

## REPORT SUMMARY

**REFERENCE NO:** 23/504552/FULL

### APPLICATION PROPOSAL:

Demolition of existing buildings and structures and erection of a mixed-use development comprising 217no. residential dwellings and 1,863.5sqm of commercial floorspace (comprising flexible E Use Classes) comprising Block A (6-7 storeys), Block B (8-9 storeys), Block C & D (7-8 storeys), Block E (3 storeys), public realm works (Sandling Road frontage and public piazza), car and cycle parking, landscaping, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator).

**ADDRESS:** Former Royal Mail Sorting Office, Sandling Road, Maidstone, ME14 2RJ

### RECOMMENDATION: APPROVE PERMISSION

#### SUMMARY OF REASONS FOR RECOMMENDATION:

- The proposed development/uses are not in accordance policies SP4 or RMX1(2) of the adopted Local Plan which seek a 'retail-led' development at the wider allocation of the Maidstone East site. The proposals are therefore contrary to the Development Plan in this respect.
- Section 38(6) of the Planning and Compulsory Purchase Order Act 2006 states that,  
  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- Any decision not in accordance with the Development Plan requires clear justification.
- A key material consideration is the emerging Local Plan Review which attracts 'substantial' weight and changes to the allocation for a different mix of uses and amounts under draft policy LPRSA146 for *"approximately 500 dwellings, 2,000m<sup>2</sup> new retail, 5,000m<sup>2</sup> business and other appropriate town centre uses such as a medical facility"*. This is based on the Council's most up to date evidence base on retail/employment need (2021). The policy is considered to attract 'substantial' weight and is considered to be sufficient grounds to allow a decision not in accordance with adopted allocation policy RMX1(2).
- The application site is around half of the allocation and the proposed uses are in accordance with the draft policy and 500m<sup>2</sup> of retail is secured by condition. The overall amount of retail and commercial floorspace is below that envisaged in the policy (for half of the site) but the aims of the site allocation would not be unduly compromised.
- The development would cause a low level of 'less than substantial harm' to the setting of Sessions House (Grade II). The development would therefore not preserve or enhance the setting of this asset to which special regard must be had under the relevant Planning Acts and there is some conflict with policy DM4

of the Local Plan and draft policy LPRENV1 of the Local Plan Review.

- It is considered the scheme has been designed to minimise the impact upon Sessions House and some harm to the setting is inevitable where taller buildings are proposed and in order to provide the development envisaged under the allocation. The public benefits of the development as set out in the report are considered sufficient to outweigh the low level of 'less than substantial harm' to the setting of this heritage asset.
- Affordable housing is not provided for viability reasons which is contrary to policy SP21 of the Local Plan and draft policy LPRSP10(B) of the Local Plan Review but there are evidenced reasons for this.
- The development would not harm the character and appearance of the local area in terms of its scale and massing. The current site and buildings detract from the local area and the proposals would provide a high-quality scheme (subject to conditions) that would have a positive impact and enhance the character and appearance of the site and thus local area.
- There are no objections in terms of highways impacts and the parking provision is in accordance with Local Plan and Local Plan Review policy.
- The proposals are in accordance with the relevant criteria of draft site policy LPRSA146 and comply with all other relevant Development Plan and emerging policies. Suitable mitigation is secured by conditions or a legal agreement where necessary, and there are no objections from any statutory consultees.

**REASON FOR REFERRAL TO COMMITTEE:**

The recommendation is a departure from the Maidstone Local Plan 2017 specifically policy SP4 - (Maidstone Town Centre) and policy RMX1(2) – (Maidstone East and Former Royal Mail Sorting Office Allocation).

Maidstone Borough Council is the applicant.

<b>WARD:</b> North	<b>PARISH COUNCIL:</b> N/A	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> Stantec
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 31/10/23	<b>DECISION DUE DATE:</b> 30/01/24

**ADVERTISED AS A DEPARTURE:** Yes

**Relevant Planning History**

23/504552 Demolition of existing buildings and structures and erection of a mixed-use development comprising 217no. residential dwellings and 1,863.5sqm of commercial floorspace (comprising flexible E Use Classes) comprising Block A (6-7 storeys), Block B (8-9 storeys), Block C & D (7-8 storeys), Block E (3 storeys), public realm works (Sandling Road frontage and public piazza), car and cycle parking,

landscaping, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator) – APPROVED

- 23/510020 Screening Opinion Request regarding construction of up to 220 dwellings and 1,400 square metres of non-residential floorspace – EIA NOT REQUIRED
- 22/501983 Extension to the time for a temporary use by a further 3 years. Use comprises offices, storage and retail warehouse, and car parking – APPROVED 22/07/22
- 16/507358 Change of use of Royal Mail Depot and ancillary offices to a mix use comprising B1a (Offices), use of main warehouse for public car parking, use of warehouse 2 for a mixed B8 and A1 retail warehouse, use of undercroft parking as a carpark; for a temporary period of 5 years – APPROVED 05/01/17
- 14/500483 Outline planning application for the redevelopment of land at Maidstone East to provide a new railway station and station building (330 sqm gja), new large foodstore (8,296 sqm gja), customer cafe, non-food retail units (4,364 sqm gja), flexible units within class A1 (retail), A2 (financial and professional services), A3 (restaurant and cafe) use class A4 (drinking establishment) or A5 (hot food takeaways), petrol filling station, associated commuter parking (560 spaces), retail parking (580 spaces), and off site highways works with all matters reserved for future consideration - WITHDRAWN

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application relates to the former Royal Mail Sorting Office site which is towards the northern end of the defined town centre in the Local Plan and is accessed from Sandling Road. It contains a 3 storey office building at the east end fronting Sandling Road known as 'Cantium House' and 98 Sandling Road which rises to 5 storeys to the rear due to the drop in land levels, and former 2 to 3 storey warehouses, with service yards and parking areas in the centre and west part that were the former sorting office buildings. There is some undercroft parking below the western part of the warehouse buildings and the remainder of the site is mainly hard surfaced.
- 1.02 To the north of the site are two office buildings at 'County Gate', to the east offices at 'Invicta House' and 'Sessions House' which is a Grade II listed building, to the south the Maidstone East station car park, and to the west the A229.
- 1.03 The site has been used since 2017 for car parking, a mixed B8 storage and A1 retail warehouse unit and offices/community meeting rooms under temporary planning permissions the latest of which expires in 2025.
- 1.04 The site falls within then northern part of allocation RMX1(2) in the Local Plan which is a mixed use allocated for retail, offices, and housing and

includes the Maidstone East car park and station. Under the draft Local Plan Review the allocation remains (LPRSA146) with a similar mix of uses but in different amounts which is discussed in the appraisal section of this report.

1.05 There are a number of listed buildings nearby including Sessions House (Grade II) and Maidstone Prison Wall and Buildings (Grade II) to the east, the 'White Rabbit' Pub (Grade II\*) to the north, and the 'Powerhub Building' (Grade II) to the southwest. The Chillington House Conservation Area (Brenchley Gardens) is to the south which has a number of listed structures with Maidstone Museum (Chillington House Grade II\*) beyond.

## 2 PROPOSAL

2.01 Permission is sought for the following main elements which would involve demolition of the office and warehouse buildings:

- 217 dwellings comprising a mix as follows:

1 bed flats	63
2 bed flats	112
3 bed flats	42

- Three main buildings as follows:  
East of site: Block A (6-7 storeys) fronting Sandling Road and adjoining Block B (8-9 storeys) behind.  
West of site: Blocks C & D (7-8 storeys).  
Centre: Block E (3 storeys).
- 1,863m<sup>2</sup> of commercial floorspace within the lower and upper ground floors of Blocks A and B.
- 159 parking spaces.
- Public realm at the east end of the site.
- Communal outdoor spaces for residents.

2.03 The site layout is shown below.



Site Layout

2.04 The scheme is predominantly residential and the commercial floorspace is for any Class E uses (town centre uses). Class E uses can be shops and restaurants; financial and professional services; indoor sport, recreation, or fitness; medical or health services; creche or day nurseries; and offices, research and development, or light industry.

2.05 The existing vehicular access on the north part of the site would be retained. Pedestrian access would be from Sandling Road where there would be a split level 'piazza' on the inside of Blocks A and B between the commercial uses that would open to the public. The rest of the site would not have public access and would be gated for residents only. Pedestrian access via a controlled gate is proposed to the A229 for residents only.

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

**Maidstone Borough Local Plan 2017:** SS1, SP1, SP4, SP18, SP19, SP20, SP23, RMX1, ID1, RMX1(2), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM16, DM19, DM20, DM21, DM23

**Kent Waste and Minerals Plan** (amended 2020): CSW3, DM7, DM9

**The National Planning Policy Framework** (NPPF)

**National Planning Practice Guidance** (NPPG)

**Supplementary Planning Documents:** Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance

(2017); Public Art Guidance (2017); Chillington House Conservation Area Appraisal & Management Plan (2021)

**Maidstone Local Plan Review (Regulation 22):** LPRSS1, LPRSP1, LPRSP2, LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP11, LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRSA146, LPRHOU5, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRINF2, LPRINF4, LPRENV1, LPRQ&D1, LPRQ&D2, LPRQ&D6, LPRQ&D7

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the 'Main Modifications' the Inspector considers are required to make it sound have been out to public consultation so it is at an advanced stage.

This Council invited the Inspector to make any changes necessary to the 'Main Modifications' in order to make the Plan sound. The Inspector has done so in his Final Report (8<sup>th</sup> March 2024) and so the recommendation is simply one of adoption to PAC PI, Cabinet and, crucially, Council on the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>, respectively, of March. However, if the recommendation to adopt is accepted then the Plan would still not have full weight because the 6 week period for judicial review would need to expire (6 weeks from the date of the Council's decision) and so, at this stage, the Plan attracts 'substantial' weight.

## **4 LOCAL REPRESENTATIONS**

**4.01 Local Residents:** 9 representations received raising the following (summarised) points:

- Traffic congestion.
- Lack of parking for flats and no parking for commercial uses.
- Lack of local parking for residents already.
- Highway safety.
- Over development.
- Eye sore.
- Loss of office space and jobs.
- Anti-social behaviour.
- Development more likely to go to London Boroughs.
- Lack of infrastructure.

**4.02 Ward Councillor Harwood:** Raises the following (summarised) points:

- Lack of natural, semi-natural and formal green space and wetland areas.
- Lack of landscaping.
- Heavy reliance on non-native species.
- Excessive hard surfacing.
- Little ecological connectivity.
- Opportunities for integral niches for biodiversity.
- Air source heat pumps and solar PV is appropriate.
- Lack of clarity on water efficiency.
- Lack of details on lighting to reduce impact.
- Concern re. lack of affordable housing and community infrastructure.

- Buildings should be softened through contrasting materials and colours.
- Pedestrians should be given priority when crossing Sandling Road.
- Treatment of surface water requires scrutiny and harvesting, vegetation irrigation, wet habitat features and reuse must form a part of the overall surface water strategy.

4.03 **(Neighbouring) Ward Councillor Conyard:** Raises the following (summarised) points:

- Negative effect on the neighborhood due to lack of parking for flats and commercial uses which will create significant overspill into what is already an extremely congested area of the borough for parking.
- The statement that there is available parking nearby would be deemed to be absurd to residents from Ringlestone to St Luke's.
- Overdevelopment with existing and proposed developments at Springfield Library, Springfield Mill, Springfield Park. This small patch of Maidstone (approximately 500m in length) will have seen over 1,000 new properties erected, in development, or seeking approval in less than a decade.
- Coupled with the local plan Invicta Park site and 1,300 new homes and the type of homes, the character of this area is being drastically changed seemingly to turn it into one big row of high-rise flats.

