

REFERENCE NO - 20/505707/FULL	
APPLICATION PROPOSAL	
Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1,169sq.m of commercial space, public realm and landscaping, new access and 47no. parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works.	
ADDRESS	
Mote Road Car Park and Shandon House, Mote Road/ Wat Tyler Way, Maidstone.	
RECOMMENDATION	
That Committee delegate approval to Officers to grant conditional planning permission subject to the completion of a s106 agreement with the heads of terms and conditions listed below.	
SUMMARY OF REASONS FOR RECOMMENDATION	
<p>The Application Site is allocated for residential-led mixed-use development in the adopted Local Plan under Policy RMX1(6) and is the subject of an Opportunity Site Planning Brief that has been approved by the Council's SPI Committee.</p> <p>The overall site has been under-utilised for a number of years and the mix of uses proposed will contribute positively towards the vitality of the town centre and make a significant contribution to housing needs on a highly sustainable brownfield site that has good access to public transport and a wide range of local services.</p> <p>The proposed development now before Committee has been formulated through a lengthy pre-application process with both MBC and KCC Officers and was subject to a constructive Member briefing in 2020.</p> <p>The scale of the proposed buildings has regard to the wider townscape setting, with their massing reduced to respect the setting of the listed terrace to the north. The detailed design and the quality of proposed materials is considered to be of a high quality and appropriate for what will be a prominent town centre development.</p> <p>A detailed tree planting and landscaping scheme will significantly enhance this section of Mote Road, not only delivering public realm and biodiversity enhancements, but also providing a high quality setting for commercial occupiers and residents, who will also benefit from private balconies, a communal terraced courtyard and significant roof gardens.</p>	
REASON FOR REFERRAL TO COMMITTEE	
The Planning Application relates to an identified town centre opportunity site, the proposed scheme for which merits Committee consideration as it is a proposal of significant scale.	
WARD High Street	APPLICANT Appin (Maidstone) Ltd
	AGENT Robinson Escott Planning
TARGET DECISION DATE 12/04/21	PUBLICITY EXPIRY DATE 07/01/21

RELEVANT SITE HISTORY:

Until the mid C20th the site was occupied by a chapel with gardens / orchards and housing. These had been cleared by the 1960's, by which time the site contained a number of commercial uses. During the same period, traditional low rise housing to the east was cleared and taller buildings such as Midhurst Court were built.

By the 1980's the site was laid out as a car park, by which time the current alignment of Mote Road and Wat Tyler Way were also established.

Throughout the 1990's the site was the subject of a number of proposals for small scale commercial uses.

Most significantly, in 2003 under application reference 02/2210, planning permission was granted for the erection of a 9 storey office development of 7,867 sq.m (84,680 sq.ft) with multi-level parking for 420 cars.

Indicative images of the 2003 office scheme.



From the Len 'Bridge'



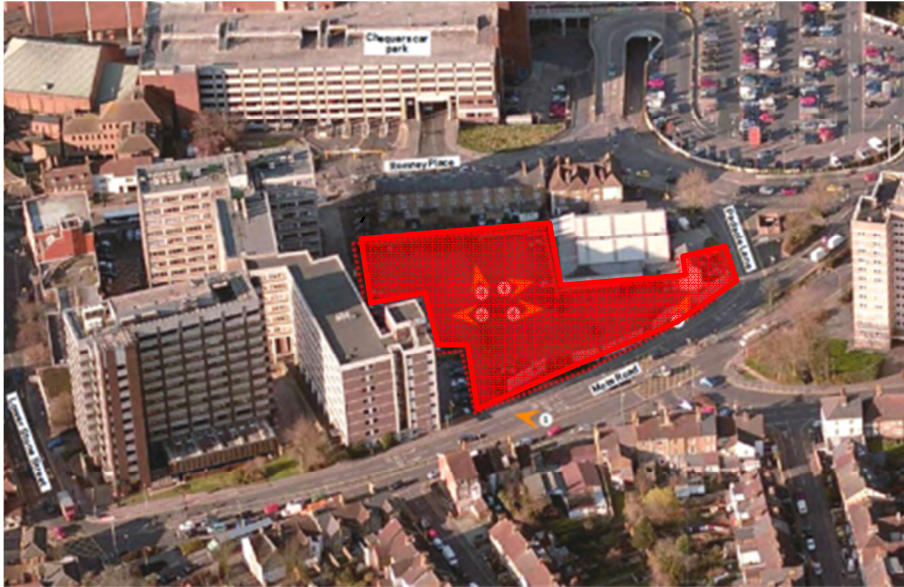
From Mote Road

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies on the southern fringe of the town centre. It is irregular in shape and measures circa 0.4ha. The principal road frontage is to Wat Tyler Way and the junction with Mote Road. The site lies very close to the heart of the town centre with its wide range of retail and service uses and has very good accessibility to a range of public transport options.

Site Location



- 1.02 The majority of the site is laid out as private car parking. It was previously let to occupiers of adjacent office buildings, but has had limited use in recent years as they are being converted to residential. The eastern-most part of the site is occupied by Shandon House, a small office building fronting Padsle Lane. Generally the site in its current form is considered to detract from the character and appearance of the area.



Main Car Park (looking north)



- 1.03 The surrounding area contains a mix of uses, although with the conversion of former office buildings through permitted development rights, the balance has more recently shifted towards residential.
- 1.04 There are no heritage assets on the site, although immediately to the north lie 1-10 and 11-14 Romney Place; two terraces of offices that are Grade II listed. The site is not within a conservation area, although the Town Centre Conservation Area lies circa 55metres to the east. The relationship of the proposal to these and other heritage assets is assessed in Section 6 below.



11-14 & 1-10 Romney Place



R/O 1-10 as viewed from Application Site

- 1.05 Further north beyond Romney Place lies the bus station with multi-storey car park above and the large surface car park for the Sainsbury store. A low rise depot building abuts the application site to the northeast.
- 1.06 To the east and west of the site lie a cluster of taller buildings, including Miller House (12 storey), Kent and Medvale House (8) and Midhurst Court (14).



Medvale House and Kent House



Midhurst Court (below)



- 1.07 Mote Road marks a change in both land use and scale/grain between the former commercial areas of the town centre to the north and the residential hinterland to the south, where buildings are typically 3 storeys in height.



View east from site entrance across the Mote Rd / Wat Tyler Way junction

- 1.08 Due to the wide nature of Wat Tyler Way, where it widens to 5 - 6 lanes adjacent to the site, the closest buildings facing across it have separation distances of between circa 30 - 50metres.
- 1.09 The existing site frontage is currently screened by advertisement hoardings and security fencing that do not add positively to the character of the area and which, together with the inactive frontage, offer a poor quality environment for pedestrian movement.



Site Frontage to Wat Tyler Way

2. THE PROPOSALS

2.01 Planning permission is sought for a residential-led mixed use development comprising, in summary:

- 172 Residential apartments
- 1,169 sq.m Office space capable of flexible subdivision
- 47 Car parking spaces (including 10 disabled)
- Car club bay
- 200 Secure cycle spaces for residents
- Secure cycle parking area for the commercial occupiers
- 4 Delivery and service bays

2.02 New open space is provided in the form of:

- 924 sq.m Publicly accessible public realm
- 883 sq.m Residents communal garden
- 736 sq.m Residents communal roof terraces
- 688 sq.m Private balconies (4 sq.m for each unit)
- 3,231 sq.m Total (site area measures 4,000 sq.m)

In addition to the above accessible amenity areas, the roof levels will also provide:

- 293 sq.m Biodiverse green roof

2.03 Vehicular access will be from Mote Road in the same location as the existing car park access; with a ramp down to the lower ground floor level to the parking and service areas for both the residential and commercial units. The lower ground floor level will also include delivery access, refuse/recycling areas and plant rooms. Four separate delivery / taxi / drop off bays are provided, including larger bays designed for vans. Secure delivery stores are provided in order to to reduce delivery dwell time.

