

APPLICATION: MA/12/0590 Date: 30 March 2012 Received: 30 March 2012

APPLICANT: Hyde Housing Chartway Group

LOCATION: LAND AT DEPOT SITE, GEORGE STREET, MAIDSTONE, KENT, ME15 6NX

PARISH: Maidstone

PROPOSAL: Demolition of existing commercial buildings and erection of a residential development comprising of 33 dwellings and associated parking as shown on amended Drawings 2011-160-001, 2011-160-10, 2011-160-011, 2011-160-012, 2011-0160-013, 2011-0160-014 2011-160-015, 2011-160-016 2011-160-017, 2011-0160-018 and Drawing 137901 Rev D received 18 May 2012 and supporting Design and Access Statement, Planning Statement, Sustainability Report, Acoustic Report and Land Contamination Preliminary Risk Assessment received 30 March 2012

AGENDA DATE: 30th August 2012

CASE OFFICER: Laura Gregory

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

- Councillor English has requested it be reported for the reason set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: T13, ENV6
- South East Plan 2009: CC1, CC4, CC6, H3, H4, H5, T4, BE1, M1, NRM8, NRM19, AOSR7
- National Planning Policy Framework 2012; Ministerial Letter on Planning for Growth

2. HISTORY (Most Relevant)

MA/08/1997 The demolition of the commercial buildings and erection of 22 new residential units comprising of 14 no houses and 8 no flats together with ancillary parking, new access road, alterations to existing site access and re-siting of electricity

substation – Withdrawn (following a resolution to grant by Members, but the S106 agreement was not completed).

MA/07/1449 Comprising six, one-bedroom apartments, twenty, two-bedroom apartments, one, two-bedroom penthouse apartment, one, one-bedroom maisonette and six, three-bedroom houses and associated parking - Refused.

- 2.1 The two most recent planning applications are for a site that does not include the former foundry on the corner of George Street and Salem Street. This now forms part of this application.
- 2.2 There is a significant amount of other planning history for this site, however, much if this relates to the previous commercial use, with a significant number of applications relating to advertisements for the site. There is considered to be no other planning history that is considered relevant to this application.

3. CONSULTATIONS

3.1 MBC Landscape Officer was consulted and made the following comments:

- 3.1.1 'An arboricultural method statement (AMS) is required in accordance with the recommendations of BS5837:2012, which should include a tree protection plan and cover the existing trees immediately adjacent to the southern site boundary.
- 3.1.2 The landscape master-plan submitted with the application outlines the landscape principles. I have no objection to these principles but would recommend the inclusion of a proportion of native or at least near native species. Planting details and a specification are required and therefore standard landscape conditions should be attached to any consent accordingly.'

3.2 MBC Environmental Health Officer was consulted and made the following comments:

- 3.2.1 'It would appear that the previous application for this site, MA/08/1997 (for 22 dwellings), was withdrawn. I also note that an earlier application, MA/07/1449, was refused on the grounds of excessive coverage of the site by buildings and hard standings.
- 3.2.2 Previously noise from commercial and industrial sources, as well as that from road traffic, was addressed through Environmental Noise Assessment, Report No P731/532/1, dated 14 March 2007 by Philip Northfield & Associates. The neighbouring commercial premises are/were a car showroom with workshop and a small foundry. The report concluded that noise is not an issue and that the

required internal ambient noise levels would be achieved through the use of conventional construction methods. I also note that any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

- 3.2.3 The site is within the Maidstone Town Air Quality Management Area and is just over 80m from a known air quality hotspot, and this plus the scale of this development and its site position leads me to consider that an air quality assessment should be required. Any buildings to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.
- 3.2.4 I note that the apartments incorporate a centrally located refuse and recycling area allowing ease of collection for the service providers and areas for refuse storage to the frontages of the dwellings are screened by walls/rails or fencing; and the Planning & Design statement also lists examples (including cycle storage) of how the development may achieve Code Level 3 for Sustainable homes. This is confirmed by the Sustainability Report (dated 20th February 2012), which concludes that the scheme will achieve code level 3 including ENE7 where a minimum of 10% carbon emissions reduction will be contributed from renewable technologies.
- 3.2.5 As the site was formerly an old depot a preliminary site investigation report by Bureau Veritas, LMAX0154, was submitted in February 2007. The report concluded that further work was required through a thorough intrusive investigation of the site prior to further conclusions being made. I also note that the relocated electricity sub-station at the proposed development must comply with the requirements of the standards prescribed by the HPA.
- 3.2.6 Section 54 of the Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.'
- 3.2.7 The Officer requested that conditions be imposed relating the contamination – details of which are set out at the end of the report.