## 5 CONSULTATIONS

*(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)*

- 5.01 **Historic England:** Do not offer advice and suggest seeking the views of conservation and archaeological advisers despite the close proximity of listed buildings.
- 5.02 **Active Travel England: Recommend conditional approval** relating to access points/permeability and a travel plan.
- 5.03 **Health and Safety Executive: No objections:** *"Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description..."*
- 5.04 **Natural England: No objections** re. impact upon the North Downs Woodland Special Area of Conservation.
- 5.05 **Environment Agency: No objections subject to conditions** relating to contamination, surface water drainage, foul drainage, and piling.
- 5.06 **KCC Highways and Transportation: No objections subject to a** financial contribution towards walking and cycling schemes, a TRO for the proposed loading bay, construction management plan, prevention of surface water to the highway, retention of vehicle and cycle parking, loading and turning facilities, and EV charging.

- 5.07 **KCC Flood and Water Management: No objection subject to conditions** to provide fine details of the SUDs scheme and its verification.
- 5.08 **NHS Strategic Planning and Primary Care Estates: Support the application** - *"NHS Kent and Medway Integrated Care Board (The ICB) recognises this development, and we are pleased that it provides an opportunity for the provision of healthcare services in the centre of Maidstone. The ICB is aware of the discussions that have taken place with the former Clinical Commissioning Groups regarding this opportunity in recent years. I can confirm the ICB welcomes this development and is actively working with the healthcare providers in the West Kent Health and Care Partnership (HCP) to fully assess this opportunity and define requirements as part of the HCP's estates strategy for the area. The ICB is supportive of the application and is committed to working with the council regarding the use of the space for healthcare purposes."*
- 5.09 **KCC Ecological Advice Service:** No objections re. protected species, sought clarification re. Habitats Regulations Assessment, and advise over 20% BNG is likely to be achievable on site.
- 5.10 **KCC Infrastructure:** Request financial contributions towards primary (£215,155), secondary (£382,294), SEND (£22,253) education, community learning (£7,423), children's services (£11,773), libraries (£13,590), social care (£39,250), and waste (£11,284).
- 5.11 **KCC Archaeology: No objections subject to a condition** re. geo-archaeological and archaeological field evaluation, recording, reporting, post excavation assessment and publication, and heritage interpretation.
- 5.12 **KCC Minerals: No objections:** *"The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter."*
- 5.13 **Environmental Protection: No objection subject to conditions** relating to construction, noise mitigation, acoustic report in relation to the substation, treatment of fumes/odours from commercial uses, lighting, air quality, car club, EV charging, and contamination.
- 5.14 **MBC Conservation: No objections:** Considers there will be a low level of 'less than substantial' harm to the settings of Sessions House and the Conservation Area but the scheme has mitigated the harm as far as reasonable possible by design.
- 5.15 **MBC Landscape: No objections subject to** the use of native landscaping including trees, tree protection measures, and an arboricultural method statement.
- 5.16 **MBC Housing:** Note the viability appraisal has suggested affordable housing would not be achievable but question whether a small amount could be provided. They state,

*"There is a high demand for affordable housing within the town centre, as evidenced by the number of applicants currently active on the Housing Register. As of November 2023, there are 586 households registered for*



*affordable housing who have stated that Maidstone Town Centre is their first choice, or one of their preferred areas in the borough, equating to 49% of all households registered."*

5.17 **MBC Parks and Open Spaces:** Request a financial contribution of £315,573 towards the following to address the deficits in the three typologies play, sport and natural that are not provided:

- Whatman Park – towards improvements and maintenance of the infrastructure including play facilities, and habitat maintenance and management including access improvements and signage.
- James Street Play Area/Arundel Street Play Area – towards improvements and maintenance to infrastructure including play facilities, fencing and surfacing.
- Penenden Heath – towards improvements and maintenance of sport facilities.

5.18 **MBC Economic Development: Support the application** (in summary) as the scheme aligns with Priority 5 of the Council's Economic Development Strategy (Destination Maidstone Town Centre); will assist in developing emerging actions from the forthcoming Town Centre Action Plan; will provide employment in a flexible format that will allow the scheme to react to market demand; potential GP surgery or office space would be welcomed; and the ground floor commercial uses and public realm improvements will assist with increasing footfall and vibrancy.

5.19 **MBC Building Control:** Would require a demolition notice to be submitted.

5.20 **Southern Water:** Advise that they can provide foul sewage disposal to service the development.

5.21 **Kent Police:** Recommend various general measures to reduce crime.

## 6 APPRAISAL

6.01 The key issues are:

- **Policy Context & Assessment**  
*(Adopted Local Plan and Draft Local Plan Review Site Allocation)*
- **Impact on the Character and Appearance of the Area**  
*(Scale/Height, Massing, and Impact on Views)*
- **Design**  
*(Layout, Connectivity and Public Spaces, Landscaping, and Building Designs)*
- **Impact on Listed Buildings and Chillington House Conservation Area**
- **Residential Amenity**

- **Highways**  
(Access, Traffic Impacts, Parking, Public Transport, Walking and Cycling)
- **Biodiversity**  
(Protected Species and Biodiversity Net Gain)
- **Affordable Housing, Infrastructure and Open Space**
- **Other Matters**  
(Drainage, Archaeology, Minerals, Air Quality, Energy and Water, Waste, and Representations, Habitats Regulations Assessment)

### **Pre-application**

6.02 The scheme has been subject to 3 pre-application meetings with officers since late 2022 and a Member Briefing held in June 2023 (this application is not the subject of a Planning Performance Agreement (PPA)). An external 'Design Southeast' Review was carried out in March 2023. The scheme has evolved in response to advice and Member feedback from these meetings.

### **Policy Context & Assessment**

6.03 This section centres on the conflict with the floorspace required for offices and retail required by the adopted Local Plan weighed against the requirements of the draft Local Plan Review. The site apart from Cantium House and a small part of the frontage with Sandling Road falls within the northern part of mixed use allocation RMX1(2) in the adopted Local Plan. The allocation also includes the Maidstone East station car park, the station itself and forecourt to the front, the railway tracks/sidings, and an area to the south of the tracks currently used for parking. The allocation has an area of approximately 4ha but excluding the station, forecourt and tracks (around 1.42ha) which are unlikely to be developed this leaves around 2.58ha. The application site is 1.53ha and includes some land outside the allocation and therefore represents around 53% of a realistically developable area of the allocation.

#### *Proposed Uses & Policy RMX1(2) of the adopted Local Plan*

6.04 Under policy RMX1(2) the wider site is allocated for up to 10,000m<sup>2</sup> of comparison and convenience retail floorspace, 1,000m<sup>2</sup> of office floorspace and approximately 210 dwellings. So the primary focus for development at the site is retail and paragraph 4.58 of the Local Plan states,

*"The key opportunity and top priority for new retail development will be the Maidstone East/Royal Mail Sorting Office site.... The site can help deliver a new modern shopping destination, creating a further 'anchor' shopping location in the town centre alongside Fremlin Walk and The Mall."*

6.05 Policy SP4 (Maidstone Town Centre) outlines criteria to regenerate the town centre with criterion (ii) being *"the retail-led redevelopment of Maidstone East/Royal Mail Sorting Office site."*

6.06 Being around half of the allocation the site should provide in the region of 5,000m<sup>2</sup> of retail, 500m<sup>2</sup> of office and 105 dwellings on a pro rata basis to align with policy RMX1(2).

- 6.07 The proposals are for 1,863m<sup>2</sup> of town centre uses and 217 dwellings. The applicant has agreed to 500m<sup>2</sup> of retail space being secured by condition but the remainder is non-committal and seeks flexibility.
- 6.08 Therefore, the proposals do not provide sufficient retail or any office use for certain and essentially take up half the allocation predominantly with residential development using up the yield allowed under the policy. The likelihood of the remainder of the site coming forward solely for retail and offices in the quanta envisaged under the site policy and achieving the key aim of a retail-led scheme is extremely low. As such, the proposed uses are not considered to be in line with policy SP4 or RMX1(2) to achieve the aims of the Local Plan for the site. As such there is clear conflict with the Development Plan in that the application proposes retail and office floorspace significantly below the adopted policy requirements.

### Draft Local Plan Review

#### *Policy LPRSA146 – Maidstone East*

- 6.09 The site continues to be allocated in the emerging Local Plan Review (LPR) but with a different mix of uses and quanta under policy LPRSA146. Given that the evidence base for the LPR is more contemporary than the adopted Local Plan, significant weight can be attached to the quanta set out. It also sets out the Council's ambitions for employment creation in the town centre.
- 6.10 Emerging policy LPRSA146 (subject to main modifications) allocates the site for "*approximately 500 dwellings, 2,000m<sup>2</sup> new retail, 5,000m<sup>2</sup> business and other appropriate town centre uses such as a medical facility*". It therefore increases the number of dwellings by around 300, reduces retail by 8,000m<sup>2</sup> and introduces 'business and town centre uses'. So clearly the balance has shifted to residential being a much more important use than either retail or offices as per the adopted Local Plan.
- 6.11 This is based on the most recent evidence base being the 'Economic Development Needs Study Addendum' (2021) which only identifies a need for 1,716m<sup>2</sup> convenience retail floorspace and no comparison floorspace, and 4,394m<sup>2</sup> food/beverage retail to 2032 in the town centre. As such the total floorspace for the town centre is 6,110m<sup>2</sup> which is well below the existing Local Plan allocation for 10,000m<sup>2</sup>. This is a material consideration when weighing conflict with the Local Plan allocation, namely, the balance in favour of residential use as opposed to either office or retail floorspace.
- 6.12 Under the accompanying text to policy LPRSP1 (Maidstone Town Centre) Maidstone East is described as a "*key site with opportunity for significant new retail development*" at paragraph 6.20 and "*a top priority for new office development*" with "*capacity to accommodate in the region of 5,000m<sup>2</sup> of office floorspace*" at paragraph 6.29. Under policy LPRSP11(B) (Creating New Employment Opportunities) the site is within a table recorded as providing 5,000m<sup>2</sup> of office floorspace.
- 6.13 As such, the accompanying text prioritises the site for offices and 'significant new retail development' but the actual policy i.e. LPRSA146

does not reflect this in terms of specifically requiring offices and just refers to 'business' and town centre uses. The wording of the allocation policy takes precedence and so office floorspace is not a specific requirement, rather any town centre use would be deemed acceptable given the ambiguous wording of LPRSA146.

- 6.14 Being around half of the allocation, the site should provide in the region of 1,000m<sup>2</sup> of retail, 2,500m<sup>2</sup> 'business' and other appropriate town centre uses such as a medical facility, and 250 dwellings on a pro rata basis to align with policy LPRSA146.
- 6.15 The proposals for 1,863m<sup>2</sup> of commercial floorspace/town centre uses are unspecific but Class E covers a whole raft of uses and this long list of possible uses is allowed for in the flexible wording of the policy. In agreeing to 500m<sup>2</sup> of retail space being secured by condition this is a positive aspect towards meeting the retail aims of the allocation, however, the overall amount of commercial floorspace is around 1,600m<sup>2</sup> below that envisaged in the policy on a pro rata basis.
- 6.16 As stated above, it is clear that the balance in the LPR has shifted significantly toward residential as opposed to office with a significant reduction in retail. The adopted Local Plan put major emphasis on office floorspace within the town centre for sustainability reasons but the most recent evidence base and the LPR itself does not place this emphasis on town centre office floorspace provision.
- 6.17 Moreover, for retailing, the site has never been marketed specifically for retail and both enquiries from Marks and Spencer and, more recently, Aldi, show that the site was not available for significant retail development.
- 6.18 The proposed number of dwellings does comply with the draft policy in terms of the approximate yield for around half the allocation in not exceeding 250.
- 6.19 The likelihood of the remainder of the site coming forward with retail, business and other town centre uses with around 250 dwellings may be possible but the overall levels of retail and commercial floorspace sought under the policy are unlikely to be met. However, I do not consider the aims of the site allocation would be unduly compromised by the proposed development given the specific wording of the policy.

