

APPLICATION: MA/09/1562 Date: 25 August 2009 Received: 28 August 2009

APPLICANT: Maidstone Housing Trust

LOCATION: MAIDSTONE BOROUGH COUNCIL TRANSPORT DEPOT, ARMSTRONG ROAD, MAIDSTONE, KENT, ME15 6AY

PARISH: Maidstone

PROPOSAL: Planning application for erection of 47no self contained flats and 48 houses including access and associated works in accordance with the design and access statement, marketing report, noise impact assessment, flood risk assessment, ecological study, transport assessment, energy strategy, tree survey, Planning Statement, received on the 28 August 2009, preliminary site investigation received on the 8 September 2009, geo-environmental site investigation received on the 12 October 2009, and plan number 0831/PL120, 0831/PL1210, 831/PL122, 0831/PL1230831/PL124, 0831/PL201, 0831/PL2000831/PL003A, 0831/PL005, 0831/PL003 Rev A, MHS924/09-010 Rev A received on the 11 December 2009, plan number 0831/PL199, MHS024/09-010 RevA, 0831/PL127, received on the 28 August 2009.

AGENDA DATE: 14th January 2010

CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by an adjoining the Parish Council
- It is a departure from the local plan
- The Council own the land

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, ED2
SE Plan 2009: CC4, NRM11, T4, CC1, T4, H5, W1, W6, BE1
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS4, PPS9, PPG13, PPS23, PPG25

HISTORY

MA/07/1775 Maidstone Borough Council Depot Site, Armstrong Road. Demolition of existing buildings and the erection of 85 dwellings (51 two bed

flats, 9 two bed houses, 16 three bed houses and 9 four bed houses), together with new accessing arrangements and landscaping. Resolution to grant with conditions and S106 legal agreement. This has never been formally approved.

There are a number of other planning applications that have been submitted within this site, none of which are relevant to this particular planning application.

Other relevant history on nearby land is;

South Park Business Village

MA/89/1135 Outline application for approx. 130 000 sq.ft. of units for Class B1(B) B1(C) B2 B8. APPROVED.

MA/89/1138 46 Starter Units Class Us B1(b) B1(c) and B2 B8; plus a Park and Ride facility for 250 cars. APPROVED.

Lacock Gardens/Tattershall Road

MA/99/1725 Erection of 156 residential units inclusive of public open space and engineering works to fill and level site to surrounding contours. APPROVED.

MA/98/1395 Outline application for residential development including engineering works to fill and level site to surrounding contours, at a minimum density of ten dwellings per acre. APPROVED.

Also of relevance is planning permission (ref: MA/08/1494) for the erection of a new Council Depot at the land to the south east of Parkwood Industrial Estate, Langely Park Farm West, Bircholt Road, Maidstone. This depot has since been completed, and is up and running, which has subsequently made the Armstrong Road site redundant.

It is noted that prior to the resolution to grant the previous planning application (MA/07/1775) for residential development within the site, a number of Members visited the site, and in particular assessed landscaping proposal along Enterprise Road.

1.0 CONSULTATIONS

1.1 Kent County Council Highways Authority were consulted and raised no objection to this proposal subject to the imposition of suitable safeguarding conditions, as set out at the rear of the report.

- 1.2 Southern Water** were consulted and raised no objection to this proposal subject to the imposition of suitable safeguarding conditions. This condition is set out at the rear of the report.
- 1.3 EDF Energy** were consulted and raised no objections to this proposal.
- 1.4 The Environment Agency** were consulted and initially raised an objection to this proposal on the basis that a floor risk assessment had not been completed. This has now been completed and the EA have withdrawn their objection.
- 1.5 The Primary Health Care Trust** were consulted and raise no objections to the proposal subject to the applicant providing a contribution of £80,028 to go towards the improvement of facilities for the local health service, which they suggest would be required due to additional strain being placed upon the existing facilities by the development.
- 1.6 Maidstone Borough Council Landscaping Officer** was consulted and made the following comments: -
- 1.6.1 'The tree survey (ref 940) noted that there were trees along the northern boundary (T1 to T11) and along the eastern side (G12 to T30) Tadjacent to Enterprise Road. The survey was carried out in accordance with BS5837 and using the cascade chart for tree quality assessment the majority of the trees were classed as C grade (low quality) and few were B grade (moderate quality). The majority of the trees were either self sown sycamores, Cherrys, Apple and Lawson Cypress. Whilst few are of any merit the trees growing along the eastern boundary could be retained for screening purposes. It is worth noting that none of the trees present any significant constraint to the proposed lay out.
- 1.6.2 It should be noted that the landscape proposal for both sites (site B 9/1563) show an even distrubution of trees throughout both sites. In addition the size of the trees will have an immediate affect on the site quite quickly. However as discussed in the previous application there is a concern that the species proposed in the core areas and in informal areas (Pyrus and Betula) are not varied enough. Consideration must be given to expanding the species preventing a monoculture planting. The proposed planting for the infrastructure is considered adequate.'
- 1.7 Maidstone Borough Council Parks and Open Space** Officer was consulted and made no comment upon this application.

*Officer Comment: No comments have been received due to the officer having left his post. However, I have been made aware that contributions would have been sought for this application – at £1575 per unit.