3.3 MBC Parks and Open Spaces were consulted and raised no objections to this proposal subject to the receipt of suitable contributions that would mitigate against the extra strain placed upon the existing recreation areas within the vicinity. The contribution sought is £51,975 (£1575 x 33 units) which is proposed to be spent within a 1 mile radius of the application site.

3.4 Kent County Council (Mouchel) were consulted and raised no objections subject to financial contributions being made to mitigate against the impact that the proposal would have upon the existing infrastructure within the vicinity. The requests for contributions are as follows:

- Libraries – To cover additional book stock, extended opening hours, additional staff at Maidstone Library, a total financial contribution of £8030.95 is sought.
- Youth Services - To cover additional staff and equipment for Maidstone Borough Youth Outreach services, a total financial contribution of £513.13 is sought
- Community Learning. To cover additional staff and equipment and extended classroom hours a total financial contribution of 1411.40 is sought.
- Adult Social Services: To cover the various service users and local projects including a local vocational hub, integrated dementia care, co-location with Health and changing place facility all in Maidstone, changing place facility at Maidstone leisure centre and assistive technology fitted to clients homes a total financial contribution £2470.00 is sought.

3.5 West Kent PCT were consulted and made the following comments:

3.5.1 'NHS West Kent has used the same formulae for calculating s106 contributions for some time and believes these are fair and reasonable contributions given the planned developments. The Primary Care Trust will not apply for contributions if the units are for affordable/social housing, as identified in the Maidstone Borough Council proposal letter.'

3.6 Kent Highways were consulted and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions, that would ensure that the parking spaces would be retained, and that suitable visibility splays are provided at the access.

3.7 Environment Agency were consulted and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions that would ensure that would remediate any contamination within the site.

3.8 Kent Police were consulted and raised no objection subject to the imposition of a condition requiring the applicant to comply with 'Secure by Design'.

3.9 Southern Water Services were consulted and raised no objections subject to the imposition of a condition relating to drainage.

3.10 UK Power Networks were consulted and raised no objection to the proposal.

4. REPRESENTATIONS

4.1 Councillor English – If recommended for approval, requested that the application be reported to the Planning Committee for the following reasons:

4.1.1 'Site is in a sensitive and constrained setting and requires careful consideration of the layout and design'.

4.2 Neighbouring occupiers were notified and four letters of objection have been received. The concerns raised within these letters are summarised below:

- Development will put further strain on existing parking arrangements.
- Development will increase amount of traffic using Brunswick Street.
- Development will cause loss of light and privacy to properties in Orchard Street.
- Flats are too high and not in keeping with the surrounding terraced houses.
- Development will cause noise problems.
- Site will appear overdeveloped.

5. CONSIDERATIONS

5.1 Site and Surroundings

5.1.1 The application site is approximately 0.27ha in area and is within the defined urban area of Maidstone. Located on the south side of George Street, the site has no specific designation or allocation within the Development Plan.

5.1.2 The site comprises a dilapidated car sales show room and associated workshop and buildings with an overgrown yard which is enclosed by hoardings. It is bound by three streets, Orchard Street to the west, George Street to the north and Salem Street to the east. To the south, the site backs onto gardens serving houses on Campbell Road which are some 35m from the site boundary. These buildings are two storey terraced properties. The properties are set at a slightly higher level than the application site.