2.04 As well as secure good quality indoor cycle storage areas that are designed to encourage cycle use, the scheme will also provide space to accommodate bicycle trailers and mobility cycles. Stands for cycling visitors will be located within areas of the ground floor public realm that are well supervised and monitored

Guest cycle stand



Bicycle trailer



Mobility bicycle

2.05 Access is also provided through the development to the parking spaces to the rear of 1-10 Romney Place, which it is understood have a right of way across the application site.



Cycle store

2.06 From ground level upwards the development comprises two adjacent buildings. Block A is 12 storeys, stepping down to 6 / 7 storeys in height to the north. Block B is 12 storeys in height.

2.07 Both buildings provide office accommodation at ground and first floor levels, each unit being capable of further subdivision, thus offering flexible space for up to 4 separate units. The commercial space will front onto new areas of public realm, enhancing and animating the street scene for both visitors and passers-by.



2.08 The residential accommodation will be accessed from the landscaped central public realm (or lower ground parking areas) via three separate dedicated lobbies. Each core will be served by two lifts and a staircase. All apartments are designed to national space standards and exceed minimum Building Regulation standards in terms of accessibility and energy performance. All apartments have been space-planned to provide internal storage areas and have access to a private balcony.



3. POLICY AND OTHER CONSIDERATIONS

3.01 The following 2017 Maidstone Borough Local Plan (MBLP) policies are considered to be relevant to the consideration of this application:

- SS1 Spatial strategy / SP4 Maidstone town centre – the town centre is considered to be the priority regeneration area where development should respond positively with quality design that also respect heritage.
- SP19 Housing mix – in supporting the delivery of mixed communities, the mix within housing development should reflect local needs.
- SP20 Affordable housing – the Council will seek the delivery of 30% affordable housing within the urban area unless demonstrated through a viability appraisal and site specific circumstances that this is not possible.
- SP21 Economic development – the Council’s commitment to supporting the economy will be reflected in site allocations.
- Policy RMX1(6) Mote Road Site Allocation – residential-led development with a minimum of 2,000 sq.m of offices (unless addressed through a viability assessment) subject to; respecting the historic setting of Romney Place, creating frontage development to Wat Tyler Way; whilst ensuring that the impacts of noise, air quality and potential contamination are addressed.
- DM1 Design quality – new development should, inter alia, respect local character in terms of, for example, height and scale; improve the public realm; create developments which are accessible to all; orientate buildings to respect natural light, seek biodiversity enhancement opportunities.
- DM2 Sustainable design – promotes a fabric first approach.
- DM4 Development affecting heritage assets – development should conserve and where possible enhance the significance and setting of heritage assets and be informed by an appropriate level of assessment and understanding.
- DM5 Brownfield land – development of sites within the urban area should make effective and efficient use of land subject to respecting existing character and densities.
- DM6 Air quality – development should consider the potential to mitigate any negative impacts on air quality.
- DM12 Density – within the town centre densities should respect character and may be up to 170 dph.
- DM16 Town centre uses – uses such as offices should principally be located within the town centre.
- DM19 Open space – new development should seek to meet identified quantitative requirements for open space – financial contributions may be sought where it is not practicable to provide on-site.
- DM21 Transport impacts – new development should be designed to minimize any impacts on the highway network.

- DM23 Parking standards – the level of on-site parking should reflect, for example, accessibility to non-car modes and accessibility to local services.

3.02 Supplementary guidance is provided in the form of the Mote Road Planning Guidelines, which were approved by the SPI Committee in 2019 and published in January 2020. Whilst not adopted as formal SPG, they are a material planning consideration and illustrate the Council's aspirations for this site. Relevant objectives of the guidance include:

- Creating a mixed-use residential and office development
- Enhancing the public realm and quality of Mote Road / Wat Tyler Way
- Creating opportunities for new planting
- Provide a cluster of medium to high rise buildings (up to 13 storeys) that reflect the massing of adjacent buildings
- Creating a continuous frontage and sense of enclosure to Wat Tyler Way
- Respecting and enhancing the setting of Romney Place
- Ensuring that a viable development solution is identified
- Optimising densities subject to quality of amenity and design
- Providing undercroft parking to maintain an active street scene
- Creation of a good living environment for residents, with good quality landscaping, including roof terraces
- Reduced parking provision to respect the town centre location.

3.03 The National Planning Policy Framework (NPPF) introduces a number of relevant considerations, including:

- An overarching objective of delivering sustainable development that meets economic, social and environmental objectives (paras 7-10)
- A presumption in favour of sustainable development (11)
- Approaching decision making in a positive way (38)
- Making best use of the pre-application process to engage and using PPA's where appropriate (39)
- Determining applications in accordance with the Development Plan (47)
- Ensuring an adequate housing supply and meeting identified housing needs (59-76)
- Supporting the vitality of town centres by allocating sites for mixed-use development (85)
- Promoting sustainable transport by focussing development within accessible areas with a choice of non-car modes and optimising densities in accessible locations (102+/108+)

- Setting parking requirements that reflect a location's accessibility by other modes, encouraging reduced car ownership levels and the use of low emission vehicles (105-106)
- Promoting the effective use of land, promoting the redevelopment of under-utilised land to meet housing needs and the use of airspace above other uses (117+)
- Encouraging an optimal density of development subject to local circumstances and quality of design / place (122-123)
- Placing weight upon the quality of buildings and places and encouraging innovative or sustainable approaches (124-132)
- Taking opportunities to address climate change, for example, efficient building design and the use of renewable energy sources (149+)
- Consider opportunities to address air quality issues (181)
- Respecting and protecting historic environments (184+)

National Planning Practice Guidance (NPPG) supplements and where necessary, provides detailed guidance on the application of NPPF policies.

In addition to the above, guidance on design is provided at both local level with BfL 12 and at national level, with an increasing emphasis upon design quality.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Over 400 surrounding residents and businesses were consulted. No comments were received from any residents within the immediate neighbourhood, although one resident from Weaving commented that:
- the wider area has inadequate parking
 - queries whether there is adequate educational infrastructure
- 4.02 One neighbouring business within the adjacent Romney Terrace has objected on the following grounds:
- inadequate car parking provision and likely impacts on neighbouring business premises from overspill parking
 - adverse impacts on air quality
 - construction impacts could adversely affect their operation by way of noise, pollution and dust vehicular access
 - right of way over the application site and 24 hour access is required
- 4.03 Rights of way are not a material planning consideration and therefore cannot be taken into account in the determination of this application. Nevertheless, the submitted drawings do show a right of access for Romney Terrace through the development. The other matters raised are discussed in the detailed assessment below.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with, where necessary, the response discussed in more detail in Section 6)

Historic England

5.01 Do not wish to offer any comments

KCC Archaeology

5.02 No objection subject to a standard condition requiring further investigations as necessary.

MBC Heritage Officer

5.03 (Officer Note – detailed heritage comments are incorporated into the assessment in Section 6 below). In summary:

- The development will impact upon the listed terrace at Romney Place. However, the site in its current vacant condition detracts considerably from the listed buildings' setting, and the proposed development and landscaping would provide enhancements in this regard. The siting, scale and design of the proposed blocks has taken account of the presence of the listed buildings and sought to minimise harm.
- With regard to Hunters Almshouses and Romney House, whilst there is a dramatic difference in scale between these listed buildings and the development, this is not considered harmful as there is an established group of tall buildings here, and the setting would be improved by replacing vacant land/hoardings for new buildings with active ground floors and much-improved landscaping to the frontage.

KCC Biodiversity

5.04 Following liaison with the Applicant's landscape advisors, KCC have submitted updated comments:

- The proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be submitted as part of this application.
- Note the provision of green roofs, but consider there is further scope for native planting and biodiversity enhancement.
- Suggest an updated landscaping plan with wildlife friendly planting

(Officer Comment – the Applicant has subsequently provided the additional information requested in the form of a detailed landscape / planting schedule / biodiversity enhancement scheme.)

