

**REFERENCE NUMBER:** 23/504552/FULL

**APPLICATION PROPOSAL:**

Demolition of existing buildings and structures and erection of a mixed-use development comprising 180no. 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), public realm works (Sandling Road frontage and public piazza), car and cycle parking, landscaping including a public park area, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator).

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

**RECOMMENDATION: APPROVE**

**SUMMARY OF REASONS FOR RECOMMENDATION:**

- It is considered the Planning Committee's reasons for deferral of the application have been appropriately addressed by the applicant.
- The proposed development and uses are in accordance with site allocation policy LPRSA146 of the Local Plan Review (LPR) and the Development Plan.
- The application site is around half of the allocation and the amount of retail and commercial floorspace proposed is below that envisaged in the policy (for half of the site) but the aims of the allocation would not be unduly compromised and the policy does not set minimum floorspace requirements.
- 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 so there is some conflict with policy LPRENV1 of the LPR.
- 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 reports are considered sufficient to outweigh the low level of 'less than substantial harm' to the setting of this heritage asset.
- Affordable housing or a financial contribution is not provided for viability reasons which is in some conflict with policy LPRSP10(B) of the LPR 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 the Local Plan Review parking policy. The amendments to the application result in less traffic from the development and an increased parking ratio.
- The amendments made to the application following deferral of a decision by the Planning Committee result in an improved development in terms of the scale and massing of buildings and their relationship with one another, and providing a public open space area that has roughly doubled in size with higher quality and more useable

space within which play equipment will be secured, and which will be managed and maintained by a public body (MBC). On-site biodiversity net gain has also increased.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>  Maidstone Borough Council is the applicant.		
<b>WARD:</b> Penenden Heath Ward	<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
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

## 1. BACKGROUND

1.01 This application was reported to Planning Committee on 21<sup>st</sup> March 2024 and was recommended for approval subject to conditions and a legal agreement. The Committee deferred a decision on the application resolving the following:

***RESOLVED: That consideration of this application be deferred to:***

- 1. Explore the possibility of more contextual massing in the design of buildings;***
- 2. Explore improving the quality of the open space proposed including more useable spaces; and***
- 3. Explore locking the applicant into the delivery of 100% affordable housing by way of, for example, a Grampian condition or cascade legal agreement.***

***Note 1: The provision of secured open space areas can be conditioned.***

1.02 Since the committee meeting, demolition of buildings on site has started which was approved under a separate demolition application.

## 2. POLICY UPDATE

2.01 The original committee report and urgent update are attached at the **Appendix**. Members will see the report sets out on the first page under 'Summary of Reasons for Recommendation' that the proposals were contrary to the previous Local Plan 2017 (LP17) but in accordance with the emerging Local Plan Review (LPR), and this was one of the main reasons for recommending permission.

2.02 The LPR was adopted on 20<sup>th</sup> March after the report was written and the day before the committee meeting. At the time of the committee meeting the LP17 still had some weight being within the 6 week legal challenge period of the LPR adoption. However, it no longer has any weight and the LPR is now the only local policy consideration. The relevant policies of the LPR remain as follows:

**Maidstone Local Plan Review (2012-2038):** LPRSS1, LPRSP1, LPRSP2, LPRSP10, LPRSP10(A), LPRSP10(B), LPRSP11, LPRSP11(B), LPRSP12, LPRSP13, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRSA146, LPRHOU1, LPRHOU5, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF1, LPRINF2, LPRINF4, LPRENV1, LPRQD1, LPRQD2, LPRQD6, LPRQD7

### 3. APPLICANT'S RESPONSE/CHANGES TO THE APPLICATION

3.01 The main changes to the application in response to deferral reasons 1 (massing of buildings) and 2 (quality of open space) are as follows:

- Removal of the central 3 storey 'Block E'.
- Open space provided with public access during daylight hours in place of Block E.
- Reduction in the number of apartments by 37 through the removal of Block E so lowered from 217 to 180 units in total.

3.02 The applicant's response on deferral reason 3 (affordable housing) is set out and discussed from paragraph 6.16 of the appraisal.

3.03 The previous and amended layouts are shown on the following page and the changes will be discussed in the appraisal further on in the report.