1.8 Maidstone Borough Council Environmental Health Officer was consulted and made the following comments: -

1.8.1 'A noise impact assessment by MLM Environmental, ref DMB/731233/R1, has been received with this application. Environmental Health accept the validity of this report and its conclusions that some mitigation will be required; the recommendations of this report should therefore be followed. The site is situated directly over an old land fill site and there are potential contaminated land and land-fill gas issues. No contaminated land report appears to have been received yet, but Environmental Health is aware that RSK have been commissioned by MHT to undertake a site investigation. This is a large scale development and the site is within the Maidstone Town Air Quality Management Area, but I do not anticipate that the extra number of vehicle movements likely to be generated (by this development alone) will significantly affect congestion in the area and hence air quality. Neither is the site close enough to known pockets of poor air quality for future residents to be likely to be exposed to poor air quality, so I do not consider that an air quality condition should be required in this particular case. Any demolition or construction activities are likely to effect local residents.

1.8.2 No development shall commence until:

1.8.3 1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

1.8.4 2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

1.8.5 3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

1.8.6 4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and

certification that the works have been carried out in accordance with the approved methodology. The closure report shall 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: To prevent harm to human health and pollution of the environment pursuant to policy ENV52 of the Maidstone Borough-Wide Local Plan 2000.

- 1.8.7 To safeguard the future occupants of the site, a detailed scheme for the investigation, recording and remediation of gas shall be submitted. The scheme to comprise:
- 1.8.8 A report to be submitted to and approved by the LPA. The report shall include a risk assessment and detail on how site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.
- 1.8.9 Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the LPA. The proposals shall detail sources of best practice used.
 1. Approved works shall be carried out in full on site prior to first occupation.
 2. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme.
- 1.8.10 No objections are therefore raised subject to the imposition of suitable conditions and the informatives, set out at the rear of the report.'
- 1.8.11 Tovil Parish Council were notified of the application and raised the following objections to this application: -
 - 'Lack of parking does not accord with the KCC parking standards as set out within the developer's own transport document, including the problem with turning large vehicles, e.g. waste vehicles. The proposed turning for waste vehicles will be used for general parking.
 - Layout for disabled parking is incorrect.
 - Over intensive development of the site and buildings look like prison blocks.
 - Design should follow brick colour already in Armstrong Road for the front block; this should be stock brick of a similar colour.
 - Self-policing design is over ambitious.

- Lack of storage space for disabled mobility scooters etc, as some of the units have been designed with disabled residents in mind.
- There is a need for an adequate, safe communal space, away from parking areas, where residents can congregate; seated areas are also needed where residents can sit and be peaceful by themselves.
- Tovil Parish Council recommends that noise assessment, as set out in the noise assessment report must be implemented by conditions.
- Transport assessment: parking spaces are not in accordance with KCC standards as set out in the developers transport assessment documents.
- Overall, Tovil Parish Council recommends refusal.'

2.0 REPRESENTATIONS

2.1 Neighbouring occupiers were notified and five letters of objection have been received. The concerns raised within these letters are as follows: -

- Insufficient on site parking provision;
- The proposal would lead to the loss of privacy and the creation of overlooking;
- The proposal is out of character with the area;
- The proposal is 100% affordable housing;
- The proposal would have a detrimental impact on the movement of traffic on the existing roads;
- Construction traffic would cause a disturbance.

3.0 CONSIDERATIONS

3.1 Site Description

3.1.1 The application site is the former Maidstone Borough Council Depot, in Armstrong Road, to the south of Maidstone. It includes three houses (unoccupied) at the Armstrong Road end of the site and the whole of the depot buildings and yard areas. The site amounts to approximately 1.22ha in area. The site is no longer in use, as operations have moved from the site to the recently constructed Council depot site to the east of Parkwood Industrial Estate. Some demolition has taken place on the site already, although at the point of my last site visit (in early December), some structures were still in situ. It is considered that the site is in a relatively sustainable location, approximately 1km from the centre of Maidstone, and the amenities within. This is within walking distance for many, but in any event the site is well served by public transport, with a bus stop along Armstrong Road.

3.1.2 The site is bounded to the east by Enterprise Road which gives access to the southern part of the South Park Business village (now comprised of housing), to a Park & Ride car-park (now closed) and to recent residential development at

Lacock Gardens. The properties within Lacock Gardens are predominantly two storeys in height, and are of a traditional, brick built style.

- 3.1.3 Beyond Enterprise Road, (further east) is the South Park Business Park – a two storey brick built development, is set approximately 4metres from the edge of the highway.
- 3.1.4 To the north of the application site, across Armstrong Road is South Park – a large area of open space containing a floodlit pitch, a skate-park, and other open space.
- 3.1.5 To the west of the application site is the Arriva bus depot, which is a large area containing large shed buildings, and hardstanding, use for the storage and maintenance of buses whilst out of operation.
- 3.1.6 The site is owned by the Council. However, the application has been submitted by Maidstone Housing Trust who are the site’s prospective purchasers.
- 3.1.7 The site is within the Urban Area of Maidstone as defined in the Borough-wide Local Plan 2000. It is also safeguarded as an existing employment site suitable for Use Class B1 and B2 uses under Policy ED2(v) of the Borough-wide Local Plan as well as a suitable site for vehicle sales and showrooms under Policy R18(vii).

3.2 Principle of Development

- 3.2.1 Members resolved to grant planning permission on this development for the erection of 85 new dwellings on this site. Whilst this application was never formally approved, this resolution is a material consideration when determining this application. This permission included a draft S106 agreement that required the applicant to make a number of contributions, and improvements to the highway – the provision of a zebra crossing, and built outs into Enterprise Road. The resolution to grant, and draft decision notice are appended to the rear of this report. The policy background for this proposal is clearly set out above. This application is for the erection of residential properties upon previously developed land (brownfield), as defined by Annex B of PPS3, within the urban confines. PPS3 states that when assessing applications for housing on previously developed land, Local Authorities should ‘consider sustainability issues’ as not all would be suitable for housing provision.
- 3.2.2 As stated above, the application site is within an area designated for employment purposes (B1) under policy ED2, which is a saved policy. Due to this designation within the Local Plan, the applicant has been asked to undertake a viability appraisal (as was the case with the previous application), to set out why it is no longer appropriate to have this site for employment purposes (as

residential has previously been approved in principle, it was assumed that the new viability assessment would come to the same conclusion). This demonstrated that there was no change in the situation, thus a residential use remained acceptable at the point of submission.

