

APPLICATION: MA/13/0941 Date: 24 May 2013 Received: 28 May 2013

APPLICANT: Chartway Group Ltd.

LOCATION: 22, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8RT

PARISH: Maidstone

PROPOSAL: Redevelop redundant site for a housing association supported affordable residential development scheme that comprises 37 flats, associated car parking and cycle storage as shown on drawings 2012-246-01, 02 Rev F, 10 Rev D, 11 Rev D, 012 Rev D, 13, 14, 15, 20 Rev B, 21 Rev C, 23, Landscape Management Plan (151901 Rev A) together with the Planning Statement, Design and Access Statement and Sustainability Report received on the 24th May 2013.

AGENDA DATE: 10th October 2013

CASE OFFICER: Annabel Hemmings

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

- It is a departure from the Development Plan;
- The application site is owned by the Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ED2, T13, CF1
- National Planning Policy Framework 2012: Chapters 4, 6, 7, 11, 12

2. HISTORY

MA/10/1230 – Outline application for the erection of a medical centre (Use Class D1) and 4 dwellings and parking with all matters reserved for future consideration. Approved 4th October 2010.

MA/08/1789 – Demolition of existing buildings and erection of 96 bedroom budget hotel with associated bar/restaurant and onsite parking. Approved 11th December 2008.

3. CONSULTATIONS

3.1 **Kent County Council (Highways):** The application proposes 37 flats with 38 parking spaces. Use is to be made of the existing access from Terrace Road.

3.1.1 The crash record indicates that there have been no injury crashes within the latest 3 year period to 30.9.13 at the junction of the site access with Terrace Road.

3.1.2 The development comprises of 11 x 1 bedroom flats and 26 x 2 bedroom flats. The proposed car parking and cycle parking provision are satisfactory and the site lies in an accessible location within walking distance of the town centre and public transport facilities.

3.1.3 Confirm that I do not wish to raise objection subject to the imposition of conditions in relation to vehicle loading/unloading and turning facilities, provision of parking facilities for site personnel and wheel washing facilities during construction, provision and permanent retention of parking spaces, garages and cycle parking facilities.

3.2 Kent County Council (Mouchel): 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:

- Primary School – a contribution of £53,700.40 is sought towards enhancement of primary school facilities.
- Secondary School – a contribution of £15,338.70 towards enhancement of secondary school facilities.
- Community Learning – To cover the provision of new/expanded facilities and services through dedicated Adult Education centres and through outreach learning facilities a total financial contribution of £1062.22 is sought.
- Libraries - To cover additional book stock and services at local libraries, a total financial contribution of £3198.07 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 hanging place facility in Maidstone and assistive technology fitted to clients' homes, a total financial contribution of £1713.61 is sought.

3.3 **Landscape Officer:** *"There are no protected trees on this site.*

3.3.1 *The applicant's Planning Application Statement refers to an earlier Tree Survey Report submitted as part of the previous hotel application and refers to the retention of a B grade tree but this evidence does not appear to have been*

submitted in support of the current application. Also, the Landscape Masterplan does not make clear whether there is a proposal to retain this tree.

3.3.2 *I would also comment that the Landscape Masterplan indicates planting which is essentially ornamental in nature. I would therefore like to see a proportion of native or near native species in accordance with LCA guidelines. However, if you are minded to grant consent, all of these issues can be dealt with as part of a pre commencement landscape condition."*

3.4 **Conservation Officer:** *"Whilst the development of this site with residential flats may be considered acceptable in principle, have concerns at the scale of these proposals.*

3.4.1 *Block A affects the setting of the Rocky Hill Conservation Area and the listed buildings at Rocky Hill Terrace, both of which lie very close. A 4-5 storey block of considerable bulk is proposed which in my view will have a significantly detrimental effect by reason of its height and mass – Rocky Hill Terrace is of 3 storeys and other residential properties on the opposite side of Terrace Road comprise largely Victorian houses of 2 storeys.*

3.4.2 *Block B fronts Tonbridge Road and it would have some effect on the setting of the listed buildings at Bower Terrace. In townscape terms it will sit uncomfortably between the retained late Victorian houses either side of it, whose Queen Anne style it unsuccessfully attempts to ape. The frontage block is too tall, disrupting the gradual stepping up of eaves heights along Tonbridge Road as it rises, making the new block appear overscaled and upsetting the rhythm of the street. The height of the rear wing is more appropriate and more closely aligns with the scheme as put forward for pre-application discussion.*