MBC Landscape

5.05 The landscape strategy and proposed landscape planting plans are acceptable in general terms, except I am very much opposed to the use of artificial turf. (Officer Note – the artificial turf is limited to certain areas of the roofs and is in lieu of what would be hard landscaping). However, I would want to see additional implementation details which are specific to the constraints of the site but these can clearly be covered by standard landscape conditions.

MBC Parks and Open Spaces

- 5.06 Consider that the development should provide 3.83 hectares of meaningful on-site public open space (Officer Comment – the site as a whole only measures only 0.4 ha). Recommend financial contributions to, for example, Mote Park enhancement. (Officer Comment – on-site open space and potential off-site opportunities are discussed in the assessment below).

Southern Water

- 5.07 No objections raised. Standard operational comments regarding foul and surface water connections.

KCC LLFA

- 5.08 No objection to surface water drainage and storage proposals subject to standard planning conditions and a number of advisories.

Mid Kent Environmental Protection

- 5.09 No objections, subject to conditions

Contamination – Note the findings of the ground investigation report and recommend conditions for both construction and occupation phases.

Noise – Recommend mechanical / acoustic ventilation system.

Air Quality – Note that the submitted AQA Report predicts that future occupants will not be exposed to pollutant concentrations above the relevant annual or hourly air quality objectives. Support the Applicant's proposed measures such as car club for occupiers, EV charging points (20% of the proposed car parking spaces with cabling and ducting to allow easy conversion of other spaces, secure cycling parking and travel packs for residents).

KCC Highways

- 5.10 No objection subject to conditions (see detailed assessment in Section 6 below). The Applicant has successfully demonstrated that the likely traffic impact of this proposed development would not constitute a "severe" impact in the context of the existing traffic on the local highways network.

- 5.11 The sustainability of the site, from a transport perspective is supported by the quantity of services and facilities within a reasonable walking distance of the site, which further reduces the likely impact these proposals would have on highway capacity.

- The application has been subject to detailed pre-application discussions
- The trip generation methodology is robust, whilst there would be a small net increase above existing levels (as the car park is currently under-utilised) the impacts would not be severe.
- The existing access has a good road safety record. Suitable dimensions and visibility sight lines are proposed at the access, concern around the visibility to the west subsequently addressed within a Road Safety Audit.
- Parking provision accords with standards. Local Traffic Regulation Orders, in conjunction with the proposed on-site controls, provide

sufficient reassurance that this degree of parking provision would not generate inappropriate parking elsewhere on the highway network.

- Adequate cycle parking is proposed.
- 20% EV provision with passive provision for the remainder is appropriate within the AQMA.
- Adequate service vehicle provision is provided.
- With a range of services, facilities and sustainable transport infrastructure within a reasonable walking distance, the site has high potential of achieving reduced motor vehicle trips by having high levels of pedestrian trips.
- To accommodate the increase in pedestrian movements, it is recommended that the Applicant should be required to enter into a s278 agreement provide a new pedestrian crossing facility (a zebra crossing) towards the western end of Romney Place.
- The submitted travel plan framework is acceptable, but should be followed up with a full Travel Plan.

Kent Police

- 5.12 Acknowledge that the Applicant has engaged with Kent Police throughout the process. No objection from a CPTED aspect subject to identified measures being adopted such as, CCTV, lighting, vehicle and cycle security, appropriate access controls for residents and visitors.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration by Members relate to:

- The Principle of Development
 - Commercial
 - Residential
 - Affordable Housing
- Townscape / Landscape / Open Space
- Climate Change
- Biodiversity
- Heritage
- Highways and Sustainable Travel
 - Trip Generation
 - Access
 - Parking
 - Sustainable Transport
- Surface Water / Flood Risk
- Living Conditions / Neighbouring Amenity / Commercial Neighbours

- Air Quality
- Ground Conditions
- Other Matters

The Principle of Development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.
- 6.03 The National Planning Policy Framework (NPPF) provides the national policy context and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.04 The NPPF also places an emphasis upon the use of brownfield land, it also states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities "* It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.05 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the Borough and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states that the town centre will be the focus for regeneration. (The site falls within the town centre as defined under policy SP4.)
- 6.06 Policy SP1 seeks to respect and deliver the '*Spatial Vision*' set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside, where relevant:
- protection of the Borough's built assets, including heritage assets
 - creating an enhanced and exceptional urban environment
 - securing high quality sustainable design and construction
 - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.07 The Local Plan's vision for the town centre, which is reinforced through Policy SP4 sets out a number of objectives to which the proposed scheme responds positively, including:
- providing enhanced public realm
 - ensuring that development is of a high quality design and makes a positive contribution to the character and function of an area.
- 6.08 In response to this overarching sustainable development framework, the site is located within a highly sustainable location with pedestrian and cycle access to a wide range of services and amenities. The location also offers

access to a range of public transport options, with the Bus Station in particular being in very close proximity and all three rail stations within a reasonable walk.

- 6.09 As an under-utilised brownfield site, the Application Site is a priority for regeneration, as reflected in both the site allocation policy RMX1(6) and the Council's 'Opportunity' site brief. The principle of a development that follows the site allocation policy and respects the above principles is therefore in accordance with the development plan and the NPPF.

Commercial Uses

- 6.10 It is recognised that the quality of the office stock in Maidstone town centre has been in decline for a number of years and that there is very limited availability of modern, sustainable, good quality premises; particularly those suited to smaller enterprises. The 'Business Terrace' has proved popular and notwithstanding the current Covid impacts on working patterns and the occupation of business premises, it is considered that there will be a positive long term requirement for office accommodation of this type.
- 6.11 Both the site allocation policy and the site brief seek to target a minimum of 2,000sq.m of office space, but in doing so recognise that this may be subject to site specific and deliverability constraints.
- 6.12 The proposal incorporates commercial elements in both blocks that are located on ground and first floors. The accommodation is designed to have a strong visible presence to Mote Road / Wat Tyler Way and with associated public realm enhancements, offers an attractive setting for future occupiers (see images at 2.07 above).
- 6.13 The units are designed so that they could be occupied in a number of configurations, ranging between one and four units. They are also designed to enable co-working, which has become an increasingly popular format in the town centre. This flexible configuration is likely to assist small businesses seeking accommodation and is welcomed.
- 6.14 Applying standard floorspace:worker ratios for accommodation of this type, the proposed commercial space could generate over 100 jobs.
- 6.15 In addition to this, the increased local population arising from this number of new homes will contribute significantly to spending in the town centre and the vitality of other business and services.
- 6.16 In summary, whilst there are constraints to the overall level of office accommodation proposed, it is considered that the scheme has optimised the available opportunity and that this element of the scheme represents a positive response to the Local Plan's site specific aspiration and will make a positive contribution to the overall vitality of the town centre.
- 6.17 Whilst acknowledging the flexibility that the Government seeks to permit within the new Use Class E, but also recognising the weight that is afforded to the provision of office accommodation in the site allocation policy, it is proposed that a condition is imposed that prioritises the delivery of office accommodation over other Class E uses.

Residential

- 6.18 The delivery of new homes to meet local needs is both an MBC and Government priority. The site allocation forms part of the adopted Local Plan's housing delivery strategy. The site allocation policy does not set a specific minimum or maximum housing target for the site and therefore the principle of optimising the site, subject to design and other environmental considerations, is welcomed.
- 6.19 The principle of residential development and the optimisation of the site therefore accords with policy SS1 and will make a valuable contribution to the Council's sustainable spatial strategy.
- 6.20 The town centre is identified as a location that is suited to smaller household sizes. The proposed unit mix is:
- | | |
|----------------------------|-------|
| • 1 bedroom (1 person) | 8 No. |
| • 1 bedroom (2 person) | 70 |
| • 2 bedroom (3 & 4 person) | 84 |
| • 3 bedroom (5 person) | 10 |
| Total | 172 |
- 6.21 Allowing for the fact that housing need varies by location, for example, demand for family accommodation in the central area of the town is lower than the wider urban area and villages, it is considered that the mix proposed is appropriate for this location and will make a positive contribution to the overall housing mix sought under Policy SP19.
- 6.22 As detailed above, where possible the units will exceed the Building Regulation requirements in terms of accessibility (Part M4(2)). All apartments will have dual lift access and level thresholds throughout the building and appropriate movement spaces. The units are also designed to be adaptable to meet future needs.

