

APPLICATION: MA/09/2333 Date: 23 December 2009 Received: 21 July 2010

APPLICANT: Maidstone Housing Trust

LOCATION: LAND AT, CHURCH STREET, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of 3 attached residential apartment blocks accommodating 11 one bed and 17 two bed flats for persons aged over 50's including pedestrian access, mobility scooter parking, amenity and garden areas and refuse enclosures in accordance with plans numbered 3230/P11; 3230/P14; 3230/P12; 3230/P13; received on the 2 March 2010; design and access statement and arboricultural and ecological assessment received on the 5 January 2010, and viability assessment received on 27 July 2011

AGENDA DATE: 17th March 2011

CASE OFFICER: Chris Hawkins

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

- The application site is Council owned land.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
South East Plan 2009: CC4, BE1, H3, H4, H6, T4
Government Policy: PPS1, PPS3, PPS9, PPG13

2. HISTORY & BACKGROUND

- 2.1 MA/06/1285 - Land at Church Street, Maidstone. Outline application for residential development with all matters reserved for future consideration. Approved. This was an application submitted by Maidstone Borough Council, and approved by Planning Committee in late 2006.
- 2.2 MA/05/2058 - Land at Church Street, Maidstone. Outline application for residential development. Refused.
- 2.3 The proposal has taken a significant period of time to be brought before Members as there has been a significant level of negotiation between the case officer and the applicants to seek improvements to the design. In addition, it

was requested that financial information be supplied to demonstrate why contributions could not be provided by the applicant.

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Environmental Health Officer** has raised no objections to this proposal.
- 3.2 **Maidstone Borough Council Landscape Officer** has raised no objections to this proposal.
- 3.3 **The Conservation Officer** has informally commented on the proposal. Concern was raised about the reduction in the height of the ragstone wall, and the detailing of the building. This matter was discussed, and it was agreed that the ragstone wall should be retained at a minimum height of 1metre, with hedging behind.
- 3.4 **Maidstone Borough Council Property Surveyor** has assessed the viability appraisal and raises no concerns about the methodology, or findings.
- 3.5 **Kent Police** were consulted and raised no objections to this proposal.
- 3.6 **Southern Water** were consulted and raised no objections to this proposal.
- 3.7 **The Primary Care Trust** were consulted and requested that contributions be made to improve local infrastructure within the locality. They have requested that a total of £17,784.00 be provided. They have been informed that no contributions will be forthcoming due to the viability of the development, and the fact that it is to provide 100% affordable housing for the over 50's and raise no objections.

*Officer Comment: The matter of contributions is considered within the main body of the report.
- 3.8 **Mouchel (KCC)** were consulted and requested that contributions be made to improve local infrastructure within the locality. The contributions sought relates to the provision of adult social services, and library contributions. They have been informed that no contributions will be forthcoming due to the viability of the development, and the fact that it is to provide 100% affordable housing for the over 50's and raise no objections.
- 3.9 **KCC Archaeology** were consulted and raised no objections subject to the imposition of a condition relating to the implementation of a programme of archaeological work.

4. REPRESENTATIONS

- 4.1 Neighbouring properties were notified and no letters of objection have been received.
- 4.2 One letter of support has been received from the Cutbush and Corral Charity. They support this application on the basis that it would improve their facilities, and would prove to be a high standard of accommodation for future residents.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the urban confines of Maidstone, close to the town centre. The site is identified within the Maidstone Borough Wide Local Plan (2000) as being within a tertiary shopping area, and opposite the Trinity Conservation Area. There is no further designation for this land. There are however, listed buildings within close proximity of the application site. The site is currently well screened behind a 2metre high ragstone wall. Trees and shrubs can be seen from behind this wall. I am of the opinion however, that due to the wall, the openness of the site is somewhat hidden, with no views across the site from public domain. I do not consider therefore that it provides a significant contribution to the enhancement of the character of the area.
- 5.1.2 To the north of the application site is the recently redeveloped Ophthalmic and Aural Hospital. This is a part conversion of the site, and part new build to provide 86 residential units (MA/07/0637), together with other external alterations. The front block of this development has now been completed, however works to the rear of the site are continuing. An area of hard landscaping has been provided to the front of this site.
- 5.1.3 To the west of the site is the St Johns Ambulance Brigade headquarters, a single storey building, with a strong gable feature facing on to Church Street. This is of brick construction. Further west is a three storey office building, dating from the mid 20th Century, and of little aesthetic merit. Again, this is of brick construction, with the majority of glazing facing into Wyke Manor Road. The end elevation of this building has little fenestration, or indeed, interest.
- 5.1.4 To the south of the site is a three storey office building, which was linked to the post office, and is of considerable bulk. This property has high floor to ceiling heights, and a roof which adds to the mass of the building. Much of this building is currently hidden from view behind the frontage development of King Street, and Church Street.

