

APPLICATION: MA/09/0863 Date: 20 May 2009 Received: 18 September 2009

APPLICANT: KCC & Bouygues UK Ltd

LOCATION: LAND ADJACENT TO, JAMES WHATMAN WAY, MAIDSTONE, KENT

PROPOSAL: Construction of new library centre including 60 residential units and 57 care units with associated access, parking and landscaping in accordance with the planning statement, design and access statement, ecological survey, air quality assessment, noise mitigation report, statement of community involvement, phase 2 site investigation, received on the 21 May 2009, the key surrounding views document, travel plan, transport assessment, response to KCC comments on TA and TP, tree survey and plans numbered: PA-SL-JWW-AST-ALL-SPE-02-B; PA-SL-JWW-AST-ALL-DET-03-B; PA-SL-JWW-AST-ALL-ELV-01-B; PA-SL-JWW-AST-ALL-ELV-02-B; PA-SL-JWW-AST-ALL-SEC-02-B; PA-SL-JWW-AST-ALL-SEC-01-B; PA-SL-JWW-AST-ALL-SEC-03-B; PA-RF-JWW-AST-ALL-GA-01-B; PA-L08-JWW-AST-ALL-GA-01-B; PA-L07-JWW-AST-ALL-GA-01-B; PA-L06-JWW-AST-ALL-GA-01-B; PA-L05-JWW-AST-ALL-GA-01-B; PA-L04-JWW-AST-RES-GA-01-B; PA-L03-JWW-AST-RES-GA-01-B; PA-L02-JWW-AST-RES-GA-01-B; PA-L01-JWW-AST-LIB-GA-01-B; PA-GND-JWW-AST-LIB-GA-01-C; PA-LGF-JWW-AST-LIB-GA-01-C; PA-SL-JWW-AST-ALL-MAS-06-B; PA-SL-JWW-AST-ALL-MAS-04-B; SL-JWW-AST-ALL-MAS-03-B; PA-SL-JWW-AST-ALL-MAS-05-B and PA-SL-JWW-AST-ALL-DET-02-A received on the 11 August 2009, the Listed Building Assessment received on the 9 September 2009, and the draft Section 106 Legal Agreement received by the Local Planning Authority on the 30 September 2009.

AGENDA DATE: 15th October 2009

CASE OFFICER: Chris Hawkins

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

- Councillors Patterson and Warner have requested it be reported for the reason set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: H1, H15, ENV6, CF1, CF2, CF3, T2, T13

South East Plan 2009: SP2, SP3, SP4, CC1, CC4, CC6, CC9, RE4, H1, H2, H4, H5, T1, T4, T5, NRM1, NRM4, NRM5, NRM7, NRM9, NRM10, W1, W2, BE1, BE6, S5, S6, AOSR6, AOSR7
Government Policy: PPS1, PPS3, PPG13, PPG15, PPS22, PPS23, PPG24

HISTORY

MA/08/0608 Land adjacent to James Whatman Way. Request for a screening opinion for the proposed construction of new Kent Library, History and Archive Centre with residential development. EA Statement not Required.

There is no other specific planning history relevant to this application. It should be noted however that this application is linked (by a S106 legal agreement) to the application at the Springfield Site (MA/09/0862) elsewhere on these Papers before Members.

CONSULTATIONS

- 1.1 **Kent County Council Highways Authority** were consulted and have made the following final comments:
- 1.2 'Further to my previous consultation response regarding this planning application, I can confirm that additional information has been provided and discussions have been held. The development is in a sustainable location, and improvements are proposed to improve accessibility to the site by alternative modes of transport to the private car. With the provision of these improvements and the implementation of a robust travel plan it is considered that this application will not have a detrimental effect on the capacity or safety of the existing highway.
- 1.3 In view of this I can confirm that I have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:-
- 1.4 A shared surface crossing shall be provided along James Whatman Way as shown in principle on Drawing Number SL/MAS/0006C but incorporating the comments raised in the Stage 1 safety audit.
- 1.5 The improvement of two bus stops in the near vicinity of the site along the A229 Royal Engineers Road which should include raised kerbs and real time information system to each bus stop.

- 1.6 The existing pedestrian crossing along the A229 Royal Engineers Way to the north of the A229/Whatman Way Roundabout should be upgraded to a toucan crossing.
- 1.7 All reasonable endeavours should be made to provide a new cycle link to the south of the site linking with the existing cycle path. The provision of such a link cannot be guaranteed as this required a Traffic Order, therefore in the event that the cycle link cannot be provided a contribution sum of £15000 is required to fund alternative link/s between the site and the existing cycle network and/or the Town Centre
- 1.8 A travel plan is required.'
- 1.9 Officer Comment: - A detailed travel plan has been submitted with the planning application, and is for consideration. The details of this travel plan are set out within the report below.
- 1.10 **Mouchel (acting on behalf of KCC)** were consulted and requested that the following contributions be made:
- A contribution of £180 per unit for adult education;
A contribution of £1201 per unit for adult social services;
A contribution of £227 per unit for library facilities;
A contribution of £206.75 per 'applicable' flat for youth and community facilities.
- 1.11 **English Heritage** were consulted and requested that a detailed analysis of the impact that the proposal would have upon the setting of the listed building opposite the site (i.e. the White Rabbit Public House) be submitted prior to the determination of the application. This information was subsequently submitted, and have raised no objections to the proposal.
- 1.12 **Natural England** were consulted and raised no objection to this proposal.
- 1.13 **The Environment Agency** were consulted and raise no objection to the proposal on the following grounds:
- 1.14 'The application states that surface water drainage is to discharge to SuDs. In contrast, the drainage strategy states that surface water drainage will discharge via mains sewer to the adjacent watercourse. If the latter is the case, then we have no further comment on this aspect. If surface water drainage is to discharge to infiltration SUDS, however, then the following will be applicable:
- 1.15 The vast majority of this site lies within Source Protection Zone 1. In accordance with GP3 - Groundwater Protection: Policy and Practice, the Environment Agency will object to any discharges to ground within Source Protection Zone 1. This

is due to the risks this poses to controlled water receptors and their associated abstractions. The exception to this is roof water. In order for roof water to discharge to ground it must be ensured that the discharge is into clean, uncontaminated, natural ground, and that the discharge is above the water table. If this can not be achieved then we will object to any discharges to ground at this site.

Contamination

- 1.16 The submitted Phase 2 investigation has been undertaken in accordance with current good practice and guidelines. We note that elevated hydrocarbons have been identified within the made ground at this site, and that their leaching results suggest they may impact on controlled waters. (It should be noted that leaching tests carried out on soil with regards to hydrocarbons are not generally representative due to losses as result volatilisation during analysis).
- 1.17 In accordance with Planning Policy Statement 23: Planning and Pollution Control (PPS23), a site must not be capable of being determined as contaminated under Part 2A of the Environmental Protection Act 1990, and thus all risks to controlled waters must be fully addressed. Considering the majority of the site is located within Source Protection Zone I and part of the site is underlain by the Hythe Beds principal aquifer, further assessment of the risks to controlled waters will be required. For example, it should be determined whether the concentrations within the made ground/soils have the potential to impact on controlled waters and their associated abstraction point.'

Advice to applicant

- 1.18 Although we are in receipt of an acceptable phase 2 report, we have requested this condition in its entirety. The applicant is advised that this condition is sequential and may be discharged at any point in stages 1-4, depending on the information submitted and perceived risk to sensitive receptors.'
- 1.19 Officer Comment: The suggested conditions and infomatives within this consultation response are within the recommendation at the end of this report.
- 1.20 **Southern Gas Networks** were consulted and raised no objections to this proposal.
- 1.21 **EDF Energy** were consulted and raised no objections to this proposal.

Internal Consultations

- 1.22 **Maidstone Borough Council Conservation Officer** has made the following comments on this application:

- 1.23 'The proposal involves the erection of a substantial 9 storey block which will be likely to impinge on views to and from the Grade II* listed White Rabbit PH. There is no assessment of this included with the application and the application should not be determined in its absence.'
- 1.24 The applicant then submitted the requested listed building analysis and the following comments were subsequently received:
- 1.25 'The impact on listed buildings assessment does not, in my view, adequately address the issues. No additional visualisation work has been carried out to show in graphic form the impact on views of either Springfield or the White Rabbit and I cannot agree with the statement in Para 4.6 of the assessment where it is stated that neither proposal will affect the setting of these listed buildings. It is factually incorrect to state that the Springfield proposal does not lie within the grounds of Springfield, and in any case it is not necessary for it to do so to affect the setting.
- 1.26 In para 6.11, I would contest the description of the site as a town centre one and would point out that no other adjacent development is of comparable height to that proposed. Para 6.19 suggests there will be no impact on the setting of Springfield from the proposals, which I find incredible; the suggestion that most trees can be retained (para 6.18) must also be doubted.
- 1.27 All in all, there is nothing contained within this assessment which persuades me to alter my opinion of the proposals nor to indicate that the settings of listed buildings have been properly taken into account in drawing up proposals for these sites.
- 1.28 *Officer Comment: These points are addressed within the main body of the report.
- 1.29 **Maidstone Borough Council Landscape Officer** has made the following comments on the 25 September 2009:
- 'General description of site and surroundings
- 1.30 The trees survey undertaken BPP 04 F8 was carried in July 2009. The total number of trees surveyed was 77, of which 37 were classed as B grade - moderate quality; 37 C grade - low quality and 3 were recommended for removal. There were no trees of high quality (category A), having visited the site I would agree with the findings of this report. It is important to note that there are two Sycamore trees which are subject to TPO status (TPO No 21 of 1997), which are located on Millers Lane.

