

UPDATE REPORT SUMMARY

Members should note that this report addresses two applications: (A) the application for planning permission and (B) the application for the associated listed building consent works.

The Update Report provides further information in response to the deferral of the applications at the Planning Committee Meeting on 2 July 2020, but in assessing the applications, Members should also have regard to the content of the original report.

REFERENCE Nos - (A) 20/501029/FULL and (B) 20/501030/LBC

APPLICATION PROPOSALS

- (A)** Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace (A1/A2/A3/A4/A5/B1a/D1/D2) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) Construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, earthworks including demolition of hardstanding and structures, and new boardwalk to north side, and re-utilisation existing vehicular access points from Mill Street and Palace Avenue.
- (B)** Listed Building Consent for restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace (A1/A2/A3/A4/A5/B1a/D1/D2) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) new boardwalk to north side.

ADDRESS Former Rootes Site, Len House, Mill Street / Palace Avenue, Maidstone

RECOMMENDATION That (A) planning permission and (B) listed building consent be granted, subject to the updated conditions listed below and subject to the Applicant entering into a s106 unilateral undertaking to transfer the section of the culverted River Len to the Council, together with a payment of £80,000 towards its implementation.

SUMMARY OF REASONS FOR RECOMMENDATION

The scheme involves the refurbishment and extension of a significant heritage asset and redevelopment of under-utilised land within a prominent town centre location.

The site is not allocated for development within the Local Plan, but is one of five town centre sites that have been the subject of the preparation and adoption of an Opportunity Site Brief that has been approved by the Council's SPI Committee.

The proposals have been the subject of detailed pre-application discussions with Officers at MBC, KCC and Historic England.

This is considered to be a highly sustainable town centre location and, subject to detailed tests, an appropriate location for mixed-use development.

The proposed refurbishment works to the listed building are sensitive to its history and fabric and the proposed alterations and new build elements are of a high quality. Whilst some harm is identified in terms of, for example, the change of use from the building's original function and removing the original roof, such works are considered to be the minimum necessary in order for a viable refurbishment scheme to be brought forward.

These impacts are considered to result in less than significant harm to the heritage asset, but are considered to be outweighed by the significant heritage benefits of bringing the building as a whole back into use in a manner that can be appreciated by the public and the benefits that this will offer in terms of enhancing the vitality and viability of the town centre. In addition, significant public benefits arise through the construction of a significant number of high quality new housing within a highly sustainable town centre location.

AS AN UPDATE TO THE ORIGINAL SUMMARY, THE APPLICANT NOW PROPOSES TO OFFER THE TRANSFER OF THE CULVERTED RIVER LEN TO THE COUNCIL IN ORDER THAT IT MAY UNDERTAKE THE DAYLIGHTING WORKS. IT IS CONSIDERED THAT THIS REPRESENTS FURTHER SIGNIFICANT ENVIRONMENTAL BENEFITS THAT WEIGH IN FAVOUR OF THE PROPOSAL.

REASON FOR REFERRAL TO COMMITTEE

It is a significant town centre scheme that merits Planning Committee consideration.

WARD High Street	APPLICANT Len House (Maidstone Ltd) Part Of Classicus Estates
	AGENT Esquire Developments

DECISION DUE DATE 15/07/20 (PPA date to be extended following deferral)	PUBLICITY EXPIRY DATE 07/03/2019	OFFICER SITE VISIT DATE Various
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RELEVANT PLANNING HISTORY:

See main report at Appendix 1

1 INTRODUCTION

1.1 At the Planning Committee meeting of 2 July 2017, Members deferred determination of these applications in order for Officers to consider the following matters:

- River Len Daylighting - A scheme for the land, under which the culverted river runs, to be transferred to the Council in order that it can progress a scheme for the daylighting of the River.
- Boardwalk - Further information on the Boardwalk scheme in terms of ecological impacts and public safety.
- Mill Street Forecourt - Clarity on the future design and delivery strategy for the kiosk and public realm.
- Noise - Clarity on whether any further noise assessments are required.
- Planning Conditions - A detailed work up of the proposed planning conditions.