- 5.1.5 To the east of the site are seven almshouses. The properties are two storey, with attractive frontages on to Church Street. The scale of these properties is considerably smaller than much of the surrounding development within the locality. These properties provide a strong rhythm along Church Street by virtue of their strong (part) gabled form, and fenestration detailing.
- 5.1.6 The application site currently contains an overgrown area that was used as tennis courts. These have not been in use for a considerable time. The site slopes considerably from north to south, with a difference in levels of approximately 1.5metres. Within the site there are a number of lime and ash trees. Whilst some are visible from a public vantage point, many have a low landscape contribution, or are in poor health, and as such are categorised as being of poor quality. There is a ragstone wall of approximately 2metres that runs to the front of the application site, with a gate.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of a part three (at front) and part four storey (at rear) property. The building would provide a total of 28 residential units, consisting of 11 one bedroom units and 17 two bedroom units. Whilst for residents aged 50 or above, this would not consist of sheltered accommodation – i.e. there would be no warden flat or communal sitting room etc. There would be three accesses into the building, from the east, south and west. There would be no direct access from the front. It is proposed that these be occupied by tenants of Golding Homes, and the Cutbush and Corrall charity.
- 5.2.2 The proposal has been significantly amended since it was first submitted, with a pastiche design replaced with a more contemporary approach, following advice from Officers (the original scheme was not considered to respond positively to the character and appearance of the area).
- 5.2.3 The proposed building would be set back some 2.5 - 3metres from the edge of the pavement (4.6metres from the edge of the road), and would be set down at a lower level by approximately 1.7metres. The proposal would have a maximum width of 34.5metres, and depth of 25metres (although this is articulated – with the minimum width being 8.5metres and depth being 7metres).
- 5.2.4 Fronting on to Church Street, the proposal would be three storeys in height (maximum height at this point being 12 metres – although this rises to 12.7metres towards the rear of the site). Negotiations have taken place that have sought to ensure that the building is articulated, and as such, the proposal has been amended to have projecting a recessed features, as well as a mixture of materials – including ragstone, brick, render and timber cladding.

- 5.2.5 The roof would be provided with slates, and these would be set at different angles, some running down towards the road, with others running parallel with Church Street (mono-pitched). The roof would also be provided with a significant overhang, irrespective of the way in which it is orientated.
- 5.2.6 The proposal would incorporate projecting windows within the front elevation, which would be cased with timber boarding.
- 5.2.7 No parking provision is proposed as part of this development (either for residents, or visitors). There is however, a communal garden area proposed to the side and rear of the development. This would contain seating areas, as well as areas of soft landscaping.
- 5.2.8 The applicant has submitted a viability appraisal with the development, which indicates that no financial contributions are able to be made. This has been verified by the Council's Property Surveyor. The proposal is however, to provide 100% affordable housing.

5.3 Principle of Development

- 5.3.1 This proposal is for the erection of a block of residential units, located within the urban confines of Maidstone. The site is considered to constitute previously developed land (the site was previously used in conjunction with the neighbouring buildings) and there is no specific policy designation in the Local Plan (MBWLP 2000). As such, the principle of residential development is considered appropriate subject to all other material considerations being met, including the impact upon the Conservation Area, and the nearby listed buildings.