3.4.3 *Object to this application on heritage grounds."*

3.5 **Environmental Health:** *"This site has been the subject of several previous applications, including that of a hotel and other residential submissions. To be consistent with other advice we have given previously for this site, there should be a traffic noise and air quality assessment carried out. This is particularly relevant for Block B which is closest to Tonbridge Road – a very busy major route, and in this location, this is also compounded by a steep hill from traffic lights which means that most traffic accelerates strongly up the hill. Block A is also similarly affected by traffic on Terrace Road, though here the effect of accelerating traffic is lessened. I note that none of this documentation has yet been submitted. The assessments should quantify the noise and air pollution levels on this site and, most importantly, should highlight mitigation measures which would be necessary to ensure that future residents are not adversely affected by these two issues.*

There are also other relevant issues concerning waste disposal provision and land contamination. However, from previous applications it has been recognised that land contamination is not an issue on this site and therefore there is no requirement to submit an assessment.

This application should be refused until a satisfactory noise and air quality assessment have been submitted."

4. REPRESENTATIONS

- 4.1 The application has been publicised by a newspaper advert, site notice and individual letters to surrounding occupiers. No comments have been received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located on the south western fringe of Maidstone's town centre, but outwith it as defined in the Maidstone Borough Wide Local Plan. It is within walking distance of the town centre and its varied facilities, including retail, employment and leisure and the bus and train stations. Due to this location on the centre's edge the locality is characterised by a mix of both land uses and building types.
- 5.1.2 Its main road frontage is to Tonbridge Road with the rear access leading from Terrace Road. Either side of its Tonbridge Road frontage are large semi detached residential villas, opposite is a large modern block of flats, with a modern hotel (Premier Inn) to the north east of the site.
- 5.1.3 The site has been cleared following consent to demolish the former council building which formally stood on the site and is surrounded by hoardings. Tonbridge Road falls from west to east
- 5.1.4 There is limited vegetation of note within the site with the only trees being to the Tonbridge Road frontage.

5.2 Proposal

- 5.2.1 This application seeks consent for 37 (25 two bedroom flats and 12 one bedroom flats) affordable residential units with associated vehicular access and 38 off street parking spaces.

- 5.2.2 The development would be split between two blocks, a traditional looking block (Block B) fronting onto Tonbridge Road and a more modern block (Block A) to the rear of the site linking through to the modern Premier Inn.
- 5.2.3 Block A would be located to the rear of the site and would be relatively contemporary in design taking inspiration from the Premier Inn and other modern buildings to the rear of the site. It would utilise a palette of modern materials such as coloured renders and cladding panels combined with elements of more traditional red bricks and tiles. The Block would be five storeys in height (maximum 15.5m) and would have a footprint of approximately 416sqm (26m by 16m). The elevations of this block would be well articulated via materials, the use of set back and balconies. It would run north south within the site, with its entrance to the north. It would house a total of 25 residential units (17 two bed and 8 one bed).
- 5.2.4 Block B would front Tonbridge Road and has, therefore, been designed in a much more traditional manner than Block A to reflect the character and appearance of this frontage of the site. It would have a much more traditional palette than Block A including red and buff bricks and vertical tiling. It would be four storeys in height (14m) with a footprint of approximately 340sqm. It would front onto Tonbridge Road but would be set back from the footpath edge by 5 metres. An area of planting, including trees would be introduced to this area to make a feature of the frontage. The block would house 12 two bed units
- 5.2.5 38 parking spaces would be provided to serve the development comprising 23 undercroft spaces (17 Block A and 6 Block B) and 15 surface spaces (6 Block A and 9 Block B). Communal cycle and bin storage is would also be provided. The layout of the site has been designed to reflect its urban location, but takes opportunities to introduce landscaping principally along the site boundaries and to soften footpaths and paving areas within the site. Vehicular access would be taken exclusively from the rear access road leading from Terrace Road.
- 5.2.6 The applicants state that the development will achieve Code for Sustainable Homes Level 4 by including measures such as providing cycle storage, energy efficient lighting and highly insulated and efficient construction.
- 5.2.7 The applicants have accepted that there would be a requirement for financial contributions to mitigate the impact of the development on the local area which will be secured under a Section 106 Agreement. They state that they are willing to accept the contributions requested in relation to libraries, community learning, adult social services and open space (parks and leisure). They do not accept the request for a contribution to education (either secondary or primary). This is on the basis that the scheme is 100% affordable and its occupation would be by

residents already located within the borough and there would, therefore, be no additional impact on educational resources.

