no improvement in emission factors) as a worst-case scenario. The assessment shows that the likely increase in emissions caused through the increase in road traffic would be negligible in all locations with the exception of the Wheatsheaf Junction where the likely increase is considered to be less than 1%. The overall effect of the development on local air quality is judged as being 'not significant' and sufficient mitigation would be secured by condition.

6.05 Minerals Provision

6.05.1 The Kent Minerals and Waste Local Plan was adopted on 14 July 2016, seeking to safeguard the delivery of a suitable level of these natural resources over the plan period.

6.05.2 This is a site that is shown within the Minerals and Waste Plan as being within an area that has the potential to contain Kentish Ragstone, and is therefore sought to be safeguarded. Policy DM7 of the aforementioned plan sets out the circumstances in which planning applications for this type of development can be permitted, having regard to safeguarding requirements. Policy CSM5 relates to land-won mineral safeguarding, and seeks to ensure that resources are not sterilised by other development. Policy DM21 refers to incidental mineral extraction.

6.05.3 It is important to note that policy DM7 of the Kent Minerals and Water Local Plan states that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where at least one of the seven listed criteria is met. Criteria 7 of the aforementioned policy is met where the development proposal '*constitutes development on a site allocated in the adopted development plan.*' Whilst the plan has not yet been formally adopted by the Council, the Local Plan Inspector has issued his Final Report and considers the site policy to be sound in the absence of the requirement for a minerals safeguarding criterion.

6.05.4 Whilst it is acknowledged that the County have requested that this site be included within the sites required to provide a Minerals Assessment, the Borough Council remain of the view that sites containing both Ragstone and Industrial Sands should be excluded from such a requirement. It is on this basis that no request has been made of the applicant to provide any assessment on minerals in this instance.

6.05.5 Whilst this site is identified within the Kent County Council Minerals and Waste Plan for safeguarding for minerals, given the strategic importance of the site for housing provision, the passage of time, and as the Borough Council are not seeking any Minerals Assessment for sites within this limestone formation, it is not considered that any further information or subsequent consideration is required to determine this application.

6.06 Affordable housing

6.06.1 As Members will be aware, the previous resolution under the outline application at the site sought to provide 30% affordable housing with a 60/40 split between social rented and shared ownership tenure. Since the resolution last year, the Council have progressed with their local plan, and the policies and plan have been found sound subject to modifications. The Council's emerging Policy (DM13) requires the provision of a 70/30 split unless viability indicates otherwise. In the light of this policy, the applicants propose a 65/35 tenure split.

6.06.2 Clearly the delivery of affordable housing is a priority of the Council, and I would seek to adhere to the emerging policy where possible. However, in this instance, given the planning history of this site, and the fact there has been a previous resolution, I consider it acceptable that the applicant is proposing a 65/35 split in this instance, and no objection is therefore raised.

6.07 Health Contribution.

6.07.1 West Kent CCG has updated their request for financial contribution to meet the likely health needs of new residents of the development. For the proposed number and mix of units the contribution for health would be £180,072. Such a settlement would fulfil S106 requirements.

6.08 Submitted Local Plan Update

6.08.1 Since this application was last considered by Committee, the Submitted Maidstone Local Plan has made substantial progress towards adoption. The Examination in Public was held towards the end of 2016 and the Inspector's interim report issued at the end of the year. Overall the draft Plan now has significant weight. The site specific allocation H1(7) was accepted by the Inspector, who supported the allocation of development sites under Policy SP3. In particular the Inspector supported the Council's position regarding necessary transport improvements to mitigate the impact of housing growth. The Inspector criticised the position of KCC obstructing the provision of sustainable transport measures on the A274. Policy H1 (7) was not proposed to be altered in the subsequent proposed Modifications March 2017 which means the Inspector considers H1(7) to be sound and legally compliant. As a consequence Policy H1(7) has almost full weight. This application has been carefully considered against the policy criteria set out in H1(7).

6.08.2 It should be noted that the site is a significant housing allocation within the Submitted Local Plan. Delivery of this housing is an extremely important element of the Council's housing trajectory to meet objectively assessed housing need. If this site were not allocated for housing, the Council would be unlikely to meet its five year housing land supply obligations and there is distinct possibility that the Local Plan would be found unsound.

6.09 Drainage

6.09.1 Southern Water have objected to the proposal on the basis of the lack of detail for addressing sewage and drainage capacity and have suggested a pre-commencement condition. However there is an obligation upon Southern Water to provide such capacity as part of their own responsibilities. A relevant court case has upheld (Barratt Homes Ltd vs Dwr Cymru Cyfyngedig (Welsh Water (2009) UKSC 13) that any developer has the right to connect to a public sewer under Section 106, and that right cannot be denied because it might cause a nuisance. This decision sets out that Grampian conditions should not be used to prevent an impact upon the drainage system merely as a result of the undertaker failing to provide sufficient capacity.