5.1.3 Located on the periphery of the town centre, the area which surrounds the site is a mixture of residential properties; with commercial buildings and uses to the east of the vicinity. The buildings in the area are varied both in age, scale and design, and there is a varied roofscape with two and three storey residential terraces fronting Orchard Street and Campbell Road, three/four storey blocks of

flats to the south west in corner of Orchard Street and to the north west, in Brunswick Street. To the east are two storey flat roofed warehouses and offices which back onto Salem Street. To the north is an open public car park with properties within Brunswick Street that face onto it on the southern side. This is not dissimilar to Orchard Street - in that it is fronted by two and three storey terraced dwellings although these houses are set back and have small front gardens which are bound by low brick walls.

5.1.4 The site is well serviced by public transport and local services. Located approximately half a mile from the town centre, both the train station and bus stations are within walking distance of the site. There is also local retail centre located on Upper Stone Street to the south west of the site and a medical centre within Foster Street.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of 16 houses and 17 flats. The density of this proposal would exceed 70 dwellings per hectare (122 dwellings per hectare to be exact). I consider the proposal to consist of two distinct parts, the terraces fronting George Street and within the rear of the site, and the flat block that fronts George Street, and Salem Street. It is proposed that the development be for 100% affordable housing providing affordable rent tenure.

5.2.2 The George Street frontage would consist of 9 terraced properties, which would be two storeys in height, with a room within the roof in the two end properties. These properties would be relatively traditional in design, reflecting the terraced properties within the locality of the site. These properties would have a width of 5m, a depth of 9.2m, and a maximum height of 9.1metres, and would have a relatively uniform appearance. It is proposed that a dwarf wall with railings be erected along the front boundary, with the properties set back approximately 2metres from the highway. Each property would have a parking space to the rear – accessed from a private drive, served off Orchard Street – and a garden measuring approximately 4m deep to rear. Each property would be designed so as to respond to the character of the surrounding area, with a vertical emphasis, and flat roof dormer windows within the roof slope.

5.2.3 The proposed terrace to the rear of the site is designed so as to mirror the terraced fronting George Street. It is proposed that seven houses be erected within the terrace and that these would be served off the same access road. As with the terrace fronting George Street, flat roof dormer windows are proposed within the front elevation on the two end houses and, within this terrace, the central dwelling. The houses would have the same dimensions as the houses that would front George Street but would not be bounded by a dwarf brick wall with railings to the front. The properties would be set back approximately

5metres from the access road (with a parking space proposed within the front garden) and have a rear garden of approximately 4.2metres. The first property in this terrace would be set approximately 2metres from the boundary with the flats in Orchard Street.

- 5.2.4 The remaining building proposed within this development is the flatted element, which is accessed from both Salem Street, and the proposed access off Orchard Street to the rear. In comparison to the terraces this element is of a more contemporary design. The buildings would accommodate 17 flats (all being two bedroom units) over four floors and would be effectively staggered on the Salem Street elevation, which would result in some relief/articulation. It is proposed that balconies project from the front and rear elevations, so that all units have an element of outside space. The building would have a maximum width of 38.2m. A depth of 8.8m (excluding balconies/canopies) and would have a maximum height of 13m. The building is proposed to be set back from Salem Street by approximately 5m (although this does vary due to the staggered building line) and would be fronted by a 1.2m ragstone wall on the corner of Salem Street and George Street. A landscaped area is proposed to both the south and the west of this building.
- 5.2.5 The access road into the site runs at 90° to Orchard Street, and runs straight through the application site, with a turning head at the end. It is from this street that the parking for the residential properties is reached. This is proposed to be a shared surface, with a maximum width of 4metres.
- 5.2.6 It is proposed that the houses would achieve a Code for Sustainable Homes rating of Level 3 using sustainable energy system such as solar smart hot water systems in the house, photovoltaic arrays supplying electricity to the flats and high insulation in the wall, windows, roof and floors.

