

## REPORT SUMMARY

<b>REFERENCE NO - 15/509015/OUT</b>			
<b>APPLICATION PROPOSAL</b> - Outline planning application for a residential development together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (crèche/day centre/day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha of land for primary education (use class D1), public open space in the form of natural green space, play facilities and informal open space together with landscaping, parking footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access. (Please note that while the number of units has not been specified in the description of development, the indicative figure is 800).			
<b>ADDRESS</b> - Land to the South of Sutton Road, Maidstone, Kent			
<b>RECOMMENDATION</b> – Grant Conditional Planning Permission subject to the completion of a S106 legal agreement (detailed draft appended).			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> - The site is a strategic housing allocation H1(10) in the submitted Maidstone Local Plan 2016 (as modified by the Inspector's Final Report (Regulation 25).			
<b>REASON FOR REFERRAL TO COMMITTEE</b> –			
<ul style="list-style-type: none"> <li>• To consider 'additional' material considerations and a revised draft S106 legal agreement</li> </ul>			
<b>WARD</b> Sutton Valence and Langley; Parkwood	<b>PARISH/TOWN COUNCIL</b> Langley	<b>APPLICANT</b> Countryside Properties (Ltd) <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 3 <sup>rd</sup> August 2017 (agreed Extension of Time)	<b>PUBLICITY EXPIRY DATE</b> 7 <sup>th</sup> July 2017	<b>OFFICER SITE VISIT DATE</b> 23 <sup>rd</sup> November 2015	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/509015	Current proposal (description above)	Resolved to be granted subject to S106	14-7-16
14/503710/PA MEET	EIA Scoping Opinion - Development of Approximately 950 dwellings and a two form entry primary school	Environmental Statement required	17-7-15
90/2009	Langley Park Driving Range Sutton Road Change of use to 9-hole 3-par golf course.	Refused	26-4-1996
94/0010	Langley Park Driving Range Variation of condition 03 of MA/89/0919 to allow	Permitted	14.02.1994

	<b>retention of works/improvements to access.</b>		
<b>92/0591</b>	<b>Langley Park Driving Range Sutton Road Variation of conditions (ix) and (xi) of MA/89/0919E and variation of condition (ii) of MA/90/1551E to allow the golf driving range and associated floodlighting to be used by the public to 10pm. on any day.</b>	Permitted	16.07.1992
<b>89/0919</b>	<b>Langley Park Farm' Sutton Road Change of use to golf driving range and erection of covered area shop and clubroom.</b>	Permitted	16-11.1989

## **1. INTRODUCTION**

- 1.1. This Committee resolved to grant conditional consent for the proposal subject to a S106 legal agreement on 14<sup>th</sup> July 2016. Since then a number of material considerations have altered which are detailed in section 6 of this report and, moreover, the S106 has not been signed. The previous consolidated report is appended as is the latest draft of the Section 106 agreement.
- 1.2. The primary purpose of this report is therefore to allow comprehensive consideration of all relevant material considerations and revised certain draft heads of agreement within the S106.
- 1.3. Therefore, this report's focus is on 'additional' material considerations and a revised draft S106 legal agreement subsequent to the 14<sup>th</sup> July 2016 committee report (appended).

## **2. PROPOSAL**

- 2.1. Unchanged with the exception that the developers have indicated that the proposed upgrading of the off-site footway KH 365 to a cycleway is not achievable as the landowner of the PROW does not agreed to the upgrade.

## **3. POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: policies ENV6, ENV21, ENV28, ENV32, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Submission Draft Maidstone Borough Local Plan 2016: policies SS1, SP3, SP5, SP17, H1(10), 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

#### 4. **LOCAL REPRESENTATIONS**

- 4.1. **Local Residents:** No additional representations received. However, no additional publicity exercise has been undertaken because the outline application has not changed.

#### 5. **CONSULTEES**

*(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)*

Relevant consultees were consulted in relation to iterations of the draft s106 legal agreement. Only altered responses are included

- 5.1. **West Kent Clinical Commissioning Group:** No objection, updated financial contribution or on-site provision to meet health care needs.
- 5.2. **Highways England:** Require a contribution towards a managed approach to the delivery of the part-signalisation of Junction 7, which allocates the funding of such improvements in a practical and equitable way.
- 5.3. **KCC Highways** have indicated that provision of a dedicate bus route from the site to Bearsted is not viable due to the small demand such a service would generate.
- 5.4. The **Housing Officer** has commented on the impact of the submitted affordable housing policy, DM13. He has also confirmed that the development does not need to provide wheelchair accessible units due to lack of demand. His comments are incorporated in section 6.7 of this report.