- 1.2 This addendum report accompanies the main report attached at Appendix 1, which set out the main assessment of the applications, including, for example, third party representations and relevant policy considerations.

2 REPRESENTATIONS / CONSULTATION

- 2.1 No further comments have been received following the 2nd July Committee.

3 OFFICER UPDATE

River Len Daylighting

- 3.1 Committee Members identified that it was a longstanding aspiration of the Council to open up (daylight) the River Len within the town centre.
- 3.2 Members acknowledged that that the Applicant could not be expected to carry out the daylighting works themselves for reasons of, inter alia, scheme viability and timescale; but considered the daylighting of the Len to be necessary in order to (i) balance the potential ecological impacts of the Boardwalk and (ii) support the delivery of the Council's wider biodiversity enhancement strategy for the town centre.
- 3.3 Rather than undertake a feasibility study of the scheme, Officers were instructed to explore the option for the ownership of the relevant land to be transferred to the Council in order that it could commission and deliver the daylighting scheme.
- 3.4 Immediately following the previous Planning Committee a meeting was held with the Applicants to discuss the scope of a transfer. The outcome is that the Applicant has agreed to enter into a s106 unilateral undertaking to transfer the land to the Council, together with an £80,000 contribution to its delivery (this being the estimated cost of the Applicant's alternative landscaping scheme for the area).
- 3.6 The undertaking commits the developer to transfer the land to the Council within 6 months of the grant of planning permission and indicates that should the daylighting scheme not be implemented by the time the development has reached practical completion, then the Applicant would be able to implement their alternative landscaping scheme using the funds that would have otherwise been paid to the Council.
- 3.7 This structure ensures that the consideration of the daylighting scheme does not fetter the commencement and delivery of the development as a whole, a critical factor in terms of, for example, funding the listed building restoration, but affords the Council control over the land in order to carry out a daylighting feasibility study and to commission the works within a reasonable timeframe.
- 3.8 Officers consider the terms of the proposed undertaking to be acceptable, but request that the detailed wording and conditionality of the unilateral undertaking,

together with any subsequent land transfer agreement, be delegated to Officers to agree in consultation with colleagues in Legal and Property.

- 3.9 In agreeing to accept any land transfer, Members should be aware that at this stage, there is no feasibility assessment that demonstrates that works are either physically deliverable or financially viable, but in agreeing to receive the land, the Council would adopt responsibility for the daylighting scheme, with no further obligation upon the Applicant other than the £80,000 payment.
- 3.10 Officers advise that should subsequent assessments identify that the daylighting scheme is not deliverable, then whilst this element would have represented a significant environmental benefit, having regard to the wider benefits that the scheme would deliver, the Applicant's alternative landscaping scheme would be acceptable.

Boardwalk

- 3.11 Some questions were raised regarding the safety of members of the public on the boardwalk and its potential ecological impacts as a result of overshadowing.