5.3 **Principle of Development**

- 5.3.1 Development Plan policy and the National Planning Policy Framework (herein referred to as the NPPF) encourages new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations.
- 5.3.2 The proposal site is previously developed land and lies in within the urban area, approximately 0.5 miles from the town centre. Located within walking distance of the local facilities and good local transport links, the site is within a highly sustainable location. Moreover, with 33 dwellings proposed in just over a quarter of a hectare, the proposal would yield approximately 122 dwellings per hectare. Whilst this is a high density development, I consider it responds to the character

of the area, and makes very efficient use of land. This is in accordance the objectives of both the Development Plan and the National Planning Policy Framework and therefore in principle, I consider the proposal to be acceptable.

5.3.3 However, as with any development of this nature as balance must be struck between providing efficient use of the land in terms of the density of the development, and reflecting the pattern, character and grain of the surrounding development. This advice is reflected within National Planning Policy Framework, and the Kent Design Guide which seeks to ensure that development is of a good standard of design, and reflects the local character.

5.4 **Scale, Layout and Design**

5.4.1 The NPPF advises that new development should respond positively to the character and appearance of the area in which it is located. As with the former PPS1, the importance of good design is highlighted.

5.4.2 A significant level of pre-application discussion has taken place with regards to this application and in particular with regard to the design of the proposal. This has led to amendments having been received, which reduce the scale of the proposal, and address the appearance of the dwellings within the application site. I will address the scale of the development first.

5.4.3 The largest element of the proposal – the flats – would constitute a four storey corner block, which would have a ‘stretched’ top floor. Whilst this is larger than the majority of the development within the locality, it is important to note however, that the footprint of this building, and the site as a whole is significantly larger than that of the surrounding development. In addition, the building is situated on the junction of George Street, and Salem Street and as such does not directly relate to any adjoining buildings. As one moves along Salem Street, the buildings remain at four storey, however, as there is variation in form, and there is layering in the buildings, they would not appear as monolithic, or dominant within the street scene. It is also worth noting that this is a no-through road, and these buildings would be sited adjacent to long gardens, and as such would not have to relate or respond to neighbouring development.

5.4.4 I consider the scale of the terraced dwellings, and the pattern in which they are laid out does respond to the character and appearance of the locality. Because of their proximity with properties within Orchard Street, it is important that their height, and also (importantly) their width respond to these properties. I consider that this has been done successfully.

- 5.4.5 The relationship between the two elements has been a detail of some discussion prior to the submission of the application. How the more modern element steps down to the terrace, and, although joined, how there is a clear visual break is an important feature. The juxtaposition of a four storey block, to a two storey dwelling has been achieved with a large glazed panel, which projects from the building, creating a clear break. The building also has a gradual stepping down from its maximum height to the two storey dwellings.
- 5.4.6 I consider the design of the terrace to be of an acceptable standard. The applicant has included features such as soldier courses, porches, gables, chimneys, and dormers within the roofslope. Furthermore, the provision of a dwarf wall with railing, with the ability to plant a hedge behind will help to soften the character not only of this development, but the surrounding area – which at present has little in the way of landscaping. There is an obvious rhythm to these buildings that responds to the rhythm of the existing terraces, which as with these, are functional in design rather than ornate.
- 5.4.7 Located on the north west corner of the site and fronting both Salem Street and George Street, the proposed flats provide a strong contrast to the remainder of the development and would be a more contemporary approach. With balconies, recessed and projecting fenestration, the design of the proposed flats provides variation and layering, which is key to a building of this scale. With a high level of glazing proposed on both Salem Street and George Street frontages and the use of both render and brickwork, there is a good level of articulation, which breaks up the mass of the building. In particular the introduction of balconies on the corner would add significant layering (it is important however, to control the detailing on the balconies, to ensure a 'delicate' and high quality finish). The design of the proposed roof, the variation in its height and good level of overhang, results in shadows over the building, thus creating greater visual interest. Furthermore the stepping down of the roof on the George Street results in a good relationship and contrast between the flats and the adjoining terraces. I consider the introduction of a 1.2metre high ragstone wall to the front elevation to add a further 'layer' and also to relate to the local materials of the Maidstone area (again specific details of this ragstone wall should be provided prior to works commencing on site).
- 5.4.8 The provision of more soft landscaping along the road frontages, and also within the application site would enhance the character and appearance of the locality. As stated, at present there is little planting within the area, and very little within the site. Nevertheless, it is important that the development be provided with suitable, high standard planting, that would enhance not just immediately, but in the longer term also.