#### Masterplan

- 6.20 At the time of submission of the LPR to the SoS, the allocation was known to be in two different ownerships and the application site is only around half of allocation. Despite this fact the draft policy required that the whole allocation was subject of a comprehensive masterplan. The LPR Inspector therefore questioned whether this requirement was justified or a potential risk to timely delivery. Consequently, the draft policy has been modified and states as follows, such that there is no longer a requirement for a masterplan:

*"Should the site be delivered in one or more phases, the Council will ensure that the overall capacity and requirements of the policy are met, and the planning and*

*design principles set out in the policy remain able to be consistently applied across the site."*

#### Weight to LPR and Site Policy LPRSA146

- 6.21 The LPR is at a very advanced stage and in his letter after the Stage 2 hearings in summer 2023 the Inspector stated, "*Having considered the Council's proposed modifications together with statements and discussion with participants at the hearing sessions, I consider that the LPR could be made sound by main modifications.*"
- 6.22 The Inspector has now issued his Final Report on the LPR (08/03/24) having been invited to make any necessary changes for soundness. He considers the LPR to be 'sound' subject to his Main Modifications (MMs). Therefore it is considered the LPR as a whole currently has 'substantial' weight.
- 6.23 In terms of weight to the specific Maidstone East allocation (policy LPRSA146) this was discussed at the Stage 2 hearings. Prior to the hearings the Inspector set out a number of questions relating to whether the policy was justified and effective in terms of the setting of Grade II listed Sessions House, separate land ownerships, and the issue relating to the masterplan as outlined above.
- 6.24 The MMs relating to policy LPRSA146 are to confirm the floorspace and housing yields are 'approximate', amendments to the requirement for a master plan as set out above. Other minor changes to the text of some criteria were made which do not make fundamental changes.
- 6.25 However, it is important to note that the Inspector only examined matters of 'soundness' which relate to plans being 'positively prepared'; 'justified'; 'effective'; and 'consistent with national policy'. As such, this was a high level assessment and the Inspector did not examine detailed matters such as townscape impact, design, impact on heritage etc. and these are left to the decision making stage, i.e. under this planning application.
- 6.26 The NPPF at paragraph 48 states that,
- Local planning authorities may give weight to relevant policies in emerging plans according to:*
- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*
- 6.27 For the Maidstone East site allocation itself all representations received during the LPR consultation have been considered by the Inspector. There were 2 representations neither of which fundamentally objected to the site. They supported changes to the adopted Local Plan allocation with more

flexibility/variation in uses and less emphasis on retail; suggested the scheme coming forward in a phased manner due to land ownership; and supported the potential for a medical facility. The MMs include fairly minor changes to the policy and in his Final Report the Inspector considers these MMs are necessary and that the allocation policy provides a positive framework to bring forward development subject to the detailed requirements as set out within it. In my view there are not currently any 'unresolved objections' to the site policy.

6.28 Policy LPRSA146 is considered to be consistent with the NPPF as the Inspector has not found any issues with compliance, and subject to the MMs has been found sound.

6.29 For these reasons the site allocation policy LPRSA146 is considered to attract 'substantial' weight.

6.30 Being a material consideration that attracts substantial weight and which is based on a more recent evidence base, I consider this is a sufficient reason why development could be allowed which is contrary to the adopted Local Plan allocation in terms of the proposed uses. However, the proposed development must also be assessed under all relevant criteria for draft policy LPRSA146 and any other relevant policies within the LPR which will be carried out below.

6.31 In conclusion for this section, the proposals are contrary to policy RMX1(2) of the adopted Local Plan in terms of the proposed uses and quanta. However, the draft policy which is based on the more recent evidence base is a material consideration and attracts substantial weight. The proposed uses are in accordance with the draft allocation and no specific mention is made to office floorspace. The amount of 'commercial' floorspace is around 1,600m<sup>2</sup> below that envisaged in the policy on a pro rata basis. The proposed number of dwellings does comply with the draft policy in terms of the approximate yield for around half the allocation in not exceeding 250.

### **Impact Upon the Character and Appearance of the Area**

6.32 This section considers the general impact of the development in terms of its scale, massing, and impact on views.

6.33 I consider the current appearance of the site has a negative impact on the local area due to the poor appearance of the buildings, the extent of hard surfacing and lack of landscaping. Moreover, it is an under-utilised brownfield site adjacent to a mainline railway station. This impact is limited to the local area due to the low height of the some of the buildings and thus the visibility of the buildings/site.

6.34 Relevant to this consideration the draft policy states as follows:

*"The masterplan shall be informed by a townscape and heritage assessment that identifies, for example, key views towards/from Sessions House, other heritage assets and Brenchley Gardens and other important areas of public realm."*

*"The form and scale of development on this site must be sensitive to the site's prominence and adjacency to heritage assets."*

### Scale/Height

- 6.35 A key point with regard to buildings of significant scale is how they relate to the existing context. This can be considered in terms of comparisons with existing buildings and topography.
- 6.36 In terms of scale/height in the surrounding area, the site currently has a 3 storey office building at the east end and 1-2 storey warehouses within the centre. To the north are 3 storey office buildings at 'County Gate', to the east is Invicta House a bulky 4 storey building and further southeast is Sessions House which is 4-5 storeys. To the south is a car park and single storey station buildings and further beyond is a Brenchley House a 6 storey building which is of significant mass. Moreover, one of the key frontages to the development would be Royal Engineers Road (A229) which is a dual carriageway and so there is a need for scale here. Secondly, although County Gate is to be found in between, Staceys Street roundabout and its connections forms a large central space in the townscape and requires buildings of scale to address it.
- 6.37 As there are a mix of heights in the local area and the site is adjacent to the dual carriageway, taller buildings are considered acceptable in principle. The massing and articulation of the buildings is key, together with the impact upon important views.

### Massing

- 6.38 The mass of the taller buildings is broken up by the use of a clear base, middle, and top. This is through the use of ragstone as a base (or glazing for the commercial uses), a middle section with fenestration, metal panelling, and balconies, and a balustrade and recessed gables to the tops of the buildings. Importantly, the recessed gables to the tops greatly reduce the mass of the buildings. Some elevations have a projecting frame structure which is proud of the building behind which sit recessed balconies which adds depth and layering. All other elevations of the buildings have a raised brickwork frame structure, recessed windows, balconies, and metal panelling to provide interest and articulation.
- 6.39 The top two floors of the tallest 9 storey Block B are made up of the recessed gables such that its mass is greatly reduced at this height. It is also set back into the site around 42m from, and at a lower level than, Sandling Road, which is considered appropriate allowing sufficient space to the site boundaries with the development stepping up to this height from the road. This block is connected to Block A by a much lower three storey section which serves to break up the mass and provide space between these blocks.
- 6.40 There are some tall expanses of blank brickwork on the east elevation of Block A fronting Sandling Road, Block B on the south, internal east, and west elevations, and Block C on the south and north elevations. Therefore, amendments were sought to provide brick detailing (such as hit and miss brickwork) within some of these areas to further improve the appearance, which the applicant did not provide but considered they could be dealt with by condition and this will be secured. For Block E, the 3 storey building in the centre of the site, I consider that further measures are required to

provide a ragstone plinth base and brick detailing such as raised brickwork are required to provide sufficient interest which will be secured by condition.

- 6.41 Overall, It is considered that the layering and interest through different materials and articulation sufficiently breaks up the massing of the buildings together with the light weight gable tops. The detail of this will be secured by condition and large scale drawings to ensure sufficient articulation is provided.

*Impact on Important Views*

- 6.42 The application is accompanied by a 'Townscape and Visual Assessment' (TVA) which includes 4 viewpoints where the development has been shown in photomontages. These are from outside Sessions House, Brenchley Gardens, from the A229 just to the north, and from Buckland Hill to the west. I agree these are key views but the development will be visible from other places notably further north and south of the A229. There will obviously be many other places where the buildings will be seen for example from the bridge above the A229, the Millenium footbridge, Whatman Park and nearby roads but the above viewpoints are considered to be some of the main areas from where the buildings will be highly/potentially visible.
- 6.43 In the verified views from outside Sessions House looking northwards the 6 storey front block would fill some of the space above the existing building but it would not be incongruous or dominating in this view as it would also be seen with the relatively large Invicta House in the foreground.
- 6.44 In the verified view from the A229 to the north of the site, the 7-8 storey Blocks C & D at the west end of the site will be prominent because no other buildings are currently visible above the trees which flank the road. This is not a high-quality view being along a major transport corridor but it is an extremely well-used gateway route into the town. However, and as stated above, there is a need for some scale here which is provided, and the massing of the building is suitably broken up.
- 6.45 When approaching from the north on the A229, Blocks C & D would be most visible to the west side of the County Gate buildings and rising above them. As approaching the roundabout outside the Kent History and Library Centre, Blocks A and B would come in to view above the County Gate buildings. I consider the development will have the greatest impact from the A229 to the north as all blocks would be visible from certain points and would not be seen in the context of other tall buildings. However, I do not consider their height is so great such that they would be harmful to the area and the massing is suitably broken up.
- 6.46 When approaching from the south on the A229 towards Fremlin Walk Blocks C and D will also be visible but from here they will be seen in front of the 9-10 storey flats behind the History and Library Centre and 18 storey 'Guinevere Point' and so would not be as prominent. When moving closer the blocks will obviously start to have a greater presence and where views of the buildings behind reduce.



6.47 The site is on the upper slopes of the Medway Valley and so can be seen clearly from the opposite side. In the verified view from Buckland Road, the top of Sessions House and Invicta House are both visible and the development would obscure parts of Invicta House. Importantly, Sessions House would not be blocked so that views would still be appreciated. I have also viewed the site from higher ground on Buckland Road where the buildings would be more prominent but again, they would only obscure Invicta House, would not break the horizon, and would be seen in the context of significant development in the town. I have also viewed the site from higher ground on Queens Road and the development would not be visible from here.

6.48 Views from Brenchley Gardens are discussed under the heritage section below.

6.49 For the above reasons, I do not consider the specific scale or massing of the buildings would be harmful to the character of the local area in the most prominent views and the proposals comply with the relevant non-specific criteria of draft policy LPRSA146.

### **Design Quality**

6.50 The NPPF has a chapter dedicated to design (12 - Achieving Well-Designed and Beautiful Places) and there is specific reference to the design framework 'Building for Life 12' and Maidstone's has its own version of this (Maidstone BfL12).

#### Layout, Connectivity and Public Spaces

6.51 Relevant to this consideration the draft policy states as follows:

*"The masterplan must demonstrate that a permeable scheme can be achieved..."*

*"Amenity spaces should form an integrated element of the overall scheme design."*

*"In addition to new areas of public realm, the development shall incorporate high quality communal and private amenity areas for residents."*

6.52 The approximate proportions of the site given over to buildings/development and open space/landscaping is as follows:

- Main Buildings: 33%
- Access Roads/Parking/Circulation Spaces: 31%
- Landscaping and Open Space/Public Realm: 36%

6.53 This demonstrates the scheme gives over around a third of the site for open space/public areas and landscaping which is a relatively high proportion for a town centre site.

6.54 In terms of the detail, Block A would be set back from Sandling Road with steps up to the building and a corner area where public art is proposed and which will be secured by condition. This leads to areas of public realm with an upper and lower 'piazza' that would have landscaping and seating areas with both stepped and ramped access. Subject to high quality surface

materials which can be secured by condition this provides a good public realm area and focal point which would benefit from passive surveillance from the commercial uses and flats above.