5.3 Supporting Documentation

- 5.3.1 The application is supported by a Planning Statement, Design and Access Statement and Sustainability Report.

5.4 Principle of Development

- 5.4.1 The site falls within an area allocated in the Maidstone Borough Wide Local Plan 2000 for employment uses. This proposal is, therefore, contrary to the Development Plan.

- 5.4.2 Saved policy ED2 of the Maidstone Borough Wide Local Plan (2000) states -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

- 5.4.3 A public decision was made to sell the land in October 2006. Following this agreement, the land was marketed through a combination of the property press and the Kent Messenger over a five week period (in June 2007). This included advertising within the Estates Gazette (national), Property Week (national) following this initial marketing.
- 5.4.4 Of the bids submitted, none were solely for B1 (commercial) use of the site, but rather for a mix of B1 and residential and for a hotel use. Following negotiations, a hotel operator placed an offer for the site and obtained planning permission for a budget hotel in late 2008. Following this grant of planning permission the applicant withdrew their offer, citing changes in the economy. Following the withdraw of this offer from the hotel operator and given that there were no further bids on the land, the Council (as then owners of the site) withdrew the site from the market in 2009. An outline application was made for a medical centre and four dwellings in 2010 with the aim that the site could be sold at auction with outline planning consent. This planning consent was granted in October 2010.
- 5.4.5 Harrisons took over the marketing of the site from the Council in May 2011. Harrisons marketing comprised the erection of agency boards on the Tonbridge and Terrace Road frontages, the preparation and circulation of site specific brochures and supporting information and advertisements in local, regional and national newspapers.

- 5.4.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is thirteen years since it was first researched and drafted, and as a result central government guidance and advice has changed in this intervening period. It is also acknowledged that there has been a significant shift in the requirements for office accommodation in within the town centre of Maidstone. Evidence indicates that there is an over provision of office space within the town centre, with most being of a relatively poor quality.
- 5.4.7 The National Planning Policy Framework states that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. In this instance, there is a clear need for small affordable units of the type being proposed.
- 5.4.8 Adding this to the planning history of the site with its consent for a mixed medical centre and residential use, the mix of uses in the surrounding area confirming the shift away from pure commercial uses within this area over the recent years and the site's sustainable location within walking distance of the town centre and its facilities, it is considered that this departure from the local plan can be supported in principle.

5.5 Design/Impact on Conservation Area

- 5.5.1 The applicants have sought to respect the character and appearance of the local context when designing their scheme. The introduction of the two blocks reknit the townscape and 'close a gap' in this locality, and their layout and form completes the street scenes and this physically isolated development block. The proposal considers the local character, distinctiveness and function of this area of the town centre, and reintroduces a development of an appropriate scale, density and massing. Block A reflects and compliments the more modern development to the north of the site, including the Premier Inn, 15a London Road and their car parks, and the more traditional styled Block B respects and recreates a strong urban edge with the Tonbridge Road frontage of the site.
- 5.5.2 The comments and objections of the Conservation Officer are noted. However, due to the change in levels between Terrace Road and the site, Block A will only be seen against the backdrop of the Premier Inn and not against the houses in Rocky Hill Conservation Area. There would be limited short distant views of Block A from Tonbridge Road as it would be set behind Block B and it would be some distance from the properties in Terrace Road. Block A varies in height with

its four-storey flat-roof, slightly 'winged' element to the south, and its five storey flat-roof element to the north. This form marks and defines the corner fronting onto Terrace Road, and will help to screen the rear access of the buildings fronting onto Tonbridge Road and London Road. 1 to 9 Terrace Road with their long front gardens, 15a London Road and Rocky Hill Terrace are sufficiently set back from Terrace Road, to be able to accommodate a taller building in this locality. Only a narrow section of the façade of the five storey element would front onto Terrace Road, and this would act as an 'end-stop', adding an interesting architectural feature to this streetscene. The building is well articulated with building setbacks, projecting windows, balconies and recesses, and has a vertical emphasis that is appropriate to this style of architecture. The use of a variety of materials, including coloured cladding, coloured render, brick and tiling also add interest to the building and help to reduce the bulk of the block. The interruptions and choice of brick will link Block A with Block B, and provide some cohesion between the two contrasting styles of architecture.