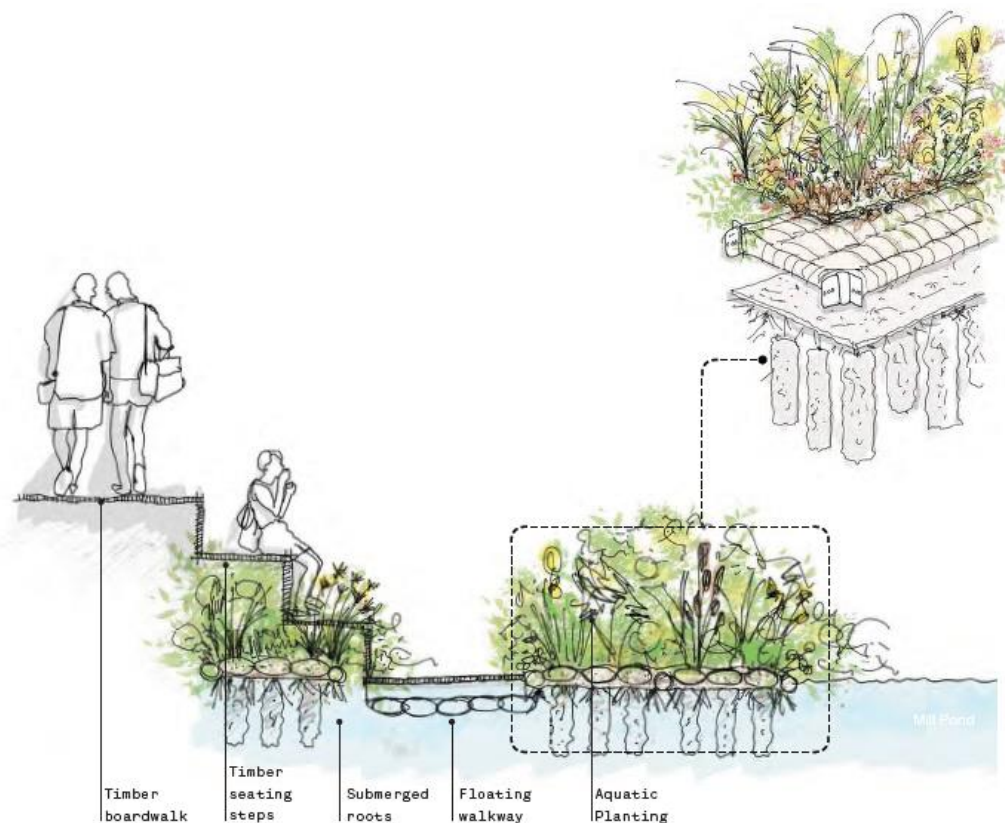
- 3.11 The boardwalk is to be cantilevered from the listed building rather than built on piles into the water and subject to the depth of the deck structure, it will sit approximately 1m above the water level.



- 3.12 Along the majority of its length the boardwalk will be circa 3metres wide, with some narrowing at the centre and a widening adjacent to the western end to allow for ecological enhancement works.

- 3.13 This elevation of Len House faces due south and so natural sunlight will penetrate beneath the deck for considerable periods of the day, limiting any net impact upon the habitat to negligible for the majority of its length.

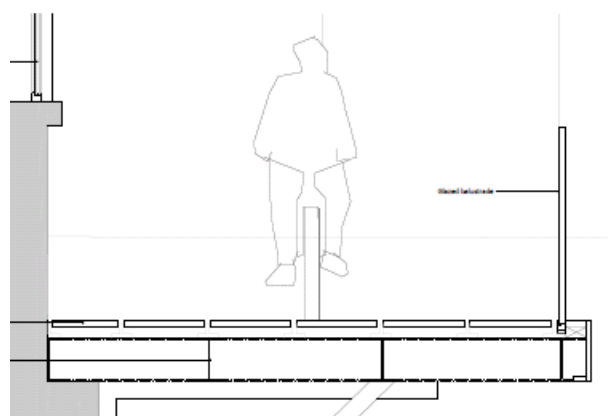
- 3.14 As mentioned, the western end of the boardwalk will widen in width where it fronts the proposed new public realm. The impact on natural lighting will be more significant here, although the area is already impacted due to its adjacency with the adjacent road bridge. To mitigate any impacts, the scheme proposes new floating island habitats. These will incorporate submerged root structures and aquatic planting that will benefit a variety of bird and other species.



3.15 Further floating islands and new bankside planting around the wider perimeter of the Mill Pond will also introduce significant new habitats.

3.16 It is therefore considered that the net impacts of the scheme on the Mill Pond section of the River Len will be materially beneficial, resulting in net biodiversity gain. Such benefits could be further enhanced by the Council's daylighting scheme for the currently culverted section, which could incorporate planted margins and further floating habitat.

3.18 In terms of public safety, the majority of the boardwalk will be edged with a glazed screen, supported by metal balustrades with a narrow profile. The transparent design of the screen will ensure that the existing visual relationship of Len House to the Mill Pond is maintained, whilst also providing appropriate safety for users.