- 6.55 Along the south edge would be a ramped path enclosed by landscaping which provides access to the lower piazza and rear parts of the site. In the centre of the site would be areas of public space with pergolas, seating, and some play equipment for young children which provide focal points where residents can meet.
- 6.56 Clear permeability through the site is provided through the southern path and onwards to the public spaces. Vehicular, pedestrian and cycle access are also possible along the main entrance on the north side of the site. A new pedestrian connection is proposed in the northwest corner to link with the pavement on the A229 which is a positive element meaning that residents would not have to walk a long way round to reach the riverside for example.
- 6.57 In terms of links to potential future development to the south the applicant has shown where pedestrian links could be provided from paths within the centre of the site where land levels are similar which is acceptable.
- 6.58 Active Travel England have considered permeability and are satisfied with the proposals subject to a condition to secure the various links.
- 6.59 The proposed levels for the development generally follow the lie of the existing site which slopes down from Sandling Road. Some raising of up to 3m is proposed for the steps and ramps from Sandling Road to the ground floor of Blocks A and B and the upper piazza, for the lower piazza, and more minor raising (0.5m-1m) for parts of the main access road. Some lowering is proposed in the centre of the site, and for Blocks C and D. Retaining walls are required around the steps and ramps from Sandling Road and for the upper piazza which would be finished in ragstone. Sectional plans have been provided which show an acceptable form of development and the final levels can be secured by condition.
- 6.60 Overall, the layout is considered to be of good quality with over a third of the site given over to open spaces/landscaping providing an area of public realm and two communal areas; buildings are suitably spaced so as not to be cramped; and suitable connections and permeability is provided in accordance with policy DM1 of the Local Plan, draft policy LPRSP15 of the LPR, and Sections 1, 7, and 8 of Maidstone BfL12. It would also comply with the relevant criteria of draft policy LPRSA146.
- 6.61 I also consider the layout of the development is such that it would not prejudice the development potential of the southern part of the allocation due to the narrow flanks of the buildings facing south, buildings being set back from the boundary, and with relatively large spaces between the buildings.

#### Landscaping

- 6.62 Relevant to this consideration the draft policy states as follows:

*New landscaping shall make a positive contribution to place-making and provide the opportunity for habitat creation."*

- 6.63 A Landscape and Open Space Strategy has been submitted which sets out the landscape principles and breaks the site into six main areas.
- 6.64 The Sandling Road frontage would have medium size trees with shrub planting in the spaces between the steps and hard surfacing. Officers requested additional planting here to improve the streetscene further but the applicant has stated this is not possible due to firefighter access to door and dry risers, ventilation grills between steps, daylight for flats, and to allow exposure for potential commercial uses. The piazza areas would have trees and as the upper area is at podium level there would be raised planters to provide them.
- 6.65 The southern boundary would have grasses and herbaceous plants with climbing plants alongside the southern wall to the piazza. Tree and hedge planting is limited due to the presence of a sewer pipe and easements here. The public spaces within the centre would have a mix of native and ornamental hedges, wildflower planting, and small to medium size trees in a more formal layout.
- 6.66 An area in the northwest corner would be planted as a wildflower meadow with new native planting. Along the northern boundary space is limited for landscaping so low level planting and climbing plants trained on wires or trellis beneath the tall walls is proposed soften their impact.
- 6.67 To ensure the landscaping is of high quality a condition will be attached to require the specific details (species, sizes and numbers) with an emphasis on native species and also implementation and ongoing management including mechanical irrigation for trees.
- 6.68 Overall, it is considered the extent of space for landscaping is acceptable and it will provide a good quality environment and setting to the development and conditions can guide the details to ensure a high quality scheme is delivered in accordance with policy DM1 of the Local Plan and draft policy LPRSP15 of the LPR. It would also comply with the relevant criteria of draft policy LPRSA146.

#### *Building Designs*

- 6.69 Relevant to this consideration the draft policy states as follows:

*"Any development shall incorporate a mix of uses which ensure that the site contributes positively to this town centre location, providing an active street frontage."*

*"Subsequent detailing and use of materials shall be of a high quality."*

- 6.70 The Design and Access Statement (DAS) sets out how the architect has arrived at the building designs which has involved researching historic buildings in the local area. Sessions House is said to influence the buildings with its classically framed frontage, dominant base, middle section, balustrade and open pediment to the top. Also said to influence the proposed buildings are the former mills, malt houses, factories and

breweries that were alongside the river where gables and multiple pitched and long roofs were used, and the former Tillings Stevens Factory with its visible outer framing structure. The DAS states,

*"The developed design for the buildings takes strong reference from existing prominent buildings within the town and conservation areas with particular regard to brick pilasters, multiple pitched roofs, framing, and gables but takes special reference to close by County Hall, its setting and central feature. The proportions and scale of the building are interpreted and transferred to the new building design through a series of frames, giving a direct visual link, harmonising and reinforcing the municipal presence and setting."*

6.71 There is a clear 'narrative' to this architectural approach which is based on local buildings such as Sessions House and former mills and warehouses. It provides a mix of contemporary design with more traditional features and as there is no distinct character to buildings in the local area this approach is acceptable and in accordance with Section 5 of Maidstone BfL12.

### Materials

6.72 The quality of materials will be critical to achieving a high-quality appearance, particularly the bricks due to the sheer expanse of them. The materials palette is for multi stock bricks, metal balconies, balustrades and panels, standing seam roofs, and rough coursed ragstone bases.

6.73 Conditions will control materials with specific requirements for stock bricks with good variation and texture, slender balcony railings and balustrades, and ragstone. Utility meters and associated pipework can also ruin the appearance of a building so conditions will be attached to control this.

6.74 Overall, it is considered buildings have a clear base, middle, and top; the mass of the buildings is sufficiently broken up with interest provided through the layering and articulation of the elevations, different materials, and the light-weight gable tops. As stated above the buildings will be highly visible but for these reasons they are considered to have a high-quality appearance subject to conditions in accordance with policy DM1 of the Local Plan, draft policies LPRSP15 and LPRSA146, and Maidstone BfL12.

### **Impact on Listed Buildings and Chillington House Conservation Area**

6.75 Relevant to this the draft policy states:

*"The masterplan shall be informed by a townscape and heritage assessment that identifies, for example, key views towards/from Sessions House, other heritage assets and Brenchley Gardens and other important areas of public realm."*

*"The form and scale of development on this site must be sensitive to the site's prominence and adjacency to heritage assets."*

*"The development shall be designed to respond to its context and respect the setting of the listed Sessions House and other nearby heritage assets."*

6.76 The NPPF outlines at paragraphs 205 and 206, that great weight must be given to the conservation of designated heritage assets irrespective of the

level of harm, and any harm requires clear and convincing justification. Under Section 58B of the Town and Country Planning Act 1990 (as inserted by the Levelling up and Regeneration Act 2023), "*In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting.*" Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### *Listed Buildings*

- 6.77 Regarding the setting of Sessions House (Grade II listed), I agree with the applicant's Heritage Statement that a key 'significance' of this building is from its prominence and grand frontage which can be clearly appreciated due to the space in front of it. This has been slightly eroded with the presence of Invicta House.
- 6.78 The strong façade of Sessions House faces southwest and due to the distance of the nearest Block A (6 storeys) being 75m away and the site being to the northwest rather than in front of it, the proposed buildings would not interrupt the main public views or the appreciation of the listed building or greatly impose on its setting. However, because there will be some limited views from the station car park and within the site, where Sessions House will be seen together with the proposed buildings and due to their heights, I consider there would be a very low level of 'less than substantial' harm to the setting. As mentioned above, the development will be seen with Sessions House from the other side of the valley but it will not obscure views of the front façade rather the two developments would be seen side by side.
- 6.79 In terms of other listed buildings, the 'White Rabbit' Pub (Grade II\*) are the former Cavalry Barracks. The historic setting of this building has been lost to modern development and infrastructure and it is considered the development would not harm its setting for this reason. The 'Powerhub Building' (Grade II) is the former 'Tillings-Stevens Factory' on the west side of the river which formed part of former industrial areas and buildings alongside the river. The proposals would not harm the setting of this building as its historic setting was made up of larger buildings such as the scale proposed. The proposals would not harm the setting of Maidstone Museum (Chillington House Grade II\*) due to the distance away (230m).

### *Conservation Area*

- 6.80 The Chillington House Conservation Area Appraisal & Management Plan (CAAMP) notes that Brenchley Gardens dominates the Conservation Area (CA). In terms of the northern part and views towards the application site the CAAMP states the following and makes specific reference to potential development within the allocated site:

*5.13 The north side of the Gardens are dominated by the Rag stone and brick wall which is part of the original construction though not part of the original design. It was built in response to the development of a railway and station just beyond the Gardens to avoid views of and noise. The station buildings are just visible but more prominent is the new construction on Royal Engineers Road. Care needs to be taken in any proposal for development on the car park site to avoid impacting on the sense of privacy within the Gardens."*

6.81 It depends where you are positioned in Brenchley Gardens as to the impact of the development and the Cenotaph (Grade II\* listed) on the north side is a focal point. However, there is not a clear space to view the Cenotaph from, rather a series of paths. The taller buildings would be seen in the backdrop of the CA and Cenotaph in some places but in others they would not. However, at present buildings are visible from the CA looking northwards including Cantium House and the warehouses within the application site, County Gate offices behind, and the top of Guinevere Point further beyond. Because other development is visible I do not consider the presence of further development, albeit taller, would necessarily be harmful. The massing and appearance of the buildings is considered to be acceptable for the reasons outlined above.

6.82 The impact is also reduced as the proposals have been designed with around a third of the site having 3 storey buildings. Overall, I do not consider the development would cause harm to the setting of the CA or the Cenotaph.

6.83 In respect of Sessions House, there is some conflict with criterion 1 of policy DM4 of the Local Plan and draft policy LPRENV1 which seek development to conserve or where possible enhance heritage assets and their settings but the policies refer to carrying out a weighting exercise in line with the NPPF where there is potential harm.

6.84 The NPPF at paragraph 208 advises harm should be weighed against the 'public benefits' of the proposal which can be anything that delivers economic, social, or environmental objectives as set out in the NPPF.

6.85 I also give special regard to the desirability of preserving or enhancing the setting of Sessions House as set out in statute and the development would cause a low level of 'less than substantial harm' to its setting so would not preserve or enhance it and so this is a factor that weighs against the development. The balancing of these issues is carried out in the conclusion.

### **Residential Amenity**

6.86 Relevant to this the draft policy states:

*"Appropriate residential amenity space may take the form of balconies and/or terraces and communal gardens, subject to their ability to provide an acceptable level of amenity having regard to noise, air quality and adjacency of other uses."*

### Neighbouring Properties

6.87 The nearest residential properties are 105m to the south and west, and 120m to the north and at these distances there would be no harmful impacts upon light, outlook, or privacy.

Future Residents

6.88 All properties would have an outside space in the form of a terrace, balcony or winter garden alongside the A229 in accordance with draft policy LPRQ&D7. All apartments would meet or exceed the national space standards in accordance with draft policy LPRQ&D6.

6.89 In terms of privacy, the apartments are at least 28m from one another apart from between the three storey block and the blocks to the east and west where 13 apartments above ground level have windows within 14m of one another and on balance I do not consider this is objectional or grounds for refusal. There is also sufficient spacing between buildings to ensure a suitable outlook. Any potential noise from plant or equipment from commercial uses can be controlled by condition.