3.2.3 This marketing exercise sought to demonstrate why a residential use within this site is suitable. It was carried out by Hindwoods Hunter Payne, on behalf of Maidstone Borough Council prior to the site being put up for sale, with the two sites offered to the market as: -

- a) The Armstrong Road site was offered with the resolution to grant planning permission for 85 new housing units;
- b) The redundant park and ride site was offered for expression of interest where numerous uses could be considered.

3.2.4 The response to this marketing exercise was solely from housing developers and housing associations. In addition, it is clear that a number of allocated employment sites within the Borough remain undeveloped. This together with the fact that residential use on this site has already been agreed by Members (and thus this Authority) following the resolution to grant planning permission MA/07/1775, I do not consider that to refuse this application due to the loss of employment land would be sustainable on Appeal.

3.3 Proposal

3.3.1 The application is for the change of use of the land from Council depot to residential and the erection of 47 self contained flats and 48 dwelling houses following the demolition of the existing buildings on site.

3.3.2 The proposed units would be provided as shown within the following table: -

	Number of units
Block A 2 Bedroom Flats	42
Block B 2 Bedroom Flats 3 Bedroom Flats	5 1
Houses 2 Bedroom Houses	19

3 Bedroom Houses	24
4 Bedroom Houses	5
Total	96

3.3.3 As can be seen from the above, there would be a mixture of properties within the development, all being capable of providing family accommodation. I will explain the proposal from the front (Armstrong Road end) towards Lacock Gardens.

3.4 Armstrong Road Frontage

3.4.1 Block A is proposed to be provided to face on to Armstrong Road, and is designed to appear as one large block, as a strong focal point to the front of the development. This is the largest block within the application, being some 4 storeys in height, and providing a total of 42 units (all 2 bedroom units). This block would be set some 10 metres from the edge of the pavement at its western end, and approximately 16metres at its eastern end. This set back enables a significant level of landscaping to be provided, including private patio areas for some ground floor flats, communal private lawns and 6 large trees, planted formally along the roadside. The building itself would have a maximum width of 60.5metres, a depth of 20.6metres, and a maximum height of 14.5metres. It would be faced in render, which would be white, with yellow stock bricks at ground floor level to appear as a plinth to the building (although there would be four projecting features that would be completely rendered – from top to bottom). The roof of this building would be constructed of artificial slate, and the doors and windows would be of aluminium and timber frame. The building, whilst relatively simple in form would have a number of projections and recesses, which would provide balcony areas for the residents. This building would effectively have a double frontage, with access from both the front and rear.

3.5 Internal Layout

3.5.1 To the rear of this building would be the first of the access roads that puncture the site. This road would run on an east-west axis, and is proposed to be a shared surface, which would have a width of 16metres (19metres if the pavement is included). This would be of this significant width in order that parking can be provided within the street itself, rather than relying of separate parking courts, which would be less well integrated within the development. This street would also have a number of trees planted formally along its length, to soften its appearance, as well as bin storage areas (with grass roofs). The street is proposed to be constructed of buff/brown block pavers (small) with a grey surround, denoting where the vehicles should not encroach. A 'nodal square' is

proposed at the centre of the street, which would be constructed of red/brown pavers, and would contain two benches. Thirty-two parking spaces are proposed, five of which would be for disabled parking.

- 3.5.2 On the southern side of this street is a row of terraced housing. Here, it is proposed that 11 units be provided which would be made up of 7 two bedroom units, and 4 three bedroom units. These units are proposed to be of two and three storey (the three storey units being at the ends of the terrace, and would have a maximum height of 10metres. Again, these units would be predominantly of white render, with yellow stock brick at ground floor. Within the two storey units, the first floor would slightly overhang the ground, which would provide a layering affect. The end unit (closest to Enterprise Road) would be provided with a sedum roof. These units would all be provided with private gardens, with a minimum depth of 7.5metres, which would also include a shed (with grass roof) and 'productive gardens' to enable residents to grow their own fruit and vegetables.
- 3.5.3 A 3metre wide pathway is proposed to run from the centre of the street to the south, to link in to the remainder of the development. This path would be lined with sustainably sourced woven oak fencing.
- 3.5.4 To the south of this street, the development continues in a similar vein, with an access of a similar form, using the same materials, and of similar dimensions. This street would contain 20 parking spaces, of which 4 would be disabled parking. The development at this point would vary from the previous in that there would be two units at the end of the street, of two and three storey in height, creating an 'end-stop' which would provide a screen from the development behind, and that the layout has slightly altered. This street would contain 2 four bedroom units (located at the end of the street – the aforementioned 'end-stops'), 12 three bedroom units, and 7 two bedroom units. Again, these would be a mixture of two and three storey properties, with a maximum height of 10metres. Two of the properties (those closest to Enterprise Road) would again be provided with sedum roofs.
- 3.5.5 All units within the street would be of render and brick finish, and again would have a good level of articulation. Small areas of soft landscaping would be provided to the front of each unit, together with areas between the parking areas and the bin stores, to break up the mass of hardstanding.
- 3.5.6 Two large bin stores are to be provided within the street, with grass roofs to be provided. In addition, 10 new trees would be planted at regular intervals, with two further benches provided within the central square.
- 3.5.7 Again, the 3metre wide path continues through the centre of this street to the south.