#### 6. **APPRAISAL**

##### **Reasons for Referral Back to Planning Committee**

- 6.1. As discussed earlier, this report considers both 'additional' material considerations and S106 heads.
- 6.2. The key material considerations relate to:
- Air quality update
  - Waste and Minerals provision
  - Boughton Lane Appeal advice
  - Maidstone Submitted Local Plan

##### **6.3. Air quality update**

- 6.3.1 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.

6.3.2 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 overall effect of the development on local air quality is judged as being 'not significant' and sufficient mitigation would be secured by condition.

## **6.4 Minerals Provision**

6.4.1 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.

6.4.2 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.

6.4.3 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.

6.4.4 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.

6.4.5 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.

## **6.5 Boughton Lane appeal advice**

6.5.1 At the Planning Committee meeting on 14<sup>th</sup> July 2016 the legal officer advised members that the Boughton Lane/New Line Learning decision was not a material consideration in the determination of this planning application. Whilst it is correct that the Secretary of State's decision has been quashed by the Court with the consent of the parties, this was on a discrete basis relating to the approach taken to the Maidstone Borough-Wide Local Plan (2000) saved policy ENV32. No challenge was

made to the Secretary of State's (or his Inspector's) conclusions in respect of traffic congestion, and so the Council does not accept that those findings were affected by the quashing of the decision.

- 6.5.2 As Members are no doubt aware, the appeal decision has been overtaken by events in that the site has been removed from the Local Plan by the Inspector in his Final Report. The South East sites have obviously been found sound.

## **6.6 Maidstone Local Plan (2011-2031) & Final Report**

- 6.6.1 A critical material consideration is that since this application was last considered in July 2016, the Submitted Maidstone Borough Local Plan has made substantial progress towards adoption. The Examination in Public was held between October 2016 and January 2017. The Local Plan Inspector issued his Interim Findings on 22<sup>nd</sup> December 2016. Overall the draft Plan now has significant weight. The site specific allocation H1(10) was accepted by the Inspector who supported the allocation of development sites under Policy SP3 in the Interim Findings. 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 (10) was not proposed to be altered in the subsequent Proposed Main and Minor Modifications (March 2017)<sup>1</sup> which indicates that the Inspector considers H1(10) to be sound and legally compliant. Moreover, the Inspector's Final Report has now been received and there are no significant modifications proposed which would prejudice the delivery of this housing allocation. As a consequence it is considered that Policy H1(10) should be afforded almost full weight in accordance with paragraph 216 to Annex 1 of the NPPF.
- 6.6.2 It should be noted that the site is the single largest 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.

## **7. S106 HEADS**

- Part-Signalisation of Junction 7 of the M20 Motorway
- Education Contribution
- Health Contribution
- Affordable Housing
- Public Right of Way 365
- Highways
- Additional Bus Services

### **7.1 Part-Signalisation of Junction 7 of the M20 Motorway**

- 7.1.1 A major reason for this outline application being reported back to Planning Committee is because this scheme was to be the sole contributor to the part-signalisation of J7 at an estimated cost of £1.46m. This is not the case now.
- 7.1.2 It is worth noting that Highways England previously said:-  
 "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
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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”.

- 7.1.3 No Grampian condition was proposed rather a draft S106 head seeking “£1.46m for the signalisation of J7 of the M20.” It was envisaged that this would pay for all of the part-signalisation works. However, the applicant considered that it was unreasonable to pay the full cost and I would concur (as do Highways England).
- 7.1.4 Therefore, there has been much re-consideration of this matter. 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.
- 7.1.5 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.
- 7.1.6 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.
- 7.1.7 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.
- 7.1.8 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).

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.

- 7.1.9 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.