3.19 Whilst the submitted plans show the platform at the western end of the boardwalk to be in-part open, a planning condition is proposed requiring further details and a

management scheme to be approved to ensure that there are no adverse, safety, littering or ecological disturbance impacts.

- 3.20 Officers consider that the boardwalk represents a key element of the scheme in terms of enhancing permeability and also enhancing the character and function of the new use of the building. It is considered that this element would have a less than significant impact upon the character and appearance of the listed building and delivers significant public benefits.

Mill Street Forecourt

- 3.21 Officers consider that this element of the scheme has the potential to deliver significant benefits in terms of heritage, public realm and the overall vitality of the scheme.
- 3.22 This area of the town centre is dominated by traffic conditions, with no 'breathing' space or opportunity to dwell for pedestrians.
- 3.22 As illustrated in the original Officer report at Appendix 1, this element of the scheme is inspired by the original petrol forecourt and it is considered that the reinterpretation of the original kiosk in a modern form, providing the focal point for an outdoor food and drink activity offers significant heritage benefits that are integral to the wider refurbishment and re-activation of the building.
- 3.23 Whether this element is an independent unit, or tied to the food and drink offer within the main building hall, it is considered that it will provide an active use and space that will significantly enhance the vitality of this part of the town centre.

As the following image shows, the forecourt adjoins the widened area of the boardwalk, to provide a significant enhancement to the public realm and an opportunity for pedestrians to step back from the heavily trafficked highway conditions of Mill Street and Palace Avenue.



Updated Image showing the character of the Mill Street frontage and boardwalk

Noise

- 3.24 Members requested clarity on whether further noise surveys were necessary in order to assess the necessary mitigation that may be required, particularly for the management of impacts from adjacent leisure and entertainment uses.
- 3.25 Whilst the submitted acoustic report identifies that traffic conditions are a dominant condition, the noise survey locations were such that the noise monitoring equipment would have identified noise from commercial premises.
- 3.26 The noise surveys were undertaken between 10 and 20 December 2019, not only when adjacent entertainment uses would have been open during the busy pre-Christmas period. The surveys also included night time measurements between 2300 and 0700.
- 3.27 As highlighted within the original report, objectors have raised concerns that the acoustic assessment does not specifically assess the noise impact of entertainment uses, however, officers have proposed a robust pre-commencement condition that requires the necessary impact of such uses and the required mitigation to be assessed and approved before the development commences. This condition will require consideration of both the new-build and converted elements of the listed building to be assessed.
- 3.28 Whilst there may be limitations upon the degree of mitigation that can be applied to some heritage assets, such as timber frame buildings, Len House is a robust

industrial building and Officers consider that options such as high performance internal glazed systems could be installed behind the rear facing windows whilst preserving the character and appearance of the building.

Conditions

3.29 An updated schedule of planning conditions is attached. In addition to a number of typical conditions, Members attention is drawn to the following matters to be covered by condition:

Planning Application

- Further archaeological assessment before development commences on the open part of the site (3-5)
- Controls on the use of the main ground floor area to food and drink with associated retail sales (6)
- A requirement that the listed building conversion works be completed (7)
- Details of proposed materials to ensure that the necessary quality is achieved (8-11)
- Approval of slab levels for the new build element, to ensure that the proposed relationship with Bank Street is not materially changed (12)
- A biodiversity enhancement scheme to be approved (21)
- Details of the kiosk and boardwalk to be submitted (26, 27)
- A building and open space lighting strategy to be submitted (29)

Listed Building Application

- Approval of details, such as further internal fixtures and a strategy for managing the character of the internal winter gardens.

4 CONCLUSIONS

(To be read in conjunction with the main report)

- 4.1 The works to Len House represent an exciting opportunity to breathe life into the building whilst preserving or enhancing its key heritage significance in a manner that the public will be able to experience.
- 4.2 The new build elements are considered to be of a high quality design and an enhancement when compared to the existing character and condition of the open part of the site.
- 4.3 Officers maintain the view that this scheme delivers significant heritage and public benefits as detailed in the original report. Whilst there are some less than significant impacts to Len House and to the setting of nearby heritage assets, these are heavily outweighed by the range of heritage and public benefits arising from the scheme.