3.04 The description of the development has been amended by the applicant to reflect these changes as follows (with the changes in bold):

*Demolition of existing buildings and structures and erection of a mixed-use development comprising **180no.** 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), public realm works (Sandling Road frontage and public piazza), car and cycle parking, landscaping **including a public park area**, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator).*

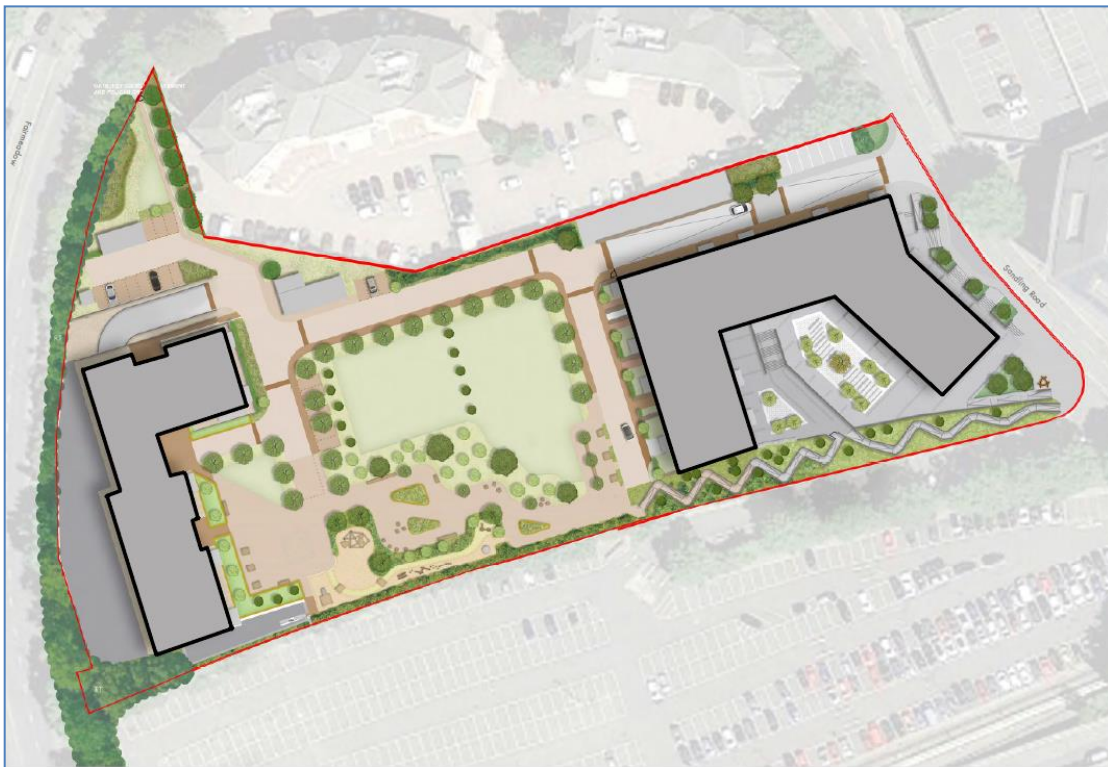
3.05 Re-consultation has been carried out with residents who have made comments on the application and consultees relevant to the changes. A new site notice was erected at the site and a new press advert published reflecting the amended application.

3.06 A Planning Committee Member Briefing was held on 5<sup>th</sup> September where the applicant outlined the changes to the application, their position on affordable housing (which is set out in the original report and again in this report), and also provided an explanation of how the Homes England Funding process works.

Original Layout



Amended Layout with Block E Removed



#### **4 LOCAL REPRESENTATIONS** (in response to the re-consultation)

4.01 **Local Residents:** No additional representations have been received.

#### **5 CONSULTATIONS** (in response to the re-consultation)

*(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 **Active Travel England: Position has not changed - Recommend conditional approval** relating to access points/permeability and a travel plan.

5.02 **KCC Highways and Transportation: Position has not changed - 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.

5.03 **KCC Flood and Water Management: Position has not changed - No objection subject to conditions** to provide fine details of the SUDs scheme and its verification.