## **7.2 Education Contribution**

7.2.1 Further discussions have occurred with KCC Education and the following approach has been agreed by all parties:

- Provision of a site and funding to allow the building of a 1 form entry primary school on site.
- That the timing of the funding allows the school to be operational at a point agreeable to the Education Authority.
- That the dwelling mix proposed for the development will mean a 1 form entry will be sufficient to meet the needs of the proposal.
- That if the Education Authority want to expand the school to a 2 Form Entry school in the future, the necessary land is safeguarded and would be provided at a 20% discount on market residential value.

No other education provisions have altered from the original agreed Heads of Terms.

## **7.3 Health Contribution**

7.3.1 While the number of houses is indicative, if it were 800 units the contribution for health would be £471,744 (560 market housing units) x 2.34 (occupancy) x £360 per resident). Such a contribution would be in accordance with S106 requirements we can require as local planning authority. However the CCG are keen to explore the provision of a wider on-site health facility to serve a wider population. While the proposed development need not deliver/fund an entire facility itself, the S106 has been drafted to allow such a solution, and to frame the necessary commercial negotiations.

## **7.4 Affordable Housing**

7.4.1 As Members will be aware, the previous resolution sought to provide 30% affordable housing with a 60/40 split between social rented and shared ownership tenure. Since the resolution last year, the Local Plan Inspector has issued his Final Report, and the policies within the document now carry almost full weight. The Council's emerging Policy (DM13) requires the provision of a 70/30 split unless viability indicates otherwise.

7.4.2 However, the applicants have undertaken significant works since the resolution with the landowners and also infrastructure providers that will see the early delivery of the primary school on site, as well as significant road and foul water infrastructure. For this reason the applicants are not able to achieve the 70/30 split, but have agreed for the first phase to be provided on a 65/35 split, and then all other phases to follow suit unless there are changes within the funding mechanisms for the delivery of affordable housing thereafter. It is also relevant that when this application first came before members, a less than 70/30 split was considered acceptable in all the circumstances.

7.4.3 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.

Any change to this tenure split in subsequent phases would need to be justified in terms of the relevant policy, DM13, namely changes to financial viability.

- 7.4.4 The previous requirement for 16 wheelchair accessible units has been removed following the Housing Officer's revised comments.

## **7.5 Cycle and pedestrian link**

- 7.5.1 The developers have indicated that the proposed upgrading of the off-site footway KH 365 to a cycleway is not achievable as the landowner of the PROW does not agree to the upgrade. This limits the opportunity for east west cycle routes which would be utilised by residents of the development. However, under submitted local plan policy H1(5) and H1(10) there is a requirement for a cycle and pedestrian link to the west via the Langley Park development and this is considered to provide an equivalent link of similar utility.

## **7.6 Highways Issues**

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

## **7.7 Public Transport**

- 7.7.1 At the Planning Committee meeting on the 14 July 2016, Members requested that investigations be undertaken to see whether existing bus services could be further enhanced, and indeed whether new services could be introduced beyond that proposed at the time. The services specifically referred to were:

- Enhancement of the Maidstone to Headcorn route (particularly during peak hours);
- Provision of a bus to serve the Cornwallis School from this locality; and
- Provision of a bus service to Bearsted Station from this locality.

- 7.7.2 Discussions have subsequently taken place between the applicants and the bus providers (Arriva), and Kent County Council and it has been agreed that funds can be provided to enhance the Headcorn Service, which will also 'double up' and serve the Cornwallis School during peak hours. Both Arriva and KCC are satisfied that this would be of benefit.

- 7.7.3 However, neither the operator or KCC considered that a service to Bearsted Station would be viable, and neither would support this proposal. As such, the applicant has not included this as part of the application proposal. 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.

## **8.0 CONCLUSION**

- 8.01 Having considered the 'updated' material planning considerations subsequent to the July 2016 Planning Committee together with the outstanding s106 heads my recommendation remains positive for the allocated residential site subject to the new

heads and conditions. This is reinforced by the acceptance of this site as an allocation in the Inspector's Final Report.

- 8.02 Apart from the specific matters discussed, the heads of agreement and planning conditions are as reported to and resolved by Planning Committee in July 2016.
- 8.03 A considerable period of time has elapsed subsequent to this application being reported to Planning Committee in July 2016 with inter alia repercussions for strategic housing delivery. Therefore, I seek full delegated powers for both the necessary heads of agreement and planning conditions in order to deliver the specific matters discussed in this report.