- 1.31 The only trees of significance within the grounds are T1,2. which are mature Sycamores and T3 and 4 are Limes all of which have been pollarded at 8 metres, both T1 and T2 have structural defects which make the trees unsafe therefore both are placed in category R. Groups 44, 45, 46 and 47 are young Rowans located within a shrub planting and are little amenity value. These groups of trees provide some screening from the highway. G48 are 2 Sycamores which are self sown which are in good structural condition.
- 1.32 T6 - T26 are located on the grass verge, but not within the grounds itself , this group represent a variety of species all of which young in age. T27 - T43 is a continuous line of Small leaved Limes planted adjacent to Royal engineers Road,opposite is a line of Rowans and both lines of trees create a partial green corridor into the Town centre.

Direct loss of trees

- 1.33 In order to accommodate the proposed development the drawing entitled 'Trees removed and retained' indicates that 32 individuals and 4 groups of trees. This will leave only 15 trees left, the most significant being the line of small leaved limes T30- T41, 3 are to be remove because there are they were noted as having structural defects. Changes in ground level: there are no significant changes in ground level around the retained trees.

Proposed landscape

- 1.34 There appears to be minimal planting proposed, using the retained line of limes along the eastern boundary, 3 trees along the southern edge and an additional 2 trees along the eastern boundary. No additional planting is proposed along the northern boundary, however this acceptable due to a number mature Pines. There is plenty of scope to additional planting along the southern elevation. It is proposed to plant native trees although no details have been provided. Climbing plants are proposed to create a green wall along the flank wall of the library.
- 1.35 in conclusion, no objections are raised. Therefore if you are minded to approve this application then I would suggest a number of safeguarding conditions.'
- 1.36 Officer comment: These conditions are set out within the recommendation of this report.
- 1.37 **Maidstone Borough Council Environmental Health Officer** has made the following comments on the 29th May 2009:
- 1.38 'An Air Quality Assessment by Mouchel ref JWW 13th May 2009 has been submitted and it concludes that the main impacts will be due to dust during the construction phase, but it does predict that the proposed development will cause

a small increase in NO2 concentrations at some locations, but predicts that this increase will be less than 2.5%. Environmental Health accept the validity of this report; and the mitigation measures recommended in the report should be followed in their entirety. But consideration should also be given to the use of a 106 agreement in order to secure funds for MBC to carry out 5 years of air quality monitoring in the area. This is in order to check the impacts of the site on the AQMA plus check any potential impacts on receptors living in the new development on this site. Environmental Health would welcome discussions with the planners on this matter.

- 1.39 A noise assessment report by AcousticAir, ref AA577N/R1, and dated May 2009. This report concludes that unless suggested mitigation measures are employed the noise levels in many of the habitable rooms would not be acceptable. Environmental Health accept the validity of this report and the suggested mitigation measures regarding double glazing and acoustic ventilation should be carried out in their entirety.
- 1.40 A phase 2 report regarding potential land contamination, by Bourgues (UK) Limited ref 51099A and dated May 2008, has also been submitted. The report concludes that although gas monitoring indicated little presence of toxic gases, it did recommend further sampling should be carried out. The report notes that a further review of contamination risk assessment and a further review of gas emissions will be submitted under separate cover when further readings have been taken.
- 1.41 A further phase 2 site investigation, by Bourgues UK Limited ref 51170 dated July 2008, has also been submitted. This report concludes that the only areas where contamination (benzo(a)pyrene and aromatic petroleum hydrocarbons) may impact on receptors in areas of soft landscaping borders and that further sampling will be required. A closure report will be required.'
- 1.42 Following the re-consultation, the following comments were received on the 21st August 2009:
- 1.43 'The amendments and additional details do not have any material effect on Environmental Health issues which we have already discussed in our original consultation response to MA/09/0863, on 16/07/2009 (our ref WK/200905109).'

REPRESENTATIONS

- 2.1 Cllr Paterson and Cllr Warner have requested that this application be brought before Members for the following reasons:
 - This is a major application that will have a major affect on the outlook of the area;

- There is insufficient parking;
 - The landscape proposals need to be considered further together with the provision of public art;
 - The provision in relation to the S106 agreement needs further consideration.
- 2.2 Neighbouring occupiers were notified and five letters of objection have been received. The main concerns raised within these letters are:
- The impact upon the previously approved outline planning application within the Springfield Mill;
 - The height and design of the proposal has not been properly addressed within the Design and Access Statement;
 - Insufficient car parking provision;
 - The impact of refuse vehicles entering and leaving the site;
 - There is a lack of open space for each residential unit.

3 BACKGROUND

- 3.1 The development proposal will incorporate a new Archive Centre, which would include a new central lending library. The existing archive centre is currently based in Sessions House, and the county central library based at both St Faith's Street and Springfield. This new combined facility will allow better access to the archive material of Kent as well as house an improved library for Maidstone.
- 3.2 The proposal brings together three existing facilities (The County Central Library and Libraries and Archives HQ at Springfield; the Centre for Kentish Studies at County Hall; and the Maidstone Library at St Faith's Street) into a single flagship library building. The current Maidstone Library building in Faith Street is in poor structural condition and due to the design is impossible to adapt to meet current legislation for disabled access. Furthermore, the space at the existing Archives Centre at Springfield is inadequate for Kent County Council's needs and does not meet the strict environmental standards required for archive storage. This means that the documents stored there are at risk of permanent damage, which means it is not fit for purpose.
- 3.3 The proposed new library and history centre will be the new flagship library for Kent, with Kent County Council also planning a significant investment in new books for the centre. The new centre will include the material from the Centre for Kentish Studies as well as the East Kent Archives Centre at Whitfield. Historic material in the archive will be more accessible in the new building; the new building will have better facilities, including a community history room with an extensive collection of archive and local history material.
- 3.4 The development would be part funded by the residential development upon the site, as well as the redevelopment of the existing library site at Springfield for

residential purposes. The library and history centre is a £10million project which needs this additional funding from the Springfield site, as well as the residential development upon the application site.

- 3.5 As stated above, this proposal is linked to the application (reference MA/09/0862), at the existing Springfield Library that is before Members this evening for consideration. This outline permission will effectively give the land an enhanced value, to enable Kent County Council to raise funds to ensure that the new library and history centre can be completed. The applications are linked in such a way that one development could not happen without the other. The applications are linked through a Section 106 legal agreement that would also ensure that the new library is provided prior to the demolition of the existing – to ensure a continuation of service. It is this continuation of service that also requires the library to be built away from the existing facility – there simply is not the room within the existing library site to build a new facility as well as retain the existing.
- 3.6 This is a project that it planned to happen – it is not speculative. The County Council are in agreement that this development needs to take place in order that the existing service be improved.
- 3.7 The development has evolved over a significant period of time, following a series of discussions with Officers of this Council, the South East Design Panel, and Members, with significant improvements achieved as a result. The South East Design Panel made the following comments at pre-application stage: -
- 3.8 'The new building will combine the contents and resources of the existing libraries and archives around Maidstone and it will be an important cultural asset for the County. We are sorry that a more accessible site cannot be found at the heart of the town, but in the absence of this, every effort should be made to reduce the impact of the main road and to improve the journey for those on foot. We find aspects of the architecture imaginative but we are not yet wholly convinced by it, particularly the relationship between the public building and the private flats behind, and we think that the design needs to be taken further in this respect.
- 3.9 The County Council has produced a brief for the project, consolidating and expanding existing facilities in the Maidstone Area. The site is not far from the river but its immediate neighbour is the White Rabbit roundabout on the main road, which serves as a bypass for the town centre. Together the roundabout and the road creating a visible but hospitable edge to the development, and an uninviting pedestrian link to the town centre; we think these connections, including provision for cyclists, should be addressed as part of this scheme. Ideally the road or the roundabout should be downgraded and the opportunity should be taken to improve the quality of the public realm.

- 3.10 The other buildings in the area are large scale freestanding structures, especially the Whatman paper mill and the planned Maidstone football ground, so there are no apparent sensitivities about height and bulk.'
- 3.11 From the receipt of this response to the submission of the application, a number of amendments were made to address these concerns, including the breaking up of the flat block, the improvement of the public realm within James Whatman Way, the improvement of the cycle links to and from the site, and other minor alterations to the architecture.