5.04 **KCC Ecological Advice Service: Position has not changed - No objections** re. protected species, clarification re. Habitats Regulations Assessment, and advise BNG will increase and remain over 20% BNG.

5.05 **KCC Infrastructure: Position has not changed** - Request updated financial contributions towards primary (£161,028), secondary (£286,119), and SEND (£16,655) education, community learning (£6,157), children's services (£8,811), libraries (£11,273), social care (£32,558), and waste (£9,360).

5.06 **MBC Conservation: Position has not changed - No objections.**

*"From a heritage perspective, Block E was the least harmful from the setting of Sessions House as it will be screened by Block A & B, and from Brenchley Gardens due to the proposed height. The creation of a small public park will see the introduction of some trees within a more urban area, and could be seen as positive from Brenchley Gardens by reducing the longer views of development, but this is considered a limited benefit due to the remaining built form."*

5.07 **MBC Landscape: Position has not changed - No objections subject to** the use of native landscaping including trees, tree protection measures, and an arboricultural method statement.

*"The proposal has been revised since my previous comments whereby the proposed scheme has removed Block E entirely. This removal of Block E has created an opportunity to increase the developments overall Public Open Space and in terms of a landscape perspective, is welcomed."*

## 6 APPRAISAL

6.01 Firstly, an update of the Local Plan position is provided; secondly the amended proposals are assessed against the deferral reasons; and lastly any other implications of the changes are set out and assessed.

### **Local Plan Policy**

6.02 The application falls within the northern half of Local Plan Review (LPR) site allocation LPRSA146 which states:

***Maidstone East as identified on the Policies Map, is allocated for the development of 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.***

6.03 Paragraphs 6.04 to 6.08 of the original report assessed the application against the site allocation within the previous Local Plan 2017 (LP17) concluding the proposals were contrary to this policy. This policy has fallen away with adoption of the LPR so is no longer relevant. The proposals are therefore no longer contrary to the Development Plan and are indeed now in accordance with it.

6.04 The proposals were assessed against the specific criteria relevant to the north part of the LPR allocation through the different sections of the report and judged to be in accordance with all of them, or there were reasons why compliance was not possible (e.g. viability in relation to off-site open space and public realm financial contributions). The amendments to the application do not change this position and so the proposals are still considered to comply with all relevant criteria under policy LPRSA146.

### **Deferral Reasons**

#### ***1. Explore the possibility of more contextual massing in the design of buildings***

6.05 Block E has been removed and this was a 3 storey building within the centre of the scheme and one reason for having a lower building here was to reduce the impact upon views northwards from the Chillington House Conservation Area (Brenchley Gardens). However, it had buildings either side of 7-8 storeys (west) and 8-9 storeys (east) and was therefore somewhat out of scale, with a significant jump in height between the buildings. Stepping building heights is an appropriate approach but the step in case was not gradual.

6.06 In removing this building it means that more space is provided between the eastern and western buildings and so the height to horizontal space ratio is increased. So whilst the larger buildings have not been changed, the removal of the central block means the remaining buildings are more contextual in their massing both with one another, and with the increased open space created between them. This is particularly the case for Block B to the east.

6.07 In conclusion, it is considered the applicant has appropriately responded to this deferral reason and the amended proposals represent an improvement on the original scheme in terms of scale and massing.

