

APPLICATION: MA/12/2046 Date: 12 November 2012 Received: 23 November 2012

APPLICANT: English Care Villages & Gallagher Props.

LOCATION: LEDIAN FARM, UPPER STREET, LEEDS, MAIDSTONE, KENT, ME17 1RZ

PARISH: Leeds

PROPOSAL: Hybrid planning application for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class).

Detailed planning application for the demolition of existing buildings and erection of 16 Assisted Living Units, conversion of Ledian Oast to form 2 Assisted Living Units, erection of Village Centre building comprising 36 Care Bedrooms, 25 Close Care Units, 16 Assisted Living Units, Wellness centre, ancillary shop (open to the public), restaurant, cafe, bar, library, craft room, laundry, kitchen and administration areas, with alteration to existing access and creation of new pedestrian and vehicular accesses to Upper Street, access roads, parking and landscaping.

Outline application with access to be determined and all other matters reserved for future consideration for the erection of 38 Assisted Living Units.

as shown on drawing nos. 2222.011, 2222/100E, 101D, 102C, 103, 110, 111, 112, 120B, 121, 122, 123A, 124A, 125A, 200B, 201B, 07-69-01, 02, 03A, 1253/L/6revE 1253/L8, booklet of typical unit types and sustainability statement, design and access statement, transport statement, landscape and visual impact assessment, planning statement, flood risk assessment, sustainable travel statement, contamination report, ecology report, tree survey report and arboricultural method statement received 12/11/2012, drawing no 1253/L/7revD received 22/11/2012, suggested heads of terms received 31/01/2013, drainage strategy report and preliminary risk assessment received 19/02/2013, Ready for Ageing? report received 18/03/2013 and additional information on need received on 27/03/2013 and 21/05/2013, 23/08/2013 and 12/09/2013.

AGENDA DATE: 12th December 2013

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H26, H27, T13, CF1
Government Policy: NPPF 2012

2. BACKGROUND

- 2.1 This application was considered at the Planning Committee meeting held on 21 November 2013. A copy of the previous report and Urgent Update report is attached as Appendix One. The application was recommended for refusal.
- 2.2 Members indicated however that they were minded to overturn the recommendation and grant planning permission for the development. Consideration was deferred for a further report addressing s106 Heads of Terms and setting out potential conditions that would be imposed on any planning permission granted to enable Members to be able to consider these in determining the application.
- 2.3 Members indicated that their reasons for being minded to grant planning permission for the development was the general need for such provision, the jobs created, the improvements to facilities in Leeds village and the fact that the landscaping, design/sustainability of the scheme was of a high quality and that it would not have an unacceptable impact on the overall character and openness of the countryside in the vicinity which is not subject to any additional landscape designation.

3. HISTORY

- 3.1 The previous planning history of the site is set out in the appended report.

4. CONSULTATIONS

- 4.1 No further representations from consultees have been received. Should any be received, Members will be updated at the meeting.

5. REPRESENTATIONS

- 5.1 No further representations have been received. Should any be received, Members will be updated at the meeting.

6. CONSIDERATIONS

6.1 Principle of development

- 6.1.1 As stated clearly in the previous (appended) report I consider the proposed development to be contrary to the provisions of policy ENV28 of the Maidstone Borough-wide Local Plan 2000. Members' indication that they are minded to approve the development has not altered my view on the principle of the development.
- 6.1.2 I remain of the view that the development would cause harm to the character appearance and openness of this section of countryside, and that it represents an unacceptable additional expansion into the countryside beyond the defined settlement boundary.
- 6.1.3 Whilst the proposed development will provide a well-designed facility that will enhance the community facilities within Leeds village itself thus having some potential to increase the sustainability of the village, it is fact that Leeds is not a rural service centre and has very few existing community facilities and is not well served by public transport. It is considered that it would be more appropriate for the development to be located within or adjacent to a rural service centre or the Maidstone urban area where there are likely to be better existing community facilities and a greater and more accessible workforce.
- 6.1.4 Furthermore, whilst the benefits of the scheme are noted, the significant encroachment into the countryside of the development and its resultant impact on the character and openness of the countryside that would result is considered in this instance to outweigh the benefits of the scheme. The development would also result in a significant and adverse change to the existing well defined linear form and character of Upper Street and as a result, the existing Conservation Area, arising from the 140m approximately westward extension of built development into the countryside.