- 4.4 Conditions are proposed to ensure that the quality of the scheme is maintained and that details of key public areas and the living conditions of future occupiers can be delivered to an acceptable standard.
- 4.5 Subject to the Applicant completing the proposed unilateral undertaking and the listed conditions, Officers maintain the recommendation in the main report that both planning permission and listed building consent be granted.

5 RECOMMENDATION –

5.1 It is recommended that:

Recommendation (A) Planning permission be granted for the development subject to conditions and the s106 undertaking

Recommendation (B) Listed building consent be granted for the associated works to the listed building subject to conditions

Proposed Planning Conditions - 20/501029/FULL

1) River Len

Notwithstanding the landscaping drawings hereby approved, prior to the commencement of the new build elements above slab level (and within a period of no later than 6 months from the grant of planning permission), a feasibility and viability assessment of the 'daylighting' of the River Len within the application site shall be submitted to the Local Planning Authority.

Reason: The 'daylighting' of the River Len would deliver key townscape and ecological benefits and the Council, in accordance with its approved Planning Brief for the site, wishes to ensure that the potential opportunity to deliver such works is fully investigated.

Archaeology

- 2) No development of the new build elements of the scheme or any excavations adjacent to or beneath Len House shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. This should include:
- assessment of Early Medieval and earlier archaeology
 - potential for remains within the east part of the site which may have complex Post Medieval or earlier remains surviving, including Post Medieval water channels and Medieval riverside activities
 - assessment of the early 20th century industrial and commercial activity represented in the archaeological resource
 - some preliminary fieldwork to clarify potential for as yet unknown significant archaeology, including modern structural remains associated directly with Len House

Reason: To enable the recording of any items of historical or archaeological interest.

- 3) Prior to first occupation, a final report detailing all archaeological results and finds resulting from the approved scheme of archaeological work shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of recording any below ground structures or finds and to inform KCC Heritage's archives.

Contamination

- 4) The new build elements of the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) 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.

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 5) A Closure Report shall be submitted for approval by the Local Planning Authority upon completion of the approved remediation works. The closure report shall include full verification details and should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

Use

- 6) The commercial use of the former vehicle workshop fronting the River Len and the Mill Street forecourt, as annotated on drawing number shall only used for purposes falling within Classes A3 and A4 and for the associated retail sales of food and drink and ancillary products only and for no other purpose (including any other purpose in Classes A, B or D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the building or land could cause harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers. In addition the building lies outside of the primary retail area, where unrestricted retail class A1 sales would not be appropriate.

- 7) No more than 50% of the units in the new-build apartment blocks(excluding any new units created within or above Len House), shall be occupied until all of the Len House conversion works hereby approved have been completed.

Reason: To ensure the timely repair and conversion works to the listed building.

Material- Len House

- 8) The approved works to Len House shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved by the Local Planning Authority. These shall respect that this is a listed building in a prominent location so should match existing architectural details and include use of vernacular materials in a modern idiom. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 9) The approved works to Len House shall not commence until the following constructional details have been submitted to and approved by the Local Planning Authority:

- all replacement windows which shall be like for like of the existing including the pattern of fenestration
- all new windows
- all new external doors
- in situ mock-ups of the façade of a typical bay of the roof extension to Len House in a range of tones
- the vehicular entrance shutter
- Rain water goods

The development shall be constructed as approved.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

Material Samples – New Build

- 10) The construction of the new build apartment blocks shall not commence above slab level 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 by the Local Planning Authority. These shall respect the setting of a listed building in a prominent location so should include use of vernacular materials in a modern idiom. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 11) The construction of the new build apartment blocks shall not commence above slab level until the following constructional details with section drawings at a minimum scale of 1:20 have been submitted to and approved by the Local Planning Authority:

- windows
- External doors
- Balconies
- Eaves
- Rain water goods

The development shall be constructed as approved.