Affordable Housing

- 6.23 As part of its overall sustainable development strategy the NPPF seeks the creation of "*strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*". Consistent with the NPPF, the Local Plan makes clear the type and level of affordable housing that will be expected from new development. Within the urban area, Policy SP20 identifies a target of 30% affordable housing.
- 6.24 Where there is a potential departure from affordable policy requirements, the NPPF advises that "*It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment (VA) at the application stage*" whilst "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...*".
- 6.25 As clarified by the NPPG, VA is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. The process includes looking at the key elements such as the final development value,

development / build costs, land value, landowner premium, and developer return. The aim of the process is to strike a balance between, for example:

- The aspirations of developers in terms of returns against risk
- The aims of the planning system to secure maximum public benefits through the grant of planning permission

In this case, a number of considerations are available to the LPA when considering whether to accept a viability assessment, for example:

- Is the development otherwise compliant with the development plan?
- Does it deliver specific development plan objectives
- Would it contribute positively to achieving sustainable development?
- Are there other public benefits arising?

6.26 Following discussion on affordable housing at the Members briefing the applicant submitted a VA as part of the pre-application process that sought to assess the potential to deliver affordable housing. This VA has been independently assessed by the Council's consultants 'RedLoft'.

6.27 To remind Members of the terminology that is used in VA's:

Existing use value – (EUV) is the value of the land in its existing or lawful use (not necessarily the price paid).

Benchmark land value – (BLV) represents the existing use value (EUV) of the land, together with a premium for the landowner. The premium reflects the minimum return at which it is considered a reasonable landowner would be motivated to sell the land.

Residual land valuation – (RLV) is the process of valuing land with development potential. It seeks to identify the sum of money necessary to purchase the land and is calculated by estimating the value of the completed development (apartment sales income) and then subtracting the costs of development (build costs, finance costs, professional fees, planning policy requirements, CIL contributions and profit).

If the RLV falls below the benchmark land value, then it is unlikely that the developer would be incentivised to deliver the scheme.

6.28 The Applicant's VA identified a benchmark land value of £1.4 million and even with no affordable housing provided, estimated a residual land value of (minus) -£5.37 million which represents an overall deficit of £6.77 million below the benchmark land value.

6.29 The Council's independent consultants 'RedLoft' reviewed the submitted VA. In doing so, they tested the Applicant's calculation of, for example, the site's existing and benchmark land values. They also tested inputs such as profit margins, build costs, fees, sales income etc.

6.30 Within their initial assessment the Council's advisors suggested a number of variations to the Applicant's assumptions, namely:

- Reduced benchmark land value
- Reduced build costs

- Higher value to the commercial accommodation
- Reduced marketing costs
- Higher s106 contributions
- Lower profit levels

Nevertheless, after further review of build costs, they concluded that there would still be a significant deficit of circa -£5.2million versus the Applicant's suggestion of -£6.77m. The consultant's conclusion is therefore

As evidenced, our revised assessment generates a residual land value below the benchmark land value. Accordingly, we maintain our conclusion made within the review, and consider that an affordable housing contribution cannot viably be provided by the proposed scheme in the current market.

We recommend that a review mechanism is included within the Section 106 agreement, in order to account for any changing market conditions across the scheme's development programme.

- 6.31 On the basis that the application fails to deliver the affordable targets set out in the Local Plan, we return to the tests set out in 6.24 above, for example:
- is the development otherwise compliant with the development plan?
 - does it deliver specific development plan objectives
 - would it contribute positively to achieving sustainable development?
 - are there other public benefits arising?
- 6.32 It is acknowledged that sales values in Maidstone Town Centre are presently constrained, therefore imposing challenges on the viability of development. This is recognised in the planning brief for the site which acknowledges the need for a viable and deliverable solution for the site. It is intended that the forthcoming Town Centre Action Plan will provide a framework for the environmental improvement of the Town Centre and measures to enhance its viability. However, it is important that early investment in the Town Centre is encouraged and 'opportunity' sites represent such an opportunity for early delivery. Weight should therefore be applied to any such schemes which come forward in the short-term.
- 6.33 This development site has specific constraints, such as; the need to retain a right of way to Romney Place, the requirement for ground excavation, which do add to complexity and costs. Throughout the pre-application period the Council has placed an emphasis upon the need for a very high quality of design and materials, to which the Applicant has responded positively, but these do raise the overall build costs significantly. The requirement for a proportion of office space also impacts upon overall profitability. Further, the requirement to reduce scale adjacent to the listed Romney Terrace constrains the development capacity of the site.
- 6.34 The development will deliver a significant number of new homes and jobs in a highly sustainable location and make material contributions to Local Plan targets. It is considered to be of a high quality design that will encourage further investment and regeneration in the Town. Having regard to the

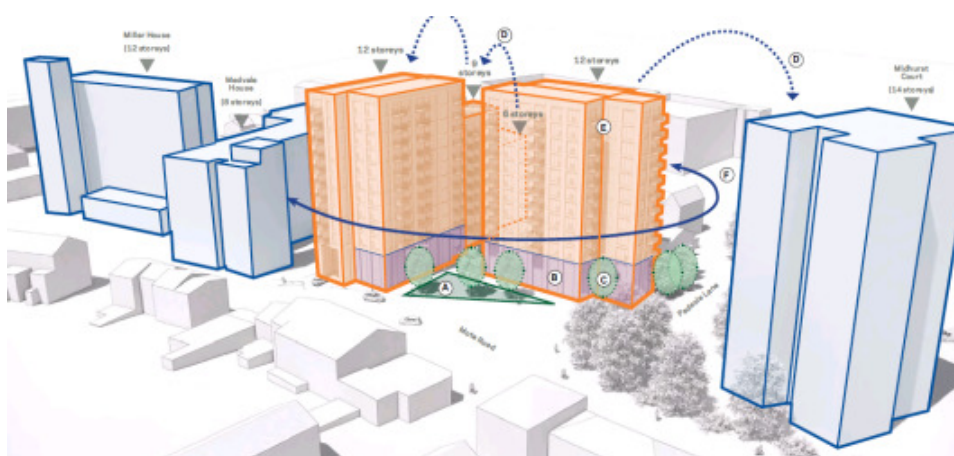
substantial contributions that this scheme will make, it is considered that there are overarching benefits that could be achieved in granting planning permission for a scheme, despite the absence of affordable housing. For the reasons outlined in this report, it is considered that having regard to the exceptional circumstances of this site, the viability constraints and the wider benefits arising, this approach is justified in this site specific instance.

- 6.35 Whilst the imposition of an affordable housing review mechanism can potentially detract from the scheme's funding and timing of delivery, in this instance, it is suggested that a s106 clause be imposed requiring a viability review only if the scheme has not been 'substantially commenced' within two years of the grant of planning permission.

Townscape / Landscape / Open Space

Townscape

- 6.36 In the context of both a national and local policy emphasis upon delivering high quality design, the 'Opportunity Site Brief' for the site highlights the Council's aspirations to, inter alia:
- create a contemporary landmark building,
 - create a series of medium to high rise buildings with heights of up to 13 storeys towards the eastern part of the site,
 - a strong built frontage to Wat Tyler Way and
 - enhanced public realm along Mote Road and Wat Tyler Way.
- 6.37 The detailed design has evolved through a pre-application process over a circa 18 months. Whilst at the workshop last year Members advised that they would consider options for taller buildings; the Applicant has capped the height to 12 storeys, which is within the overall height parameters suggested in the Council's brief. Although the overall massing is greater than the planning brief suggested, the brief is not meant to be prescriptive and the true test is how well the proposed development responds to the site's context, its impact upon or contribution to townscape and the quality of the design response.