Given this court ruling, while Southern Water would be a consultee for the relevant discharge of condition application, it would not be reasonable for them to object to the proposal on the basis that they had failed to provide sufficient capacity within the network. In my opinion the condition Southern Water suggests does not meet the tests required for planning conditions. As a consequence, I recommend that the suggested condition is altered to avoid Southern Water having, in effect, a veto on the development. They will be consulted on any relevant discharge of conditions application and their views will be fully considered by the Local Planning Authority in making a decision. The proposed development is required to meet the drainage, flooding and sewage needs it creates and this condition will ensure that.

6.10 Neighbour objections

6.10.1 The vast majority of objections have already been raised and addressed in the previous committee report (appended).

6.10.2 The suggestion to upgrade the existing village hall or provide a new one on site has been raised by a number of local residents, who consider Otham Village Hall to be inadequate and that the proposed development should provide a new village hall. Policy DM23 requires new community facilities where need is generated and no spare capacity exists. As well as Otham Village Hall referred to, the Langley Park development within walking distance to the South of the A274 includes a new community facility. No community facilities were required when the relevant outline proposal was considered by Committee in July 2016. In addition no specific evidence has been put forward to justify improvements to the existing hall. It is not acceptable in planning terms for the new development to fund existing deficiencies. Indeed there is an argument that the influx of new residents will make the existing village hall more well used and thus more financially sustainable.

6.10.3 Given the above, I do not consider that there is a sufficient justification in planning terms that the development should be required to make a contribution to these community facilities.

6.11 Highways and parking issues

6.11.1 The previous transport assessment assessed the impact of a 300 dwelling proposal and showed an acceptable impact. This was accepted by committee when it considered a virtually identical scheme in July 2016. The detailed analysis of the relevant issues is included within the appended July 2106 committee report, which I do not repeat here.

6.11.2 The developers have accepted the provision of a suitable contribution to Junction 7 signalisation. The precise details of the costs and split between relevant development is not available at the time of drafting this report and will be explained in an urgent update report.

6.11.3 **Parking:** 409 car parking spaces are proposed for 250 dwellings. KCC require a minimum of 504 car parking spaces. The applicant has responded that:

- Analysis of existing car ownership in this part of Maidstone indicates that in the region of 250 parking spaces would be required.

- That in addition to the 409 parking spaces accepted as such by KCC, there are an additional 41 tandem parking spaces and 176 garage spaces, providing in total 626 possible parking spaces.

6.11.4 I have analysed the relevant evidence, including the residential parking standard DM27. While the proposal does not meet the proposed standard, given the availability of additional parking in the form of tandem and garage spaces, I consider that the proposal is unlikely to led to an unsustainable increase in uncontrolled parking and is acceptable.

6.11.5 **Alternative vehicle access**

6.11.5.1 I do not consider the suggestion that the proposal is accessed via Bicknor Farm is practical and acceptable given the following:

- The likely significantly negative impact on the ancient woodland;
- The potential effects on deliverability of the proposal, given that access would be in the control of a third party;
- Such an approach would not be in line with the H1(7) allocation which requires access via H1(8) Imperial Park.

6.12 **Public Transport**

6.12.1 As with the land south of Sutton Road application (also on the agenda), the previously agreed bus service for Bearsted railway station cannot be delivered for commercial reasons. Therefore a head securing this is not proposed. However, one of the reasons why the Local Plan Inspector found the A274 residential allocations to be acceptable is that a new service to Maidstone East is proposed to capitalise on the new Thames Link services coming on stream in 2018. Therefore, I consider that monies are directed to the new service as part of a s106 head of agreement.

7.0 **CONCLUSION**

7.01 The proposal represent an acceptable development and while not entirely in accordance with policy in respect of unit numbers and parking, I consider that the development is acceptable in planning terms subject to conditions and a completed S106 agreement. I do not propose to repeat points made in respect of the previous outline planning application 15/509251 which remain valid.