- 5.5.3 Block B has been revised following pre-application discussions to introduce elements and take architectural references from adjacent properties. These include fully hipped roofs of a similar pitch to adjacent properties, deep eaves and additional entrance doors to strengthen the building's vertical rhythm. The proposed elevational detailing with the two main hipped projections, 3-storey bay windows, flat-roof dormer windows, traditional 2-light casement windows with stone quoins and cills, and the introduction of chimneys, add visual interest to the building and allow the block to be read as part of and compliment the existing street scene. It is considered important to ensure this detailing is of a high quality and a condition is recommended to secure this. Its materials, mainly brick, tile-hanging and white windows to the Tonbridge Road frontage, are more traditional in nature and respect surrounding buildings. It is noted that the Tonbridge Road is varied in character, appearance and age of its buildings, mix of uses. It is, therefore, not considered that this building, which takes inspiration from its surroundings, would adversely affect the character and appearance of the area.
- 5.5.4 Block B would be read as a three storey building with rooms in the roof. It is acknowledged that the Block B will be taller than its immediate neighbours but variations in building heights are common place within the area and it is not considered that it would overwhelm them or destroy the rhythm of the street. It is also sufficiently 'divorced' in terms of location from Bower Terrace, located on the opposite side of the road and screened by mature trees, to have a detrimental visual impact on the setting of this listed terrace.
- 5.5.5 It is considered that the proposal respects and takes inspiration and guidance from the surrounding area without blankly mimicking it. The design of the

proposed development is considered acceptable, subject to the imposition of conditions.

5.6 Highways

5.6.1 As mentioned above, vehicular access to the site would be exclusively from Terrace Avenue leading from Terrace Road. This road also provides vehicular access to the Premier Inn and a small number of other properties fronting Tonbridge Road which adjoin the site. The County Council's Highway Officer raises no objection to the use of this access and states that there have been no injury crashes within the last three years at the junction of the site access with Terrace Road. It must also be recognised that a residential development on this site would bring a reduction in the number of vehicles utilising the access than the site's former use as a Council offices and also that which would have been associated with the 96 bedroom budget hotel granted consent in 2008. Therefore it is not considered that there are any highway safety issues associated with the access to the proposed development.

5.6.2 The development would be served by a total of 38 parking spaces, this gives 1 parking space per unit with 1 additional space. Cycle parking would also be provided within the scheme. Given the sustainable location of the site on the edge of the town centre and in walking distance of many facilities and amenities, including retail, leisure, employment and transport facilities, the level of parking is considered acceptable.

5.7 Landscaping

5.7.1 The site has been cleared following the demolition of the former council offices and there is limited vegetation to the site's Tonbridge Road frontage remaining within it. It is proposed to introduce a landscape element to soften and enhance the development, for the benefit of both its future occupiers and the wider area as a whole. The submitted Landscape Masterplan indicates planting which is essentially ornamental in nature and indicates a proportion of native and species. Notwithstanding these details, I would suggest it appropriate to recommend a condition that seeks to provide tree planting along the Tonbridge Road frontage – these should be heavy duty trees – prior to the occupation of the development. This would provide an instance impact, and would further enhance the vertical character of this development along this road frontage.

5.7.2 The commitment to landscaping is welcomed and in this instance it is considered that tree planting along the Tonbridge Road frontage should be a key element of any landscaping proposals. Lime tree are considered suitable here. The details of the landscaping can be secured via a condition requiring details of a landscaping scheme to be submitted and agreed.

5.7.3 Due to the level of hardstanding on site, the fact that it was cleared of buildings and given that it is not located within close proximity of waterways or ponds it is not considered that the proposal raises any ecological issues. Indeed the development is likely to give rise to greater opportunities for biodiversity due to the provision of landscaping within the scheme.

5.8 Residential Amenity

5.8.1 The properties immediately adjacent to the site are in commercial use. Given this a reason for refusal on the impact on the occupiers of these buildings through loss of light, overwhelming or loss of privacy could not be sustained.

5.8.2 The nearest residential properties (18 and the opposite side of Terrace Road) are in such a position that there would be no significant impact on the residential amenity enjoyed by their occupiers.