CONSIDERATIONS

4 Site Description

- 4.1 The application site is located to the west of Royal Engineers Road, and to the north and east of James Whatman Way (which wraps around the application site). The site is approximately 0.68 hectares, and lies within the urban confines of Maidstone, with the land having a specific designation within the Maidstone Borough Wide Local Plan (2000) for residential purposes (H1 and H15). To the west of the application site lies land that has planning permission for the erection of a new football stadium for Maidstone United Football Club (planning permission reference MA/04/0711 - Erection of a football stadium consisting of a playing pitch, main stand, 2 covered terraces, club house, changing rooms, parking for 82 cars 3 coaches 5 motor-cycles and 10 cycles and associated works). This land is currently undeveloped. The land to the west then falls down towards the River Medway.
- 4.2 Beyond this land is the River Medway, with the Millennium Park on the opposite bank – there is a footbridge (approx 300metres) that links the towpath and the Millennium Park to the north-west of the application site.
- 4.3 To the east of the application site is the Royal Engineers Road, a four lane carriageway which has a maximum width of 30metres from one side to the other. This road (A229) is the main thoroughfare between Maidstone and the Medway Towns, and as such carried a significant weight of traffic. A further 35metres from the other side of this highway is the White Rabbit public house, a Grade II* listed building (the former Officer's Mess). There are a number of commercial, retail, and residential properties within Sandling Road beyond.
- 4.4 To the south east of the application site (beyond the roundabout) is a three storey office development (County Gate), which again, is set back approximately 35metres from the edge of the highway.

- 4.5 To the north of the application site is the James Whatman site (Springfield Mill) a paper manufacturing company, which sits on the banks of the River Medway, and stretches up to Royal Engineers Road. Much of this development is behind a substantial wall, in excess of 2metres in height.
- 4.6 The site at present is overgrown, with a large number of small trees and shrubs within. There is an existing chain-link wire fence of approximately 2metres in height, surrounding the site, with an access point from the western side of James Whatman Way. The land levels fall from east to west, by approximately 4metres.
- 4.7 Immediately to the south of the application is a landscaped area, with a path that runs down to the side of the river. This area contains a number of trees, and lower level planting, as well as areas of grass.
- 4.8 The site is within close proximity to the town centre, with a number of amenities within short distance. Maidstone East railway station is approximately 500metres from the site, and the main retail centre (Fremlins Walk) only a further 300metres from this station. In addition, there are other employers such as Kent County Council, HMP Maidstone, Royal Mail, within a 1 km radius of the application site. There is an existing pedestrian crossing to the east of the application site, and further crossings along Royal Engineers Road as you move towards the town centre.

5 Proposal

- 5.1 The proposal is for the erection of a new library and history centre, 60 affordable residential units, and 57 extra care units, together with car parking areas, loading areas, and alterations to the highway within James Whatman Way (JWW). I will describe each of the parts of these buildings individually, although they are all attached to one another in plan form. This is a mixed use development, which is encouraged by central government policy, comprising private homes, public buildings, and extra care units.
- 5.2 **Library** - The library building would be constructed from concrete and glass, and would be of a simple form, with the concrete frame on the outside of the building, and the glass set back. The proposal would have differing elevations to the front and site, although the same materials used throughout the development, at the junction of JWW and Royal Engineers Road (RER) would be some 9metres from the edge of the highway, with an area of hardstanding over this radius. The library would not follow the edge of the footpath along RER however, which would allow for a good level of landscaping provision to the front of the building, which would provide a soft screen, which has the dual effect of softening the appearance of the building, and also restricting the noise of the

road on the users of the library. At its furthest point, the library would be some 21metres from the edge of the highway.

- 5.3 This elevation would have a maximum height of 8metres, and an overall width of 53.4metres. The vertical struts would be positioned at regular intervals (every 3metres) along this elevation, and these would be set against the glass wall (projecting outwards). Beyond this elevation would be the public library, which would consist of a large open space, and flexible meeting rooms, toilets and stores. There would be access out onto the grassed area to the front of the building from the public library (these doors would be glass, and would form part of the wall when closed).
- 5.4 A bund would be created along this front elevation to further reduce the impact of this busy road, and to allow greater use of the outdoor space immediately adjacent to the library building. The existing lime trees would be retained along this frontage.
- 5.5 The elevation facing JWW would see the vertical struts of a more substantial form, and standing proud of the glazed wall. These struts would have a maximum depth of 2.4metres, and would be set away from the wall by 2.4metres. The main access into the library is along this elevation, and would be accessed via some steps (or a ramp) which are in place to address the topography of the land, which falls away from the junction. Beyond this elevation would be the library area, community history and IT area and a shop and store. This would also provide access to the history centre archives.
- 5.6 **Archive Centre** - The history centre archives are set behind a solid concrete wall, which would have a length of 24metres, and a maximum height of 9metres (although this does drop to a minimum of 3.9metres at one point). This is required to be constructed in this manner, as the temperature and humidity within this room have to be carefully controlled, and the use of glazing, or the puncturing of external wall with doorways would impact upon this control. In front of this elevation would be an area for bicycle parking, together with three new trees planted (small leafed limes).
- 5.7 Staff access to the site would be to the rear, with a 'green/living wall' adjacent to this entrance/exit point. This living wall would both soften the appearance of the building from, and also improve the biodiversity within the application site once completed. This green wall would run the full length, and full height of this elevation.
- 5.8 **The extra care units** - The extra care units would be located to the rear of the history centre, and archive. In total, 57 units would be provided (14 x 1bedroom units and 43 x 2 bedroom units), which would be accessed from a central entrance point that would face onto JWW. The extra care units would be

provided for residents who need a high level of care, around the clock. This element of the proposal would have a maximum height of 25.6metres, a maximum width of 36metres, and a depth of 11.3metres. The building would be constructed of rendered panelling. This would incorporate a total of 9storeys. The building would have a very simple form, with the detailing, and articulation created by the fenestration detailing. The contrast being between the brilliant white of the building, and the dark black of the frames of the windows. There would be no visible roof on the building, as there would be a parapet, capped in a white material to blend in with the wall – emphasising the simple form of the building.

- 5.9 To the rear of this element would be a small soft landscaped area, hardstanding at the entrance point, and a number of parking bays, served directly off JWW. This part of the building would be set a maximum of 17metres from the edge of the highway at the rear.
- 5.10 **The apartments** - The residential element would consist of 60 units, all of which would be 'affordable'. This is on the basis that no provision would be made at the linked site, at Springfield, further along RER. It is proposed that there be 33 x 1 bedroom units and 27 x 2 bedroom units within the development. This element of the proposal would be of the same form as the extra care units, although the footprint and height do differ. It would have a maximum height of 29metres, a width of 27metres, and a depth of 16metres.
- 5.11 Between this block and the extra care units would be a shared surface area, upon which delivery vehicles for the library could park and unload, and three parking spaces (undercroft parking) for staff of the library.
- 5.12 **Parking** - To the rear of the residential block, would be the access to the parking area, which would be located to the north-east of these units. This parking area would consists of a total of 26 spaces (including two disabled spaces) for the sole use of the residents of these units. An emergency access is proposed within the north-east corner of the site, which would have bollards to prevent use at any other time. Again, bicycle storage is proposed to be provided to the rear of these units. A pedestrian path is also proposed to run between these units and the library for the staff. As part of this application, a draft S106 has been submitted, with precise Heads of Terms. These are discussed within the section below. Part of this S106 agreement, it is proposed that an element of public art be provided within the application site. No details of this public art has been forthcoming, however, a steering group has been formed with work ongoing at this stage.
- 5.13 **Shared Surface** - A shared surface, raised area is proposed to be created across James Whatman Way. This would create a pedestrian link from the library to the open space beyond, help reduce traffic speeds as well as giving the

building an improved setting. This shared surface would also see the planting of three small leaf lime trees that would run centrally through it. This shared surface would be constructed of permeable block pavers, that would reflect, if not directly mimic the block pavers proposed for the hardstanding around the library building and residential units, which would ensure that it would appear as an integral part of the development.

6 S106 Agreement

- 6.1 Policy CF1 of the Borough-Wide Local Plan 2000 and Policy S6 of the South East Plan 2009 set out the circumstances in which developments may be requested to make appropriate contributions towards the provision of additional community facilities that may be needed as a result of additional demand generated by new development that cannot be assimilated. In addition to this Policy, the Council has Development Plan Documents (DPD's) on both affordable housing provision, and parks and open space provision for residential developments.
- 6.2 The application was accompanied by a draft Heads of Terms for a Section 106 legal agreement which would need to be completed prior to the determination of this application. As set out within Circular 05/2005, planning obligations must meet the following criteria. They must be:
 - Relevant to planning;
 - Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development;
 - Reasonable in all other aspects.
- 6.3 Mouchel (working on behalf of KCC), and the West Kent Primary Care Trust have set out the requirements for contributions towards community facilities, adult social services and the additional strain on the existing health care system. In addition, due to the low parking provision, Kent County Council Highways Authority have requested a number of improvements to the surrounding infrastructure. Likewise, Maidstone Borough Council Parks and Open Space have requested suitable contributions. These requirements have been addressed, and are set out within the draft S106 agreement. The contributions set out are as follows:
- 6.4 Highway contributions which shall provide: -
 - The improvement of the two bus stops within Royal Engineers Road, as shown on the appended plan, including raised kerbs and real time information system to each bus stop. These will be provided prior to the completion of the development/first occupation.