Indicative Massing Diagram Showing Adjacent Buildings

- 6.38 The proposals create a transition in the main street scene between the existing buildings of Miller Heights at 12 storeys and Midhurst Court at 14 storeys.
- 6.39 The application was accompanied by a townscape and landscape impact assessment. This considered the scheme in the context of both longer distance and local views of the site, including views across the Medway Valley. This study demonstrates that the proposal would not adversely impact on longer or medium distance views, with the exception of one view northwards from Kingsley Road (view 8), where the alignment of the road is directly towards the site and where the proposal would screen part of existing longer distance view towards the Downs. However, this is a narrow viewpoint from what is not a significant part of the PRow network. The impact is not considered to be so harmful as to warrant refusal, as the building will still be seen in the context of existing taller buildings.
- 6.40 The townscape assessment concludes that the principal visual changes are therefore views from the immediate vicinity, eg, Wat Tyler Way, Mote Road and from gaps through Romney Place. The site can also be seen from the rooftop of the Mall Car Park (and the case officer's desk!). The degree of change is inevitably significant as the change is one from an open surface level car park to buildings rising up to 12 storeys. However, again, in these views the proposed building is viewed in the context of a cluster of existing tall buildings.
- 6.41 To a great extent the proposal will complete this section of the streetscape and subject to site landscaping and detailed design treatment, the principle of developing buildings of this scale is considered to be acceptable.
- 6.42 To the rear, Block A steps down in height through two separate 3 storey reductions, so that at the rearmost part it is lower in height than the adjacent Kent House to the west. In doing so it also respects the lower height of the listed Romney Terrace to the immediate north.



6.43 The application proposes a landmark building, an opportunity identified in the Council’s brief; and as this image demonstrates, this has been well executed, with a tall slender elevation facing towards the east.



6.44 During the pre-application process Members requested that the development should not seek to mimic the 1960’s/70’s form of the adjacent buildings and that it should also add interest to both townscape and importantly, the town centre’s overall roofscape.

6.45 The design responds to this in a number of ways. Firstly, whilst both buildings have an upper limit of 12 storeys, their footprints are stepped, the effect of which is to create the impression of a series individual elements which, when read from street level offer quite a dynamic elevation and roofline – again as illustrated in these images.



6.46 In addition the elevations incorporate details such as vertical brick piers and the use of differing brick tones and panels to add further interest. Although a contemporary design, the materials to be used are contextual, with brickwork predominating, together with the use of Ragstone for key features at ground level and within the landscaping.

6.47 There are some further design details that Officers would like to see incorporated in terms of the detailing of the base and upper level of the building and it is suggested that these are sought through a condition and delegated powers.

6.48 The proposed approach to the balconies is considered to be interesting, in that rather than trying to create artificial colours, which has been unsuccessfully employed in other recent schemes; the balconies employ grey and brass metal screens that reflect historical paper weaves. The density of the weave is greater at lower levels where privacy is more relevant and gradually lightens up the facades, adding a further layer of interest to the elevation detailing.

7.8 Balcony Treatment

The balustrades to the balconies use the patterns of the laid and wove moulds applied to architectural meshes. The Juliet balconies have a 'wove' mesh, and the projecting balconies a 'laid' mesh. The meshes become increasingly dense as they come down the building providing greater screening and more privacy, where they are more visually exposed. This works on both a functional level, but also adds additional visual interest and provides additional verticality to the building, drawing ones eye up the building.



6.49 Overall it is considered that the approach to the buildings siting, footprints, their massing and the detailed architectural treatment and materials will result in a development that will have a significantly positive impact upon the townscape.

Landscape & Open Space

6.50 Despite the site’s dense urban setting, landscaping is a key element of the overall design approach for the site. The principles of the scheme’s landscape strategy are:

- to create new areas of public realm and introduce new tree planting to enhance the street scene and pedestrian environment of this part of the town centre
- to create an attractive setting for commercial occupiers and a pleasant and safe pedestrian arrival for residents
- to provide good quality communal and semi-private amenity areas for residents at ground level/s
- to introduce green roof terraces to provide communal areas with good levels of natural light away from road noise
- to offer biodiversity enhancement opportunities.

6.51 As identified in 2.02 above, whilst the site area is only 4,000 sq.m (0.4ha), by utilising appropriate roof areas, the accessible public realm and

communal open spaces amount to a little over 2,500 sq.m; equivalent to almost two thirds of the site area.

- 6.52 Including the private balconies, which are provided to each apartment, this raises the overall useable percentage of external space to an equivalent of 81%. For a small site in a town centre location this is considered to be a positive level of open space that will add to the quality of life for residents and enhance this area of the town centre as a whole.
- 6.53 In addition there will be 293 sq.m of dedicated habitat areas at roof level and utilisation of vertical faces at lower levels to create green walls.
- 6.54 In terms of Policy DM19, it is difficult to apply traditional amenity/open space standards to a high density development that is not capable of providing, for example, allotments, semi-natural open space and sport pitches on-site.
- 6.55 For a development of 172 units, Policy DM19 would require circa 2,900sq.m of amenity green space. In response, in addition to a private balcony for each unit (totalling 688sq.m), the scheme provides 1,610sq.m of communal space for residents and 924sq.m of public realm, much of which lies adjacent to the building entrances and is available to residents to use.
- 6.56 Having regard to the central urban location of the site, its irregular shape and the high density of development, it is considered that the quantum of open space provided for residents is appropriate, but it is suggested that, subject to viability, a financial contribution be sought to open space or public realm enhancements in the vicinity. Turning to the quality of open space:

6.57 Ground Level Planting

In addition to new street tree planting at the site frontage, further new trees, hedgerow and borders will be created around the site boundaries to both enhance the setting of the application site (and its neighbours), but to also create new habitat.

The development is split into two separate blocks in order to allow open views through the site and to improve the setting and daylighting of the new public realm.

A green corridor runs through this space, which transitions from public realm on the southern street frontage, through to a semi-private space that both residents and workers in the commercial units can use.



Beyond this a series of terraced areas are dedicated to residential occupiers, which will incorporate integrated play features and a quiet garden to the rear. Wherever possible the landscaping scheme will incorporate biodiversity habitat friendly planting and design.



6.58 Roof Gardens

At roof level a series of communal roof gardens are proposed.

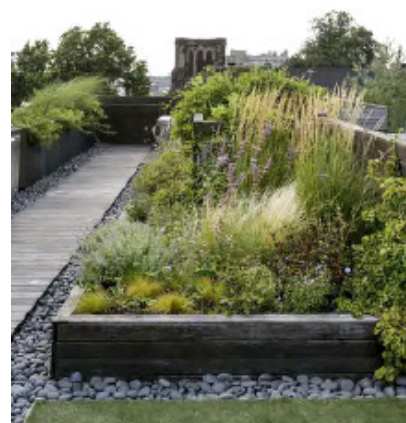
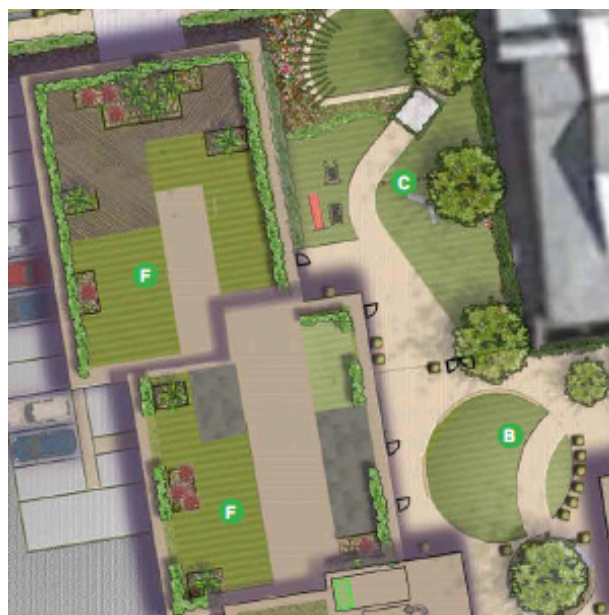
Following the submission of the original application this strategy has been expanded to include each of the four separate roof areas.