5.8.3 The development would, in my opinion, enhance the local area, allowing the hoardings that have been in place for a number of years to be removed, landscaping and high quality buildings to be erected. The scheme will allow the site to once again play an active role in and contribute to the surrounding area and its community.

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 4. It is proposed that this will be achieved using water saving fittings, photovoltaic arrays supplying electricity to the flats and high insulation in the walls, windows, roof and floors.

5.9.2 The commitment to reach level 4 is welcomed as it is considered a high standard appropriate for this key site.

5.10 Other Matters

5.10.1 The comments of the Council's Environmental Health in relation to noise and air quality are noted. In relation to noise, it is noted that residential development has been previously permitted on site and whilst it is acknowledged that there is the potential for noise to be an issue at this site, it is considered that this could be overcome by a scheme of noise mitigation. A condition requiring such a scheme to be submitted and approved is proposed.

5.10.2 In terms of air quality, once again the previous consent on the site for residential development is noted and that other residential schemes have also been granted in the surrounding area (for example George Street MA/12/0590 refers). It is, therefore, not considered that the residential development of this site would be unacceptable on air quality grounds.

5.11 S106 and Other Matters

5.11.1 All of the 37 residential units proposed in this scheme would be affordable and for available for people on the housing list within the Borough. This, and the fact that the development comprises a mix of small one and two bed units (of which there is a shortage of in the Borough) is welcomed.

5.11.2 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations and paragraph 204 of the NPPF 2012. These have strict criteria that set out that any obligation must meet the following requirements: -

- (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.

5.11.3 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 highways as its two priorities. 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 Plan. I am therefore satisfied that this proposal would meet the requirements of the Development Plan.

5.11.4 A sum of £1,575 per dwelling is set out in the Supplementary Planning Guidelines and using Fields in Trust Guidelines 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. It is considered that such works would be reasonably related to this development and there is no space within the site to provide any on-site open space (except for limited landscaping) 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.

5.11.5 Kent County Council (Mouchel) has requested that a total contribution of £3198.07 for libraries and community learning is made. This would be spent on

projects local to the application site, providing additional book stock, extended opening hours, additional staff and equipment and new/expanded community learning facilities and services. This contribution would meet the tests of Regulation 122, in that it would be necessary, directly related and of a suitable scale.

5.11.6 A request of £1713.61 for adult social services has also been made, to cover local projects in the Maidstone urban area including assistive technology and integrated dementia care. It is not as important for these services to be provided within walking distance of the site and, in any case, many of these services are provided by way of home based visits by carers/assessors. This request is reasonable, necessary and related to the proposed development.

5.11.7 A further £1062.22 has been requested as a contribution to community learning. This would be spent on the provision of new and expanded facilities and services both through dedicated Adult Education centres and through outreach community learning facilities in the vicinity of the development. This request is reasonable, necessary and related to the proposed development.

5.11.8 Mouchel have also requested contributions for primary and secondary education (£1389.99 and £589.95 per applicable 2 bed flats respectively. The applicants have advised that they consider this contribution unnecessary. This is on the basis that the scheme will be 100% affordable for people already living within the borough and therefore there would be no requirement for additional school places. In this instance, given the detail of this proposal, I am satisfied that contributions towards education are not required.

5.11.9 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.

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

That the Head of Planning be given DELEGATED POWERS to approve subject to the completion of a suitable S106 obligation that provides the following:

- i) The provision of 100% affordable housing provision in accordance with the adopted Development Plan Document on Affordable Housing;
- i) The provision of a sum of £58,275 to contribute towards the up-grade, improvement and renewal of Maidstone's amenity space and play equipment to be spent in a radius of one mile of the development site;
- ii) The provision of a sum of £5973.90 for contributions towards the additional demands placed upon community facilities, libraries and adult social service facilities within the locality by virtue of the granting of this permission;

And the imposition of planning conditions:

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

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

2. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, measures for their protection in the course of development, and a programme of maintenance, and shall include the provision of heavy standard trees along the Tonbridge Road frontage (minimum of four). This scheme shall be based on the Landscape Masterplan (1519.01 Rev A) and shall include lime trees to the Tonbridge Road frontage of the site. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

3. Vehicular access to the proposed development shall be from the existing access road from Terrace Road only and there shall be no other means of vehicular access to the site whatsoever.