8.0 **RECOMMENDATION**

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- Community learning being £30.70 per Dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Libraries being £48.02 per Dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Social care being £53.88 pre dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);

- Youth services being £8.49 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Primary education being £4,000 per house and £1,000 per flat 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Primary education land acquisition being £2,701.63 per house and £675.41 per flat 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Secondary education being £2,359.80 per house and £589.95 per flat 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis);
- Highways being £1,350.00 and £2,945.00 per Dwelling prior to commencement;
- A proportionate contribution will be provided for Junction 7 of M20 works with the exact figure to be agreed through discussions between the Council, Highways England, County Council and the applicant.
- Open space being £272.00 per Dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis). This is for an off-site open space;
- NHS healthcare being £360.00 per person whereby persons are calculated on the number of bedrooms in open market housing units 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis); and
- Bus service £1,793.75 per dwelling 50% payable prior to commencement and 50% prior to occupation (on phase by phase basis) & to include contributions towards the new service to Maidstone East train station.

Schedule 4 (Affordable Housing)

- 30% of the dwellings in the Development must be affordable housing units.
- Tenure is split 65% affordable rented and 35% shared ownership.

Schedule 5 (Public Open Space)

- The First Owner and the Second Owner must provide at least 5.7ha on the Site as public open space in perpetuity. A plan showing such must be submitted and approved prior to commencement.

Schedule 6 (Traffic Displacement)

- A traffic displacement contribution of £113 per dwelling shall be paid (as appropriate). Prior to occupation of 50%, 75% and 95% of the dwellings there shall be further second, third and fourth monitoring surveys undertaken and reported to the Council and no further occupation allowed until any mitigation has been carried out.

Schedule 7 (Development Monitoring)

- Prior to the submission of details a development monitoring committee must be established.
- That the Head of Planning and Development is able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by Planning Committee.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions and legal agreement set out below and, secondly, that the Head of Planning and Development is able to settle or amend any necessary heads of agreement and planning conditions in line with the matters set out in the recommendation and as resolved by planning committee.

TIME LIMIT

1. The development hereby permitted shall be begun before the expiration of three years 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.

LANDSCAPING

2. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping located within the application site.
 - b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).
 - c) The provision of a 15m wide protective buffer zone along the entire western boundary of the site, excluding the access road, visibility splays and associated footways.
 - d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter boundary treatment provided in accordance with details to be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be maintained thereafter.
 - e) The provision of a largely 40m wide minimum protective buffer zone along the entire eastern boundary of the site.
 - f) The provision of a protective buffer zone along the entire northern boundary of the site, excluding the access road, sight lines, and associated footways.
 - g) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
 - h) Proposed finished floor levels and contours
 - i) Works to necessary Public Rights of Way;
 - j) Car parking layouts;
 - k) Other vehicle and pedestrian access and circulation areas;
- Planning Committee Report
- l) Hard surfacing materials;
 - m) Written planting specifications;
 - n) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
 - o) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas including their long term management and maintenance

p) Implementation programme.

The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing.

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Reason: To ensure a satisfactory development in the interests of amenity.

3. All hard and soft landscape works submitted and approved pursuant to condition 2 for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase. The works shall be carried out prior to the occupation of any part of the development on that phase or sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The play area shall not thereafter be used for any other purpose other than as a play area.

Reason: To ensure a satisfactory development in the interests of amenity.

M20/JUNCTION 7

4. Prior to the completion of the 125th dwelling house, the applicant shall complete a section 278 Agreement under the Highways Act 1980 with Highways England which makes a significant contribution toward the part-signalisation of Junction 7 of the M20 motorway, the contribution will be proportional and apportioned with other schemes having a significant impact on the traffic flows at Junction 7.

PLANTING

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory external appearance to the development.

ECOLOGY

6. Prior to the commencement of development (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds and retained habitats including the stream and hedgerows) shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the

proposed phasing of construction;

e) Times when specialist ecologists need to be present on site to oversee works;

f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

The works shall be carried out strictly in accordance with the approved details.

Reason: To protect and enhance biodiversity.

7. Prior to the commencement of development an ecological design and management strategy (EDS) addressing habitat creation, management and enhancement, 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.

b) Review of site potential and constraints.

c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.

d) Extent and location/area of proposed works on appropriate scale maps and plans.

e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

g) Persons responsible for implementing the works.

h) Details of initial aftercare and long term management and maintenance.

i) Details for monitoring and remedial measures.

j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

8. No development shall take place (including ground works, vegetation clearance), until a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) 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;

b) Identification of "biodiversity protection zones" clearly depicted on a map Planning Committee Report

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)

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;

f) Responsible persons and lines of communication;

g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs.

i) Detailed protective species mitigation strategies.

The approved CEMP (Biodiversity) 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 ecological preservation.

9. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 18 months from the date of the planning consent, the ecological measures are set out in the Section six of the Bicknor Green, Land North of Bicknor Wood, Maidstone, Kent Ecological Appraisal (Ref:ECO4320.EcoApp.vf shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

LIGHTING

10. Details of a "lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

TREES

11. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

12. No development shall commence until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction

environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site. The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build. The development shall be implemented in accordance with the approved AIA unless otherwise agreed in writing by the LPA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

HEDGE PROTECTION

13. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

MATERIALS

14. The development, above ground level, 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. The materials and architectural detailing shall incorporate elements of the local vernacular, for example, ragstone, tile hanging and weatherboarding although these can be utilised employing a contemporary architectural idiom.

Reason: To ensure a satisfactory appearance to the development.

SLAB LEVELS

15. The development above ground level shall not until details of the proposed slab levels and ridge heights of the buildings and the existing 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 unless otherwise agreed in writing by the Local

Planning Authority.

Reason: In order to secure a satisfactory form of development.

CONTAMINATION

16. The development shall not commence 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

Planning Committee Report
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 unless otherwise agreed in writing by the LPA.

Reason: In the interests of public safety and pollution prevention.

HIGHWAYS AND ACCESS

17. No occupation of the development hereby permitted shall take place until details of the following highways, cycle route and footway improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling:

a) the treatment of the White Horse Lane between Gore Court Road and the new access road;

b) the closure of Gore Court Road between the edge of the site and Sutton Road and replacement with PROW including footway and cycleway.

c) Closure of Gore Court Road at its junction with A274 and provision of suitable turning head

d) Closure of White Horse Lane between Gore Court Road and the approved site access, and replacement with PROW including footway and cycleway.

e) on-site footways (shall be constructed before the dwellings to which they serve are first occupied), including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude this accesses being provided

f) all footways, cycle routes and highways on site shall be constructed before the dwellings which they serve are first occupied.

Reason: In the interests of good accessibility and sustainable travel.

JUNCTION IMPROVEMENTS

18. The access shall be constructed in accordance with the approved plan 10-T007 47A at the time of the development. Signalisation of the junction of A274 and Imperial Park, shall be carried out prior to occupation of any dwelling in accordance with details which have first been submitted to and approved in writing by the local planning authority in consultation with Kent Highways.

Reason: In the interests of highway safety.

RENEWABLE ENERGY

19. The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

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

DRAINAGE

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

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

21. Development shall not begin (with the exception of a haul road) until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

- i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

22. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into

this proposal and to ensure ongoing efficacy of the drainage provisions.

FOUL WATER

23. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved schemes and timetable.

Reason: In the interest of pollution and flood prevention.

SUSTAINABLE TRAVEL

24. A Sustainable Travel Statement must be submitted to and approved by the Local Planning Authority, who will consult the Local Highways Authority. It will include, as a minimum, the following measures, to be implemented prior to occupation:

Welcome Pack

1. A Welcome Pack available to all new residents as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
2. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
3. Approximate time it takes to walk or cycle to various local facilities
4. Site specific public transport information including up to date public transport timetables
5. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
6. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
7. Information on public transport season tickets and offers
8. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
9. Information on the health, financial and environmental benefits of sustainable travel
10. Discounted tickets for local buses and/or vouchers for bike maintenance/parts at local shops, to be negotiated.

PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE

25. Prior to occupation, details of charging points for low emission vehicles shall be submitted to and approved by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved measures detailed in this condition have been provided.

Reason: In the interests of sustainable transport and the avoidance of pollution.

PROVISION OF BUS FACILITIES AND ACCESS

26. Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274

Sutton Road.

APPROVED DRAWINGS

27. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 15042 – C09B, C05E, C06D, C07E, C08E, S201, S202A, P201, P202A, C201, P205A, P206, P207A, P208, P209, P210, P211A, C203A, C204, C205, C206, C207, C208, C209A, P215, P216, P217, P218.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

PUBLIC ACCESS TO OPEN SPACE

28..The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

CRIME PREVENTATION

29. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention

EXTERNAL APPEARANCE

30. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

PHASING

31. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

INFORMATIVES:

32. Construction 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.

No development of the site, phase or sub phase shall take place until a

Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;
 - iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
 - v) the storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
 - vii) wheel washing facilities;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) measures to control noise and vibration during construction;
- Planning Committee Report
- x) a scheme for the recycling or disposal of waste resulting from construction works.
 - xi) Code of Construction Practise.

Reason: In the interest of amenity.

33. Noise and Vibration transmission between properties

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.

34. Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

35. Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

36. Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately

characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

37. No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, Six weeks notice would be necessary to process this.

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

39 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

40. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on

site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Case Officer: Tim Chapman