3.6 Rear of Site

- 3.6.1 The rear element of the proposal would be significantly different in terms of layout, although the design of the properties remains of the same vein as the remainder of the development. Within this piece of the development, it is proposed that a large block be constructed, facing onto Enterprise Road. This block would be predominantly two storey in height, with a small three storey element. This block would be set some 3.5metres from the edge of the highway, would have a maximum height of 10metres, a depth of 11metres, and a length of 38metres, and would be constructed of the same materials as all other buildings within the site. It is proposed that a total of 6 flats and two houses be provided within this block (5 two bedroom, and 1 three bedroom flats, and one three bedroom and one four bedroom house), with the two houses being provided with a private garden.
- 3.6.2 At the junction of Enterprise Road and Lacock Gardens, the existing access into the application site would be utilised, although substantially improved. This would be served off the existing roundabout. Upon entering the site at this point, one would immediately turn left where there would be two rows of terraced properties on either side, with a small parking area to the north. Seven houses are proposed on the southern side of this street, with five on the northern side. Two properties are proposed to be located at the western end – these being a mixture of two storey, and two and a half storey dwellings. An additional two parking areas are proposed to be located at the end of this access – one to the north and one to the south of the street.
- 3.6.3 Bounding the site at this point would be a significant number of trees, of varying species, together with a native hedge along the western boundary, and along the southern boundary adjoining the car park.

3.7 Road Improvements

- 3.7.1 Members may be aware that as part of the previous application (07/...) saw the developer agree to providing 'build-outs' into Enterprise Road, which would have the dual purpose of creating a softer street frontage, whilst also acting as a traffic calming measure. The applicant has also agreed as part of this proposal to provide these build-outs (although due to the additional accesses being created the number has been reduced from four to three). These see the pathway project into the road and these points, with soft landscaping behind. Concern was initially raised by the applicant as there are fibre optic cables running beneath the road at this point, however, he has been advised that the alteration of the path, together with the planting of any plants within a sleeve, will ensure that these cables remain unaffected by this proposal.

- 3.7.2 The Enterprise Road elevation would be provided with a good level of landscaping, both in terms of trees, and low shrubs and planting. In total, 26 new trees would be planted along this elevation, together with low planting with a depth of approximately 3metres. This would replace the current unkempt shrubbery, which appears to have grown on a relatively *ad hoc basis*.
- 3.7.3 An improved pedestrian link from the site to South Park has also been agreed in the form of a zebra crossing. This would run across the road to the west of the junction of Armstrong Road and Enterprise Road, and remains unchanged from the previously approved application.

3.9 Layout

- 3.9.1 As previously stated, there have been significant discussions held between this Authority and the applicant prior to the submission of this planning application, with particular attention drawn to the proposed layout of the development. In addition, the applicants have been made aware of the previous planning application, and in particular the built outs within Enterprise Road. The site is relatively regular in shape, with no internal trees or features of interest to retain, and as such, the applicant had relative freedom to produce a good internal layout.
- 3.9.2 The layout of this proposed development is relatively straightforward, with two of the access points running at 90° to Enterprise Road, and one from the existing roundabout – at the junction with Lacock gardens and Enterprise Road. In addition, there is a relatively clear, and straightforward hierarchy of building throughout the development, with the largest (in terms of mass) building on at the front, facing on to Armstrong Road, and the lower, and more articulated building located behind. Throughout the proposal, matters such as permeability, parking and landscaping have also been fully addressed.

3.9.1 Frontage

- 3.9.2 As stated, the apartment block to the front of the development is the largest building proposed throughout the development, with a footprint of 1246.3metres². The building give the development a strong presence along Armstrong Road, and would draw ones eye as travelling along. However, whilst of a substantial scale, this would not appear as cramped within this frontage, as it would allow for a good level of landscaping to the front of the site, including the provision of six large trees along the Armstrong Road elevation, as well as small grassed areas. This is considered to provide a high quality frontage, which would significantly enhance the character and appearance of the locality.
- 3.9.3 This prominent 'gateway' building would effectively have a double frontage, with the rear facing onto the first avenue created. This would ensure that on both

sides of the building there would be an active frontage, ensuring that there is a good level of natural surveillance over all areas, but also making the building appear more active. This building would be closer to the street at the rear which would reflect more with the character of development to the rear, than the front – with more enclosed spaces.

3.9.4 Internal Layout

- 3.9.5 This 'first' access to puncture the site (as one travels from Armstrong Road) would be of a straight form, that would run from east to west through the site. As stated, it would have the four storey flat development to the north, with a mixture of two and three storey dwellings on its south side. Despite the contemporary design of the buildings, this would give the development a fairly traditional form, with houses close to the road, and ensuring once more that the street frontage appears active. Whilst there is wide expanses of hard surfacing, this would be of a mixture of materials, and would be broken up by a significant level of soft landscaping, at regular intervals. Benches would also be provided within the street further emphasising that the pedestrian has priority in this area. All of the street would be overlooked by these units, providing a safe environment both for residents and visitors.
- 3.9.6 Along the Enterprise Road frontage at this point there would be a good level of soft landscaping provided, both in the form of low level planting, and also a number of more substantial trees. This would significantly soften the impact of the proposal from the highway, and assist in trying to ensure that Enterprise Road appears more as a tree lined avenue.
- 3.9.7 A pedestrian link would be provided through the centre of the site, running from north to south, which would improve permeability through the development. This would run from the aforementioned street through to the next, and then to the rear of the application site.
- 3.9.8 The second of the two streets follows a similar pattern to the first, in that there are houses fronting the highway on either side. Again, the highway has the parking within, and there is a mixture of materials for the hard surfaces. Likewise the landscaping reflects the previous street. This repetition assists in creating a sense of place throughout the development.
- 3.9.9 At the southern end of the development the layout changes significantly, with a large flat block (plus houses) fronting on to Enterprise Road. This block would still be set some distance from the road, with a good level of landscaping between to ensure that the soft buffer between the road and the development is created. This block would be of an appropriate scale, and would not appear cramped within the site, with a good level of landscaping provided. Again within this section of the development the streets are characterised by properties

facing one another, and backing on to the footpath or highway. This ensures that once more, there is sufficient separation between the properties to ensure that they do not overbear, but that a sense of place is also created. Where properties are sited on corners, they are double fronted, to result in all parts of the development are overlooked, and have active frontages.