Reason: In the interests of highway safety and amenity.

4. Prior to the commencement of the use hereby permitted the car and cycle parking spaces shown on the approved plans shall be provided and delineated on-site in accordance with the approved plans. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any subsequent re-enacting Order) no development shall be carried out on the site so as to preclude vehicular access to those car parking spaces. The car parking spaces shall be available in their entirety during the whole of the time that the building is open to the staff employed thereat or to persons visiting the building.

Reason: In the interests of highway safety and amenity.

5. Prior to the commencement of the use hereby permitted the turning head shown on the approved plans shall be provided and delineated on-site in accordance with the approved plans. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no development shall be carried out on the site so as to preclude vehicular access to those car parking spaces. The car parking spaces shall be available in their entirety during the whole of the time that the building is open to the staff employed thereat or to persons visiting the building.

Reason: In the interests of highway safety and amenity.

6. Notwithstanding the information on the approved plans, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

7. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking areas, footways/cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. The lighting shall be installed in strict accordance with the agreed details prior to first

residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety and amenity.

8. Prior to the first residential occupation each block of flats hereby permitted shall be equipped with a communal TV and radio aerial and satellite dish. Details of the size, external appearance and the positions of the communal TV and radio aerial and satellite dishes shall be submitted to and agreed in writing with the Local Planning Authority prior to the installation of such systems. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no satellite dishes or aerials shall be fixed to the buildings hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity and the integrity of the design.

9. All electrical and telephone services to the development shall be run underground.

Reason: In the interest of visual amenity and the integrity of the design.

10. The development hereby permitted shall be built to a minimum four star rating within the Government's 'Code for Sustainable Homes' (2006). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: To ensure that development takes place in an environmentally sensitive way and to assist the Government in meeting its targets of reducing carbon dioxide emissions.

11. Prior to the commencement of development hereby approved details of the foul and surface water drainage systems to serve the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to the first occupation of the development hereby permitted.

Reason: To ensure that adequate drainage is provided for the development.

12. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

13. Prior to the first residential occupation of any of the development hereby permitted, a scheme detailing for the control of access to all communal car parking areas shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be designed to provide controlled access by occupiers of the units, which those parking areas serve, and visitors to those units. [Informative: Such a scheme may be required to include controlled access barriers]. The scheme as agreed shall be installed in strict accordance with the agreed details prior to the first residential use of the units and shall thereafter be permanently retained and maintained in the agreed form.

Reason: In the interest of controlling access to the parking spaces.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the buildings hereby approved are occupied.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

15. The development shall not commence until details of a scheme for the insulation of the proposed development against the transmission of both airborne and impact sound have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before any residential unit is first occupied and shall be retained thereafter.

Reason: To mitigate the effects of potential noise nuisance.

16. Construction of the development hereby permitted shall not commence until details of the proposed means of foul sewage disposal have been submitted to, and approved in writing by, the Local planning Authority in consultation with Southern Water.

Reason: In the interests of the amenities of the existing properties.

17. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to, and approved in writing by the Local Planning Authority.

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

18. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by the Local Planning Authority. The facilities shall be provided before the first occupation of the development hereby permitted and maintained thereafter.]

Reason: In the interests of visual and residential amenity.

19. Notwithstanding the details illustrated on the approved plans, detailed plans of proposed roof overhangs, window recesses and projections, eills, soldier arches, dormer windows and balconies to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of the development. Installation shall be in strict accordance with the details agreed.

Reason: In the interest of visual amenity and the integrity of the design.

20. The development hereby permitted shall be carried out in accordance with the following approved plans:
2012-246-01, 02 Rev F, 10 Rev D, 11 Rev D, 012 Rev D, 13, 14, 15, 20 Rev B, 21 Rev C, 23, Landscape Management Plan (151901 Rev A) together with the Planning Statement, Design and Access Statement and Sustainability Report received on the 24th May 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

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.

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

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.

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.

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

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone

The applicants, or their successors in title, are advised to seek to improve biodiversity within the application site. It is suggested that any development incorporate the use of bat boxes, swift bricks and, if appropriate, cordwood.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Whilst the proposed development does not comply with the Policy ED2 of the Development Plan, it is considered that due to the length of time that the property has been marketed for employment purposes without success, and with the significant planning history borne in mind, it is considered acceptable in this instance to depart from this Policy, and allow for residential use.