5.4.9 The materials proposed within the development would consist of yellow stock bricks (two types – one for the flats, and one for the houses), render, and of grey composite tiles. Windows are proposed to be constructed of aluminium and UPVC. I consider this to be acceptable within this locality, however, I think it important that the precise brick type be conditioned, to ensure a high quality finish of the development.

5.4.10 Overall, I am satisfied that the design and layout of the development would be of a high standard and suitable form for this site. By contrasting contemporary design with traditional design and drawing reference from some of the historic buildings surrounding the site, the proposal in my view would respond positively to local character and history of the area. The development would also significantly improve the character and appearance of the site which in accordance with the Development Plan.

5.5 Highway Considerations

5.5.1 The applicant has demonstrated within the application that for each unit proposed, one parking space would be provided. This is sustainable and therefore acceptable. Whilst no visitor parking is proposed this is acceptable given the visitors can use the nearby car park.

5.5.2 The proposal includes an area set aside for bicycle storage (for the flats) with space in the garden of each dwelling for a shed (to provide bicycle storage)

5.5.3 Access into and out of the site will be via an existing access off Orchard Street. This is considered to be wide enough for the use proposed and given that it is onto a private residential street, the impact of the increased use of this access, on highway safety in my view, would be minimal. Orchard Street would see some increase in the number of vehicular movements but given that these vehicle movements would not be over and above that which would otherwise be generated by the business use of the site, I do not consider that any harm to highway safety would be caused.

5.6 Landscaping

5.6.1 In terms of the landscaping, negotiations have taken place to ensure a suitable level of landscaping which is in accordance within the Councils adopted landscape character assessment and guidelines. This has led to amendments having been received, which address landscaping within the proposal.

5.6.2 A communal outdoor amenity area is now proposed to the south of the site with Silver Birch trees planting and low level hedging proposed to the rear of the

flats. The introduction of landscaping to the rear of the flats is appropriate creating a softer frontage in the proposed courtyard area and enhancing the appearance of the allocated parking areas. The proposed communal area provides all the residents with area of open amenity and significantly enhances the character of the development by creating a well landscaped and attractive area of open space within the site where, there is very little at present.

- 5.6.3 The houses fronting George Street would be provided with small gardens to of a depth of approximately 2m and this allows for a small level of herbaceous planting to be provided. The houses to rear of the site would not be provided with front gardens however, ornamental planting is proposed to delineate between the footpaths to each house. The planting of additional trees within the site and introduction of gardens and herbaceous borders in my view would significantly improve the character the area, which at present does not contain a significant volume of trees or planting.
- 5.6.4 On either side of the new access would be additional planting – with new trees and shrubs planted on either side, and with three trees on the northern side, and two on the southern. These trees are proposed to be Silver Birch Trees. I am of the opinion that this not only improves the appearance of the access, but also makes it more visible, by creating a more formal entrance into the site.
- 5.6.5 The amendments made to the proposed landscaping scheme are therefore considered acceptable. The introduction landscaping where at present there is very little, would significantly improve the character and appearance of the area. I am therefore satisfied that the proposal has the potential to improve the soft landscaping provision within the locality, and as such, the proposal complies with the Development Plan.

5.7 Legal/Heads of Terms

- 5.7.1 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.
- 5.7.2 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. This proposal would see 100% of the residential units provided as affordable The

Council's adopted DPD requires a minimum of 40% to be provided, and as such, this proposal accords with the Development. I am therefore satisfied that this proposal would meet the requirements of the Development Plan.