## **9.0 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:**

1. Section 106 agreement with revised heads of agreement in relation to a financial contribution to signalisation works at Junction 7 of the M20 motorway; affordable housing tenure mix; financial contributions towards improved primary health care facilities in the local area; alterations to the approach to primary education provision; and a revised financial contribution toward improved bus services in the local area; west – east cycle and pedestrian link (otherwise the heads of agreement are as resolved at the July 2016 Planning Committee).
2. 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 set out below**

### **RESERVED MATTERS**

1. The development shall not commence for each phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-

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

The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.

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

### **TIME LIMITS**

2. The first application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters for any phase or of the development to be made to the LPA within four years from the date of this permission.

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

Reason: No such details have been submitted and in accordance with the provisions of

Section 92 of the Town and Country Planning Act 1990.

### **M20/JUNCTION 7**

3. Prior to the completion of the 400<sup>th</sup> 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.

Reason: Transport assessments have been undertaken which confirm that the development would have a significant impact on traffic flows at Junction 7 and in accordance with Policy DM71.

### **LANDSCAPING**

4. The development shall not commence (including any demolition, ground works, 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 for that phase, 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 of the landscaping]. The development shall be carried out in accordance with the approved details and the approved landscaping scheme as regards its terms on long term maintenance for each phase may be amended during the lifetime of the development provided such variations are submitted to and approved in writing by the Local Planning Authority.

The landscape scheme for each phase 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 within the phase or within the wider development if such structural landscaping is not application for each phase
  - b) Retention and enhancement of boundary vegetation unless otherwise specified excluding the openings required for access points).
  - c) The provision of a protective buffer zone adjacent to the existing boundary with the Langley Park Farm hamlet.
  - d) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
  - e) Proposed finished levels and contours
  - f) Works necessary to any existing Public Rights of Way within that phase;
  - g) Car parking layouts;
  - h) Other vehicle and pedestrian access and circulation areas;
  - i) Hard surfacing materials;
  - j) Written planting specifications;
  - k) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
- Planning Committee Report
- l) 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]
  - m) Implementation programme setting out timing for completion of the various parts of the hard and soft landscaping works.
  - n) Landscape details shall include "green fingers" down to Langley Loch, screening to protect views from the A274 and B2163 and a wooded buffer zone next to the A274 with the retention of existing vegetation.

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

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

5. All hard and soft landscape works submitted and approved pursuant to condition 1 for each phase of the development shall be carried out in accordance with the details approved pursuant to condition 1 and relevant landscaping scheme pursuant to condition 3 in accordance with the implementation programme approved as part of the relevant landscape scheme pursuant to condition 3. Any trees or plants whether new or retained which within a period of 5 years from the completion of that phase 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 areas shall not thereafter be used for any other purpose other than as play areas.

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

### **PLANTING**

6. All planting, seeding or turfing comprised in the relevant landscaping scheme pursuant to condition 3 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.

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

### **PHASING**

7. 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. This shall include the phasing for the delivery of the local centre including the A1 use hereby permitted. 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.

### **NON-RESIDENTIAL USES**

8. Where the non-residential uses hereby permitted include an A1 use then in relation to such development the permitted development rights with the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be restricted such that no development consisting of a change of use from A1 to any other use shall be permitted at any time by this permission or the Town and Country (General Permitted Development)(England) Order 2015.

Reason: To ensure the vitality of a local centre.

### **ECOLOGY**

9. Prior to the commencement of development of each phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, nesting birds and retained habitats including the stream and hedgerows) for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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.

10. Prior to the commencement of development (including ground works, demolition and site clearance) of each phase an ecological design strategy (EDS) addressing habitat creation and enhancement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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 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.

Reason: To protect and enhance biodiversity.

11. Prior to commencement of development (including ground works, demolition and site clearance) on each phase a Construction Environmental Management Plan (CEMP: Biodiversity) which shall be informed by the ecological design strategy (EDS) shall be 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.

12. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 month) within 1 year from the date of the planning consent, the ecological measures are set out in the Section five of the Environmental Statement 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**

13. Details of a lighting design strategy for biodiversity for the each phase shall be submitted to and approved in writing by the local planning authority prior to the occupation of the relevant phase of development. The development shall be carried out in accordance with the approved details.