5.4 Visual Impact

- 5.4.1 This is a key site within the town centre, one that is located within the centre of the town, adjacent to the Conservation Area, and as such it is important that any development on the site be of a particularly high standard of design. Unfortunately, no pre-application discussions took place, and the initial submission demonstrated a pastiche form of development, which I considered to be of a poor quality of design. This design initially submitted was of a brick built construction, with a pitched roof, with gable features along the Church Street elevation. The design was also set behind the existing ragstone wall, with a projecting element, with blank wall brought forward to the edge of the highway. As such, significant negotiations have taken place which has seen a proposal for a more suitable form of development come forward.
- 5.4.2 As set out above, the proposal would be set back from the highway by approximately 2.5metres, and would be at a slightly lower level (approx

2metres) to the pavement. Part of the existing stone wall would be retained. I consider a set back from the highway, together with the drop in levels to be important in this instance due to the height of the building, and also the height any proximity of the buildings opposite the application site – without any setback here there would be a sense of enclosure created that would be to the detriment of the character and appearance of the locality. I am of the opinion that the combination of the set back and the drop in levels enables the building to 'breathe' and to result in a less dominant building within the street scene. Furthermore, the addition of soft landscaping within the set back should ensure that the character of the area (which at present is relatively harsh – a lot of hardstanding etc) would be softened somewhat. I am of the opinion that this should be in the form of a hedge behind the walland where possible the planting of additional, compact trees (as well as the retention of the existing limes).

- 5.4.3 In addition, I am not of the opinion that this building should in any way compete with the converted hospital opposite, and should appear as subordinate to it. This set back/down, together with the orientation of the building, being set at an angle, away from the hospital, helps to achieve this.
- 5.4.4 The building would be of a similar scale to the majority of the development within the locality. Whilst part of the hospital building opposite is two storey, these are two *large* storeys, which then raise to three on the corner of Church Street and Wyke Manor Road. Likewise the office buildings to the west and south are three storeys. Due to the set back, and the drop down, combined with the width of the site, it is my opinion that anything less than three storey at this point would fail to respond to the prevailing character of the area, and may in fact appear as somewhat squat, and out of keeping within the vicinity.
- 5.4.5 With regards to the design of the building, as stated the applicant was encouraged to achieve a more contemporary design than originally submitted. In addition, it was required that the building be well articulated, as otherwise, due to its size, the building would have an unacceptable bulk. Much of the surrounding area has development with a strong rhythm – the terraced housing in Marsham Street, and the manner in which the hospital is articulated are examples of this. It is therefore important that this proposal addresses this characteristic. The proposed building has been articulated in three ways, firstly through the use of varying materials – the use of brick and render elements provide varied vertical emphasis, and the use of a ragstone plinth provides horizontal relief. Secondly, the building has projecting and recessed elements, which step forward and then back along the front façade and thirdly, through the use of projecting and recessed windows within the front elevation.
- 5.4.6 As stated, this site lies adjacent to the Conservation Area, listed buildings, and is within the centre of Maidstone. Any development is required to respond positively to the quality of existing development within the locality. The scale of

this building, together with the fact that it is well articulated will respond to the character and appearance of the locality. The eaves height of the building when measured from the pavement outside of the site, would be 6 metres, with no projecting/recessed feature being any greater than 8metres in width. This, together with the set back from the path of approximately 2.5metres would ensure that the building would not be overbearing to pedestrians, nor would it dominate the historic building opposite. In addition, the roof of the building has been designed so as to 'fall away' at the eastern end, which addresses the smaller scale of the Almshouses to the east.