- 5.7.3 Maidstone Borough Council Parks and Open Space Department have requested that a sum of £51,975 is provided to assist in the enhancement, maintenance and repair of play equipment in three parks within the a one mile radius of the vicinity of the application site - Whatman Park, Mote Park and South Park. I consider the works proposed by Parks and Open Space to be related to this development, as they are within close proximity of the site. Moreover, there is no space within the site to provide any on-site open space (except for the properties rear gardens) and Maidstone Borough Council does have an adopted Development Plan Document (DPD) that requires applicants to provide open space on site. So, when open space is not provided on site, off-site contributions are sought, to improve the facilities within the locality, that will ensure that the additional strain placed upon the open spaces is addressed.
- 5.7.4 Kent County Council (Mouchel) has requested that a total contribution of £9955.48 for libraries, youth and community learning is made. This would be spent on projects local to the application site, providing additional book stock, extended opening hours and additional staff and equipment. I am satisfied that this contribution would meet the tests of Regulation 122, in that it would be necessary, directly related and of a suitable scale.
- 5.7.5 A request of £12,470. 00 for adult social services has also been made, to cover local projects in the Maidstone urban area including a local vocational hub, a co-location with Health and changing places facility, assistive technology and integrated dementia care. It is not as important for these services to be within walking distance of the site and in any case several of these services are provided by way of home-based visits by carers/assessors. I am satisfied that this request is reasonable, necessary and related to the proposed development.
- 5.7.6 NHS West Kent has used the same formulae for calculating s106 contributions. However, it has been agreed that the Primary Care Trust will not apply for contributions as the units are for affordable/social housing.
- 5.7.7 Overall I consider that this proposal would provide a significant level of contributions, as well as providing a high level of affordable housing. As such, I consider the provision of these S106 contributions to be a positive factor in the balancing of this planning application.

5.8 Residential Amenity Considerations

- 5.8.1 In terms of residential amenity objections have been received stating the development would cause loss of privacy and light to neighbouring residential properties and result in, increased noise.
- 5.8.2 The application site is set within the grounds of existing commercial premises, which has a significant level of built form upon it. These existing buildings are both significant in scale, and are positioned in close proximity to a number of the boundaries, in particular to the southern boundary, backing onto residential properties. In addition, the development also provides large areas of hard standing, which again, are located up to the boundaries of the neighbouring occupiers.
- 5.8.3 The introduction of two storey houses on this site would not result in a detrimental impact upon the amenities of the neighbouring occupiers. Addressing the impact of the development on the houses is Orchard Street first; the proposed houses will not face onto Orchard Street and therefore will not cause any loss of privacy. Whilst the proposed flats would face Orchard Street, these would be some 60m away at this distance I do not consider that the flats would cause an unacceptable level of overlooking. Sited east of the houses in Orchard Street I do not consider that the development will cause an unacceptable loss of light.
- 5.8.4 Considering the impact of the development upon the houses in Campbell Road, the proposed houses would be set approximately 35m from the houses in Campbell Road, with the proposed flats, some 31m. The development would also be positioned to the north. Given the orientation of the development and the distance between the news and the existing houses I do not consider that significant or unacceptable loss of light to the properties in Campbell Road will be caused. In terms of privacy there would be windows in the proposed flats which face the rear gardens of the Campbell Road dwellings, but these are secondary windows serving living rooms and therefore I do not consider that these windows would give rise to any unacceptable loss of privacy. In any case along the rear boundary of a number of these gardens are large trees which would be unaffected by this proposal. These trees would provide a good level of natural screening of any development proposed within this site, further reducing its impact the proposed flats and houses.
- 5.8.5 In terms of the noise, I would expect significantly more noise disturbance to arise from the existing use of the site as opposed to its use for housing, I therefore do not consider that unacceptable level of noise would be caused by this development.

5.8.6 I therefore consider that this proposal would not have any significant impact upon the amenities of the existing neighbouring occupiers, and as such the proposal complies with the policies within the Development Plan.