These gardens will provide further amenity spaces for residents.

As with the ground level planting, these areas will be landscaped to include native species borders/beds and areas of grass meadow.

In addition, two dedicated areas of habitat will be created at roof level, with wildflower planting, together with accommodation for the three B's, plus swifts.

As well as providing a biodiverse habitat and good quality amenity space, these roof areas will also add further interest to the tiered roofscape of the development.



- 6.59 A detailed planting scheme has now been submitted that shows the use of native species that will further enhance habitat opportunities.
- 6.60 To conclude, it is considered that the Application provides significant public realm enhancements in accordance with the site allocation and planning brief. The landscaping scheme will provide a positive setting for residents, employees and visitors, as well as enhancing to the overall contribution of the scheme to the town centre's townscape / landscape.
- 6.61 However, having regard to the level of population generated by the scheme and the additional pressure on existing open space infrastructure that will be generated, it is considered that further contributions to off-site public realm/open space enhancements are necessary and these will be sought through a s106 agreement.

Climate Change

- 6.62 The Government's sustainable development strategy is based upon a number of overlapping principles, including:
- protection of the environment
 - prudent use of natural resources
 - wherever possible blending the often competing requirements of the economy, social needs such as housing and the environment, so as to minimise land-take requirements
 - optimising the use of land
 - maintaining and enhancing the viability and vitality of urban centres
 - increasing the use of renewable or low carbon technology
 - promoting development that is 'lean, mean and green'
- 6.63 By virtue of its central urban location, the development is sustainably located. Residents will have good access by foot and cycle to a wide range of services and amenities. Residents and employees will also have good access to an extensive network of public transport options. As such, the development will not only reduce the need to travel, thus achieving demand reduction, but will reduce dependency upon the private motor vehicle.
- 6.64 100% of the parking spaces will be enabled with passive EV charging infrastructure, with 20% installed with active charging points from day one. This approach allows the owner to respond to demand and also to adapt to rapidly changing charging technology.
- 6.65 In addition, the developer proposes a car club scheme, which will encourage car sharing, seek to limit usage to necessary rather than desirable journeys and encourage a reduction in likely car ownership levels amongst residents.
- 6.66 The development re-utilises vacant urban land. The optimisation of the site, whilst ensuring that environmental and other impacts are avoided, represents an efficient use of land.

- 6.67 The building has been designed to optimise a number of passive design measures, for example, minimising the number of single aspect north facing dwellings, thus optimising natural daylight levels and thus reducing the electricity demands.
- 6.68 The building fabric is designed to reduce air (and thus heat) leakage in winter, with a target of 60% greater efficiency than the Building Regulations require. The construction system will also seek to reduce the adverse impacts of thermal bridging. Where noise and air quality conditions permit, the units will be designed to allow natural rather than mechanical ventilation.
- 6.69 Space heating demand will be supplied by a communal air source heat pump network, rather than gas boilers. The building's electricity supply will be sourced from a green provider.
- 6.70 The predicted net reduction in emissions resulting from energy efficiency and other measures is predicted to be 38% below permissible emissions levels. In addition, the building's lean design will achieve a further 8% reduction.
- 6.71 In terms of water usage, the apartments are designed to meet the 110litre p/day p/person target through measures such as; efficient taps and cisterns, low output showers, flow restrictors and water metering.
- 6.72 Sustainable drainage measures such as green roofs and podium planting will also provide a positive benefit in terms of managing surface water run off.
- 6.73 To conclude, it is considered that the scheme represents a positive response to the principles set out in the NPPF and policy DM2. Whilst, with the emphasis upon amenity space and biodiversity, there is no capacity for roof level PV, the scheme is designed to minimise energy use through efficiency and will utilise, low carbon solutions for heating.

Ecology / Biodiversity

- 6.74 KCC Ecology acknowledge that the site in its existing form has no ecological value and therefore an ecological impact assessment was not required. Following liaison with KCC, the proposed landscaping scheme has been further developed. As well as the benefits of introducing a significant amount of new planting that will attract wildlife and provide habitat, key features include connected networks around the site perimeter comprising:
- tree canopies maximised (circa 40 new trees planted, including common maple, silver birch, hornbeam, acer, flowering cherry and lime)
 - mixed native hedges (2-4m in height) and shrub planting
 - wildflower meadow planting
 - nectar rich climbers and fruit / berry bearing trees
 - trailing edges / climbers on vertical surfaces

- dedicated biodiverse roof areas
 - circa 20 No. Bird, swift and bat boxes, bee hotels and log piles.
- 6.75 It is considered that despite the site's central urban location, the scheme will deliver a significant biodiversity gain and therefore respond positively to the aspirations of MBLP DM3 and the NPPF. To further respond to the opportunity to enhance biodiversity opportunity in the town centre, a contribution to off-site schemes in the town centre, including the River Len have also been agreed.

Heritage Considerations

Built Heritage

- 6.76 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building. Section 72 of the Act also places a duty on decision makers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 6.77 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.78 The NPPF also requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be.
- 6.79 The proposed development would affect the setting of a number of grade II listed buildings, most directly affected is the listed Georgian and Victorian terraces of 1-10 Romney Place and 11-14 Romney Place. The significance of these buildings is principally derived from their terraced form and the contribution that they make to the streetscape of Romney Place. The siting, scale and design of the proposed blocks has taken account of the presence of the listed buildings and sought to minimise harm by, for example, significantly reducing massing on the northern part of the site. In views from the north, east and west of the listed terraces their context and backdrop would be greatly altered due to the overall scale and massing of the proposed development on what is currently undeveloped, open land. However, the setting of the listed terrace already contains the substantial mass of adjacent tall buildings, thus reducing the net impacts of change. In addition, the Application Site in its current vacant condition detracts considerably from the setting of the listed buildings and the proposed development and landscaping would provide enhancements in this regard.
- 6.80 The setting of Hunter's Almshouses on Mote Road and 64-70 Mote Road would also be affected, with the development appearing in the immediate

context of the listed buildings when approaching from the east. Their significance principally relates to their historic function and architectural quality, but their setting has been significantly altered over time as the area has been redeveloped and roads widened.

- 6.81 The difference in scale between these listed buildings and the proposed development, whilst dramatic, is not considered harmful as there is an established group of tall buildings in this location and their overall setting would be improved by replacing vacant land / hoardings with new buildings with active ground floors and much-improved landscaping to the frontage.
- 6.82 The development would also be seen in the context as the grade II* listed Romney House when viewed from the Romney Place/Lower Stone Street Junction, albeit in the backdrop of existing tall buildings. This listed building is already experienced in the context of the modern buildings of Kent House and Sussex House, the car park and the Mall complex and it is not considered that there would be a directly harmful impact upon the setting and significance of the listed building.
- 6.83 The setting of listed buildings on Lower Stone Street, Upper Stone Street, Gabriel's Hill and Knightrider Street is not affected due to the presence of intervening developments. Where the development is glimpsed in the background of these heritage assets in certain views, for example along Knightrider Street, this is not considered to be harmful.
- 6.84 The development would be seen from various points within Maidstone Centre Conservation Area and Maidstone Ashford Road Conservation Area. The supporting assessment indicates that views of the development from the Mansion or registered landscape of Mote Park would be very limited (or non-existent from most parts). If glimpsed in views from these locations it would be in the context of an established separate cluster of tall buildings and so would not have a harmful impacts on these heritage assets.
- 6.85 There are potentially sensitive views through and from Maidstone All Saints Conservation Area where the important grouping of medieval buildings front the river. The Landscape and Visual Assessment identifies that the development would have a minimal presence in such views, where it would be only glimpsed between the Church and College buildings. There would be some cumulative impact with Miller Heights where the buildings are seen together and are only partially screened by a mature yew tree which might not provide long-term screening. In these views, ensuring rooftop terraces and plant are carefully arranged and screened would help to minimise any visually intrusive new elements on the skyline.
- 6.86 In summary it is considered that there would be a low level of 'less than substantial harm' to the setting and significance of 1-10 and 1-14 Romney Place due to the scale and proximity of the proposed development. However, there are benefits associated with the development and landscaping which would improve their setting and are likely to mitigate this harm. While the development would be seen in the context of numerous other heritage assets across the town centre, it is not considered there would be any additional harmful impacts.
- 6.87 The NPPF advises that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this*

harm should be weighed against the public benefits of the proposal ...” This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. They may involve direct heritage benefits or wider considerations such as the delivery of housing to meet local needs or other economic or social benefits.