- The upgrade of the existing pedestrian crossing over Royal Engineers Road (as shown on the appended plan) to a toucan crossing. This will be provided prior to the completion of the development/first occupation (Toucan crossings are normally 4metres (13 feet) wide, instead of the 2.8metre (9 feet) width of a pelican crossing or puffin crossing. A "green bicycle" is displayed next to the "green man" when cyclists and pedestrians are permitted to cross. As well as this, it is different from a pelican crossing because, before the lights for vehicles go back to green, a steady red and amber are displayed instead of the flashing amber seen on pelican crossings. The pedestrian/cyclist signal lights may be on the near side of the crossing (like a puffin crossing), or on the opposite side of the road - like a pelican crossing).
- A new bicycle link between the application site and the existing bicycle link to the south of the site utilising the riverside tow path (see existing plan) - this consists of altering regulations and providing signage in order for cyclists using the existing tow path. This will be provided prior to the completion of the development/first occupation (should the applicant not be able to provide this bicycle path, then they will be required to make a payment of £15,000 to the Highway Authority for the upgrade and improvement of the existing bicycle network within the locality – this is explained within the main body of the report).

6.5 Highway Improvements which shall consist of: -

- The creation of a shared surface, together with associated landscaping, to the front of the proposed library building, as shown on the appended plan. This is to be completed prior to the first use of the building.

6.6 Primary Health Care Contributions: -

- The provision of a sum of £74,160 for the improvement of health care services within the Borough of Maidstone.

6.7 Open Space Contributions: -

- The provision of public open space to the south of the application site (as shown on the appended plan), which shall be maintained by the applicant in accordance with the management plan.

6.8 County Council Contributions: -

- A contribution of £180 per unit for adult education;
- A contribution of £1201 per unit for adult social services;
- A contribution of £227 per unit for library facilities;
- A contribution of £206.75 per 'applicable' flat for youth and community facilities.

- This money is to be ring fenced to be spent on facilities within the Borough of Maidstone.

6.9 Affordable Housing Provision

- It is proposed that all of the flats within the development would be affordable units (100%). The tenure split is still to be finalised through consultations with the Maidstone Borough Council Housing Officer, prior to the completion of the S106 agreement.

6.10 Each of these Heads of Terms are discussed within the relevant parts of the report set out below.

7 Principle of Development

- 7.1 The site is located within the urban confines, within an area which has a mixture of land uses – commercial to the rear, open space to the side, leisure opposite, with offices and housing also within the locality. There is no definition within the Local Plan as to what the confines of the 'Town Centre' actually are. I am of the opinion that this location is at worst, edge of town centre, as it is in close proximity to a number of services – i.e. train stations, shops, offices etc.
- 7.2 The land is covered by Policy H15 of the Maidstone Local Plan 2000, which allows for residential redevelopment of this particular site, on the basis that the protected and other mature trees are retained, and also that the access be off James Whatman Way (rather than onto Royal Engineer Road).
- 7.3 In addition, the site is listed within Policy H1 of the Local Plan as a site suitable for residential development. This plan suggests a total of 40 units be provided on this site – this proposal is clearly an overprovision, but this in itself does not result in this proposal being a departure from the local plan – the figure given is for a guidance purpose only, (based on 25 units per hectare – which has now been superseded first by PPG3 and then by PPS3. Clearly in terms of density, the Local Plan is way of out date).
- 7.4 This site is a large area of land that remains undeveloped, however has development on two of its four sides, with permission in place for further development behind (the proposed Maidstone United Football Ground). In accordance with both national guidance and policies within the Local Plan/South East Plan, any development of this nature must find the balance between providing a good use of the land (i.e. a good density) whilst reflecting the pattern, character and grain of the surrounding development. This advice is further reflected within PPS1, and the Kent Design Guide which seeks to ensure that development is of a good standard of design, and reflects the local character.

- 7.5 As this is a mixed use site, the density of residential units is somewhat perhaps somewhat superfluous. The density for the overall site is (including the extra care units) 172 units per hectare which is well above the threshold of 30 dwellings/ha which PPS3 considers to be the absolute minimum for such a development to make good use of the land. Members will be aware that there is no maximum density set out in PPS3. This guidance does encourage higher densities within more sustainable locations, which this is considered to be. This site is primarily capable of accommodating a higher density because of its sustainable location. It is very well related to 'bus routes, train stations, shops, schools and other community facilities. In addition, the density is largely a product of the number of apartments proposed within the development rather than dwelling houses.
- 7.6 In addition, regional policy puts a greater emphasis upon providing sites within the town centre for residential use, in order that they might take advantage of the existing service infrastructure in place – and to further reduce the reliance upon the private motor car.
- 7.7 Moreover, Central Government policy, especially in the South East and with Maidstone being a 'Growth Point', sees the delivery of housing including an affordable element as perhaps the most important element of housing policy.
- 7.8 In this instance therefore, it is considered that the proposed density of this site would not be at odds with the surrounding development.
- 7.9 It is therefore considered that the principle of development, on this scale within the site is acceptable, in broad terms and complies with Development Plan Policy.

8 Impact upon Townscape

- 8.1 As can be seen from the above, this proposal would clearly be a significant structure, on an important entry point into Maidstone. A detailed assessment has to therefore be made on the impact that this would have not only upon the setting of the immediate locality, but also (due to the prominent location) the overall character and image of Maidstone, the County Town of Kent. The site lies to the west of the Royal Engineers Road, which carries a large volume of traffic particularly at peak times. As such, any development of this size needs to be of a particularly high standard of design/architecture to reflect its prominent position along this main thoroughfare.
- 8.2 The building is in two distinct parts, the library and history centre to the front of the site, and affordable units, and the care units. I will assess the library first,

and, as the care units and the affordable housing are similar in form, and I will deal with these together afterwards.

- 8.3 **Library – (The Public Element)** – The library is proposed to be constructed of a reinforced concrete frame, with large areas of curtain wall glazing, set behind vertical concrete pillars. The form is distinctly modernist in form, but incorporating elements which produces a more delicate, and detailed finish. The concrete is proposed to have a high quality, and sharp finish to the proposed development. This is particularly important due to the fact that the vertical struts are designed to contrast sharply with the transparency of the glazing that is set back within the development. The struts facing onto Royal Engineers Road would be set within relatively close proximity to the glazing, and would be relatively slender (approximately 800mm in depth), whereas the elevation along James Whatman Way would see the struts of a more substantial scale (approximately 2.5metres in depth) set away from the glazing by approximately 2.4metres. This would give each elevation two distinctive forms, and would define which façade contained the entrance point. The building would have no distinct top nor bottom – i.e. the form would be overtly simple, with no 'base' or projecting roof. This is a distinct design feature which forms a fundamental part of the design logic of this development. All of the buildings are designed to appear as sculpted blocks, and the strong concrete frame provides this stark appearance effectively (indeed the residential blocks have the same rationale – appearing as natural blocks sculpted).
- 8.4 It is considered that the proposed form is of a high standard of architecture, being a contemporary take upon the more traditional form of 'the public building'. Public buildings such as libraries, have traditionally been prominent, and have often been built of the architecture of their time. This proposal incorporates these ideas, and also acknowledges the traditional form of many more historic public buildings. For example, many late Victorian public buildings incorporate the use of columns within the front elevation. The use of such concrete columns in this building acknowledges this historic form, in a contemporary way, whilst the glazing beyond, creates a transparent façade that would again, emphasis the public nature of the library. There would be clear views into and out of the building, and this would allow views in of the activity. Public buildings are also often striking, and do stand out, and this building would have such an impact. The sharp edge upon the corner of the roundabout acting as a genuine focal 'point' and would emphasis the building within the setting, without it appearing to dominate.
- 8.5 In addition, the proposal would have a good quality setting, that would have a strong response to the abundance of highway land within the proximity of the site. The library is clearly set very close to the junction of James Whatman Way (JWW) and Royal Engineers Road (RER), however, this application also includes the improvement of JWW, with the inclusion of a raised surface, which would link

into the proposed hard landscaping of the site. Generally speaking, successful public buildings have a good setting, and in many instances (particularly within urban areas) this includes a significant level of hardstanding, of a high quality. It is therefore proposed that an area of hardstanding be provided on the corner of the junction of JWW and RER, which would give this building a suitable setting, and emphasis the strong form of the building.