Reason: To ensure a satisfactory appearance to the development

Slab Levels

- 12) The construction of the new build apartment blocks hereby approved shall not commence until details of the proposed slab levels of the new build elements and the existing and proposed site levels have been submitted to and approved by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

Roof Details

- 13) The works to Len House hereby approved shall not commence above existing roof level until details of the scheme of treatment of the existing roof (ie proposed second floor balcony) and the new roof above third floor levels have been submitted to and approved by the Local Planning Authority. The submitted scheme shall include details of the design, materials, specification and management plans for all roof level planting beds and green roofs.

Reason: In the interests of the character and appearance of the locality.

- 14) The works to Len House hereby approved shall not commence above existing roof level until a renewable energy strategy for the entire site has been submitted to and approved by the Local Planning Authority. The strategy shall include the physical details and energy performance of air source heat pumps and solar PV array as detailed within the approved Sustainability And Energy Statement by Sol Environment Ltd. The Renewable Energy strategy shall be implemented before

first occupation of the related phase. All renewable energy systems shall thereafter be retained and maintained in a working order.

Reason: In the interests of renewable energy and the character and appearance of the locality.

EV Charging

- 15) Notwithstanding the submitted Entran Air Quality Assessment, the development hereby approved shall not commence until details of the location and specification of accessible electric vehicle charging points including a programme for their installation, maintenance and management, has been submitted for approval by the Local Planning Authority. The electric vehicle charging points as approved shall be installed prior to first occupation of the related buildings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles

Hard Landscaping

- 16) The works to Len House hereby approved shall not commence above existing roof level until details of related hard landscape works have been submitted for approval to the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first use.

Reason: To ensure a satisfactory appearance to the development.

- 17) The construction of the new build apartment blocks shall not commence above dpc level until details of hard landscape works have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

Soft landscape scheme

- 18) The works to Len House hereby approved shall not commence above existing roof level until a details of a related landscape planting scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval to the Local Planning Authority that shall include all areas of amenity land indicated in the Landscape Masterplan (dwg 0250-1000 Rev2) hereby approved. The scheme shall show all existing trees and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to enhance amenity and biodiversity value and include a planting specification, implementation details and a 5 year management plan.

Reason: In the interests of a satisfactory appearance to the development and biodiversity.

- 19) The construction of the new build apartment blocks shall not commence above dpc until details of a related landscape planting scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval to the Local Planning Authority that shall include all areas

of amenity land indicated in the Landscape Masterplan (dwg 0250-1000 Rev2) hereby approved. The scheme shall show all existing trees and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to enhance amenity and biodiversity value and include a planting specification, implementation details and a 5 year management plan.

Reason: In the interests of a satisfactory appearance to the development and biodiversity.

- 20) All planting, seeding and turfing specified in the approved landscape details shall be completed in the first planting season (October to February) following first use or occupation of the related phase. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority. gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

Ecological enhancements

- 21) Within 6 months of the first commencement of works on site, a scheme for the enhancement of biodiversity on the site shall be submitted for approval by the Local Planning Authority. The scheme shall consist of a scheme for the enhancement of biodiversity within the Mill Pond and through integrated methods into the design and appearance of the buildings by means such as swift bricks, bat bricks and habitat for solitary bees. The development shall be implemented in accordance with the approved details and all features shall be retained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

Landscape and Ecological Management Plan

- 22) A landscape and ecological management plan, including long term design objectives, management responsibilities, timetable and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan and timetable unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

Acoustic Protection

- 23) The development hereby approved shall not commence until a scheme has been submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within all proposed residential units (both new build and listed building conversion) and the external noise levels in relevant amenity areas

will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, Local Planning Authority. The scheme must include an assessment of and necessary mitigation to address potential late night noise from nearby entertainment and leisure venues and include an acoustic assessment of proposed commercial uses within the converted Len House. The scheme shall be carried out as approved prior to the first occupation of the relevant residential unit and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

Parking/Turning Implementation

- 24) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the commencement of the use of the related 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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access thereto.

Reason: In the interests of road safety.

Advertisements

- 25) Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be placed on the site or buildings hereby approved without the express consent of the Local Planning Authority

Reason: To ensure adequate control of the character, appearance and setting of the listed building.

