

Urgent update on Land South of Sutton Road

Ref 15/509015

1. Representations

Local Residents

- A Petition of 496 signatures has been received 27th June 2016 objecting to the proposed development. All of the issues raised in the petition have been addressed in the Committee report.
- KCC Ecology – minor shortfalls to reptile and bat surveys, no objection
- Kent Wildlife Trust – holding objection in light of lack of some detail for habitat mitigation.
- Local Lead Flood Authority (LLFA). No objection subject to conditions.
- Environmental Health – No objection, subject to conditions regarding contamination, noise and travel plans.
- Applicants Education response - Two form entry primary school is unlikely to be required as a consequence of the proposal.

Officer Comment

The above points have been address in the committee report and conditions.

Langley Parish Council has reiterated its earlier objection as follows:

- Prematurity of granting planning permission;
- Loss of agricultural land;
- Concerns over density and urban design; and had added a further objection:
- Reference to parallels to a recent planning appeal at Boughton Lane (APP/U2235/A/14/2227839);

Officer Comment

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority's perspective.

The loss of agricultural land and density and urban design are addressed within the report.

In terms of the recent planning appeal at Boughton Lane a direct parallel between the cases cannot and should not, under planning law, be made: each application should be dealt with on its own merits. In any event the material difference in that case

there was no highways mitigation specified unlike this case where comprehensive highways mitigation involving a number of development is proposed.

Kent County Council have reiterated their objections on the grounds of potential need for a two form entry primary school; need for car park and drop-off design and highways concerns, even if the number of units were reduced.

Officer Comment

The proposed Section 106 Heads of Terms allows the provision of a 2 Form Entry Primary School if the development requires it, and safeguards an area for future expansion in any event. Details of car parking and drop-off design would be addressed through reserved matters. The number of units is proposed to be limited by condition to 800, in line with the draft H1 (10) Local Plan Policy.

Helen Whately MP has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

Officer Response

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority's perspective.

Countryside Properties have written to agree the proposed apportionment process for highways mitigation.

2. Typographical errors and amendments

- a. 2.04 Last line replace "in Appendix One" with "at the conclusion of this report".
- b. 7.36 fourth bullet. Add to last line "and a moderate visual impact is considered here."
- c. 7.44 replace 'Policy DN22' with 'Policy DM22'
- d. 7.77 Add "Mitigation of the proposal includes measures such as bus priority junctions where buses can move to the front of the traffic queue at a traffic light junction; increasing road capacity through road widening and improvements to bus shelters, access and information in line with Policy T2."
- e. 7.78 Add "*KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be*

considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF. “

- f. 9.06 Add additional text at the end of the first sentence: “The proposed housing element east of the PROW369 is not considered to be a substantial alteration to the allocation”.

3. Recommendation:

DELEGATED POWERS be given to the Head of Planning and Development to grant permission SUBJECT TO the conditions contained in the Urgent Update(s) AND the completion of a suitably worded legal agreement ensuring the delivery of the highway improvements, together with all other Heads of Terms set out in the Urgent Update, to be negotiated and agreed upon in conjunction with the Head of Mid Kent Legal Services.

4. Conditions

Proposal: 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.

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.

LANDSCAPING

3. 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);
- 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.

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

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

4. 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

5. 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

6. 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

7. 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

8. 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.

9. 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.

10. 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

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.

11. 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

12. 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

13. 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.

14. 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

15. 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

16. 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

17. 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

18. 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

19. 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

20. 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

21. 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 Southern Water. 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

22. 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.

23. BUS ONLY ROAD

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

24. 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;
- 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)

25. CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)

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

The code shall include:

- 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

HISTORIC BUILDINGS

26. 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

27. 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

28. 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

29. 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

30. 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

31. 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.

32. 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.

33. 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

34 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.

35. PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE

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

36. 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

37. 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 these accesses being provided up to the immediate boundary of the site.

Reason: In the interests of permeability and good design.

BUILDING HEIGHTS

38. No building within any plot 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

39. 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

40. 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

41. 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

42. 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

43. 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.

DESIGN PRINCIPLES STATEMENT

44 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.

INFORMATIVES:

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

Noise and Vibration transmission between properties

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.

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.

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.

Informative 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.

5. Section 106 Heads of terms

<u>Health Facilities</u> - contribution of £800,000 (actual figure to be confirmed) towards health at the Orchard Langley Surgery and/or Wallis Avenue Surgery. Or the provision of on-site health facilities to be determined at reserved matters stage	£1,000 Per dwelling
<u>Primary Education</u> provision of a primary school on a site of a minimum of 1.2 hectares but cascade approach to allow for 2.1 hectares if the needs of the development requires it, through reserved matters process. If required the additional land to be provided at agricultural land value.	£5,625 per dwelling (assuming 1 Form Entry School required).
<u>Community Facilities</u> - £600,000 towards on or off-site community facilities, proposed as part of the development.	£750 per dwelling
Provision of <u>30% affordable housing</u> with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes	
Provision of a minimum <u>19.77 hectares of public open space</u> as shown on drawing number RD1557_PP_104 Rev. M	
<u>Secondary education</u> : £1,887,840. towards the expansion of the Cornwallis School	£2359.80 per dwelling
<u>Community learning</u> £24,560 (Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);	£30.70 per dwelling
<u>Youth Services</u> £6,792 (Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby	£8.49 per dwelling
<u>Library bookstock</u> £38,416 (Towards additional bookstock required to mitigate the impact of the new borrowers from this development)	£48.02 per dwelling

<u>Social Care</u> £43,104 (Towards cost of providing additional services for this proposed development, namely: accessibility improvements to a Community Building local to the development where social care services are delivered by KCC or a third party.	£53.88 per dwelling
<u>Provision of a travel plan</u> , public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan	
<u>Landscape and Ecological Management Plan, to include:</u> a) Description and evaluation of features to be managed. b) Aims and objectives of management. c) Management prescriptions for achieving aims and objectives. d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). e) Details of the body or organisation responsible for implementation of the plan. f) Details of on-going species and habitat monitoring; and g) Provision for remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.	
<u>TOTAL (excluding highways)</u>	
	£9,875.89 per dwelling

Highways

Appropriate contributions for highways mitigation as finalised under delegated authority on the basis of the attached appendix.

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

Significant highways and transport improvements, namely:

(please note these elements are subject to further negotiations)

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274
- £1.435m for bus subsidy on A274.
- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;

- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).
- Improvements to public footpath KH365 to a cycle track, Surface of KH369, surface of KH365 and dedication as cycle link.
- Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.
- A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park.
- The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.