6.2 CONDITIONS

- 6.2.1 Members have indicated however, that they are minded to approve the development and have requested that consideration be given to the conditions that might be imposed on any permission.

- 6.2.2 As Members will be aware, advice on the imposition of conditions on planning permissions is set out in Circular 11/95. There are six tests that conditions should meet. Conditions should be:-
- i. necessary;
 - ii. relevant to planning;
 - iii. relevant to the development to be permitted;
 - iv. enforceable;
 - v. precise; and
 - vi. reasonable in all other respects.

The conditions recommended below have been assessed against the six tests and are considered to meet the necessary requirements.

- 6.2.3 Being a hybrid application the conditions are split into two groups, those for the detailed element and those for the outline element of the proposals. The recommended conditions also reflect any specific requirements expressed by statutory consultees as set out in the appended report.
- 6.2.4 Ecological mitigation measures would be secured along with appropriate sustainability measures both for the buildings themselves and also in terms of the surface water drainage regime. Conditions relating to the architectural detailing of the first phase are also recommended.

6.3 S106 Contributions

- 6.3.1 Any potential s106 contribution needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012. This has strict criteria that set out that any obligation must meet the following requirements: -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.3.2 The request from the local NHS Board set out in the previous report for a contribution of £49,320 towards the provision/enhancement of Health Care facilities at The Orchard Surgery, Horseshoes Lane, Langley is considered to meet the tests outlined above as it will provide additional resources to serve the development to meet the needs generated by it.
- 6.3.3 The proposed planning obligations offered by the applicant seek to secure:-

The provision and operation of a Care Home and a Domiciliary Care Agency subject to the following requirements:-

(i): To ensure all of the Care Units and Rooms are only occupied by Qualifying Persons or their surviving spouses or dependents.

"Qualifying Person" means a person who is either aged 65 years or more or is under 65 years and registered for Disability Living Allowance or in receipt of a General Practitioner certificate stating a disability or is registered with the Council as visually impaired and in each case is the subject of a Care Plan and has contracted through the obligations in the estate and services charge to receive Personal Care for a minimum of 1.5 hours per week.

(ii): To make the reception, shop, restaurant and café bar available to the general public subject to standard operating conditions.

(iii): To make the Village Transport available to persons with care and personal mobility issues living in Leeds Parish as well as those on site, subject to standard operating conditions.

(iv): To give priority in occupation to local residents in accordance with a Local Marketing Plan.

(v): To secure public access to the proposed woodland and amenity area

(vi): The making of meeting rooms and the Wellness Centre, subject to qualifying criteria, available for public use.

6.3.4 The applicants have provided a document which sets out and clarifies the conditions and the local marketing plan referred to above that would be set out in the s106 agreement for public use of the facilities on the site. (A copy is attached at Appendix Two).

6.3.5 The proposed planning obligations set out in paragraph 6.3.3 are also considered to meet the necessary tests and would provide a potential benefit to the community and Leeds village as a whole, and would increase the level/range of available local services and also the sustainability of the settlement.

6.3.6 I also consider that it would be appropriate to secure the implementation of a monitoring committee with membership comprised of representatives of the developer, Members and Officers through the agreement.

7. CONCLUSION

- 7.1 I remain of the view that the proposed development would result in an unacceptable intrusion and visual impact on the character and openness of the countryside hereabouts and is unacceptable in principle.
- 7.2 However, in view of Members' strong indication that they are minded to approve the development, I consider that the Heads of Terms and conditions set out below will secure appropriate quality and control over the development.

8. RECOMMENDATION

SUBJECT TO:

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

- A contribution of £49,320 towards the provision/enhancement of Health Care facilities at The Orchard Surgery, Horseshoes Lane, Langley.
- The provision and operation of a Care Home and a Domiciliary Care Agency subject to the following requirements:-

(i): To ensure all of the Care Units and Rooms are only occupied by Qualifying Persons or their surviving spouses or dependents.

"Qualifying Person" means a person who is either aged 65 years or more or is under 65 years and registered for Disability Living Allowance or in receipt of a General Practitioner certificate stating a disability or is registered with the Council as visually impaired and in each case is the subject of a Care Plan and has contracted through the obligations in the estate and services charge to receive Personal Care for a minimum of 1.5 hours per week.