The strategy shall:

a) Identify those areas/features within the phase 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**

14. The development shall not commence on any phase until an Arboricultural Method Statement for that relevant phase 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.

15. No development shall commence on any phase until a full Arboricultural Implications Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the development and the existing trees on the relevant phase 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 phase, 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 phase. The development shall be implemented in accordance with the approved AIA.

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

### **HEDGE PROTECTION**

16. 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**

17. The development shall not commence for any phase until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces for that phase have been submitted to and approved in writing by the Local Planning Authority and the phase of development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

### **ARCHAEOLOGY**

18. The development shall not commence for any phase until a programme of archaeological work for that phase in accordance with a written specification and

timetable has been submitted to and approved by the Local Planning Authority. The works in that phase shall be carried out in accordance with the approved details.

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

### **SLAB LEVELS**

19. The development shall not commence for any phase until details of the proposed slab levels and ridge heights of the buildings and the existing site levels for that phase have been submitted to and approved in writing by the Local Planning Authority and the development in that phase shall be completed in accordance with the approved levels.

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

### **CONTAMINATION**

20. The development shall not commence for any phase until the following components of a scheme to deal with the risks associated with contamination of that phase 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 within the phase.

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 within the phase. 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 phase. Any material brought onto the phase shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The development in that phase shall be carried out in accordance with the approved details.

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

### **EXTERNAL APPEARANCE**

21. 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.

### **FOUL WATER**

22. The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and as necessary off-site improvements to the local network have been submitted to and approved in writing by the Local Planning

Authority in consultation with a relevant statutory undertaker. The details shall include phasing of the occupation of the development commensurate with the timescales for the improvement works to be carried out. The development shall be carried out in accordance with the approved details. The development shall be occupied in accordance with the approved phasing details.

Reason: In the interest of pollution and flood prevention.

### **HIGHWAYS AND ACCESS**

23. No occupation of each phase of the development hereby permitted shall take place until the highways, cycle routes and footway improvements within or physically adjoining that phase have been completed. 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 in each phase:

- a) treatment of the private road from Sutton Road to the Langley Park Farm hamlet;
- b) on-site cycle routes
- c) on-footways and PROWs
- d) on-site highways.

Reason: In the interests of sustainable transport.

### **BUS ONLY ROAD**

24. No occupation shall take place until details of the bus-only road and bus turning facilities at the eastern end of the bus-only road at the junction with Sutton Road have been 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 the occupation of 300th dwelling.

Reason: In the interests of sustainable transport.

### **CONSTRUCTION**

25. Prior to commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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;
- Planning Committee Report
- 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;
  - x) a scheme for the recycling or disposal of waste resulting from construction works.
  - xi) Code of Construction Practise (see below).

Reason: In the interests of sustainable construction and in the interests of amenity.

**CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)**

26. 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:

- a) An indicative programme for carrying out the works
- b) Measures to minimise the production of dust on the site(s)
- c) 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)
- d) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- e) Design and provision of site hoardings
- f) Management of traffic visiting the site(s) including temporary parking or holding areas
- g) Provision of off road parking for all site operatives
- h) Measures to prevent the transfer of mud and extraneous material onto the public highway
- i) Measures to manage the production of waste and to maximise the re-use of materials
- j) Measures to minimise the potential for pollution of groundwater and surface water
- k) The location and design of site office(s) and storage compounds
- l) The location of temporary vehicle access points to the site(s) during the construction works
- m) The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of amenity.

**HISTORIC BUILDINGS**

27. The details required by condition 1 shall show the phase/phases of development directly adjoining the Langley Park Farmhouse hamlet shall be informed by a historic buildings assessment of the Langley Park Farmhouse hamlet which shall be submitted at the relevant reserved matters stage.

Reason: To ensure that historic buildings are protected in the layout of the relevant phases adjoining Langley Park Farmhouse hamlet.

**EDUCATION DUAL USE OF PLAYING FIELD**

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28. Prior to first use of the school, details of a community use agreement setting out how the playing field of the school can be used by alternative community uses. The details shall set out payment mechanisms, and long term maintenance arrangements to accommodate the increased community use. The details shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be carried out in accordance with the approved details thereafter.

Reason: in the interests of community accessibility.