- 5.4.7 Due to the historic nature of the area, the materials used within this development are important. It has been agreed that a ragstone plinth be provided along the base of the building, providing a solid base, and also reflecting the materials used within the locality. Brickwork has also been indicated to be used. In order to ensure a high quality finish, I am proposing that a sample panel of both the ragstone wall, and brickwork be constructed on site, to ensure that this reflects the quality of the buildings within the surrounding area. White render has also been indicated to be used. I am of the opinion that this reflects the more contemporary design of the building, whilst acknowledging that a number of the buildings within the area are painted white (particularly within Wyke Manor Road). I do have concerns however about the long term maintenance of the render – examples can be seen throughout the area of render that has been stained by running water etc. As such, I am recommending that the windows are not provided with any ledges (which result in small streams of water staining white walls), but are rather either fully recessed, or projecting boxes. This should then restrict the future damage to the appearance of the building. I will also require precise details of the rainwater goods – which shall be cast iron or aluminium, so that we are able to fully assess water run off etc.
- 5.4.8 To the rear of the site, the building would rise to a full four storeys. This both reflects the change in topography within the site (and surrounding area) and the nature of the development to the rear of the site (which rises to three floors – although this is significant in height, as they provide office accommodation). The four storey element would be set away from the two storey development to the east, In any event, I do not consider that this four storey element would be highly visible from the public domain.
- 5.4.9 The proposal would see the provision of a landscaped gap of approximately 9metres between the proposed unit and the Almshouses (to the rear of the site this is 15metres). I am satisfied that this would provide a suitable 'breathing space' for the development, and would not dominate these important and historic buildings. I am of the opinion that this area should be provided with tree planting (indigenous species) to also provide a vertical and visual break between

the two developments. Likewise to the rear of the site, landscaped areas are to be provided.

5.4.10 I am therefore satisfied that, subject to the imposition of suitable safeguarding conditions addressing the above, the development would be of a suitable standard of design, and would respond to the character and appearance of the locality.

5.5 Residential Amenity

5.5.1 The neighbouring Almshouses are the closest residential properties to the application site, being located approximately 9metres from the proposed buildings. These are two storey in height, with windows serving habitable rooms to the rear. Whilst this proposal would be in relative close proximity to these properties, it should be noted that the residents of these Almshouses would be able to utilise the amenity space of this development (as the owners of these Almshouses are to take over a number of the units built – specifically on the eastern side of the building). The Almshouses are set at approximately 45 degrees to the proposed building, which would restrict any mutual overlooking between the properties.

5.5.2 I am satisfied that the proposal, due to the separation distances, and the proposed height, would not result in the significant loss of light, nor the creation of a sense of enclosure to the existing residents. I have undertaken the BRE tests, and whilst the proposal would not meet the test on the horizontal, it would pass the vertical test, and as such, no objection could be sustained. It should also be noted that the Almshouses are orientated so that their rear elevation faces south-west. There would be no built form to the south of these buildings, and the development should therefore only result in the loss of some direct sunlight late in the day. I consider this to be acceptable.

5.5.3 I am therefore satisfied that the proposal would have no detrimental impact upon the residential amenity of the neighbouring occupiers. It should be noted that we have received a letter of support from the owners of these adjoining Almshouses, and they have been involved in the design process for this development.

5.6 Highways

5.6.1 There is no parking provision provided within this development. The site is located within the town centre, and in addition, the proposal is for occupation for those who are over fifty years of age. Whilst this does not preclude them from car ownership, case law has identified that it is not always necessary to provide the level of parking provision as for general market housing.

- 5.6.2 The site lies within a highly sustainable location, being close to the amenities of the town centre, including shops, doctor's surgeries, bus terminus etc. Both cycle and mobility scooter parking provision will be made within the site.
- 5.6.3 Due to the central location of the site, it is considered acceptable that no parking provision is to be made for future residents. The area has parking controls, which would preclude any parking on the streets which would give rise to any highway safety concerns. It should be noted that Kent Highway Services raise no objections to this proposal. I am therefore satisfied that the development is acceptable in this respect.