## **2. Explore improving the quality of the open space proposed including more useable spaces**

- 6.08 The removal of Block E results in an increase in open space of around 2,000m<sup>2</sup>. This almost doubles the amount of space here from around 2,160m<sup>2</sup> to 4,160m<sup>2</sup>. It also provides one space rather than the two separate 'pocket parks' as previously proposed. This marks a significant improvement in terms of the quantum of open space.
- 6.09 In terms of quality and useability, the applicant describes the space as including,
- "mown grass areas for active recreation and informal ball games, open lawn areas for quiet recreation, meandering wildflower strip with occasional seating spaces, and an 'organic shape' hard surfaced green promenade with spaces for seating, socialising and play opportunities."*
- 6.10 The 'Landscape Masterplan' shows a good amount of open lawn/recreation space in the middle which would provide a more useable space for residents and the public for socialising and informal recreation etc. Part of the southern area is labelled as 'potential for play provision' with play equipment illustrated. It is considered that play equipment should be provided for children in the form of a LEAP (equipment for children of all ages) and this can be secured by condition. Much of the southern area is hard surfaced and described as a 'river inspired promenade with a variety of seating and stopping spaces'. It is considered the amount of surfacing is excessive and some of this should be given over to green space and planting to provide a more attractive and higher quality area, and this is proposed to be secured through amended plans under delegated powers.
- 6.11 The increased area also allows room for larger trees to be provided on the outside of the space and within it, and in general more landscaping is possible which improves the quality of the space. The detail of planting, extent of hard and soft surfacing together with the maintenance regime is the subject of detailed conditions.
- 6.12 This part of the site would only be accessible by keypad controlled gates but they would remain open during daylight hours so the general public can access the open space. Outside of these times only residents would have access and securing this space was a request of the Planning Committee, which can be ensured by condition.
- 6.13 The applicant is also proposing that the open space area is managed and maintained by Maidstone Borough Council as a 'public park' rather than by a management company. Officers have sought the views of Council's Parks and Open Spaces Department on this and the Green Spaces Manager has stated, *"I can confirm that MBC Parks and Open Spaces are agreeable to managing, maintaining and being responsible for this public park area that will be open to the public during daylight hours."*
- 6.14 I consider the management/maintenance of this space by a public body rather than a management company is a benefit to the local area due to the governance and stewardship that would be carried out in perpetuity and so this will be secured under the legal agreement. A condition to ensure the land is open to public use during daylight hours will also be attached.
- 6.15 In conclusion, it is considered the applicant has positively responded to this deferral reason by providing an open space that has roughly doubled in size with one consolidated area that provides higher quality and more useable space, and which will be managed and maintained by a public body. The detail of play equipment and increased green space/planting are required and will be secured through amended

plans under delegated powers to ensure the area serves a range of ages and is of higher quality.

**3. Explore locking the applicant into the delivery of 100% affordable housing by way of, for example, a Grampian condition or cascade legal agreement**

6.16 Paragraph 58 of the NPPF states ....*"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force."*

6.17 This Council has an up to date Local Plan Review which inter alia places great weight on whether or not schemes are 'viable'.

6.18 As set out from paragraph 6.133 of the original report, affordable housing (AH) policy LPRSP10(B) has introduced 'value zones' whereby AH requirements differ. The site falls within the 'low value zone', criterion 2(c) states:

*"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."*

6.19 The applicant submitted a viability assessment with the application which considered the development generates a deficit of -£46,887,606. This was reviewed independently by the Council's consultants (BNP Paribas) who undertook their own assessment. They concluded the proposals would generate a deficit of -£34,297,700. So whilst there was 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 advised in simple terms that the costs of constructing the development are too high versus the values that would be generated.

6.20 The applicant has provided an updated summary note on viability based on the amended scheme predicting a deficit of -£32,259,895.

6.21 Officers remain of the view the viability evidence demonstrates that it is not possible to provide AH. With such a large deficit it is also clearly not possible to provide an off-site contribution either. It is therefore accepted the scheme is unable to provide AH or an off-site contribution and this has been demonstrated as per policy LPRSP10(B) through evidence.

6.22 Despite this, policy LPRSP10(B) does expect, at least, an off-site AH contribution (it does not say that nothing is acceptable although is silent on cases where there is no margin according to the 'open book' approach, as is the case here) and so there is conflict with this policy and the lack of AH weighs against the development.

6.23 Paragraph 58 of the NPPF concludes by stating that, *"All viability assessments...should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available"*.