6.90 In terms of light, a 'Daylight, Sunlight and Overshadowing Assessment' which includes three-dimensional computer modelling of the development has been carried out. This considers the latest BRE good practice guidance - 'Site Layout Planning for Daylight and Sunlight'. This contains guidance on site layout to provide good natural lighting within a new development and on the sunlighting of gardens and amenity areas. It states that, *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."*

6.91 In terms of daylight, the report sets out that 65% of windows meet the BRE rating for receiving an adequate amount of daylight and the vast majority of the windows which fall below the rating are set behind/below the balconies or are located on the lowest floors. The majority of these windows meet the lower BRE standard where the guidance states that, "special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight". Measures include enlarged windows and additional glazed openings on the courtyard-facing eastern façade of Block B, as well as the eastern façade of Block A facing Sandling Road; winter gardens on the lowest three floors of Blocks C-D; and widening the full-height windows on the ground floor of Block E, and on the first floor of the eastern side where windows are below balcony slabs of the second-floor units.

6.92 There is also guidance on internal luminance and 89% of rooms would be above the BRE guidelines. Of those rooms that are below the guidelines, over half would receive compliant luminance levels to over 40% of the room area and the majority of the remainder relates to bedrooms which are not as sensitive.

6.93 In terms of sunlight, guidance recommends that at least one habitable room should receive a minimum of 1.5 hours of direct sunlight on 21<sup>st</sup> March. For the main living areas 79% would comply with this guidance and

the majority (75%) of those that do not are bedrooms and north facing rooms. However, all north-facing living areas meet the daylight guidance.

- 6.94 In terms of noise, an assessment has been submitted which concludes that appropriate internal noise levels for flats should be achievable with the installation of high performing glazing systems and the proposed mechanical ventilation which can be secured by condition, and to which Environmental Health raise no objections.
- 6.95 Overall it is considered the development would not result in an unacceptable impact upon privacy, light, or outlook of any neighbouring properties and the apartments would have sufficient privacy and outlook and receive adequate day and sunlight bearing in mind the site is within a built up area and with taller buildings proposed. The development would therefore be in accordance with policy DM1 of the Local Plan and draft policy LPRSP15.
- 6.96 All apartments will meet Part M4(2) of the building regulations (accessible and adaptable dwellings) which can be secured by condition in accordance with draft policy LPRQ&D6.
- 6.97 Because Blocks A, B, C and D are over 18m tall or more than 7 storeys a Fire Statement is required which has been provided and consultation with the Health and Safety Executive (HSE) has been carried out who have confirmed they are satisfied with the fire safety design. An outline Fire Safety Strategy has also been submitted which sets out how the proposals will comply with Building Regulations. The scheme involves two stair cases at each level of the blocks; three combined firefighting shafts with escape lift for Blocks A and B and two for Blocks C and D; sprinkler systems; and dry fire mains which for the firefighting shafts would be within 18m of fire appliance parking location for all blocks. Public fire hydrants are located on Sandling Road. The scheme has also been designed using British Standards 9991 and 9999 (Fire Safety Design and Management) and proposed materials will meet the Building Regulations in terms of fire safety.

### **Highways**

- 6.98 KCC Highways have raised no objections to the application subject to conditions.

### **Access**

- 6.99 Relevant to this the draft policy states:

*"Highway access to the residential development shall be taken from Sandling Road. An additional, in-bound only access to the former Sorting Office part of the site could be taken from Fairmeadow, subject to any impacts upon the wider public realm strategy."*

- 6.100 Access is proposed solely using the existing access on Sandling Road to which KCC Highways have no objections. They also consider the swept paths for cars and refuse vehicles within the site are acceptable.

### **Traffic Impacts**



- 6.101 In assessing the traffic from the proposed development the applicant has taken into account the traffic that could flow from the existing uses (offices and sorting office) using the 'TRICS Database' and compared this with the predicted traffic from the proposed development resulting in a net impact.
- 6.102 Taking into account the traffic from existing lawful uses is generally an accepted position under planning applications. Despite the office buildings and sorting office not currently being in use it is noted the Highways Authority (KCC) raise no objections to this approach.
- 6.103 The predicted total 2 way vehicle trips from the existing uses in the AM peak are 64 and in the PM are 73. The predicted total 2 way vehicle trips (for both residential and potential Class E commercial uses) in the AM peak are 72 and in the PM are 72. The net impact is therefore an increase of 8 trips in the AM peak and a decrease of 1 trip in the PM peak. Across the whole day there would be a net decrease of 110 two way trips.
- 6.104 In comparison to the existing uses the proposals would therefore have a negligible impact during the peaks and for this reason the Transport Assessment has not assessed the impact on any local junctions.
- 6.105 KCC Highways accept the above position on trips and on this basis that no analysis of the wider road network is required and raise no objections on this matter. Whilst it is questionable whether the existing uses would come back in to use, this has been specifically discussed with KCC and they consistently give very significant weight to TRICs data.

### Parking

- 6.106 The Council's current parking standards originate from an interim guidance note from 2008 and there has been no review of these so they are the only standards to judge this application on.
- 6.107 Relevant to parking the draft policy states as follows which is not specific on parking numbers:
- "Town centre locations benefit from lower trip rates and lower car ownership levels, reducing the level of mitigation necessary".*
- "If a car free or reduced level of parking is proposed, proportionate contributions will be required to sustainable transport improvements within the town centre."*
- "Secure cycle parking for residents to be provided."*
- 6.108 There would be 159 parking spaces for 217 dwellings so a ratio of 0.74 spaces per unit. All parking spaces would be below Blocks A & B and Blocks C & D.
- 6.109 The Council's parking standards for town centre locations requires 1 space per unit for 1, 2, and 3 bed properties and no visitor parking. However, these are maximum standards and the accompanying note states, "reduced or even nil provision is encouraged in support of demand management and the most efficient use of land." So this is a major caveat added to the unspecific LPR wording.

6.110 In view of the proximity to public transport options and day to day facilities in the town centre and the local area, I consider less than one space per unit is acceptable in principle and this is not contrary to the parking standards because they are maxima.

6.111 The applicant has also provided 2021 Census data on car ownership in the local area which shows that at least nearly a third of flat/maisonette/apartment households do not own a car as set out below.

North Ward

29 % of households (flat/maisonette/apartment) do not own a car.

Neighbouring East Ward

38% of households do not own a car.

Neighbouring High Street Ward

47% of households do not own a car.

6.112 Due to the town centre location, I consider there is a reasonable prospect that some future residents may not own a car similar to the current level of vehicle ownership in the local area and so on balance the parking provision of 0.74 spaces per unit is acceptable. KCC have raised no objections to the proposed parking levels nor have they sought TROs in the event that parking is inadequate.

6.113 In terms of the potential impact on the local area, the Parking Services Manager has confirmed that as the site falls somewhat outside of the nearest resident parking permit zones which are on the northeast side of Staceys Street, future residents would not be able to apply for permits to park in these zones. Whilst future residents could park in these areas in the daytime for a limited time (like anyone else), they would not be able to between 6pm and 8.30am. Local residents would therefore have access to the existing parking as they do at present albeit there could be increased pressure during the day from the development. Outside of these areas, Sandling Road, Staceys Street, and the Royal Engineers Road all have parking restrictions (double yellow lines) so parking is not permitted here and people are highly unlikely to park here due to the nature of the roads which do not lend themselves to parking due to their width and high level of use.

6.114 However, it is still considered appropriate to seek to reduce the potential pressure in the local area so incentives for each household for 'car club/rental' such as free membership for a set period and paid drive time are appropriate and this will be secured by legal agreement.

6.115 For the flexible commercial uses no parking is proposed with the applicant considering the site is well located for public transport and public car parks including the adjacent station car park so in their view this would be sufficient. Policy DM23 states that parking for non-residential uses will take into account the accessibility of the development and availability of public transport, the need to maintain an adequate level of parking within the town centre to ensure the viability of the centre is not compromised, and whether development will exacerbate on street parking to an unacceptable degree.

- 6.116 I consider some Class E uses such as retail would not require parking on the basis that people would already be visiting shops in the town centre so it is unlikely to generate more trips. For uses such as offices, medical and health services, creches, and gyms these are likely to generate new trips and people are likely to drive rather than use public transport and so park in the local area but on balance I do not consider this is grounds for refusal and I note that KCC Highways raise no objections.
- 6.117 KCC Highways initially questioned the loss and displacement of the temporary parking that has been available at the site since 2017 and can operate until July 2025. Part of this being the covered parking area in the former warehouse has been closed since September 2022 so there are understood to be 136 spaces available for pay and display between 5am and 8pm.
- 6.118 The applicant points to it only being temporary, that any displacement could be absorbed by other public car parks, and a single weekday visit for half an hour showed that it was not fully in use. This is not a robust assessment to demonstrate the level of use nor has the applicant demonstrated the parking can be absorbed elsewhere but despite this KCC Highways have raised no objections on the basis that it has a temporary permission and due to the site's central location with access to sustainable transport and have not objected on displacement of this parking.
- 6.119 The apartments are provided with one cycle space per property with communal cycle stores on the ground floor of each block. There would be 16 cycle spaces for the commercial uses. EV charging is now dealt with under the Building Regulations.
- 6.120 The refuse collection strategy was discussed with the Council's waste collection team prior to submission with collection points at the two car park entrances for Blocks A and B, roadside for Block E and to the front of Blocks C and D and there is adequate turning space for refuse vehicles. Collection will be on site and tracking for a 11.5m long refuse truck has been undertaken.

*Public Transport, Walking and Cycling*

- 6.121 The site is well served by public transport in terms of buses and trains but it is considered that a Travel Plan as sought by Active Travel England is necessary for this scale of development with an aim to promote sustainable travel in line with policies SP23 and DM21 of the Local Plan, draft policies LPRSP12 and LPSTRA2, and the NPPF. This will be secured by condition a monitoring fee secured under a legal agreement.
- 6.122 KCC Highways have sought a financial contribution towards local schemes within the Maidstone Walking and Cycling Strategy (2016) with which Active Travel England agree. Schemes closest to the application site are identified as a new cycle route between Week Street and the Medway Valley towpath serving the Kent History and Library Centre and upgrade of the footway bridge across the River Medway for shared pedestrian/cycle use. However, due to the scheme not being viable which is discussed below no financial contributions can be sought.

6.123 Finally, KCC Highways have requested a condition for a Traffic Regulation Order (TRO) to secure the proposed loading bay in Sandling Road to which they have not raised any objections. It is only possible to require the applicant to apply for a TRO and this can be secured under a legal agreement.

### **Biodiversity**

6.124 Relevant to this the draft policy states:

*"A phase 1 habitat survey will be required, which may as a result require on and/or-off site mitigation for the existing habitat of local fauna/flora.*

*"Having regard to the site's size, measures for positive biodiversity net gain shall be incorporated into the scheme."*

### **Protected Species**

6.125 Protected species present at the site are bats and surveys have been carried out. No bats were seen to emerging from any buildings but the site is used for foraging. Some low quality foraging habitat would be removed for common pipistrelle and noctule bats when the limited grassland areas are removed and the majority of the groundworks are taking place. To mitigate this inbuilt bat boxes to buildings are proposed and bat sensitive lighting will be used. Precautionary measures are proposed for reptile (precautionary watching brief when clearing any scrub habitat) and breeding birds (demolition and clearance outside of the bird nesting season). KCC Ecology have raised no objections in terms of impacts upon protected species. This is in accordance with policy DM8 of the Local Plan.

6.126 Other enhancements proposed which can be secured by condition include inbuilt sparrow terraces and swift boxes, invertebrate boxes, log piles, hedgehog domes, and bee bricks can also be secured.