5.7 Landscaping & Ecology

- 5.7.1 The applicant has shown illustrative landscaping plans, which would provide soft landscaping to the south and east of the proposed building, as well as a strip along the road frontage. In addition, an ecological and arboricultural assessment has been submitted with the application. This assessment indicated that there would be no harm to protected species as a result of this proposal. There was a possible fox den within the site, that the dense scrub and trees on site provide breeding spaces and shelter for a number of birds, and are therefore considered important habitats on a local scale. However, there was no habitat observed for protected species within the site. The report also identified the important trees, which are to remain within the application site (these include the lime trees within the north-west corner, and an ash within the south-east corner of the site), and suggested suitable long term maintenance for them.
- 5.7.2 Whilst a number of additional trees have been shown as being planted along the road frontage, I have concerns about their long term viability. These would be on the north side of a three storey building, and as such would not receive a significant amount of natural light. In addition, the space between the building and the pavement would only be 2.5metres, which would significantly restrict the lifespan of the trees (if they should grow, there may well be pressure from occupants to see them removed). As such, I am recommending that a condition be imposed that would see a hedge provided along the road frontage. This would be managed by the applicants, and would provide a softer edge along the boundary with the highway, but would not grow to such a height as to impact upon light for the ground floor flats – it would also provide a 'green' outlook for these residents.
- 5.7.3 Within the remainder of the open space, I am of the opinion that there would be sufficient space to provide a significant amount of soft landscaping, and in particular, tree planting. Again, any planting provided shall be indigenous, and should be chosen so as to be relatively compact in their spread – to ensure that there is not significant pressure for their removal at a later stage. Ornamental cherry trees for example, may be appropriate.

5.7.4 PPS9: Biodiversity states that in determining planning applications, Local Authorities should aim to 'maintain, and enhance, restore or add to biodiversity and geological conservation interests.' As paths are to be provided (which restrict the movements of the residents) throughout the development, I am of the opinion that there are significant opportunities to see enhancements to the ecology of the area. As such, I am recommending that the following details be submitted as part of any landscaping condition:

- Areas of long/natural grass, with a suitable wildflower mix;
- The planting of a native hedge along the rear and side boundaries;
- The inclusion of bird boxes/bricks for swifts, house martins, house sparrows or starlings;
- Clearance of the site takes place outside of the bird-nesting season;
- Deadwood piles or rockeries to be provided within the site.

5.7.5 Should these above matters be addressed, I am of the opinion that the landscaping proposed would not only provide a suitable setting for this proposal, and a decent outlook and amenity space for the occupiers, but also enhance biodiversity within the area. I am therefore satisfied that this proposal would meet with the requirements of the Development Plan and PPS9.

5.8 Other Matters

5.8.1 As Members are aware, this proposal is for a development of 100% affordable housing. The applicant has indicated that due to the financial constraints of the development, they will be unable to provide the full contributions that we would expect for a development of this scale, in accordance with the Council's Development Plan. In doing this, the applicants have submitted a viability assessment, which indicates that the returns on the proposal would be insufficient to provide these contributions for parks and open space, KCC (Mouchel), or the PCT. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.8.2 Both central government, and subsequently this Authority has agreed that the provision of affordable housing is a priority. Indeed Maidstone has identified affordable housing and parks and open space as its joint number one priority. When faced with the situation of no contributions being provided, one has to

therefore carefully assess the benefits of approving (or refusing) such an application. I am of the opinion that the provision of good quality affordable housing for the elderly, within a sustainable location such as this – i.e. close to amenities such as shops, doctors surgeries, bus terminus etc – would provide an overriding benefit to the community. I am therefore satisfied that in this instance, it is appropriate to accept no contributions being made. However, due to the special circumstances of this case – i.e. no contributions being made – I am of the opinion that it is necessary for the S106 agreement to set out that the housing should be 100% affordable, and for the over 50's. This would meet the requirements of the three tests set out above, in that it would make the development acceptable (to override the requirements of local plan policy CF1), would be related to the development, and would be reasonable.

- 5.8.3 The applicant has demonstrated that they are to achieve at least level 3 of the Code for Sustainable Homes. Whilst this Council aspires to seek that development be constructed in the most sustainable manner possible, because of the financial constraints of this development – as indicated within the financial appraisal, I am satisfied that in this instance, it is not appropriate to seek a higher level. It should also be noted that central government had agreed that all affordable housing should meet code level 4. However, due to the changes in funding streams, and the economic climate, this has been put 'on-hold' for the foreseeable future. The development will however, be constructed to ensure that the units all meet the Lifetime Homes standard. In addition, I do consider it appropriate to place an informative on any permission, which seeks to ensure that the developer look at the possibility of the use of PV's on the roof, particularly as much of it would be south facing.
- 5.8.4 The applicant has shown upon the plans, the provision of a bin store on the western side of the proposed building. However, this is within a particularly prominent location. As such, I would recommend that this be screened by an area of soft landscaping, and will suggest a condition accordingly.