6.24 These requirements have been complied with.



*Homes England Funding (for information only)*

- 6.25 The applicant (MBC) as a local authority is able to apply for Homes England (Government) funding under the 'Affordable Homes Programme' to provide AH if planning permission is granted, and they have stated they intend to do this. The Programme provides grant funding to support the costs of providing AH for rent or sale. In terms of the 'rules' around this the applicant has stated that, "*The Homes England Capital Funding Guide is clear that grant funding will not be available for additional (affordable housing) units if they are required by the planning permission for the scheme*".
- 6.26 Based on this advice, this means that funding can only be awarded on schemes where AH is not viable and so has not been secured under the planning permission (as would be the case here).
- 6.27 To demonstrate this commitment, the applicant has submitted a draft 'Memorandum of Understanding' (MOU - a form of agreement) where they will commit to submitting a funding application to Homes England if and after permission is granted.
- 6.28 In response to the deferral reason, the applicant has stated that they can commit to apply for funding for at least 30% AH, which was the level required under the previous Local Plan in the urban area. They advise that they cannot go any further than committing to this (for example setting out the tenure) because being this specific this could run the risk of invalidating the grant funding application process.
- 6.29 Whilst this might provide some comfort, Members must be clear that despite this commitment, for the purposes of the decision on this application, potential AH delivery through external funding post decision cannot be given any weight or be a reason for granting permission because its delivery is not guaranteed.
- 6.30 So in summary -

For decision making purposes:

- The scheme is not viable to provide any AH or an off-site financial contribution.
- This is permissible under policy LPRSP10(B) but the policy still expects an off-site contribution so this attracts some weight against the development.

For information purposes:

- The applicant is committed to applying for Homes England Funding should permission be granted to provide at least 30% affordable housing.
- Requiring the applicant to apply for funding will be secured (under an MOU) but this cannot be given any weight or be a reason for granting permission as the award of funding is not guaranteed.

**Other Implications of the Changes**

*Housing Mix*

- 6.31 The removal of Block E results in the loss of 2 x 1 bed flats, 29 x 2 bed flats, and 6 x 3 bed flats. This mainly means a reduction in the number of 2 bed flats and the differences are set out below:

### Original Housing Mix

	Total	Percentage
1 bed flat	63	29%
2 bed flat	112	51.6%
3 bed flat	42	19.4%
Total	217	100%

### Amended Housing Mix

	Total	Percentage
1 bed flat	61	34%
2 bed flat	81	45%
3 bed flat	38	21%
Total	180	100%

6.32 Policy LPRSP10(A) (Housing Mix) states that, "Accommodation profiles in the Strategic Housing Market Assessment 2021 (or any future updates) will be used to help inform developers which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area."

6.33 For market housing the Strategic Housing Market Assessment (SHMA) recommends the following and doesn't distinguish the needs in urban and rural areas as suggested under the policy:

- 1 bed properties: 5%
- 2 bed properties: 25%
- 3 bed properties: 45%
- 4+ bed properties: 25%

6.34 Apart from the increase in the percentage of 1 bed flats, the amended mix moves the 2 and 3 bed units slightly closer to the need, albeit they are still some way off and there are no 4+ bed properties. However, this is not considered a sufficient reason to refuse the application and the mix is still considered to be acceptable in that there is not a dominance of one size of flat and therefore it still provides a balanced and 'mixed community' in line with the policy.

### Highways

6.35 The reduction in the number of flats obviously means less traffic and the parking ratio has increased from 0.74 spaces per unit to 0.86 per unit. There would be 156 parking spaces for 180 dwellings. The impact on the local highway network and parking was previously considered acceptable and in accordance with relevant policy, and the proposals reduce the impact and remain in accordance with relevant policies in the LPR on highways and parking.

6.36 KCC Highways have responded to the amendments continuing to raise no objections subject to conditions and consider the reduced scale of the development "reduces the impacts of the proposed development on the local transport networks".

### Biodiversity Net Gain

6.37 The applicant predicts this has increased from around 48% to 91% due to the increased open space and trees. At least 80% (to allow for some flexibility) will be secured by condition and the legal agreement will ensure this is maintained for at least 30 years including the costs of reviewing monitoring reports over this period. As

set out in the previous urgent update report, being well in excess of the policy requirement of 20% this is considered to be a benefit that attracts 'moderate' weight.

#### *Infrastructure*

- 6.38 As per the original report, due to the viability position the applicant is not able to provide any financial contributions towards infrastructure such as education, public transport, off-site open space etc. but for the latter public open space has been increased on site.
- 6.39 The development will have to pay CIL monies that are used towards infrastructure and this was previously estimated by the applicant to be in the region of £1.7m for 217 dwellings. This this will obviously be lower but the impact on infrastructure is also lessened. The final CIL amount can only be confirmed once all the relevant forms have been completed/submitted and the details have been assessed/approved.
- 6.40 Affordable housing is relieved from CIL payments but the applicant has confirmed 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 the legal agreement to ensure CIL monies can be used to mitigate the impact of the development as submitted/assessed under this application.