5.9 Code for Sustainable Homes

5.9.1 The applicant has stated within the application that the proposed development would achieve a Code for Sustainable Homes rating of Level 3. It is proposed that this will be achieved using sustainable energy system such as solar smart hot water systems in the house, photovoltaic arrays supplying electricity to the flats and high insulation in the wall, windows, roof and floors. Whilst in many instances this Authority request that new residential development achieve a minimum of level 4 of the code for sustainable homes, the applicant has verbally indicated that this would not be achievable in this instance, due to the proposal consisting of 100% affordable housing.

5.10 Other Matters

5.10.1 The site is a previously developed site close the town centre. Due to the level of building and hardstanding on site and given that it is not located within close proximity of waterways or ponds I do not consider that the proposal raises any ecological issues. Indeed, I consider that the development is likely to give rise to greater opportunities for biodiversity due to the provision of garden spaces and new shrubs hedgerows and trees within the scheme.

5.10.2 The site was previously use for car sales and the buildings have been used as workshops. The EHO has been consulted and raised no objections to the proposed subject to a land contamination investigation has been carried out. This can be dealt with by condition which I suggest be imposed accordingly.

5.10.3 With regard to the Environment Agency's comments, the issues over land contamination I suggest are dealt with by a standard land contamination condition. With regard to drainage the EA has not raised any objection to the proposal to use sustainable water drainage systems and the collection and disposal of clean surface water to ground to recharge aquifer units to prevent localised flooding. It is proposed that the surface water drainage will be via the mains sewer and this in accordance with the EA's advice.

6. CONCLUSION

6.1 In conclusion, I therefore conclude that this is a well designed proposal that would respond positively to the character and appearance of the locality. The

proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety.

- 6.2 I therefore recommend that, subject to the receipt of a suitable S106 agreement, and the conditions set out below, Members should give this application favourable consideration and grant delegated powers to the Head of Planning to approve.

7. RECOMMENDATION

Subject to the prior completion of a legal agreement to provide the following;

- The provision of 100% affordable residential units within the application site.
- A contribution of £ 8030.95 as a contribution to improving the library book stock for the local community (to be made to KCC).
- A contribution of £513.13 for youth services (to be made to KCC).
- A contribution of £1411.40 for community learning (to be made to KCC).
- A contribution of £2470 for adult social services (to be made to KCC).
- A contribution of £ 51.975 for the enhancement, maintenance and repair of play equipment in South Park, Mote Park and Whatman Park.

The Head of Planning be given delegated powers to GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces (which shall include Hanson London bricks 'Golden Buff' and Hanson London bricks 'Ironstone') of the buildings 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 satisfactory appearance to the development and in accordance with policy CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

3. Development shall not 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 and eaves;
 - ii) Details of windows and doors and recesses/reveals, which shall be a minimum of 100mm;
 - iii) Details of 'glazed panel' in the George Street elevation

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 and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and advice contained with the National Planning Policy Framework 2012.

4. The development shall not commence until, details of the proposed permeable materials to be used in the surfacing of all access road, parking, turning areas, and pathways within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety. This is in accordance with policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include details of the proposed hedges along the road frontages together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is

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

Reason: To ensure a satisfactory setting and external appearance to the development and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

7. The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009 and in accordance with the National Planning Policy Framework 2012.

8. 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 building(s) 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 and in accordance with policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

9. No development shall take place until precise details of cycle storage facilities 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 and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

10. The development shall not commence until a sample panel of the ragstone wall has been constructed on site for the approval of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

11. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for them certifying that a minimum of Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4 of The South East Plan 2009 and the National Planning Policy Framework 2012.

12. The development shall not commence until:

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

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

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

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment and in accordance with advice contained with the National Planning Policy Framework 2012.

13. The development shall not commence until, details of the proposed slab levels of the building(s) 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 and in accordance with Policies CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

14. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety and in accordance with policy T13 of the Maidstone Borough-Wide Local Plan 2000 and Policy T4 of the South East Plan 2009.

15. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 2011-160-001, 2011-160-10, 2011-160-011, 2011-160-012, 2011-0160-013, 2011-0160-014 2011-160-015, 2011-160-016 2011-160-017, 2011-0160-018 and Drawing 137901 Rev D

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy CC6 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

Informatives set out below

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.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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.