Kiosk

- 26) Prior to works to Len House commencing above existing roof level, a detailed scheme for the Mill Street forecourt and beverage kiosk shall be submitted for approval to the Local Planning Authority. Such a scheme shall include the design, materials, lighting strategy and hard landscaping/seating proposals for the external area and include any all weather proposals such as umbrellas or canopies. The approved scheme shall be completed prior to the first use of any part of the main A3/A4 element within Len House and the kiosk shall be used thereafter primarily for the sale of beverages unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that forecourt enhancement scheme is delivered to a satisfactory standard.

Boardwalk

- 27) Prior to works to Len House commencing above existing roof level, a detailed scheme for the proposed Mill Pond boardwalk shall be submitted for approval by the Local Planning Authority. Such a scheme shall include the form of attachment, design and materials including any handrails, a lighting strategy and

access and arrangements for long term management. The approved scheme shall demonstrate that the deck structure has been design to optimise natural light levels in the below section of the Mill Pond and shall be completed prior to the first use of commercial elements of the scheme.

Reason: In the interests of the Listed Building and its setting.

- 28) The Boardwalk and Mill Street Forecourt shall be retained as part of a continuous publicly accessible thoroughfare linking Mill Street and Palace Avenue.

Reason: In the interests of pedestrian permeability.

Lighting Strategy

- 29) Prior to works to Len House commencing above existing roof level, a lighting strategy of the buildings and public areas shall be submitted for approval to the Local Planning Authority. These details shall include measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, including the Mill Pond. The development shall thereafter be carried out in accordance with the subsequently approved details prior to first use/occupation and retained thereafter.

Reason: In the interest of visual amenity, heritage sensitivity and ecology.

CCTV

- 30) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no CCTV or other communications or monitoring equipment, including satellite dishes shall be erected on Len House without the prior written consent of the LPA.

Reason: To ensure that the character and appearance of the listed building is not harmed.

Subdivision

- 31) The ground floor commercial space shall be retained as hereby approved and not be further subdivided by way of internal partitions or ceilings.

Reason: To ensure that the character and appearance of the listed building is not harmed.

Plant and Ducting Systems

- 32) There shall be no external plant (including ventilation, refrigeration and air conditioning) or ducting system except in accordance with details that have been submitted to and approved by the Local Planning Authority. The details must include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 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

operating. The development shall be carried out in accordance with the approved details and no further plant or ducting system shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and aural amenity.

Cooking Odour

- 33) The works to Len House hereby approved shall not commence above existing roof level until details of a scheme for the extraction and treatment of cooking fumes has been submitted for approval to the Local Planning Authority. The approved scheme shall be fully implemented prior to the first use of the premises and thereafter maintained to the original specification. Such a scheme should typically include a grease filter, pre-filter and activated carbon treatment, together with high level fume dispersion.

Reason: To safeguard the amenities of the surrounding area.

Travel Plan

- 34) Within 6 months of the commencement, a Travel Plan and a timetable for its implementation shall be submitted for approval by the Local Planning Authority. The approved Travel Plan shall be registered with KCC Jambusters website (www.jambusterstpm.co.uk). The applicant shall implement and monitor the approved Travel Plan as approved, and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period

Reason: In the interests of environmental sustainability.

Access

- 35) The approved details of the access points to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

- 36) No use or occupation of the development hereby permitted shall take place until installation/reinstatement of closed crossways, new access points and pavement crossovers have been implemented.

Reason: In the interests of highway safety.

SUDS

- 37) The development of the open areas of the site shall not begin until a sustainable surface water drainage scheme for the relevant part of the site has been submitted to and approved by the Local Planning Authority. The drainage scheme shall be based upon the approved Drainage Strategy and shall demonstrate that the surface water generated by this development (for all rainfall durations and

intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that (with reference to published guidance):

- silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 38) No part of the new build element of the development shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Air Quality Mitigation

- 39) Prior to the first occupation of any part of the development, the development, a scheme of air quality mitigation measures shall be implemented in accordance with details that have been submitted to and approved by the Local Planning Authority. This should include at least one residential receptor modelled in Upper Stone Street. It should include a costed mitigation scheme showing how the money is to be spent. It should include EV charging in a minimum of 20% of the parking spaces and ducting to allow EV charging to be installed at a later date in the remainder of the spaces and at least 2 EV charging bays in the publicly accessible spaces. The damage cost could be spent on cycle storage and low NOx boilers.