## **7 BALANCING EXERCISE & CONCLUSION**

- 7.01 The balancing of issues remains the same as set out at section 7 of the original report apart from importantly, Local Plan policy, whereby there is now no conflict as the previous Local Plan has fallen away.
- 7.02 The other matters set out at section 7 are summarised as follows with the full reasoning in the original report:

#### *Heritage*

- 7.03 There remains a low level of 'less than substantial harm' to the setting of Sessions House (GII) and some conflict with policy LPRENV1 to which I give 'moderate' weight against the proposals.

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

- 7.04 The development would have a positive impact and enhance the character and appearance of the site and thus local area and the amendments result in an improved development in terms of the scale and massing of buildings and their relationship with one another.
- 7.05 The scheme would provide a good standard of amenity for future residents including a now increased area of public open space to be used as a 'public park' managed and maintained by the Council which is a new public benefit.

#### *Affordable Housing*

- 7.06 It remains that affordable housing is not provided nor an off-site contribution. Policy LPRSPB(10) still requires an off-site contribution but as there are evidenced reasons why this is not possible, I continue to give the lack of affordable housing 'moderate' weight against the proposals.

## **Conclusion**

- 7.07 The proposed development is now in accordance with the Development Plan as a whole including the relevant criteria of allocation policy LPRSA146.
- 7.08 The amendments made to the application in response to the deferral reasons are considered to respond appropriately and result in an improved development.
- 7.09 The low level of heritage harm is still considered to be clearly outweighed by the public benefits of the development. The lack of affordable housing has been sufficiently justified by evidence, and the quality of the scheme including the increased amount of open space is still considered sufficient to outweigh this.
- 7.10 For the reasons set out in this report and the original report, planning permission is recommended subject to conditions and a legal agreement.

## **8 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 the legal agreement and any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

**Delegated powers to the Head of Development Management to negotiate amended plans** to reduce the amount of hard surfacing within the central open space to be replaced with soft landscaping and to provide children's play equipment.

*(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))*

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 80% 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 prior to the commencement of the development (excluding demolition) to provide affordable housing to a minimum of 30% of the overall number of units.
- 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.
- h) To require the central public open space area to be managed and maintained by Maidstone Borough Council in perpetuity.

## **CONDITIONS**

### *Time Limit*

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 (***amended drawing list to be submitted to provide reduced hard surfacing and play equipment in the central open space area under delegated powers***).

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 beyond 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 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 beyond 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 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 principles of 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 80% net gain in habitat units across the site, 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.
- 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. Such details shall also include measures for on-site battery energy storage unless this is demonstrated with evidence to be unfeasible. Following 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 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 follow the principles of the surface materials shown on drawing no. HBA-916-300 RevE.

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 play equipment (to cater for a range of ages), furniture, and refuse bins for the public realm and public 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 'Updated 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 including 'legacy' trees.
- 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) Wildflower planting.
- h) 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 principles of 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 to buildings (as opposed to boxes).
- 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) 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; and the north and south elevations of Block C.
- f) Balconies with the use of slender bars.
- g) PV Panels which shall be flush with roofs or where this is demonstrated not to be possible with the minimum projection achievable.
- h) 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 plan identifying the central public open space area has been submitted to and approved in writing by the local

planning authority. The area defined on the approved plan shall be used as public open space in perpetuity and must be accessible to the public during daylight hours in perpetuity.

Reason: To ensure the open space meets the needs of residents and is accessible by the public.

32. No occupation of the development shall take place until details and location of the measures to secure the site and central public open space area outside of daylight hours 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 retained thereafter.

Reason: In the interests of residential amenity.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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 LPRQD6 of the Local Plan Review.

39. 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 LPRQD1 and LPRQD6 of the Local Plan Review.

40. 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 properties. 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*

41. 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.

42. 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 Local Plan Review.

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

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

44. 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.

45. 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.

*NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.*