### **Biodiversity Net Gain**

6.127 Biodiversity Net Gain (BNG) is not mandatory for this development as it pre-dates the statutory requirement brought in on 12<sup>th</sup> February but the Council has had draft policy LPRSP14A requiring 20% since submission of the LPR for examination. The applicant is proposing BNG and predicting a 48% net gain for habitats to meet the draft LPR policy. Defra's most up to date Biodiversity Metric at the time of submission of the application has been used to demonstrate this and it is basically achieved through creating new habitats as part of the development's landscaping. KCC Ecology have assessed the submission and agree it is likely that over 20% will be achieved.

6.128 However, they refer to the 'trading rules' not being met due to a loss of bramble scrub along the southern boundary. The 'trading rules' set minimum habitat creation and enhancement requirements to compensate for specific habitat losses such as 'scrub' where in this case any losses must be replaced by habitat within the same broad habitat type. The applicant's ecologist has stated the, "*scrub planting is intertwined in the existing wiremesh security fence and located within a narrow strip of land adjoining the existing buildings and structures that would be demolished.*

*The retention and protection of any significant amount of the scrub vegetation is just not feasible when working clearances to enable the demolition and subsequent construction works alongside any new regrading and fencing installation are allowed for."*

6.129 The proposal is to provide for half the scrub lost and the applicant considers the development is unable to realistically create an equal amount or a habitat of higher distinctness. KCC question why some further scrub cannot be provided, for example on the north boundary, and I consider this is possible to ensure an equal amount of scrub is provided to meet the 'trading rules' which can be secured by condition.

6.130 On this basis, the development will achieve over a 20% gain for habitats which can be secured by condition through a BNG Management Plan and the legal agreement which will ensure this is maintained for at least 30 years including the costs of reviewing monitoring reports over this period.

### **Affordable Housing**

6.131 Policy SP20 requires 30% affordable housing (AH) provision within the urban area. The applicant has submitted a viability appraisal seeking to demonstrate that it is unviable to provide any AH. Policy SP20 under criterion 6 states,

*"Where it can be demonstrated that the affordable housing targets cannot be achieved due to economic viability, the tenure and mix of affordable housing should be examined prior to any variation in the proportion of affordable housing."*

6.132 In this case the applicant is submitting that no on-site AH or an off-site contribution is achievable. The NPPF at paragraph 58 states,

*"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker..."*

6.133 Draft AH policy LPRSP10(B) introduces 'value zones' whereby AH requirements differ. The site falls within the 'low value zone' where criterion 1 as per the Main Modifications states:

*1(c) Development in the low value zone and brownfield development in the mid value zone will be expected to deliver an element of on-site affordable housing. If it can be demonstrated through an open book financial appraisal this is not viable, based on the construction costs based on delivering high quality design and public realm, then the developer shall make a proportionate off-site contribution to the delivery of affordable housing. Evidence of engagement with affordable housing funders and providers, including the council and Homes England as appropriate, should be submitted with the financial appraisal.*

6.134 The applicant's viability assessment considers the development with 100% market housing generates a deficit of -£46,887,606. This has been reviewed independently by the Council's consultants (BNP Paribas) who have undertaken their own assessment. They have concluded the

proposals would generate a deficit of -£34,297,700. So whilst there is a considerable difference of around £12m, even taking the BNP Paribas conclusions, the scheme is clearly unable to provide onsite AH or a financial contribution. They have advised in simple terms the costs of constructing the development are too high versus the values that would be generated. Therefore in order to bring the scheme forward the applicant's viability report states *"the applicant is committed to delivering the project and intends to bridge the viability gap through competitively tendering the build contract, securing cheaper borrowing, grant subsidy and brownfield release funding."*

6.135 I agree the evidence demonstrates that AH is not achievable but the adopted policy does not state this scenario means that policy SP21 is complied with and the emerging policy states *"the developer shall make a proportionate off-site contribution to the delivery of affordable housing"* which is not proposed. On this basis the proposals are contrary to policies SP21 and LPRSP10(B) which weighs against the development, albeit there are evidenced reasons for this.

6.136 I will return to this matter in the balancing exercise at the end of the report.

#### *Homes England Grant Funding*

6.137 For information purposes only, the applicant has stated they intend to apply for Homes England funding under the 'Affordable Homes Programme' to provide some AH should planning permission be granted. This Programme provides grant funding to support the capital costs of developing AH for rent or sale where it is not viable.

6.138 To demonstrate this commitment, the applicant has submitted a draft 'Memorandum of Understanding' which sets out they will use reasonable endeavours to submit a funding application to Homes England if permission is granted and if successful to use any grant towards the provision of AH with an AH scheme submitted to the Local Planning Authority (LPA).

6.139 There is a high probability the applicant will apply for funding as Maidstone Borough Council has a strategy to deliver 1,000 new affordable homes which was first announced in 2021 and a development strategy setting out how this can best be achieved was agreed by Policy & Resources Committee in January 2022. More recently at the Cabinet meeting of 24<sup>th</sup> January 2024 an update was provided on AH delivery to date, resourcing, project pipeline, and viability pressures and the Cabinet decided to approve that the Council can enter into a "Local Authority Grant Agreement for the Affordable Homes Programme 2021 to 2026" with Homes England. In addition, Full Council agreed the capital programme for funding towards the 1,000 affordable homes project at the meeting of 21<sup>st</sup> February 2024.

6.140 Despite the above, for the purposes of decision making on this application no AH is being provided or secured and so potential AH delivery through external funding cannot be given any weight in reaching a decision on this application.

## **Infrastructure and Open Space**

- 6.141 Policy DM20 and draft policy LPRINF2 state that residential development that would generate a need for new community facilities or for which spare capacity does not exist will not be permitted unless the provision of new, extended or improved facilities, or contributions towards such provision is secured either through legal agreements or the Community Infrastructure Levy (CIL). The Council is a CIL authority so in general off-site infrastructure should be funded by CIL.
- 6.142 Kent County Council have requested financial contributions towards primary (£215,155), secondary (£382,294), SEND (£22,253) education, community learning (£7,423), children's services (£11,773), libraries (£13,590), social care (£39,250), and waste (£11,284). For the reasons of viability outlined above the applicant is not able to provide any financial contributions and for the same reasons cannot provide any monies towards off-site cycle improvements suggested by Active Travel England and KCC Highways.
- 6.143 In terms of open space and as outlined above, the scheme provides just over a third of the site for open space/landscaping. It therefore provides a good level of open space for residents which includes some play equipment for younger children and in comparison to other town centre residential development this is a positive aspect of the development. Clearly open space types such as sports and large areas of natural-semi-natural space are not possible on a town centre site. So whilst the scheme does not meet the quanta of open space identified under policy for the number of residents, there are understandable reasons for this, and it is considered there would be an appropriate level of onsite amenity space for residents.
- 6.144 Draft site policy LPRSA146 states that where the full amounts of open space types are not feasible, the scheme shall make appropriate financial contributions towards off-site provision/public realm improvements within the wider town centre. The Parks and Open Spaces team have requested £315,573 to address the deficits in the three typologies of play, sport, and natural/semi-natural that are not provided under the scheme towards Whatman Park (semi-natural), James Street Play Area/Arundel Street Plan Area (play), and Penenden Heath (sport facilities).
- 6.145 Despite viability issues the applicant has stated they are willing to provide a financial contribution towards off-site public open space. However, it is considered that to secure the request for monies is not reasonable within the context of a financially unviable scheme. The applicant's agent has agreed to pay these monies citing the draft policy criterion. However, this stance is counter intuitive in that no monies whatsoever are proposed for AH (including an off-site contribution which is common in the town centre) and this is a key policy in both national and local policy i.e. the provision of affordable housing. It is important to be consistent in decision making and, therefore, it is considered that there should be no contribution made to open space because of the significant viability problem discussed above.

- 6.146 In conclusion on open space, it is considered the scheme provides a suitable level of space on site for a town centre development including play equipment and public realm that would provide a good level of amenity for future residents. The scheme is not viable to provide an off-site financial contribution.
- 6.147 The development will have to pay CIL monies which are estimated by the applicant to be in the region of £1.7m but this can only be confirmed once all the relevant forms have been completed/submitted and relevant details have been assessed and approved. This could be used towards the infrastructure listed by KCC, open space, healthcare, walking and cycling, and public realm as they are projects all set out in the latest Local Plan 2017 Infrastructure Delivery Plan.
- 6.148 Affordable housing is relieved from CIL payments but the applicant has stated they will not seek relief should any be provided through separate Homes England funding. As the CIL payment is included as a cost in the viability appraisal this is considered appropriate and can be secured under a legal agreement to ensure CIL monies can mitigate the impact of the development as submitted/assessed under this application with no AH proposed.

### **Other Matters**

#### *Drainage*

- 6.149 Surface water drainage would be dealt with through the use of permeable surfaces, attenuation crates, and a tanked detention basin in the northwest corner of the site. The surface water which would be treated via silt traps and oil treatment products would drain to the River Medway via an existing offsite connection. KCC Flood and Water Management have reviewed the proposals and following clarification on matters raise no objections subject to conditions. Foul drainage would be into the existing system and Southern Water have advised there is sufficient capacity to service the development.

#### *Archaeology*

- 6.150 Relevant to this the draft policy states:

*"Assessment of the archaeological potential of the site shall be undertaken and the measures needed to address the assessment's findings secured."*

- 6.151 In terms of archaeology, a desktop assessment has been provided which considers there is a medium/high archaeological potential for the palaeolithic period and medium archaeological potential for the prehistoric period. The Mount Roman Villa is known to lie close to the site and previous excavations recorded a Romano-British field system so the site has high archaeological potential for the Roman period. The site has low archaeological potential for the Saxon, mediaeval and post mediaeval periods. The proposed development mainly follows the existing ground levels so will only have a minor impact below ground.



6.152 KCC Archaeology advise a Roman road probably followed the alignment of Week Street so there is potential for Roman remains and archaeological investigations for the construction of the Sorting Office did locate Roman and later field systems. They state that detailed archaeological investigations were not carried out for the Sorting Office and there is potential for archaeology to be impacted by this new development. They have advised it is possible to address archaeological issues through a phased programme of geo-archaeological and archaeological works secured by condition.

#### *Minerals*

6.153 In terms of minerals safeguarding, KCC Minerals and Waste have raised no objections and confirmed the site is not coincident with any land won safeguarded minerals. The proposals are therefore in accordance with policy DM7 of the Kent Minerals and Waste Plan.

#### *Air Quality*

6.154 Relevant to this the draft policy states:

*"Appropriate air quality measures to be agreed with the council which will be implemented as part of the development. These shall ensure that new residents are not exposed to unacceptable conditions and to also ensure that the development does not adversely impact upon existing air quality levels."*

6.155 In terms of air quality, the site is adjacent to an Air Quality Management Area (AQMA) which near to the site runs along the A229 and Stacey's Street. An assessment has been submitted which considered new residents would not be subjected to unacceptable air quality levels and it is noted that winter gardens are proposed for the lower level properties facing the A229. Impacts from traffic on the AQMA would be less than the current situation. Measures to mitigate impact include EV charging (under building regulations), cycle storage, and renewable energy methods (see below). The assessment recommends dust and pollution control measures during construction. Environmental Health have raised no objections subject to an Air Quality Emissions Reduction condition but I do not consider this is necessary as the impact is acceptable and mitigation will be secured by condition or under the building regulations.

6.156 Recommended Environmental Health conditions relevant to planning and not covered already relate to a construction method statement (noise, vibration and dust), the noise mitigation for apartments, an acoustic report in relation to the substation, treatment of fumes/odours from commercial uses, lighting, and contamination. These are all appropriate to be dealt with by condition and whilst impacts from demolition and construction are generally outside the consideration of the application, due to the location of the site in a fairly dense area I consider conditions are appropriate to minimise noise, dust, and disturbance.