- 8.6 The third, less prominent elevation of this library building would be constructed with a green wall. This is to be the full length of this wall, and would run alongside the staff entrance to the building. It was considered appropriate to incorporate this feature within the building, as there was no glazing proposed along this elevation, and it would have appeared as a rather stark, and uninteresting elevation if constructed of concrete. In addition, this further softens this part of the building that would be more within the residential domain than the public, and would provide a more pleasant outlook for any future occupiers of these units.
- 8.7 The library building is proposed to have a brown roof, which although not visible from street level, would be from the residential units above. Full details of this roof are set out within the discussion on landscaping further within the report.
- 8.8 The two residential units** to the rear of the site are clearly of a more significant height, and to a certain extent, bulk than both the proposed library, and also the surrounding development within the locality.
- 8.9 Again, it is considered that this element of the proposal is of a high architectural standard. They are of a relatively simple form, being two slender 'boxes' which attach to the rear of the more squat library building. Despite a horizontal shape, these buildings have a strong vertical emphasis, that is derived from the fenestration upon each elevation. The boxes would be clad in white rendered panels, with the windows being black framed and recessed, to appear as 'cracks' running up the side of these sculpted blocks that rise up. It is considered that the juxtaposition of the two elements works well, with the varied form and materials, together with the changes in height creating a frame for the public building.
- 8.10 The two residential blocks are separated. This is for practical reasons (there are two distinct uses within the two blocks) as well as to improve the aesthetics. In creating this gap between the two, this ensures that despite the height of the buildings, the mass of the buildings would not be too great, and would not dominate the locality. This gap allows views through of the landscape beyond the site, which would emphasise the sharpness of the stark, white blocks.
- 8.11 Whilst it is acknowledged that there are no other buildings within the vicinity of a comparable height (perhaps with the exception of the Springfield tower which is

proposed to be demolished), large buildings are not uncommon along this stretch of road (RER). Beyond the rail bridge, there is the large Fremlins Walk development, the Fairmeadow development, and on the opposite side of the river, the Powerhub site. It is acknowledged that none of these developments are as high as this proposal, however many are of a more significant bulk – i.e. the Fremlins Walk development. In addition, there is clearly nothing wrong with tall buildings *per se*, due to their prominence it is important that they be designed with a high quality architectural form, and they are detailed appropriately so as not to appear monotonous or bland, and overly bulky. As this proposal has three distinct elements, and because of the high quality elevational treatment of the flats, it is considered that the proposal would not appear as a significant mass, as they would appear well articulated. As such, despite the height of these buildings, there would be a relatively small impact upon the medium to long distance views of the site.

- 8.12 The assessment therefore has to be made of the impact that this additional height would have upon the wider area, and in particular long distance views over the site. The applicant has submitted documentation demonstrating the impact that the proposal would have upon such views – superimposing the buildings within the landscape. These show that the development would have the greatest impact upon the approach along RER from the centre of Maidstone, as there is no real landscaping at this point to soften the proposal. However, from this point, the separation of the two blocks would be apparent, and would therefore reduce the overall mass of these buildings.
- 8.13 By virtue of the topography of the site, the nature of the public domain (i.e. the road and pathways) and their orientation and relationship with the site, and the level of landscaping within the vicinity, there would be little change to the overall character of the area when viewed from distance (views to the site from closer by are assessed later within this report). These buildings would not dominate the townscape by virtue of their rather slender appearance and their setting, but rather add features of interest on this main road into (and out of) Maidstone.
- 8.14 When assessing long distance views, it is always important to not only assess the proposed buildings, but also the existing backdrop of the application site. In this instance, when viewed from RER the backdrop of the site would be a line of trees (along the northern boundary of the site), with Springfield Mill of behind. Yes, this proposal would be significantly higher than the commercial use, but the back drop of trees plus the commercial currently block any views beyond this site, as such, long distance views from this point would be relatively unaffected by this proposal (the proposal would simply block out part of the sky, rather than landscape). When viewed from the existing footbridge serving Millennium Park, (or indeed from within the park) again, at present the long distance views are obscured by the trees and so the creation of these high buildings would

result only in the loss of sky viewed from this point – rather than the loss of any backdrop or long distance views of landscape features.

- 8.15 When the site is viewed from a more northerly point along the RER, the historic chimney within the James Whatman site would be the prominent feature, and again, the proposed buildings would simply project beyond the existing tree line, and remove some sky from view. It is on this basis that this Authority does not consider that long distance views would be significantly adversely affected as a result of these proposal.
- 8.16 Furthermore, this is a main entrance point into the town – ‘a gateway’ – and it is not considered that upon such a major thoroughfare tall buildings, if well designed, and within a suitable setting, would appear incongruous. Furthermore, tall buildings often need a suitable setting – i.e. good landscaping (hard or soft) in order that they do not appear cramped. This site would see the retention of a significant level of soft landscaping, and would be splayed away from the main road. The site is adjacent to a roundabout, and it is on this prominent corner that high quality block pavers are proposed, with a set back of at least 8metres, to ensure that the building has an appropriate setting, and does not appear overbearing from the highway. The bulk of the building has also been set back into the site, giving the proposal a layered appearance, which further softens the appearance of the development. As such, the proposal would be of a human scale at the front, and the buildings would be sited in such a way that they would not stand proud at the front of the site. The development would be layered, and this depth adds both a softening effect, but also would ensure that the buildings would not appear cramped within the site from RER. In addition, this building is not in close proximity to any other building, and as such, the height would not appear to starkly contrast with the existing built form.
- 8.17 With regards to the setting of the buildings proposed, clearly this is a relatively constrained site, with the built form taking up much of the land within. However, the applicants have demonstrated that high quality hard landscaping can be provided on the front, side and rear of the site, together with good soft landscaping provision. As set out above, it was requested that an area of hard landscaping be provided on the junction, to enable to building to project, and the quality of the architecture to stand out – emphasising its public use, rather than screening the building from view. In addition, the provision of a raised surface across JWW adjacent to the entrance of the library would not only provide a safer way for pedestrians to cross but also to provide more of a defined setting for this building – again, making it appear accessible to all, will ensure that the public use is emphasised. The soft landscaping retained, and enhanced along the RER elevation ensures that the building doesn’t appear stark, and does still draw reference from the soft landscaping that surrounds the site.

8.18 In conclusion, it is therefore considered that the proposal does constitute a very high standard of architecture and design. The library is a striking building, which takes reference from the traditional form of many public buildings of the past, but is also a building of its time. Likewise the apartments and extra care units are considered to compliment this public building, being of a different form, but contemporary and of a good design. The buildings clearly will impact upon the character of the area, but would add variety, and due to their quality, improve the character of this site, and the wider area. It is therefore considered that the proposal is in accordance with the policies within the Development Plan, and central government guidance.

9 Impact upon the Listed Building

9.1 The Grade II* listed building opposite the site – the former Officers mess – now 'The White Rabbit' public house and the impact of this proposal upon this building of significant historical importance is a determining issue.

9.2 The applicant has submitted an appraisal of this historical building, and set out the potential impacts of this new building upon its setting. This report sets out the importance of the White Rabbit, and addresses the impact of the proposal upon its setting. As can be seen from the consultation responses, no objection has been raised by English Heritage on this proposal. Maidstone Borough Council's Conservation Officer has raised concerns to this proposal on the basis that he feels that the proposal would detrimentally impact upon the setting of 'The White Rabbit' public house. Clearly, whilst I note these comments, I have my own view and note that English Heritage do not object.

9.3 As previously stated, the proposed development and the White Rabbit are not only separated by a distance of some 70metres, they are also separated by a major thoroughfare (and all of the infrastructure that a road of this scale entails), and also would be constructed on land that falls away significantly from east to west (towards the River Medway). One has to therefore assess the likelihood of the two sites being viewed within the same vista – clearly for a development to impact upon the setting of another, there would need to be vistas of the two developments in tandem. It appears to me that the dissection of the land upon which these buildings would be/are located, there is a clear, and distinct separation of the two plots, both physically and visually. When approaching the site from the south (along RER) one would see the proposed development distinctly rising up upon the left, and the more low key, and historical public house, set back on the right. It is therefore not considered that this fragmented juxtaposition would damage the setting of the listed building.

9.4 Likewise, when approaching the site from the north, the road actually bends away from the library site, so one's eye would be drawn to the White Rabbit, with the library development appearing a significant distance away on the right.

Again, it is therefore not considered that the proposal would impact upon the setting of this listed building from this vista.