6. CONCLUSION

- 6.1 It is therefore considered that this proposal would provide a good level of affordable housing within a particularly sustainable location. The design of the proposal would respond to the character and appearance of the locality, and would not detract from the setting of the nearby Conservation Area, or listed buildings. Those living close by would not have their amenities compromised – indeed, no letters of objection have been received. Whilst no contributions are to be made, I am of the opinion that the provision of this affordable housing is overriding justification, and as such, subject to the receipt of a suitable S106 legal agreement, recommend that delegated powers be given to grant planning permission, subject to the conditions set out below.

7. RECOMMENDATION

The Head of Development Management be GRANTED DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement confirming the following:

- All residential units shall be provided for affordable housing for those over 50 years of age, and maintained as such.

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance of the development, and to reflect the materials within the locality, in accordance with PPS1.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include:

- The provision of areas of long natural grass, with a suitable wildflower mix;
- The planting of a native hedge along the rear and side boundaries of the site (where existing tree planting will permit);
- The provision of deadwood piles or rockeries within the southern corners of the application site.

Planting shall consist of native species, including *Prunus serrula* (Cherry), *Betula utilis* (Birch) and *Sorbus aria* 'Mitchelli' (Whitebeam). The scheme shall include all retained landscaping, together with measures for their protection in the course of development, and a programme for the approved scheme's implementation and long term management.

Reason: To ensure a high quality finish to the development, and to enhance biodiversity within the site, in accordance with PPS1, PPS9 and Policy ENV6 of the Maidstone Borough Wide Local Plan (2000).

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a high quality finish to the development, and to enhance biodiversity within the site, in accordance with PPS1, PPS9 and Policy ENV6 of the Maidstone Borough Wide Local Plan (2000).

5. Notwithstanding the plans submitted, the windows within the development hereby permitted shall be recessed within the wall, or shall project forward of the wall. Such windows shall not be provided with a cill. No development shall take place until details, in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to, and approved by the local planning authority;
- i) Details of the roof overhangs;
 - ii) Details of windows and doors and recesses/reveals, which shall be a minimum of 100mm;
 - iii) Details of the junctions between the brickwork and the render.

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

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

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

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

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

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

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

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

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

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

10. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

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

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

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

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

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

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

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

Reason: To ensure adequate drainage arrangements pursuant to PPS25.

15. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

16. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

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

17. Notwithstanding the details submitted, no occupation of the units hereby permitted shall take place until a hedge, of native species has been planted behind the ragstone wall and railings along the Church Street road frontage.

Reason: To ensure a high quality finish to the development, in accordance with PPS1.

18. No development shall take place until precise details of the railings to the front of the building, together with details of their fixing to the ragstone wall have been submitted and approved in writing by the Local Planning Authority.

Reason: To secure a high quality finish to the development, in accordance with PPS1.

19. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

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

20. No development shall take place until details of the rainwater and waste water good have been submitted to, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

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

21. Notwithstanding the submitted plans, the ragstone wall to the front of the site shall be retained to a minimum height of 1m.

Reason: In the interests of visual amenity, and to preserve this historic feature within the townscape, in accordance with PPS1 and BE6 of the South East Plan 2009.

Informatives set out below

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

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

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

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

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

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

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

There shall be no burning of waste materials on site.

The applicant is advised to explore the possibility of using sustainable features within the construction of the building. As much of the roof slope would be south facing, the use of PV cells on the roof should be fully explored.

In complying with the requirements of condition 5, the details of the windows shall see no cills provided to any windows. These shall either be fully recessed, or projecting.

REASON FOR APPROVAL

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