- 3.9.10 The creation of two parking courts within the rear corners of the development is perhaps considered the weakest element of the development, however, these would not be visible from the public domain, and also ensure that within the more well used parts of the site, a greater level of landscaping can be provided.
- 3.9.11 Members may recall that as part of the previous application on this site, some build outs were sought to be created within Enterprise Road. Again, the applicant has agreed to provide these, which would ensure that there would be an improved level of landscaping, and a greater soft edge along this stretch of road. This is a particularly wide stretch of road (measuring some 7metres in width) and so the creation of these build outs would reduce the visual appearance of this mass of road by breaking it up in such a way.
- 3.9.12 As can be seen from the above, this is a well thought out layout, which allows for good permeability through the site, and allows for all parts of the development to be overlooked. The layout assists in generating a sense of place, with a good level of landscaping throughout. The different use of materials for the hard landscaping is considered logical, and assists with movement throughout – as they are positioned in specific positions – as well as generating more interest to the appearance of the development. It is therefore considered that the layout is of a sufficiently high standard to meet with the requirements of the Development Plan and in particular, the Kent Design Guide.

3.10 Visual Amenity

- 3.10.1 Clearly, at present the application site is in a relatively run down (it is presently being demolished) state, having been used or a number of years as the depot for Maidstone Borough Council, housing the refuse trucks for the Borough. Much of the existing site is surrounded by high wall, wire fence, and unkempt shrubs, of varying size. Furthermore, as stated above, the surrounding area is mixed with regards to the form and use of the buildings, with residential, commercial, and a bus depot within close proximity to the site.
- 3.10.2 As such, it is difficult to suggest that any development within this site has an obvious 'context' to draw reference from. It is on this basis that the applicant has suggested a relatively contemporary form of development, which whilst not reflecting the style of the neighbouring buildings, does acknowledge the mass and height of the surrounding development. It is considered, however, that the proposal does represent good design, in terms of the layout, and with the

architecture proposed of a high standard. The architecture being relatively contemporary, although of a comparatively unfussy form, would not conflict with the more traditional, brick built development that surrounds the site. Whilst, concern has been raised that the materials do not reflect the buildings within the locality, it is my opinion that the existing built form is not wholly successful, and simply to mimic this would be somewhat of a lost opportunity for a comprehensive scheme of this nature.

3.10.3 In my opinion, I believe that from the existing public domain, this would be not only a huge improvement on the existing situation, but also this would be a very high quality of design which would significantly enhance the overall character of the locality. The buildings are well thought out, with sufficient detail to ensure that they do not seem plain, but are simple enough in form to ensure that they do not appear over fussy. This is good contemporary design, mixed in with landscaping relevant to the Borough, and the area in particular. This mixture gives a local distinctiveness which would sit very comfortably with the contemporary form of the buildings.

3.10.3 Within the site, again, all buildings have been well considered, with a good level of articulation on all properties. This consists of overhangs at first floor and second floor levels, recessed windows and doors, the use of varying materials, the use of varying heights, and the use of balconies, which are both internal and projecting. The form of the buildings is relatively consistent throughout, however, this should not result in monotony, by virtue of the features listed above being used in varying ways.

3.10.4 In addition, I have sought to ensure that any new proposal incorporates a good level of landscaping throughout the scheme, and perhaps most importantly, on both the Armstrong Road and Enterprise Road frontages, to help to further enhance the character and appearance of the locality. I consider this to be a particularly important element of the development, as creating the soft edge, reduces the

3.10.5 It is therefore considered that this proposal would represent a high standard of design that would have a positive impact upon the character and appearance of the area, and as such complies with the policies within the Development Plan, and central government guidance.

3.11 Landscaping

3.11.1 The existing dept site has a number of trees and shrubs along the boundaries (which appear to be self seeded) which would be lost as a result of this proposal. However, these are of little amenity value and their removal, subject to suitable replacements, could actually enhance the character of the locality.

- 3.11.2 The applicant has not submitted a full landscaping plan, however, as set out illustratively where the planting would be throughout the development which is considered sufficient to determine this application. This demonstrates that there would be a good level of landscaping along both the Armstrong Road and Enterprise Road frontages. These trees are shown to be indigenous, such as hornbeam or birch trees, and I consider that it is appropriate to place a specific condition upon any approval that would ensure that any subsequent details reflect this.
- 3.11.3 Furthermore, as Members may be aware it was agreed as part of the previous application on this site, that there would be three 'build outs' provided along Enterprise Road, which would have the dual affect of calming the traffic, as well as further softening the appearance of this road.
- 3.11.4 Internally, there are a significant number of trees proposed to be located throughout the site (it should be borne in mind that at present there are no trees within the site) which would ensure that there would not be an over-dominance of hard landscaping. Again, these trees proposed would be of an indigenous species, reflecting the character of the locality, and drawing in local reference to the development.
- 3.11.5 Green roofs are to be provided on three of the prominent units within the development, as well as upon all bin storage areas, throughout the development. As there is a substantial level of hard landscaping throughout the site (albeit permeable) it is considered that the provision of these green roofs would aid with reducing run-off, as well as aiding biodiversity throughout the development.
- 3.11.6 Ragstone walled planters are proposed at the entrance points to the development, which would be large enough to contain trees, creating suitable 'gateways' (which draw reference to the locality) into, and out of the development. The use of ragstone on these planters, in such prominent locations is welcomed, as this again provides a local character and appearance to the development. No specific details have been provided of these planters, so I consider it appropriate to condition the details to ensure that they are locally sourced, and that they are of a sufficient size.