- 9.5 Perhaps the one view that would be affected is when travelling from the east, along Staceys Street. From this view, the library would be within the same vista as the White Rabbit. However, in my opinion this view is already compromised by the three storey development on the corner of Staceys Street and Sandling Road (Clarke's furnishings) – the listed building is only visible once you pass this building. In any event, it is not considered that the erection of a building on the opposite side of the road (and at a lower ground level) would detract from the setting of this listed building, as the main height of the development would be set to the rear of the application site, further still away from the White Rabbit. Again, it is therefore considered that this proposal would not detract from the character and appearance of the listed building.
- 9.6 The remaining view is therefore from the west (looking eastwards). Here, due to the topography of the land, there are very few clear views of the listed building, with the infrastructure of the roundabout and highway blocking any significant views from James Whatman Way. It is not possible to view the White Rabbit from the riverside due to the topography of the land, and the level of trees and shrubs within the locality.
- 9.7 In conclusion, it is acknowledged that the separation, in terms of distance is significant, it is also acknowledged that the separation is exacerbated by the dissection of Royal Engineers Road, and it is acknowledged that the topography of the land within the locality is such that the library site is at a lower level, that falls further to the west. The setting of this listed building has already been compromised by the significant level of engineering involved in the creation of Royal Engineers Road, and it is not considered that this proposal would exacerbate this situation. It is on this basis that I consider that the White Rabbit PH unaffected by these proposals, and there would be no detrimental impact upon the setting of this important listed building.

10 Landscaping

- 10.1 The applicant has submitted a landscaping plan. This plan shows the retention of the existing line of small leafed lime trees along the RER frontage. Additional lime trees are also proposed to be located along the JWW frontage, which are considered appropriate, as they would link in with the overall character of the area. In addition, trees are proposed to be planted within the shared surface, which would further improve the setting of this proposed building. These trees again, are proposed to be small leaf limes – to ensure a consistent and high quality finish to the development.

- 10.2 The applicant has demonstrated that they are seeking to provide a brown roof, and a green wall as part of the library building, which will help soften the appearance (although the brown roof would not be visible from ground level, it would be from the extra care and residential units) of the development. The provision of such a living roof, would ensure that biodiversity would also be addressed (this is discussed later within the report) as well as the aesthetics. No precise details of this living roof have been provided to date, although it is proposed that full details be submitted by virtue of a condition to ensure that any species planted be native to the locality, and also are suitable in terms of biodiversity.
- 10.3 The remainder of the site is to be grassed, to enable spaces for people to sit, and also to ensure that the site has is relatively low maintenance. Because of the simple form of the building, it is considered that this is an appropriate approach to take, although it is still appropriate to seek to impose a landscaping condition, in order that all matters are given full consideration, prior to the commencement of the development. It is therefore considered that, subject to this condition, the proposal would comply with the policies within the Development Plan.

11 Highways

- 11.1 Significant discussions have been held between this Authority, the applicant and KCC Highways Authority in order to address both the parking situation at the site, and the highway safety implications of this proposal. During pre-application discussions concern was raised about the lack of parking provision by both Officers and Members, and it was therefore encouraged that the applicant produced a high quality travel plan, and also introduced other improvements to the existing highway network, improved the public transport service to the site, and improved both pedestrian and bicycle links into and out of the town centre from the site. As such, a number of improvements have been brought forward as part of the draft S106 agreement, submitted with this application. I shall address each of these issues point by point, however, first, I shall address the parking provision within the application site.

Parking Provision

- 11.2 As stated above, the application site contains a parking area within the northern section of the application site. It is proposed that this car park provide 26 parking spaces, all dedicated to the residential units. This works out at 0.43 spaces per unit (for the affordable housing units).
- 11.3 There are additional car parking spaces along James Whatman Way, dedicated to the occupiers of, carers of and visitors to the additional care units proposed.

Here, 9 car parking spaces are provided, with direct access onto the road to the rear of the site.

- 11.4 In addition, three parking bays are proposed to the south of the application site, to allow for dropping off/collection from the library.
- 11.5 Clearly the information set out above demonstrates that the car parking provision within the application site is at a relatively low level. However, as Members are aware, this Authority does not have minimum parking standards, and as such, should this Authority be minded to refuse an application on the lack of parking provision, we would have to be certain that this lack of parking provision would give rise to a highway safety issue. In addition, in accordance with the requirements of PPG13, which states that Local Authorities should actively manage the pattern of urban growth to make the fullest use of public transport, this proposal does seek to encourage the use of public transport, and reduce the dependency upon the private motor car.

Highway Safety

- 11.6 Royal Engineers Road is the main thoroughfare from Maidstone to the Medway towns and there is no parking permitted along this stretch of road at any point. From my understanding there is no history of motorists parking along this road, and it is not considered that any residents, visitors or users of the library would be likely to use this stretch of road to park. As such, no concerns are raised on this basis. As Members can see from the submitted plans, it is proposed to incorporate a raised table surface set in from the junction of Royal Engineers Road and James Whatman Way. This is proposed for two reasons, firstly to increase pedestrian permeability, and secondly, to reduce the speeds of the traffic using this road. As this area would incorporate an island, there would be no scope for vehicles to park, and leave space for others to pass at this point. As such, it is not considered likely that this area would be utilised for this purpose (on either side of the road). As one moves further into James Whatman Way, three parking spaces are shown upon the right hand side (adjacent to the library building), which will effectively be used as dropping off/collection points. These bays are set off the main carriageway, and as such, would not reduce the width of the road at this point, and thus would not impact upon highway safety if used.
- 11.7 Beyond the drop off/collection parking spaces, the curve of the road would come into effect. Again, it is considered unlikely that a significant level of on-street parking would take place at this point, due to the turn in the road.
- 11.8 There would be no scope for on-street parking within the western section of James Whatman way, due to the off-street parking spaces that back onto this section.

- 11.9 It is noted that there is existing pay and display car parking spaces along the western side of James Whatman Way, which could be utilised by users of the library or residents. On the occasions that I visited the site, these were not heavily used, with a number of spaces available on all occasions. This parking is for short term stay only, with a maximum stay of 4hours. The remainder of the road has significant parking restrictions (double/single yellow lines) preventing car parking at times that would impact upon highway safety.
- 11.10 I would therefore conclude that whilst the parking provision within the site is relatively low, there is little space within the immediate vicinity, upon which motorists would be able to park. Clearly, it is therefore important that the site is accessible from the town centre by foot, and also there is encouragement for users of the site (including residents) to travel by bicycle. I will now therefore assess the links that this proposal has into the town centre, and how these are to be improved prior to the occupation of this development.

Sustainability and Connectivity

- 11.11 As previously stated the site is close to the town centre. The site is approximately 500metres from Maidstone East railway station (which itself sits on the end of the main shopping area of the town), and is approximately 800metres (via the footbridge) of Maidstone West railway station, which provide good links out of the town, both to London and the Medway Town. In addition, the site is within walking distance of a number of public car parks within the town centre (and also Fremlins car park which holds approximately 800 cars). The positioning of the site itself is therefore considered to be sustainable. The site has one major barrier however – Royal Engineers Road, which has been identified to significantly impact upon desire lines, and pedestrian permeability. It is therefore important to ensure that this development sees an improvement upon this existing circumstance – this is an important public building, and it should be easily accessed by the public. It is on this basis that we consider it important to create good links into and out of the town centre, and also along the riverside. It is on this basis that we have sought the applicant to provide improvements to the existing infrastructure. These improvements are set out below, I shall explain what they are, and why we consider them necessary to be provided.
- 11.12 It is proposed that the existing pelican crossing adjacent to the application site, be improved to a toucan crossing (Toucan crossings are normally 4metres (13 feet) wide, instead of the 2.8metre (9 feet) width of a pelican crossing or puffin crossing. A "green bicycle" is displayed next to the "green man" when cyclists and pedestrians are permitted to cross. As well as this, it is different from a pelican crossing because, before the lights for vehicles go back to green, a steady red and amber are displayed instead of the flashing amber seen on pelican crossings. The pedestrian/cyclist signal lights may be on the near side of

the crossing (like a puffin crossing), or on the opposite side of the road - like a pelican crossing). As previously stated, RER is considered somewhat of a barrier to cyclists, and this improvement would enable easier access for them to the site.

- 11.13 A further improvement sought would be the provision of a new cycle route from the application site, along the towpath and joining into the existing cycle path within Fairmeadow. This would be fully adopted (with correct signage, surfacing etc) from start to finish.
- 11.14 As Members are well aware, this Authority is seeking to promote the river for leisure activities, and it is considered that this route would be both a safe and pleasant means to get to and from the application site from the High Street. It is considered of real benefit to get this two path (and other associated paths) adopted, as this would also be able to be used by those wishing to utilise the river to a greater extent than they can at present. However, should it not be possible to provide this cycle path, for any reason (i.e. the path is not wide enough, there are objections raised that are sustained etc) it is proposed that a sum of £15,000 be provided by the applicant to KCC to ensure that they are able to invest in other improvements to the cycle network within the locality.
- 11.15 This figure is suggested for the following reasons: The £15000 is estimated to be a 'fair and reasonable' contribution towards alternative cycle links between the site and existing cycle routes/the Town Centre and would be drawn on only if the proposed cycle link along the Towpath cannot be delivered. The delivery of this cycle link cannot be guaranteed as a Traffic Order will be required, including public consultation and objections may arise. In addition to this there is no detailed design for the scheme and it may be found that the scheme is not viable.
- 11.16 Of the £15000 requested, it is estimated that £5000 could be spent on signing/lining/dropped kerbs/maintenance costs for a cycle link to the north of the James Whatman Way site along the footway on the eastern side of the A229 between the proposed toucan crossing and the existing cycle route along Sandling Road.
- 11.17 The remaining £10000 contribution could be put towards the cost of replacing the existing pelican crossing on the A229 Fairmeadow, south of the A229/James Whatman Way roundabout and the provision of a new cycle route along the eastern side of Fairmeadow to link the site with the Town Centre. The works would require signing, lining, civil works and resurfacing in addition to a Traffic Order. Although there is no outline design or cost estimate available, it is very likely that this would exceed £12000 and therefore funding would be required from the Local Transport Plan.