**JUNCTION IMPROVEMENTS**

29. No part of the development shall be occupied until such time as junction

improvements at the junction of Sutton Road and St Saviours Road are carried out. Full details of such works 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 to the satisfaction of the Local Planning Authority in consultation with the Local Highways Authority, prior to the occupation of any dwelling.

Reason: In the interests of highway capacity and safety.

### **RENEWABLE ENERGY**

30. The construction of the development shall not commence 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.

### **NUMBER OF DWELLINGS**

31. The number of dwellings shall be limited to a maximum of 800.

Reason: In order to ensure satisfactory design, highways impact and residential amenity.

### **DRAINAGE**

32. 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.

33. Prior to commencement of development I a detailed sustainable surface water drainage design for the site compliant with Flood Risk Assessment and Drainage Strategy (PBA 30833/2004 Rev W, March 2016) and design parameter drawings (PBA 30933/2004/001 and PBA 30833/2004/001 Rev F), shall be 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 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.
- The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable drainage.

34. 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.

### **DUCTING OF SERVICES**

35. Prior to the first use of any commercial and non-residential premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interests of amenity.

### **PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE**

36. The development shall provide charging points for low-emission plug-in vehicles to dwellings with dedicated off-street parking. The development shall provide at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the Local Planning Authority and Kent County Council).

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

### **PROVISION OF BUS FACILITIES AND ACCESS**

37. Prior to the construction of the relevant phase of 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, in the interests of sustainable transport.

### **ACCESS TO WEST**

38. The details pursuant to condition 1 shall include a layout that would enable the provision of two links up to the immediate boundary to the land to the west, granted planning permission MA/13/1149, as shown on submitted drawing RD1557\_PP\_100 Rev. R and the indicative masterplan. Construction of the following shall occur prior to the occupation of that relevant phase of development.

a) a vehicular road to allow bus movements, pedestrian and cycle access up to

the immediate boundary of the site;

b) A pedestrian and cycle route up to the immediate boundary of the site;

All other phases shall comprehensively link in to these routes

At no time shall development take place that would preclude this accesses being provided up to the immediate boundary of the site.

Reason: In the interests of permeability and good design.

### **BUILDING HEIGHTS**

39. No building within any p shall exceed the height specified for buildings within that plot as set out in the drawing number submitted RD1557\_PP\_103Rev. N.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

### **ADHERENCE TO ENVIRONMENTAL STATEMENT**

40. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

### **APPROVED DRAWINGS**

41. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: RD 1557\_PP\_100 Rev R ; RD1557\_PP\_101 Rev R ; RD1557\_PP\_102 Rev M; RD1557\_PP\_103 Rev N : RD1557\_PP\_104 Rev M;

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

### **PROVISION OF ACCESS ROAD**

42. There shall be no occupation of the development hereby permitted until the provision of a new access from the Sutton Road (A274) as shown as Drawing Number RD1557\_PP\_101 Rev R alongside bus strategy to serve early phases and the bus only access shall be provided in accordance with condition 23 above.

Reason: In the interests of highway safety and to promote public transport use.

### **PUBLIC ACCESS TO OPEN SPACE**

43. 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, unless otherwise agreed in writing by the Local Planning Authority, 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**

44. 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.

45. A Design Principles Statement shall be submitted and approved by the Local Planning Authority. No construction of the development hereby permitted shall take place until a Design Principles Statement 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: In the interests of ensuring high quality design.

**AIR QUALITY RE OFFSETTING EMISSIONS** (Calculation of Mitigation/Compensation)

46. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include:

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.
- The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

- No development shall commence until the developer has developed a scheme detailing and where possible quantifying 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 report should be submitted to and approved by the Local Planning Authority, prior to development. [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.*]

Reason: To ensure the impact of the proposal upon air quality is mitigated.

**RETENTION OF PUBLIC OPEN SPACE**

47. The public open space hereby approved shall be retained as such in perpetuity.

Reason: In order to safeguard the open space provided by the development.

**NO DEVELOPMENT EAST OF PROW 369**

48. No built development is permitted east of the Public Right of Way 369.

Reason: In order to mitigate the visual impact of the proposal and ensure it accords with the H1 (10) policy designation.

**INFORMATIVES:**

## 49. 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.

## 50. 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.

## 51. 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.

## 52. 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.

## 53. 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.

Case Officer: Tim Chapman