#### *Energy and Water*

6.157 In addition to a fabric first approach the scheme would include 412m<sup>2</sup> of PV panels and air source heat pumps for all apartments which will be on the roofs. The cumulative CO<sub>2</sub> emissions savings are estimated at 77% for

the residential element and 9% for the commercial above the building regulations. The commercial element would also meet a BREEAM 'Very Good' rating. These measures are considered acceptable and can be secured by condition including at least 10% energy from renewable sources as per draft policy.

- 6.158 Measures are proposed for water consumption to be 110 litres per person per day in line with draft policy LPRQ&D1 which can be secured by condition.

#### *Waste Strategy*

- 6.159 Each flat is provided with appropriate refuse storage and segregation bins within the kitchens and secure, ventilated and well-lit bin stores are provided within each block with 2m wide access doors. This is in accordance with policy CSW3 of the Kent Minerals and Waste Plan.

- 6.160 In terms of demolition and construction, site waste will be minimised with waste monitoring carried out with separation of materials and clearly labelled re-cycling areas and skips. Demolition materials will be re-used on site where possible as hard core fill for example and if not suitable will be sent for re-cycling. A specific area will be laid out and labelled to facilitate the separation of materials for potential recycling, salvage, reuse and return. The fine details can be secured by condition in line with policy CSW3 of the Kent Minerals and Waste Plan.

#### *Representations*

- 6.161 Issues raised that do not relate to matters considered above include the loss of office space and jobs, anti-social behaviour, and accommodation being used by London Boroughs. The existing commercial uses are not protected under local or national planning policy. Anti-social behaviour cannot be ruled out from any new residential development but this is not grounds to object. How the accommodation is occupied and who by is not a material planning consideration.

#### *Habitats Regulations Assessment (HRA)*

- 6.162 The North Downs Woodland Special Area of Conservation (SAC) is around 3.5km northeast of the application site and is designated for its beech and yew woodland, and semi-natural dry grasslands and scrubland.

- 6.163 The potential for impacts from the development on the SAC are air pollution from construction traffic and traffic associated with future residents/commercial uses close to the SAC and recreational activities of new residents. The latter is primarily from unauthorised off-road cycling and motorbiking which has occurred rather than general visitor numbers. There is also the potential for the same cumulative effects with other development in the LPR.

- 6.164 An 'Appropriate Assessment' is therefore required to assess whether the development alone or cumulatively will adversely affect the integrity of the SAC including any necessary mitigation if relevant.

- 6.165 In terms of the development itself, it is considered that potential air pollution impacts from traffic would not occur because the construction and operational phases would not generate more movements than the existing situation.
- 6.166 In terms of recreational pressure, whilst it cannot be ruled out that some new residents may carry out off-road cycling or motorbiking I consider the likely impact of this would be extremely low so I do not consider the development alone would lead to a significant effect on the integrity of the SAC.
- 6.167 Natural England have also been consulted on this specific matter and state that, *"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection."* They advise the LPA to record a decision that a likely significant effect can be ruled out on the basis that *"given the nature of the specific recreation impacts affecting the North Downs Woodlands there is insufficient evidence to suggest increased housing will result in impacts to the site."*
- 6.168 In terms of cumulative effects and relevant to this, the LPR Inspector has inserted a new paragraph regarding air pollution through his Final Report stating:
- "The Local Plan Review makes provision for a new garden community at Lidsing, where the impact of new development on the integrity of the North Downs Woodlands SAC requires careful consideration. Provided that the air pollution mitigation specified by Policy LPRSP4(B) is delivered then adverse effects on the SAC due to air quality from the plan as a whole, alone or in-combination, can be ruled out. In the event that the Lidsing garden community is not delivered, the Council will agree a proposed approach with Natural England, and no further development contributing to an increase in traffic to roads within 200m of the SAC (A229, A249 or Boxley Road) will be permitted until mitigation has been agreed, unless applicants can demonstrate that they will not have an adverse effect on the integrity of the SAC, alone or in-combination."*
- 6.169 In relation to recreation, the LPR states at paragraph 7.152 that, *"the potential effects of recreation at North Downs Woodland SAC are less certain but it is considered that residential development within 7km of this site could contribute to adverse effects from recreation pressure. New residential developments within 7km of the SAC will be required to make developer contributions and the Council will work with Natural England to monitor and if necessary, mitigate any recreation pressure or air pollution effects at this site, with a strategy in place prior to adoption of the Local Plan."*
- 6.170 In terms of cumulative impacts, the air pollution mitigation for the Lidsing development would deal with the cumulative impacts of development in the LPR. Even if this did not come forward, because the proposed development under this application will generate less vehicle movements than existing, I do not consider mitigation for air pollution is necessary for this scheme.

- 6.171 Recreational mitigation for the cumulative impacts of development (which is less certain), is listed in the latest LPR specific Infrastructure Delivery Plan (IDP) where the Council will develop the mitigation with Natural England. The estimated cost is not known and the IDP states the funding sources will be through section 106 agreements. However, because the mitigation or costs have not been worked up it is not possible to secure any monies notwithstanding the viability issues with this development. In this situation the use of CIL monies towards mitigation would be appropriate.
- 6.172 In conclusion, it is considered adverse effects on the integrity of the North Downs Woodland SAC would not occur from the development alone. In terms of cumulative impacts, the development would generate less vehicle movements so would not contribute to cumulative air pollution and any necessary recreational mitigation will be developed at a strategic level where the Council will work with Natural England to assess, monitor and if necessary mitigate any recreation pressure at North Downs Woodland SAC as per the LPR. On this basis it is considered that the project will not have an adverse effect on the integrity of the North Downs Woodland SAC in view of the sites' conservation objectives. Having made this appropriate assessment of the implications of the project for the SAC in view of that site's conservation objectives, the project is considered to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.173 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7 BALANCING EXERCISE**

### *Policy*

- 7.01 The proposed development/uses are not in accordance policies SP4 or RMX1(2) of the adopted Local Plan which seek a 'retail-led' development at the wider allocation. The proposals are therefore contrary to the Development Plan in this respect.
- 7.02 Any decision not in accordance with the Development Plan requires clear justification. A key material consideration is the Local Plan Review which attracts 'substantial' weight and changes to the allocation for a different mix of uses and amounts under draft policy LPRSA146 for "*approximately 500 dwellings, 2,000m<sup>2</sup> new retail, 5,000m<sup>2</sup> business and other appropriate town centre uses such as a medical facility*".
- 7.03 This is based on the Council's most up to date evidence base 'Economic Development Needs Study Addendum' (2021) which notably requires far less retail floorspace.
- 7.04 The application site is around half of the allocation so should provide in the region of 1,000m<sup>2</sup> of retail, 2,500m<sup>2</sup> business and other appropriate

town centre uses and 250 dwellings on a pro rata basis to align with draft policy LPRSA146.

- 7.05 The proposals are for 1,863m<sup>2</sup> of flexible town centre uses (Use Class E) which could provide retail, business, town centre uses, or a medical facility and these uses are in accordance with the draft policy. In agreeing to 500m<sup>2</sup> of retail space being secured by condition this is a positive aspect towards meeting a quarter of the retail aims of the allocation, however the overall amount of commercial floorspace is around 1,600m<sup>2</sup> below that envisaged in the policy on a pro rata basis.
- 7.06 The proposed number of dwellings does comply with the draft policy in terms of the approximate yield for around half the allocation in not exceeding 250.
- 7.07 The likelihood of the remainder of the site coming forward with retail, business and other town centre uses with around 250 dwellings may be possible but the overall levels of retail and commercial floorspace sought under the policy are unlikely to be met. However, I do not consider the aims of the site allocation would be unduly compromised by the proposed development and so I do not consider the proposals are contrary to draft policy LPRSA146. I consider general compliance with the draft policy LPRSA146 is a material consideration which attracts 'substantial' weight and is sufficient grounds for a decision not in accordance with the Development Plan (Maidstone Local Plan 2017).

#### *Heritage*

- 7.08 The development would cause a low level of 'less than substantial harm' to the setting of Sessions House (GII). The development would therefore not preserve or enhance the setting of this asset to which special regard must be had under the relevant Acts. There is also some conflict with policy DM4 of the Local Plan and draft policy LPRENV1 which seek development to conserve or where possible enhance heritage assets and their settings. The policies refer to carrying out a weighting exercise in line with the NPPF where there is potential harm. Noting reference to the weighting exercise I give conflict with these policies 'moderate' weight.
- 7.09 I consider the scheme has been designed to minimise the impact upon Sessions House and some harm is inevitable where taller buildings are proposed but importantly the front façade of the building is not obstructed. It is evident that even at the scale proposed the scheme is unviable without external funding and so I consider there is sufficient justification for some low harm to be caused.
- 7.10 In line with the NPPF, I give great weight to the harm even though it is at a low level. In weighing this against the 'public benefits' as per paragraph 208 of the NPPF these are as follows:
- Social benefits from the provision of 217 dwellings to meet ongoing housing needs on a draft allocation which includes housing to which I give 'significant' weight.
  - Economic benefits through construction jobs and from the employment

of staff in the commercial uses, and local spend from future residents to which I give 'moderate' weight.

- 'Environmental' benefits through the regeneration of a site which detracts from the local area with a high-quality development that will improve the local environment to which I give 'moderate to significant' weight.

7.11 Whilst giving special regard to the fact that the development will not preserve or enhance the setting of Sessions House, I consider some harm is inevitable from development of the site as set out in the adopted and emerging Local Plan Review; this impact has been minimised; and I consider that together the public benefits are sufficient to outweigh the low level of 'less than substantial harm' to the setting of this heritage asset in line with Paragraph 208 of the NPPF.

#### *Impact on the Local Area and Design*

7.12 The development would not harm the character and appearance of the local area in terms of its scale and massing, and the appearance of the buildings subject to conditions, is considered to be of high-quality such that it would have a positive impact and enhance the character and appearance of the site and thus local area in accordance with policy DM1 of the Local Plan. The scheme would provide a good standard of amenity for future residents including communal spaces and public realm with appropriate landscaping subject to conditions. The proposals are in accordance with draft policy LPRSA146 in this respect.

#### *Affordable Housing and Infrastructure*

7.13 Affordable housing is not provided due to viability so are contrary to policy SP21 of the Local Plan and draft policy LPRSP10(B) of the Local Plan Review. As there are evidenced reasons for this I give this conflict 'moderate' weight.

7.14 Impacts on infrastructure can be mitigated through CIL and the legal agreement will ensure that no CIL relief is claimed should any affordable housing be provided via external funding.

#### *Other Matters*

7.15 KCC Highways raise no objections in terms of traffic impacts and parking. All other relevant matters are considered to be acceptable subject to conditions and there are no objections from any statutory consultees.

## **8 CONCLUSION**

8.01 The draft allocation policy LPRSA146 attracts 'substantial' weight and is considered to be sufficient grounds to allow a decision not in accordance with adopted allocation policy RMX1(2). The proposed uses align with the draft policy and although the commercial floorspace amounts are lower than expected under the policy this is not considered grounds for refusal.

8.02 The proposals are in accordance with the relevant criteria of draft policy LPRSA146 and would provide a high-quality scheme that would have a positive impact and enhance the character and appearance of the site and thus local area. The development complies with all other relevant Development Plan and emerging policies and suitable mitigation is secured by conditions or a legal agreement where necessary.

8.03 I consider the conflict with heritage and affordable housing policies to which I give 'moderate' weight is outweighed by the public benefits of the development.

8.04 For the reasons set out in the report, planning permission is recommended subject to conditions and a legal agreement.