- 11.18 It is also requested that the applicant upgrade two of the existing bus stops within the vicinity. This upgrade would include the provision of real time bus information, together with the raised kerbs. It is considered that this would not only improve disabled access onto the buses, but also makes the service more user friendly for others.
- 11.19 As previously stated, the applicants are to provide a shared surface outside of the library entrance, to improve pedestrian access across JWW (which is a wide road of approximately 6-7metres). It is also proposed that the pathway within the exiting open space be widened at its mouth to address this raised surface. In order to encourage pedestrian movements it is important to address their desire lines, and to make clear that the path leads in a particular direction (i.e. to somewhere that they want to go). It is considered that this would encourage users to walk down to the riverside, and along towards to the town centre or beyond.
- 11.20 In conclusion, clearly there is not an over provision of car parking spaces within this development, with significantly less than 1 space per unit for the affordable housing, and no significant parking provision for the library and history centre. However, it is acknowledged that there is some existing controlled on street parking within the locality, and strong parking restrictions elsewhere. Kent County Council Highways Authority have been in direct consultation with the applicants throughout this process and due to the provision now made to improve the links into the town centre raise no objection to this proposal. The site is relatively central, with a large number of public car parks, train stations and bus stops within a short walking distance of the site. Furthermore, significant improvements are to be made to the existing pedestrian and cyclist's access to the site, which future users should utilise. As such, it is considered that this proposal would not give rise to any highway safety issues, and therefore to refuse this application on the lack of parking would not be sustainable on Appeal. It is on this basis that this Authority considers the parking provision acceptable, and in accordance with the Development Plan, and central Government guidance.

12 Parks and Open Space Provision

- 12.1 As with any application for 10 or more residential units, there is a requirement for the applicant to provide an area for open space provision, or contributions in lieu of this space as set out within the Councils DPD (this would amount to £1575 per residential unit). In this instance the applicant has demonstrated that there would be both open space on site readily available for use by any future occupiers, and also have agreed to undertake a Section 106 legal agreement to ensure that the land adjacent to the site be retained for this purpose in perpetuity. This land is currently maintained by KCC, and will continue to be so will not prove to be an additional burden to MBC in terms of maintenance, but

we have the assurance that the land will be continued to be used for this purpose.

- 12.2 Maidstone Borough Council have requested that contributions be made as they do not consider this to be additional provision for the future residents (as the land is already in situ) rather the retention of such land.
- 12.3 Clearly when assessing the requirements of Parks and Open Space, Members need to be confident that this is in accordance with the adopted Development Plan Document 'Open Space'. This Policy requires that the requirement of contributions or of land will be led by the existing provision within the proximity of the application site. This policy also states that 'a lesser contribution will only be accepted if the Council is satisfied that this is appropriate, taking into account all relevant circumstances of the development'. Furthermore, Members need to be aware of the tests within Circular 05/05, which require that Section 106 agreements need to be directly related to the proposed development, and must be necessary to make the proposal acceptable in planning terms. No detail has been given to us as to how or where this money would be spent, and as such, there is no clear demonstration as to how this would be directly related to the development. This, together with the fact that there are existing, high quality open spaces (see below) within the immediate locality, leads me to conclude that it would not be reasonable to ask for funds in this instance.
- 12.4 As this is a mixed use development, there are a number of different demands placed upon the applicant that would enable the development to ultimately prove successful. In this instance, by virtue of the low parking provision within the site, this Authority has considered it most appropriate to see the provision of facilities (and the improvement of existing facilities) to allow for easier movements to and from the site – by pedestrians, cyclists, and those using public transport. This Authority considers that it is of the utmost importance that this public building be easily accessible by all, and as such, has put significant importance on seeking the improvements set out above to the highway and cycle/pedestrian network.
- 12.5 The development is also to provide a number of one bedroom units. Within PPS3, it emphasises that it is predominately family accommodation (i.e. two bedroom units or more) that require a good provision of recreational areas.
- 12.6 In any event, it is also acknowledged that within a short walking distance of the application site is Millennium Park, a well used local resource, which not only have a large amount of open space, by high quality children's play equipment. This is a well accessible site, which would be made all the more accessible, not only by future residents of this site, but others once the cycle and pedestrian links have been improved. It is therefore considered that residents to this development would have open space on site, and adjacent to the site to utilise,

as well as good quality open space within the nearby Millennium Park and Brenchley Gardens.

- 12.7 It is therefore concluded that the development, in its current form would comply with the Development Plan Document, and no further contributions in this instance are justified.

13 Residential Amenity

- 13.1 It is not considered that the proposal would have a significant impact upon the residential amenities of any of the neighbouring occupiers. At present there are no residential properties within close proximity of the site – the nearest being within Sandling Road, which is across the RER and behind the White Rabbit public house (approximately 90-100metres from the site).
- 13.2 However, it is noted that an outline permission has been granted for the redevelopment of the James Whatman site adjacent to this application site (MA/07/0436) which was granted in 2007. An illustrative plan was submitted with this application that demonstrated that the numbers of buildings could be accommodated within the site, with an access road running to the rear (adjacent to the KCC owned site) with the existing trees along the boundary also retained. It is therefore considered that there would be sufficient distance and screening between this development and the outline previously approved to prevent any significant overlooking, overshadowing or the creation of a sense of enclosure.
- 13.3 It is therefore considered that this proposal complies within the policies within the Development Plan in this respect.

14 Ecology

- 14.1 The applicant has submitted a desk top ecological study with the application. This report addresses the impact of the proposed development upon bats, reptiles and amphibians upon the application site. I will address each of the above individually.
- 14.2 Bats - With regards to bats within the site, it was acknowledged that the site has been left unmanaged for approximately 4 years, with rough grass and scrub (mainly Buddleia) dominating the site. Generally the scrub is concentrated around the perimeter of the application site. It is acknowledged that there are mature trees on site, which have moderate potential for bats. In addition, there are a number of trees along the northern perimeter that are also suitable for bat habitation. The small brick built structure within the southern edge was not considered to be likely to be utilised by bats.

- 14.3 On two occasions, recordings were undertaken, which demonstrated that there was low level bat use within the site – used for commuting and foraging. There was however, no evidence that the site was used for roosting by these bats.
- 14.4 In summary it was considered that the proposal would not be detrimental to the viability of the bat populations within the vicinity.
- 14.5 Reptile and Amphibians - As stated above, a reptile and amphibian report was also undertaken, which incorporated an aquatic habitat assessment, a terrestrial habitat assessment, and a reptile presence/likely absence survey. Following these assessments, no reptiles were recorded from within the site boundary during the survey period. It is therefore not considered that the proposal would give rise to a detrimental impact upon the reptile and amphibian population within the locality.
- 14.6 Breeding birds - With regards to breeding birds within the site, it was acknowledged that the site was a suitable habitat, and as such, it is suggested that an informative be imposed highlighting that the applicants have a legal responsibility to comply with current legislation on this matter. Whilst the loss of such a breeding ground is regrettable, it is not of sufficient quality to warrant a refusal of the planning application.
- 14.7 In conclusion, it is therefore considered that whilst this proposal would see the loss of some trees which have the potential to be used by breeding birds and for foraging/commuting bats, it is unlikely to have a detrimental impact upon the population of the aforementioned species. As such, it is considered that the proposal complies with PPS9, and the relevant policies within the Development Plan.

15 Sustainable Construction

- 15.1 It is considered that this proposal demonstrates that a good level of sustainable construction techniques would be incorporated within this development. The applicant has indicated that the residential units would be constructed to level 3 of the code for sustainable homes (this is a requirement for all housing association units). In addition, the library building should be constructed to a BREEAM standard of VERY GOOD.
- 15.2 The proposal is unable to provide a sustainable urban drainage system due to the fact that it is located within a Groundwater Protection Zone (1). However, the applicant has demonstrated that they are to provide a joint biomass boiler (that would be used by both the residential units, and the library) which will provide all the hot water required for the heating of these buildings. This has the dual benefit of reducing energy costs, as well as providing more sustainable. This is seen as a significantly desirable element of this proposal. This biomass

boiler would significantly reduce the dependency on gas/oil generated electricity, with the wood chippings sources locally, also ensuring that there would be small journey times to and from the application site, and thus having significant environmental benefits.