Reason: In order to ensure that an acceptable level of mitigation of potential air quality impacts is secured.

Proposed Listed Building Conditions - 20/501030/LBC

Time Limit

- 1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans

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

[ENTER PLAN TITLE/ DRG NOS/ DATE RECEIVED FOR ALL PROPOSED PLANS AND RELEVANT INFO]

Reason: To clarify which plans have been approved.

Material- Len House

- 3) The approved works to Len House shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 4) The approved works to Len House shall not commence until the following constructional details have been submitted to and approved by the Local Planning Authority:

- in situ mock-ups of the façade of a typical bay of the roof extension to Len House in a range of tones
- subdivision of the winter gardens
- the vehicular entrance shutter
- internal blinds to second and third floor flats
- Rain water goods

The development shall be constructed as approved. The Winter Gardens shall be retained as approved with single glazing to the façade and shall not be used as habitable space.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 5) With the exception of remedial and survey works, no development within the listed building shall take place until details in the form of large scale drawings (at a scale of 1:10 or 1:20) of the following matters have been submitted to and approved by the Local Planning Authority.;

- i) Details of those windows and doors which are to be retained, restored or replaced
- ii) Details of existing brickwork or other external finishes that are to be restored/made good or replaced, including details of any new materials that are intended to match existing
- iii) A fully detailed schedule of repairs and redecoration shall be provided for approval for all internal surfaces. This shall include specifications of materials and methods where appropriate and recommendations for a maintenance regime. Such details shall also include:
 - Alterations to staircases and stair compartments
 - Internal ramps
 - New internal opening or closures
 - Any proposed secondary glazing

The development hereby approved shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure the quality of the development is maintained and to prevent harm to the special architectural and historic interest of the listed building.

Historic Features

- 6) All existing historic features shall be retained in situ, except where indicated otherwise on the approved drawings. Prior to the commencement of any works to the listed building, a method statement shall be submitted for proposed internal and external repair works, including façade repairs.

Reason: To ensure the quality of the development is maintained and to prevent harm to the listed building.

Internal Services

- 7) Prior to the commencement of development, a method statement shall be submitted to and approved by the Local Planning Authority covering the following items of work. The statement shall be supplemented with drawings/specifications of typical details as necessary.
 - Plumbing including all ground and above level drainage
 - Ventilation provision
 - Mechanical & Electrical services for heating and lighting
 - Fire strategy - measures for prevention, detection, and means of escape
 - Acoustic attenuation between spaces
 - Removal of any asbestos
 - New interior lighting scheme
 - Any special measures for kitchens and kitchen storage areas

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

Reason: To protect and preserve the appearance and character of the listed buildings

Historic Archive

- 8) Prior to the commencement of development, a full set of record photographs of the existing building shall be taken. Photographs should be cross referenced to key plans and elevations in accordance with recommendations for a level 1 recording standard as specified in English Heritage's publication 'Understanding Historic Buildings: A Guide to Good Recording Practice'. Copies shall be made available to the Local Planning Authority for inclusion in the Historic Environment Record. In addition, the record shall include acceptable quality reproductions of all available photographic and documented historic images of the site.

Reason: To ensure that the heritage benefits associated with archiving the building's history are secured.

- 9) Prior to the commencement of development above existing roof level, details of an archaeological/historic interpretation strategy for the purposes of education and learning shall be submitted for the approval of the Local Planning Authority. This shall include representative material copied from the Historic Archive appropriately integrated into the public areas of building. The interpretation strategy shall be implemented as approved prior to first use of the building.

Reason: To ensure that the heritage benefits associated with archiving the building's history are beneficially used.