- The giving of priority in occupation to local residents in accordance with a Local Marketing Plan.
- The making of the reception, shop, restaurant and café bar available to the general public subject to standard operating conditions.
- The making of meeting rooms and the Wellness Centre, subject to qualifying criteria, available for public use.
- The making of the Village Transport available to persons with care and personal mobility issues living in Leeds Parish as well as those on site, subject to standard operating conditions.
- Public access to the proposed woodland and amenity area.

- The implementation of a monitoring committee comprising the Developer, Members and officers of the Council.

The Head of Planning & Development be given delegated powers to GRANT PLANNING PERMISSION subject to the following conditions and informatives:-

In respect of the detailed application for Phase 1:

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.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details shall include the use of plain clay tiles and ragstone where proposed natural stone is to be used.

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

- a) new external joinery in the form of large scale drawings.
- b) details of eaves and roof overhangs in the form of large scale drawings
- c) details of balconies, projecting bays and porch canopies
- d) details of window headers and cills and door headers

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning

(General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

5. No external lighting shall be erected or placed within the site or on the external walls or roof of the buildings hereby permitted or as may be subsequently permitted in later phases of the development, unless the details have first been submitted to and approved by the Local Planning Authority. Any details submitted for approval shall include the submission of lighting contour plots showing the site and adjoining development and sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area, ecology and the amenity of nearby residents.

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping based on the principles shown on drawing nos. 1253/L/6E and 1253/L/7D, 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 in accordance with the advice in BS5837:2012 'Trees in relation to design, demolition and construction' and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

7. 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 first occupation of any the buildings or the completion of the first phase of the development 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 setting and external appearance to the development.

8. The development shall not commence until an updated badger survey has been undertaken and a report of the findings, to include a mitigation strategy as necessary have been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

9. The conversion of the oast house shall not commence until further bat emergence surveys have been undertaken and a report of the findings, to include a mitigation strategy have been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

10. The development shall not commence until a detailed programme of ecological enhancement and an ecological management plan for the entire site has been submitted to and approved by the Local Planning Authority. The ecological enhancement measures shall include the provision of suitable reptile refugia, bat and bird boxes and swift/bricks within the development site. The ecological management plan shall be prepared in conjunction with the detailed sustainable surface water drainage ('SuDS') scheme required pursuant to condition 11 and shall include details showing how through the phasing of the development, the provision of the ecological enhancement and the SuDS drainage system have been addressed. The development shall thereafter be undertaken in accordance with the approved details.

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

11. The development shall not commence until a sustainable surface water drainage scheme for the entire application site has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (with a twenty percent allowance for climate change) will not

exceed run-off from the undeveloped site following the corresponding rainfall event, and so no increase the risk of flooding both on or off-site. the scheme shall be implemented in accordance with the subsequently approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.

12. The development shall not commence until a remediation strategy that includes the following components to deal with the risks associated with the contamination of the site has been submitted to and approved by the Local Planning Authority.:

- a) A site investigation scheme based on the submitted Preliminary Risk Assessment received 19/02/2013 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- b). The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- c). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of a pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure proper remediation of contamination to prevent harm to human health and pollution of the environment.

13. The occupation of each phase of the development shall not take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. it shall also include a plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for the contingency action as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as

approved.

Reason: To ensure proper remediation of contamination.

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

Reason: To ensure proper remediation of contamination.

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

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

16. The oast kiln roofs and cowls shall be reinstated prior to the first occupation of the building and maintained thereafter.

Reason: To ensure a high quality of design and to maintain the character of the building.

17. Prior to first occupation of any part of the development hereby permitted, a Travel Plan, including measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority and shall thereafter be implemented in accordance with the approved details of the plan upon first occupation of any part of the development and any subsequent phases of the development.

Reason: In the interests of sustainability and to reduce the reliance on the use of the private car as a mode of transport.

18. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed.
 - i) The provision of a bus-boarder at the bus stop to the south of the site in Upper Street.

Reason: In the interests of pedestrian and highway safety.

19. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing 1253/L/7revD.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

20. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

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

21. The Assisted Living Units shall achieve at least Level 4 of the Code for Sustainable Homes. The Village Centre shall achieve at least a BREEAM Very Good rating. A final Code certificate shall be submitted to the Local Planning Authority not later than one calendar year following first occupation of the Assisted Living Units certifying that level 4 has been achieved and a final certificate shall be submitted to the Local Planning Authority not later than one year following first occupation of any part of the Village Centre certifying that a BREEAM Very Good rating has been achieved.

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

22. The development hereby permitted shall be carried out in accordance with the following approved plans:
222.011, 2222/100E, 101D, 102C., 103, 110, 111, 112, 120B, 121, 122, 123A, 124A, 125A, 200B, 201B, 07-69-01, 02. 03A, 1253/L/6revE, 1253/7/D, 1253/L/8, Booklet of typical unit types;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

In respect of the outline application for Phase 2:

23. (i) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(iii) 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.

24. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details shall include the use of plain clay tiles and ragstone where proposed natural stone is to be used.

Reason: To ensure a satisfactory appearance to the development.

25. The development shall not commence until, details of the proposed slab levels 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;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

26. The details of the reserved matter of layout shall show include details of the location of parking spaces and sufficient turning area to enable vehicles to enter and leave the site in forward gear.

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

27. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

(or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

28. The Assisted Living Units in this phase of the development shall be designed to achieve at least Level 4 of the Code for Sustainable Homes. A final Code certificate shall be submitted to the Local Planning Authority not later than one calendar year following first occupation of the Assisted Living Units certifying that Level 4 has been achieved.

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

29. The details of the reserved matter of appearance shall show full details of the following matters:-

- a) new external joinery in the form of large scale drawings.
- b) details of eaves and roof overhangs in the form of large scale drawings
- c) details of balconies, projecting bays and porch canopies
- d) details of window headers and cills and door headers

Reason: To ensure an appropriate design and appearance for the development.

30. The details of the reserved matters of scale and appearance shall show buildings that reflect the design of the buildings in the detailed application and shall not exceed the ridge heights as indicated on drawing no. 2222.123revA (elevation 12) i.e. 9.5m for two-storey buildings and 7.2m for single-storey buildings.

Reason: To ensure a satisfactory visual impact and appearance to the development.

31. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of any of the buildings in Phase 2 and maintained thereafter;

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

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

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

33. The development shall not commence until a detailed programme of ecological enhancement and an ecological management plan for the entire site has been submitted to and approved by the Local Planning Authority. The ecological enhancement measures shall include the provision of suitable reptile refugia, bat and bird boxes and swift/bricks within the development site. The ecological management plan shall be prepared in conjunction with the detailed sustainable surface water drainage ('SuDS') scheme required pursuant to condition 34 and shall include details showing how through the phasing of the development, the provision of the ecological enhancement and the SuDS drainage system have been addressed. The development shall thereafter be undertaken in accordance with the approved details.

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

34. The development shall not commence until a sustainable surface water drainage scheme for the entire application site has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (with a twenty percent allowance for climate change) will not exceed run-off from the undeveloped site following the corresponding rainfall event, and so no increase the risk of flooding both on or off-site. the scheme shall be implemented in accordance with the subsequently approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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

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

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

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

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

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

When designing the lighting scheme for the proposed development, the recommendations by the Bat Conservation Trust should be considered (where applicable)

i) Low-pressure sodium lamps or high-pressure sodium should be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

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

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

iv) Lamps of greater than 2000 lumens (150 W) should not be used.

v) Movement sensors should be used and they should be well installed and well

aimed to reduce the amount of time a light is on each night.

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

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

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

The developer should implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

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

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

A formal application for connection of the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, the developer is advised to contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

In respect of the Public Right of Way the developer is advised that:

(i). No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

(ii). There should be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Highway Authority.

(iii). There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

(iv). No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

(v). No materials should be brought onto site or stored on the Right of Way.

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, given the quality of the proposed landscaping and the design and sustainability of the development and its relationship with the wider countryside in the immediate vicinity that is not subject to any additional landscape designation a departure from that policy would be likely to result in only minor harm to the character of the countryside. In addition, the demonstrated general need for this type of development and the employment and wider community benefits that would accrue are factors that weigh in favour of permitting the development.