- 15.3 Furthermore the applicant is to provide a living wall, and a 'brown/living roof' upon the library building. Brown/living roofs are similar to green roofs, however, a brown roof is designed to encourage biodiversity by re-instating habitat conducive to local species on the roof. This means that whilst the roof will initially be brown in colour (due to the use of local soil) overtime, indigenous species will develop and grow within the site. As the library would have a substantial roof area, this would be of a significant benefit to the wildlife within the area, as well as improving the outlook for future residents of the apartments/extra care units.

16 Other Matters

- 16.1 An air quality assessment has been carried out by the applicants, which concludes that the site is suitable for residential use. The assessment also concludes that the development would have only a very small impact upon the air quality within the locality, helped by the low number of parking spaces, and thus vehicular movements to and from the site. It is therefore considered that the proposal would not have a significantly detrimental impact upon the air quality within the locality, and as such accords with Government guidance and regional plan guidance.
- 16.2 In addition to the air quality assessment, a full noise assessment was carried out by the applicant, prior to the submission of the application. This has been carried out in accordance with the requirements of PPG24. A full noise mitigation report has also been completed. This report confirms that for the residential flats along the northern edge of the site, 50% will fall within category NEC C, the remainder falling within NEC B. As such, it is proposed that bedroom windows within the east façade, closest to RER, and on half of the northern and southern elevations of the residential units, a high specification of glazing (as set out within the report) will be required. Should these mitigation measures be undertaken, it is not considered that the future residents of the development would be detrimentally impact upon by noise and disturbance from this road.
- 16.3 A site investigation was undertaken to assess the potential for contamination within the application site. Three reports have subsequently been submitted on this matter. The Councils Environmental Health Officer has viewed this documents (see consultations above) and raised no objections. I am therefore satisfied that, subject to conditions, there the issue of contamination has been fully addressed.

16.4 In terms of the refuse storage, the proposed development includes communal bin stores at the end of the residential area and extra care unit blocks. This is considered appropriate, as it results in relatively short carry distances, whilst not proving obtrusive to the overall appearance of the development.

17 Conclusion

17.1 It is therefore concluded that the proposed development would constitute a high standard of architectural design, and would be within an appropriate setting. The provision of a new library and history centre would not only be of significant benefit to the residents of Maidstone, but would be used by residents from all parts of the county, further improving the existing facilities within this County Town. Yes, it is acknowledged that there would be a low number of parking spaces within the development, however, due to the sustainable location of this site, and the efforts made by the applicant to ensure that this development would be accessible for all, it is not considered that this would be to the detriment of highway safety. Furthermore, the development would see the pedestrian and bicycle links within the immediate vicinity. It is therefore considered that this would be a positive development that would be of significant benefit to not only the character of the area, but would significantly improve the facilities within the town centre, and as such, it is recommended that Members give this application favourable consideration and delegate powers to the Development Control Manager to grant planning permission subject to the receipt of a suitable S106 legal agreement (in accordance with the Heads of Terms set out above), and subject to the conditions and informatives set out below.

RECOMMENDATION

SUBJECT TO:

(i) Highway contributions which shall provide: -

- The improvement of the two bus stops within Royal Engineers Road, as shown on the appended plan, including raised kerbs and real time information system to each bus stop. These will be provided prior to the completion of the development/first occupation.
- The upgrade of the existing pedestrian crossing over Royal Engineers Road (as shown on the appended plan) to a toucan crossing. This will be provided prior to the completion of the development/first occupation.
- A new bicycle link between the application site and the existing bicycle link to the south of the site utilising the riverside tow path (see existing plan) - this consists of altering regulations and providing signage in order for cyclists using the existing tow path. This will be provided prior to the completion of the development/first occupation (should the applicant not

be able to provide this bicycle path, then they will be required to make a payment of £15,000 to the Highway Authority for the upgrade and improvement of the existing bicycle network within the locality – this is explained within the main body of the report).

(ii) Highway Improvements which shall consist of: -

- The creation of a shared surface, together with associated landscaping, to the front of the proposed library building, as shown on the appended plan. This is to be completed prior to the first use of the building.

(iii) Primary Health Care Contributions: -

- The provision of a sum of £74,160 for the improvement of health care services within the Borough of Maidstone.

(iv) Open Space Contributions: -

- The provision of public open space to the south of the application site (as shown on the appended plan), which shall be maintained by the applicant in accordance with the management plan.

(v) County Council Contributions: -

- A contribution of £180 per unit for adult education;
- A contribution of £1201 per unit for adult social services;
- A contribution of £227 per unit for library facilities;
- A contribution of £206.75 per 'applicable' flat for youth and community facilities.

(vi) Affordable Housing Provision

- It is proposed that all of the flats within the development would be affordable units (100%). The tenure split is still to be finalised through consultations with the Maidstone Borough Council Housing Officer, prior to the completion of the S106 agreement.

B: I BE GIVEN DELEGATED POWERS TO GRANT 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 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 high quality appearance to the development in accordance with Policy BE1 of the South East Plan 2009 and PPS1.

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

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

4. 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 and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity in accordance with PPS3.

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

6. All services to the premises shall be underground;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

7. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted, in accordance with Policy BE1 of the South East Plan and PPS1.

8. 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 in accordance with PPG13.

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

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

10.No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The site is underlain by the Hythe Beds principal aquifer and is located within Source Protection Zone I. The associated abstraction draws groundwater from the underlying aquifer.

11.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 indications of all existing trees and hedgerows on the land, and details of any to be retained, 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 the interests of visual amenity in accordance with PPS1 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

12.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 buildings 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 in accordance with PPS1.

13.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 in accordance with PPS23.

14.No development shall take place until details of a maintenance programme for maintaining the external appearance of the buildings have been submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area pursuant to PPS1 and BE1 of the South East Plan 2009.

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

Reason: To ensure adequate drainage arrangements pursuant to PPS25.

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

Reason: To enable the recording of any items of historical or archaeological interest pursuant to policy BE6 of the South East Plan 2009.

- 17.No development shall take place until details of any measures to prevent unauthorised public use of the car parking spaces within the development have been submitted to and approved by the local planning authority.

Reason: No such details have been submitted and to ensure adequate parking provision is made for the development pursuant to policy T13 of the Maidstone Borough-Wide Local Plan 2000.

- 18.No development shall take place until details of all external lighting columns have been submitted to and approved in writing by the Local Planning Authority and these works shall be undertaken in accordance with the approved details and maintained thereafter.

Reason: In order to maintain the character and appearance of the site in accordance with Policy ENV49 of the Maidstone Borough-Wide Local Plan 2000.

- 19.No external lighting shall be installed on the site without the prior written consent of the local planning authority.

Reason: In order to maintain the character and appearance of the site in accordance with Policy ENV49 of the Maidstone Borough-Wide Local Plan 2000.

- 20.The development shall not commence until samples of the hard landscape works (i.e. all pavements and areas of hardstanding throughout the development, including those within the amenity space provided through the attached Section 106 legal agreement) 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 or land;

Reason: To ensure a satisfactory appearance to the development in accordance

with PPS1.

21.No development shall take place until full 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 windows and doors and recesses/reveals (which shall be a minimum of 100mm);
- ii) Details of the junction between the glazing and the concrete frame;
- iii) Details of the finish of the roof of the residential units and of the facade;
- iv) Details of junction of the cills of the windows and the rendered panels;
- v) Precise details of the fenestration, in particular the arrangement of windows to provide the 'cracks' detailing upon the elevations of the extra care units and the housing provision;
- vi) Details of the collonade.

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

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

22.No development shall take place until precise details of the green/living wall, and the brown/living roof are submitted to the Local Planning Authority and approved in writing.

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

23.No development shall take place until a detailed scheme for the retainment of areas of cordwood from any tree works within the site have been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interest of biodiversity enhancement in accordance with PPS9.

24.No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 3 or better for each residential unit (including the extra care units) under 'The Code for Sustainable Homes' and a BREEAM rating of VERY GOOD for the library and history centre. The development

shall be provided strictly in accordance with the approved report before it is occupied or brought into use.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

25. The proposed development shall be carried out in accordance with the recommendations as set out within the ecological report submitted to the Local Planning Authority on the 21 May 2009.

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

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

Reason: To ensure that nesting birds are not disturbed in accordance with PPS9.

27. No occupation of the development hereby permitted shall take place until the biomass boiler has been installed and is in full working order.

Reason: In the interests of a sustainable form of construction in accordance with Policy CC4 of the South East Plan 2009.

Informatives set out below

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962858688) or www.southernwater.co.uk

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.

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

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

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

This application is linked to planning permission MA/09/0862 for which there is a Section 106 legal agreement in place. This legal agreement sets out that this new library building shall be provided prior to the closing of the existing library facility - to ensure a continuous public facility. This shall be carried out in accordance with this legal agreement.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.