3.12 Contributions

- 3.12.1 As Members are aware, this proposal is for a development of 100% affordable housing. The applicant has indicated that due to the financial constraints of the development, they will be unable to provide the full contributions that we would expect for a development of this scale, in accordance with the Council's Development Plan. In doing this, the applicants have submitted a viability assessment, which indicates that the returns on the proposal would be

insufficient to provide these contributions for parks and open space, KCC (Mouchel), or the PCT.

- 3.12.2 As Members are aware, this Authority has agreed that the provision of affordable housing, together with the provision of suitable, and where appropriate, improved parks and open spaces, are the two joint priorities of the Council. When faced with the situation of no contributions being provided, one has to therefore carefully assess the benefits of approving (or refusing) such an application, and in doing so, carefully assessing the existing facilities within the area, and whether they would be capable of being accommodated, without detrimentally impacting upon the facilities for the existing residents.
- 3.12.3 I will address Parks and Open Space first, as this is the joint priority. Whilst no formal comments have been received from the Parks and Open Space Team (due to absence and illness) informal comments have been received which set out that contributions would be required for this site. However, this is a site which sits opposite one of better equipped open spaces (South Park) within the Borough, containing all weather pitches, a skate park, play equipment, and open recreational space. A significant amount of money has been spent improving this space over the recent years, and as such, the future occupiers of the units would have good access to high quality space (further improved by the provision of a new zebra crossing within Armstrong Road). As such, it is considered that the future residents of this development would have access to high quality open space, within the immediate area of the application site. Circular 05/2005 states that when asking for contributions, six tests need to be met, one of which is whether the request is 'reasonable'. One has to therefore assess, whether in this circumstance (i.e. the financial constraints of the development), it would be reasonable to expect the developer to pay for this contribution. My view would be, due to the fact that the developer is providing 100% affordable housing, which would be built to level 4 of the CSH, which has significant cost implications, this should be balanced against the need to provide open space contributions for a site so well served at present, and my view would be that this would prove to be unreasonable, and therefore fail the aforementioned test. As such, I consider this to be an exceptional circumstance (to which Policy OS1 refers), and no contributions for parks and open space are required in this instance.
- 3.12.4 Furthermore, Mote Park is within a reasonable walking distance from the application site, which has a large leisure centre, sports pitches, and vast open spaces.
- 3.12.5 The Primary Care Trust have also requested that contributions be made. Whilst it is regrettable that in this instance, no contributions can be provided following their request, this is on the basis that a sound financial appraisal has been carried out on the cost of the development.

- 3.12.6 Likewise, KCC (Mouchel) have requested contributions which, unfortunately, cannot be met by the developer.
- 3.12.7 It is therefore considered that, on balance, due to the exceptional circumstances of this application, it would not be appropriate to request the contributions as set out above, as the application does comply with the policies within the Development Plan. Whilst it is regrettable that no money is available for the contributions requested, all units are to be affordable which is both central Government and Maidstone Borough Council's number one priority. It is not considered therefore, that to refuse this application on the lack of contributions would be upheld on Appeal.

3.13 Residential Amenity

- 3.13.1 As the previous use of the site was for a Borough Council Depot, this alternative use is considered to represent a less intrusive form of development, certainly in terms of potential noise and disturbance. However, there are neighbouring properties, particularly to the south of the application site that would be affected by this proposal.
- 3.13.2 These properties, within Lacock Gardens are traditional two storey dwellings, with rear gardens that face on to the application site. These rear gardens are of varied length (the corner property is at approx. 45° to the development) between approximately 4metres in depth, and 8/9metres. There is, at present a high boundary wall in excess of 2metres in height between the depot and these properties. The rear gardens of the proposed properties would have rear gardens of approximately 10metre in depth, and as such, whilst built form is to be introduced closer to these properties than at present, there is considered to be sufficient distance to ensure that there would be no significant overlooking to the rear of these existing dwellings.
- 3.13.3 All properties along this rear boundary would be two storey (one being three storey at the front, dropping to two at the rear), and as such, would be of a similar height to those behind, thus, not appearing as dominant, or overbearing, and would not result in the loss of daylight, nor would the buildings create an unacceptable sense of enclosure.
- 3.13.4 There are no other residential properties within the locality that would be affected by this proposal, due to their distance from the site.
- 3.13.5 It is therefore considered that this proposal would not have any significant impact upon the residential amenities of the neighbouring occupiers, and the application is therefore considered to comply with the requirements of the Development Plan, and with central government guidance.