- 6.88 Having regard to the significant benefits identified above, including the creation of significant new employment opportunities, a material contribution to housing delivery, the regeneration of a key town centre site, public realm enhancement and a highly sustainable form of development; these significant public benefits are considered to outweigh the relatively low level of heritage harm that arises.

Archaeology

- 6.89 Both the NPPF and MBLP Policy DM4 require that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment.
- 6.90 Whilst the site lies outside the historical area of the town’s development and the immediate area has experienced significant clearance and excavation to allow for the adjacent buildings and new highway construction, the site has the potential to contain some post-medieval findings. Whilst the proposed scheme involves some excavation, KCC’s archaeologist raises no objection subject to further surveys and monitoring during the early stages of site preparation.

Highways and Sustainable Travel

- 6.91 The NPPF advises that in allocating sites for development and when assessing planning applications, LPA’s should seek to ensure that, for example:
- opportunities are taken to promote sustainable travel
 - impacts on the highway should be minimised and permission only refused if impacts are severe and cannot be mitigated
 - priority is given to pedestrian, cycle and public transport use and that places are attractive to pedestrians and cyclists
 - where necessary acceptable servicing facilities should be provided
 - provision should be made to enable the charging of low emission vehicles.
- 6.92 As detailed above, the site is considered to be a highly sustainable location with good access to services and public transport and its location should encourage occupiers to use alternatives to the private car.
- 6.93 A car club is proposed, with free membership proposed for residents, together with EV charging provision. In addition the development is accompanied by a travel plan.

- 6.94 The site is currently laid out as a car park, with circa 158 parking spaces. Although under-utilised in recent years, this lawful use has the potential to be fully reinstated and the site could thus attract a significant number of vehicle movements. Despite this, KCC undertook a robust assessment based upon a benchmark of the current low level of usage, which also took account of the fact that properties in Romney Terrace gain access through the site to their own parking.
- 6.95 Compared to the existing peak hour trip generation of 21 trips in the AM and PM peaks, KCC conclude that the net trip generation impact of these proposals is 24 and 34 trips in the AM and PM peaks, respectively. Whilst KCC consider that this would represent an increase of vehicular trips on to the highway they conclude that the congestion impacts of these proposals cannot be considered "severe".
- 6.96 MBC Officers again consider that greater weight should be afforded to the lawful use and potential capacity of the site as a car park, in which case the number of vehicles entering the site / highway network following development would be materially lower than the lawful use of the site. The proposals therefore accord with Policy DM21 in terms of no adverse impacts from trip generation.
- 6.97 Car parking is provided in the forms of 45 residential spaces and two commercial spaces. 10 bays will provide disable parking and 10 bays (21%) will incorporate EV charging from first occupation, with the remainder passive, ready for installation upon demand. A car club bay will also be provided, which will encourage lower levels of car ownership.
- 6.98 Parking spaces will be assigned to residents upon application, ie, leased to car users rather than being sold and potentially not being used. This will reduce the pressure for residents parking in the surrounding area.
- 6.99 The developer has offered to accept a clause restricting residents from applying for an on-street permit and if necessary to increasing restrictions on surrounding roads. However, KCC consider the level of parking provision accords with policy, whilst being at a level sufficient to ensure that overspill parking does not adversely affect the surrounding area. Considering the sustainable location of the site, the level of parking provision is considered to be appropriate and in accordance with Policy DM23.
- 6.100 The submission shows that adequate provision has been made for service vehicles such as refuse to access and service the site without obstructing the highway. KCC have suggested that they would wish to see this shown for even larger vehicles such as removals, however, this is not considered to be appropriate as in practice, removal companies, deliveries of very large goods would assess the accessibility of the site and allocate an appropriate vehicle. It would therefore not be appropriate to seek to design a town centre site to accommodate the largest possible scenario.
- 6.101 A framework travel plan proposes a number of measures, including:
- providing residents with an information pack highlight local services and public transport options
 - highlighting cycle routes

- promoting EV's and the use of the car club
- creating a specific website for the scheme with updated resident information on bus routes, timetables, ticketing options etc

6.102 To conclude, this is a sustainable location and the development responds with appropriate measures to reduce the potential impact of car ownership / usage.

Surface Water / Flood Risk

6.103 The site is not located within an area of risk of flooding, being within FZ1.

6.104 The existing car park site is currently 100% hard surfaced, with no measures to manage surface water run off. In contrast the scheme incorporates significant areas of green roof and podium/ground level planting. The proposed SuDS scheme allows for predicted 1:100 events plus 40%, with off-site flow rates limited to the Qbar greenfield runoff rate.

6.105 Neither KCC LLFA nor Southern Water raise any objections.

Living Conditions / Residential Amenity

Existing Neighbours

6.106 Adjacent residential buildings (incl' emerging conversions) include Kent/Medvale House, Midhurst Court and properties facing the site across Mote Road. Potential impacts to consider include overlooking/loss of privacy, daylighting and noise or disruption (excluding construction stages).

6.107 The proposed building provides sufficient separation from neighbouring buildings to ensure that privacy is not reduced to unacceptable levels. Inevitably, introducing buildings on an open site will lead to a material change in the setting of neighbours and their outlook, but the resulting conditions are considered to be appropriate having regard to the site's urban setting.

6.108 By its nature, the land use mix proposed is compatible with residential neighbours, so would not generate levels of activity that would give rise to nuisance. The proposed car parking mirrors parking on the adjacent sites, so will not introduce adverse levels of activity or noise.

6.109 In terms of natural light to neighbours, the potential impacts in terms of both sunlight and daylight have been assessed. In terms of daylight, BRE Guidelines advise that where the retained VSC is 27% or greater, or where the retained VSC has not reduced to less than 80% of its former value, then the reduction in daylight is unlikely to be material.

6.110 The Applicant's assessment identifies that a small number of windows in Midhurst Court would experience minor transgressions, but this is principally due to their inset balcony nature (where in effect they sit in their own shadow). In terms of the properties facing across Mote Road, there are a number of windows that will receive either a minor or moderate

impact, but none major. These levels of change do not necessarily indicate that unacceptable levels of light will be received and the degree of change is in-part an affect of the existing site being entirely open, an unusual characteristic in a central urban area.

- 6.111 It is recognised that the BRE guidelines were drawn up in the context of principally suburban development and are not ideally suited to central urban areas. In this instance, whilst there will be some properties that experience a noticeable reduction in daylight, this is not considered to be unacceptable having regard to the central urban context of the site.
- 6.112 Impacts on Kent / Medvale House are greater than other properties, but again there are mitigating circumstances. Firstly, these buildings were not designed for residential use, are located closer to the site boundary than might have been permitted for a residential scheme and again, they currently enjoy an aspect over open land. As such their existing daylight values are greater than might be expected for a central urban area and whilst the net reduction is significant, the levels that they will enjoy is not necessarily unacceptable having regard to their location.
- 6.113 In terms of sunlight impacts, the BRE guidelines only consider windows that are within 90 degrees of due south. Kent House is the only building affected, with only 2 out of 36 windows (both bedrooms where the application of standards is less significant) falling below the nominal annual levels, but 25% falling below the winter tests. The assessment identifies that the majority of these windows are either partly shadowed by the structure of Kent House itself, or at lower levels where, in an urban area, it is more likely that sunlight will be obscured by an urban grain defined by taller buildings and reduced spacing.
- 6.114 In the context of this town centre location, where even low buildings can result in transgressions due to the low height of the sun, it again is relevant to note that Kent / Medvale House enjoy current levels of sunlight primarily because the car park is open. As before, it is recognised that within urban areas the BRE standards have to be applied with a degree of flexibility, otherwise much regeneration would be stifled by poorly designed neighbouring sites. Nevertheless, it is considered that the levels of impact are not significant and do not warrant a reduction in the massing of the scheme.