### **EIA Screening**

EIA Development	Yes
Comments	<p>Whilst the proposals fall within Schedule 2 (10b) of the Regulations and exceed the applicable threshold of 150 dwellings, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a 'sensitive area' defined under the EIA Regulations.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.</p>

## **9 RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below** with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

*(The legal agreement will take the form of a Memorandum of Understanding (MOU) as the Local Planning Authority cannot enter into a Section 106 agreement with Maidstone Borough Council (the applicant))*

Legal Agreement (MOU) to require prior payment of monitoring fees of £6,120.

### **HEADS OF TERMS**

- a) To secure the on-site biodiversity habitat net gain of at least 45% for at least 30 years including monies (to be agreed by officers in consultation with KCC Ecology) to cover the costs of the LPA reviewing monitoring reports.
- b) To secure financial incentives for each household for 'car club/rental' use (to be agreed by officers).
- c) To require the applicant to apply for Homes England Grant Funding within 3 months of the commencement of the development (excluding demolition) in order to provide affordable housing and including an affordable housing scheme to be submitted to the LPA for approval should funding be awarded.
- d) To require the applicant to commit to not seeking CIL relief against any affordable housing should it be provided through grant funding.
- e) To secure a Travel Plan Monitoring Fee (to be agreed by officers in consultation with KCC Highways)
- f) To require the applicant to apply for and fund a Traffic Regulation Order for the proposed loading bay on Sandling Road.
- g) To require the applicant to provide opportunities for the employment of local residents in the construction of the development.

## **CONDITIONS**

### *Time Limit (Full Permission)*

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.

### *Approved Plans & Compliance*

2. The development hereby permitted shall be carried out in accordance with the drawings listed on the 'List of Plans' dated 08/03/24.

Reason: To clarify which plans have been approved and to ensure a high-quality development.

3. The approved vehicle parking/turning and loading areas shall be completed before the commencement of the use of the land or buildings to which they relate 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 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.

4. The approved cycle parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

5. The development shall be carried out in accordance with the noise mitigation measures as set out at paragraphs 9.2 (glazing specification) and 9.3 (mechanical ventilation) of the 'Sevenoaks Environmental Consultancy Ltd Noise Assessment' (22/09/23). No occupation of any residential unit shall take place until these measures have been carried out for that unit.

Reason: To ensure adequate amenity levels for residential units.

6. The development shall be carried out in accordance with the noise mitigation measures as set out at paragraph 11.4 (enclosure of plant) of the 'Sevenoaks Environmental Consultancy Ltd Noise Assessment' (22/09/23). No plant or equipment shall be brought into use until these measures have been carried out for that specific plant or equipment.

Reason: To ensure adequate amenity levels for residential units.

#### *Pre-commencement*

7. No development including any demolition shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:

- a) Measures to minimise the production of construction, demolition, and excavation waste.
- b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

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

Reason: To comply with the Kent Minerals and Waste Local Plan.

8. No development including any demolition shall take place until a Construction Method Statement (CMS) to minimise noise, dust and vibration has been submitted to and approved in writing by the local planning authority.

The approved CMS shall be strictly adhered to and implemented throughout the demolition and construction period in accordance with the approved details.

Reason: To ensure that any impacts of development activities are minimised.

9. No development other than demolition shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

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 human health.

10. No development other than demolition shall take place until a method statement/risk assessment relating to piling or any other foundation designs using penetrative methods has been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency). The details shall demonstrate that there will be no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

11. No development other than demolition shall take place until the following has been submitted:

(a) Geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

- (b) Further geo-archaeological and Palaeolithic investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- (c) A programme of post excavation assessment and publication.

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

Reason: To ensure that features of geo-archaeological and palaeolithic interest are properly examined, recorded, reported and disseminated.

12. No development other than demolition shall take place until the following has been submitted:

- (a) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (b) Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- (c) A programme of post excavation assessment and publication.

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

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

13. No development other than demolition shall take place until a detailed sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the 'Combined Flood Risk Assessment and Drainage Strategy' dated 18th December 2023 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 within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) 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.

14. No development other than demolition shall take place until a Biodiversity Management Plan (BMP) to ensure a minimum 40% net gain in habitat units across the site, in line with the 'Biodiversity Net Gain Design Stage Report' (19/09/23), has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include:
- a) Increase in the amount of scrub habitat to ensure the trading rules are met.
  - b) Detailed proposals for each phase of the biodiversity net gain and its implementation as shown within the 'Biodiversity Net Gain Design Stage Report' (19/09/23)
  - c) A 30 year management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of the development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: To ensure measurable net gains to biodiversity.

15. No development other than demolition shall take place until details of the proposed finished floor levels of the buildings, all ground levels of the development, and existing site levels shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. Where any land raising or retaining structures are required they must be justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

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

#### *Pre-Slab Level*

16. No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption have been submitted to and approved in writing by the Local Planning Authority. The details must include all measures set out in 'Energy and Sustainability Statement (September 2023) being the PV panels and air source heat pumps to serve all apartments installed as shown on drawing nos. LHA-XX-09-DR-A-0420-AB-109 Rev01, LHA-XX-08-DR-A-0420-CD-124 Rev 01, and LHA-XX-03-DR-A-0420-E-128 Rev01. Follow installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

17. No development above floor slab level shall take place until details of hard surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall include the following:

- a) Surface materials as shown on drawing no. HBA-916-300 RevB (Hard Landscape Strategy).
- b) Details of high quality materials for the areas of public realm, upper and lower piazza to provide interest.

Reason: To ensure a high-quality development.

18. No development above floor slab level shall take place 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 building(s) or land to which they relate and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

19. No development above floor slab level shall take place until a written statement of public art to be provided on site, in the form of a Public Art Delivery Plan in line with the thresholds set within the Public Art Guidance has been submitted to and approved in writing by the local planning authority. This should include the budget, locations of public art, the timetable for provision, and ongoing maintenance. The development shall be carried out in accordance with the approved details.

Reason: To provide a sense of place.

20. No development above floor slab level shall take place until details of the play equipment, furniture, and any refuse bins for the public realm and communal open space areas including a timetable for their delivery have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter retained in line with the approved timetable.

Reason: To ensure quality areas of public space.

21. No development above floor slab level shall take place until a detailed landscaping scheme which shall follow the principles of the 'Landscape and Open Space Strategy' and be designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification and a long-term management plan and provide the following:

- a) Native trees across the site.
- b) Native double staggered hedges.
- c) Native shrub planting.

- d) Climbing plants to screen/soften the walls of the upper piazza.
- e) Climbing plants and native shrub and tree planting to screen/soften the existing walls along the northern boundary.
- f) Climbing plants to screen/soften the boundary treatments along the south boundary.
- g) Steel tensile wire structures to the southern elevations of Block E with climbing plants.
- h) Wildflower planting.
- i) Increased scrub habitat.

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

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

22. No development above slab level shall take place until a timetable for implementation of the approved landscaping has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification. Any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: To ensure an appropriate appearance and setting to the development.

23. No development above floor slab level shall take place until the details for the planting of street trees including details of services, tree pits, and mechanical irrigation measures which shall follow BS 8545:2014, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development.

24. No development above slab level shall take place until full details of the ecological enhancements and a timetable for their delivery, which shall follow the 'Ecological Enhancement Plan', have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks.
- b) Reptile and amphibian hibernacula/log piles and hedgehog nest boxes.
- c) Invertebrate boxes.

Reason: To enhance biodiversity.

25. No development above floor slab level shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The materials shall include the following:
- a) Multi stock bricks in a muted orange/red colour with variations in colour and texture.
  - b) Bronze coloured metal balconies.
  - c) Bronze coloured metal balustrades to the top of buildings.
  - d) Bronze coloured panels.
  - e) Bronze coloured metal standing seam roofs.
  - f) Bronze coloured windows.
  - g) Bronze coloured louvres.
  - h) Bronze coloured fascias/soffits/portal frame piers for the gable roof tops.
  - i) Kentish ragstone for buildings and walls approved with ragstone.
  - j) Colour of the reconstituted stone frames.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

26. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the brickwork and Kentish ragstone for the buildings and walls (which has been constructed on site) have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

27. No development above floor slab level shall take place until, large-scale plans (1:20 scale) for each of the following architectural details has been submitted to and approved in writing by the local planning authority:
- a) Recessed windows by at least one bricks width.
  - b) The projecting stone frames.
  - c) Projecting brickwork frames by at least 0.3m as shown on the approved plans.
  - d) Gable overhangs to the top of the buildings of at least 0.7m as shown on the approved plans.
  - e) The provision of a ragstone plinth to Block E.
  - f) Brick detailing for Block E.
  - g) Brick detailing for the tall expanses of blank brickwork on the east elevation of Block A fronting Sandling Road; the south, internal, east, and west elevations of Block B; the north and south elevations of Block C; and the south and north elevations of Block E.
  - h) Gable verges details to Block E with no use of plastic covering.
  - i) Balconies with the use of slender bars.
  - j) PV Panels which shall be flush with roofs or where this is demonstrated not to be possible with the minimum projection achievable.

k) The roof plant screening to the top of the northwest and northeast corners of Block D.

The development shall be constructed in accordance with the approved details.

Reason: To ensure a high-quality development.

28. No development above floor slab level shall take place until details of all external lighting, which shall be the minimum necessary and designed to minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: To ensure a high-quality development.

29. No development above slab level shall take place until a timetable for the provision of the pedestrian access to the A229 in the northwest corner of the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the access thereafter retained.

Reason: In the interests of connectivity and active travel.

30. No development above slab level shall take place until details of any external utilities equipment, vents, or similar paraphernalia on the facades of the buildings has been submitted to and approved in writing by the local planning authority. The details shall ensure the impact of such equipment is minimised through sensitive colouring and positioning and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a high quality appearance to the buildings.

#### *Pre-Occupation*

31. No occupation of the development shall take place until, a 'Buildings Maintenance Plan' in respect of the external facades of the building to ensure that any soiling or staining is cleaned/removed, has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the inspection regime/frequency, identification of soiling or staining impacts that require action, and the cleaning regime. The development shall thereafter be maintained in accordance with the approved Plan.

Reason: To ensure a high quality appearance to the buildings.

32. No occupation/use of the commercial floorspace shall take place until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall 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. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of residential amenity.

33. No building hereby permitted shall be occupied (or within an agreed implementation schedule) until a Verification Report, pertaining to the surface water drainage system for that building and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was 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.

34. No occupation shall take place until, a Travel Plan comprising immediate, continuing and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets for walking and cycling for years 1, 3 and 5, together with a time-bound programme of implementation, monitoring, regular review and interventions (in the event of a failure to meet modal share targets), has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan.

Reason: To promote sustainable transport use.

35. The commercial uses shall achieve a Very Good BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM rating has been achieved within 6 months of the first occupation of any commercial floorspace.

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

36. All dwellings hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling shall be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.

Reason: To ensure the development is in accordance with policy LPRQ&D6 of the draft Local Plan Review.

37. All dwellings hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations

Part G2 or any superseding standard. No dwelling shall be occupied unless this standard has been met for the dwelling.

Reason: To ensure a sustainable form of development in accordance with policies LPRQ&D1 and LPRQ&D6 of the draft Local Plan Review.

38. Prior to the first use of the electricity substation an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no significant loss of amenity to residential. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2011. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interests of residential amenity.

#### *Compliance/Restrictions*

39. There shall be no external utility pipes on the elevations of buildings and rainwater goods shall be internal.

Reason: To ensure a high-quality development.

40. The commercial floorspace hereby approved shall be used for Use Class E only and for no other purpose including any other uses permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To help meet the aims of the site allocation policy in the draft Local Plan Review.

41. At least 500m<sup>2</sup> of the approved commercial floorspace shall only be used for retail use (Use Classe E(a)).

Reason: To help meet the aims of the site allocation policy in the draft Local Plan Review.

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

Reason: In the interest of human health.

43. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.