3.14 Sustainable Construction

- 3.14.1 As this development is being proposed by Maidstone Housing Trust, in order for them to obtain their full grant, there are required to build these units to a minimum of level 3 of the code for sustainable homes. However, in this instance, it has been agreed that a minimum of code level 4 will be achieved throughout the development. In addition to this, the applicant has also stated that at least 10% of all energy throughout the development would be generated through renewable sources, in accordance with Policy NRM11 of the South East Plan (2009).
- 3.13.2 In order to achieve level 4 of the CSH, the applicant has indicated a number of measures that they would undertake, including the provision of high performance gas boilers, mechanical heat recovery ventilation systems, energy saving lighting, Water butts, internal recycling bins, plus other features yet to be confirmed.
- 3.14.3 This would be the first development of this scale to be constructed to level 4 of the CSH within the Borough of Maidstone. In my opinion, this is a particularly strong feature of this development, and the use of such technology on this scale would set the bar higher for future developments of this nature. The cost of meeting level 4 rather than level 3 would equate to approximately £2000 per unit, which is a significant extra cost for the development overall. However, it is thought that this would have significant, overriding benefits for not only the wider environment, but the residents within the units - hopefully reducing the cost of living. Whilst this isn't defined as a *priority* for this Authority, in the same way as parks and open space is, it is my opinion that building to this level would have genuine long term benefits for the wider area, and as such should be encouraged.
- 3.14.5 The applicant has also demonstrated that they would incorporate green roofs on a number of the residential units proposed. These would be sited along the Enterprise Road frontage of the development, acknowledging that this is the 'greenest' part of the proposal, and therefore drawing reference from this character.
- 3.14.6 It is therefore considered that in terms of sustainable construction, this application excels, and goes over and beyond what this Authority would normally seek. As such, I conclude that the development is of a high quality sustainable design, and would be a stand out scheme for Maidstone.

3.14 Highways

- 3.14.1 The applicant has demonstrated that there would be a sufficient level of parking provision throughout the site, to ensure that there would be no detrimental impact upon highway safety. In total, 75 car parking spaces are to be provide throughout the site, giving a ratio of 0.8 spaces per unit throughout the development. As can seen from the consultations above, Kent Highway Services raise no objections to this proposal. This is considered to be in accordance with PPG13. This Authority does not have any minimum parking standards, and as stated within PPG13, Local Authorities should not impose maximum parking standards upon developers, who should themselves lead on the provision within the development. This Authority would only be able to refuse this application on lack of parking, if it was clear that a relatively low ratio would result in a highway safety issue that cannot be resolved by parking regulations. It is both my view, and that of Kent Highway Services that this would not be the case, and as such there are no grounds to refuse this application on these grounds.
- 3.14.2 Access into and out of the site is considered to be of a sufficient standard, with good visibility splays on either side of all. This would ensure that all future residents/visitors could enter and leave the site, in a forward gear, safely.
- 3.14.3 Furthermore, the provision of the nodal squares throughout the development would enable large vehicles, such as refuse trucks or fire appliances to enter into and out of the site safely, with suitable distances to all properties to enable collection. All roads would be constructed to a standard to allow for their adoption. The manner in which the streets have been laid out is in accordance with Manual for Streets.
- 3.14.4 The applicant has submitted a green travel plan, which sets out the measures to be undertaken to assist with new residents using public transport – a welcome pack is to be provided providing time tables for example. In addition, all dwellings would be provided with a shed for cycle storage (separate cycle storage would be provided within the flats).
- 3.14.5 It is therefore considered that this proposal would not be to the detriment of highway safety, both in terms of the parking provision, and the internal layout, and I therefore conclude that this is in accordance with central government policy.

3.15 Noise/Contamination

- 3.15.1 A noise impact assessment was submitted with the application, and has been fully assessed by the Council's Environmental Health Officer. This demonstrates that the proposed development would result in a lesser impact upon neighbouring residential properties than the previous use, and one which is well within the parameters of that considered acceptable. Whilst construction may

prove to be a relatively noisy operation, this is only within the short term, and in any event, informatives have been suggested to restrict the impact of this.

- 3.15.2 The site is considered to be likely to be contaminated, and as such, the Council's Environmental Health Officer has requested that should permission be granted, then an appropriate safeguarding condition be imposed to ensure that there would be no danger to health during construction, and also when future residents move in. This is considered to be an appropriate mechanism to deal with this matter, and the applicant is aware that this work will be required to be undertaken.

3.16 Ecology

- 3.16.1 The applicant has submitted a full ecological report with the application. This report sets out that the existing use of the site would ensure that there would be little or no chance of any protected species within the application site. However, I conclude that it would be appropriate to push the developers on this matter, and suggest that informatives be placed upon any decision notice recommending the use of swift bricks, and bat boxes throughout the development, to further improve this situation.
- 3.16.2 PPS9 seeks to see environmental improvements throughout any new developments. As previously stated, the applicant is to provide a number of green roofs throughout the development, which could well improve the biodiversity throughout the site. Likewise the provision of additional soft landscaping throughout the development, both in the form of planters, and the planting of trees, would further improve the current situation. It is therefore considered that this proposal would comply with this planning statement.
- 3.16.3 I therefore conclude that this application would be likely to have an overall benefit to biodiversity, both within the site, and to the wider area (the additional planting may assist foraging etc) as on this basis complies within the requirements of the development plan.

3.17 Other Matters

- 3.17.1 The applicant has submitted a flood risk assessment which demonstrates that this development would not give rise to any flood risk implications to future occupiers. It should also be noted that this development is at the same level as the Lacock Gardens, and also as the previous application which was resolved to be approved. I therefore see no grounds to refuse this application on these grounds.
- 3.17.2 No detail of any of the lighting to be provided within the application site has been submitted to date. As the site is relatively well contained, and with the

existing lighting borne in mind, it is not considered that the provision of street lighting within the development would have a significant impact upon the amenities of the neighbouring occupiers.

5.0 Conclusion

5.1 It is therefore considered that this proposal would have a positive impact upon the character and appearance of the area, with the loss of the existing unsightly depot, with the erection of this residential development of a particularly high standard - in terms of layout, design (including sustainable construction), ecology and landscaping. The proposal complies with the policies within the Development Plan and in some cases, exceeds them. However, there is clearly a shortfall in terms of the contributions to be provided. However, I conclude that the overall quality of the development, and the fact that it is providing affordable family accommodation (and in light of the financial information submitted) overrides this. I therefore recommend that Members give this application favourable consideration, and resolve to grant subject to the receipt of a suitable S106 legal agreement to ensure that all properties remain affordable, and to the conditions and informatives set out below.

RECOMMENDATION

Subject to:

- i) A Section 106 legal agreement ensuring the development is retained as 100% affordable housing;
- i) No additional/new representations being received following the most recent public consultation to the financial appraisal.

I be GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until details, in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to, and approved by the local planning authority;
 - i) Details of the roof overhangs;
 - ii) Details of windows and doors (including garage doors) and recesses/reveals,

which shall be a minimum of 100mm;

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

3. No development shall take place until precise details of bin storage, clothes drying and cycle storage facilities for the flat blocks have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be available prior to the first occupation of any of the units, and thereafter maintained.

Reason: To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with PPS1.

4. No external meter cupboards, vents, flues or extract grilles shall be installed on any elevation facing a highway without the prior agreement in writing of the Local Planning Authority.

Reason: In the interest of the visual amenity of the area in accordance with PPS1.

5. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are constructed in a satisfactory manner in accordance with PPS1 and PPG13.

6. 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 (other than those shown on the approved plans) shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability and to maintain the landscaped parkland setting for the development pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

7. No development shall take place until details of all fenestration details have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be fully implemented.

Reason: In the interest of the visual amenity of the area in accordance with PPS1.

8. Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and in quantities to be agreed with the Local Planning Authority prior to any tree felling taking place.

Reason: In the interest of biodiversity enhancement in accordance with PPS9.

9. The development shall not commence until samples of the materials, (which shall include multi stock yellow bricks, render and natural slate) to be used within the construction of the buildings, and hard-standing hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: In the interests of securing a high quality finish to the development in accordance with PPS1.

10. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1 and PPS3.

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

revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with PPG13.

- 13.No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 4 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

- 14.No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

- 15.Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Reason: In the interests of biodiversity within the site in accordance with PPS9.

- 16.The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall 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: To prevent harm to human health and pollution of the environment in accordance with PPS23.

17.No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include a land survey and tree survey in accordance with BS 5837 (2005) 'Trees in Relation to Construction - Recommendations' with 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 a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with ENV6, and PPS1.

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

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

19. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with PPS1.

20. There shall be no deviation from the approved plans.

Reason: To ensure a high quality of development in accordance with PPS1

21. No external communal bin stores shall be provided, other than those shown on drawing number 2015-AS-26 Rev D received 15/11/2007.

Reason: To ensure a satisfactory appearance to the development pursuant to PPS1.

22. Prior to the commencement of the development hereby permitted, details of the ragstone planters and other means of enclosure to be erected along the back edge of pavements, shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and maintained thereafter.

Reason: To prevent excessive car parking and to ensure the visual appearance and landscaped setting of the site is maintained pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

23. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of any building without the prior approval in writing of the local planning authority;

Reason: To preserve the integrity of the design of the development pursuant to PPS1.

24. No development shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E, F and H, Part 2 Class A and Part 25 Classes A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area. In accordance with policy PPS1.

26. No development shall take place until precise details of the green roofs are submitted to the Local Planning Authority and approved in writing.

Reason: In the interests of the biodiversity of the application site, in accordance with PPS9.

27. No development shall take place until details of the proposed foul and surface water drainage works including measures to safeguard the existing public foul sewer within the site during the course of development have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of any of the dwellings.

Reason: To ensure adequate drainage arrangements pursuant to PPS25.

28. All services to the premises shall be underground;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

29. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the LPA. The proposals shall detail sources of best practice used.

1. Approved works shall be carried out in full on site prior to first occupation.
2. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme.

Reason: in the interest of the health and safety of future occupiers, in accordance with PPS23.

30.No development shall take place until precise details of the build-outs to be provided within Enterprise Road have been submitted, and agreed in writing by the Local Planning Authority. Such details as are agreed shall be provided prior to the first occupation of any of the units, and shall thereafter be maintained.

Reason: In the interest of visual amenity and highway safety in accordance with PPS1 and PPG13.

31.No development shall take place until precise details of the zebra crossing proposed within Armstrong Road have been submitted to the Local Planning Authority and agreed in writing. Such details as are approved shall be completed prior to the first occupation of any of the residential units hereby permitted, and thereafter maintained.

Reason: In the interests of pedestrian permeability, and improved access to public open space, in lieu of such contributions, in accordance with policy OS1, the Kent Design Guide.

Informatives set out below

No development shall commence until there is provision within the site to accommodate operatives' and construction vehicles loading/off-loading and turning and for the parking for site personnel/operatives/visitors.

Whilst details of the materials to be used within the hard surfaces within the development hereby permitted have been submitted, and are considered appropriate, the condition imposed upon this permission requires the applicant, or their successors in title to submit details of all external surfaces, including kerb stone, driveway, pathways etc.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

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

In order to minimise the threat of dust pollution during site clearance or construction works, the developer shall ensure that all measures are undertaken (including a watering regime during dry weather) under their control. This shall continue until the works have been completed on site.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond and boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

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

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge on to the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

The provision of 'swift bricks' on the external faces of the buildings should be employed in the interest of nature conservation and biodiversity enhancement.

There shall be no burning of waste materials on site.

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

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

REASON FOR APPROVAL

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material consideration to indicate a refusal of planning consent.