Future Occupiers

- 6.115 It is an expectation that new developments will deliver acceptable amenity levels for future occupiers. As identified above, the design of the buildings seeks to limit the number of north facing single aspect apartments, thus optimising levels of natural light; which is a benefit from both an amenity and energy use perspective.
- 6.116 In terms of daylight the submitted analysis identifies that the vast majority of rooms will exceed recommended values, but that inevitably, within a large development there will be some rooms on the lower floors that have less daylight. However, the number is small and typically relates to rooms that are shared living / dining / kitchen areas, where the lower daylight levels relate to that part which is laid out as kitchen. Otherwise the report

concludes that the overall provision of natural daylight for the scheme as a whole is acceptable.

- 6.117 In terms of the proposed external amenity areas, the layout of the development, with the open area between the buildings and a reduction of height to the rear, ensures that they receive the levels of sunlight recommended by BRE.
- 6.118 The impact of traffic is also a consideration in terms of noise impacts upon the quality of life for future residents. Both daytime and evening noise surveys were conducted in order to assess conditions. The highest levels are naturally experienced on the Mote Road frontage, where ambient daytime levels of 68dB and evening levels of 60 dB were recorded.
- 6.119 Guidance advises that internal levels of 35-40dB daytime and 30 at night should be achieved. The report assesses the building specification and advises that reductions of 40dB are achievable by walls and 31-37 from windows, such that acceptable internal levels can be achieved. However, on the advice of the EHO a condition will require submission of details.
- 6.120 In addition, to ensure that cooling can be achieved without the need to open windows, mechanical ventilation will be sought on necessary facades.

Commercial Neighbours

- 6.121 Privacy is not a factor applied to commercial buildings, nor strictly speaking is natural light. However, it is noted that as the development is set well back from Romney Place, the rear facing rooms in these office buildings will receive reasonable levels of light. The proposed uses of residential and offices are compatible with the neighbouring existing office uses and so would not undermine their continued viability.
- 6.122 One neighbouring office occupier has raised concerns regarding construction impacts. Noise and associated construction activities are a matter for separate legislation. Nevertheless as part of the air quality mitigation measures proposed, the impacts of dust etc will be mitigated as far as possible, although inevitably, as with most construction projects, there will be a degree of temporary impact.
- 6.123 A hire depot abuts the site to the north east and this has recently been granted permission for a range of Class B and hire uses. It is not considered that the proposed development would adversely affect the continued commercial use of this building. Within the proposed scheme, the lower two levels are to be commercial and these would not be adversely affected. The residential accommodation from second floor upwards would be sufficiently separated to ensure no adverse impacts are experienced.

Air Quality

- 6.124 Having regard to the site's proximity to the adjacent road network and associated traffic, the site is vulnerable to the potential impact of vehicular emissions on the quality of air. In such circumstances, both the NPPF and

Policy DM6 of the Local Plan require the impact of development upon and its potential vulnerability to air quality to be assessed.

6.125 The site is partly located within an AQMA, but is a location where traffic volumes and their impacts on AQ are predicted to reduce. Nevertheless worst case modelling was undertaken to predict the levels of exposure of future residents. In terms of NO₂, the modelling indicates positive results in that levels will be below the Air Quality Objective level of 40 ug/m³, the highest predicted concentration being 36.6. The front facing balconies were also tested and the results suggest that their use would not be constrained in terms on AQ grounds.

6.126 It should be noted that these results related to the lowest level floors and that AQ improves significantly with height.

6.127 In terms of PM₁₀ concentrations, even at ground level, these would fall below the Air Quality Objectives.

6.128 The conclusion is therefore that future occupants would not be exposed to pollutant concentrations above the relevant objective levels.

6.129 With regard to the potential impact of the operational phase of the development on air quality levels, the Applicant's modelling allows for predicted traffic impacts from the development on air quality and considers this to be negligible. This takes account of a number of proposed AQ mitigation measures including:

- Setting buildings back from the road where possible
- Constrained levels of on-site parking
- Provision of a car club to enable car sharing and reduce ownership levels
- Provision of EV charging for 20% of the scheme from start-up with capacity for retro-fitting the remainder on demand.
- Provision of good quality cycle stores to exceed standards
- Provision of green infrastructure throughout the development, including biodiverse roofs and tree planting, to absorb pollution and increase deposition rates;
- Inclusion of Tobermore AirClean paving to help reduce ambient NO₂ concentrations through photocatalytic concrete technology.

6.130 Due to the dense nature of the surrounding area, adjacent sites are at risk of constructions impacts, specifically dust, but also on-site machinery (noise and emissions). The assessment identifies the risk as medium and as such mitigation measures are proposed. These will be enforced through a condition and include:

- Engagement with potentially effected neighbours in advance of works commencing.
- Preparation of construction management and dust mitigation plans.
- On-site management and complaints procedure
- Monitoring

- Dust suppression measures
- Where possible locating plant and machinery away for boundaries.

Ground Conditions

- 6.131 The Application was accompanied by a ground investigation report. This identified a limited likelihood of contamination beyond isolated areas. The EHO accepts the findings of the report and suggests conditions to monitor during construction.
- 6.132 As such the development of the site would not lead to conditions detrimental to surrounding or future occupiers.

Other Matters

- 6.133 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after. Although CIL contributions cannot be afforded weight in the decision-making process, it is estimated that for this scheme they are potentially in the region of £1.23 million.
- 6.134 Having regard to the scale and density of development and the constraints upon the site to deliver full on-site mitigation, in order to ensure that the impacts of the development are adequately mitigated, it is considered that a number of relevant off-site mitigation measures should be secured through a s106 agreement. These are namely:
- Contributions to open space and public realm enhancement
 - Biodiversity enhancement measures
 - Sustainable transport
- 6.135 These are measures that would not necessarily be funded by the CIL contributions that the scheme would generate and relate directly to the impacts of the development. In considering financial contributions, regard also has to be had to the viability of the development and the wider potential benefits that it generates, which might be lost if s106 demands rendered the development unviable.
- 6.136 In terms of off-site open space, based upon an assessment of Policy DM19 the Parks and Open Space Team estimated a requirement for 3.83 ha of open space (for a 0.4ha site) the majority of which, 2.66 ha related to semi/natural open space. They requested a contribution of £270,900 to be used for:-
- 50% Mote Park – Inclusive Play, habitat maintenance and management including access improvements and signage, maintaining and enhancing sports facilities

- 10% Collis Millennium Green - towards maintaining and improving play facilities, habitat maintenance and management
- 25% South Park – maintaining and enhancing sports
- 5% River Len Local Nature Reserve – access improvements, natural erosion management, habitat management (Officer note – this should also be expanded to include reference to the daylighting scheme)
- 5% Trinity Park – planting and habitat management Maidstone Borough Council Parks & Open Spaces
- 5% Square Hill allotments - paths, entrance and water supply improvements.

6.137 However, that request did not take account of the quantum of useable open space that the scheme is providing, which, as identified in Sections 2 and 6 above, meets a material element of the scheme’s residential amenity space requirement of circa 0.29 ha. Elements such as sports and allotments and semi-natural clearly cannot be met on-site by a town centre scheme with a very small footprint.

6.138 There is no set formula for assessing the net impact and cost of residents using wider facilities, but allowing for the % of open space met on-site, it is suggested that a contribution of £61,000 towards one or more of the above off-site open spaces would assist in managing some of the pressures generated by this development on wider amenity areas and is justified by Policy DM19.

6.139 In terms of biodiversity enhancement, the scheme delivers a number of benefits, but due to the physical constraints of the site, there are limited on-site opportunities. Policy SP1(2) (iv) requires town centre development to positively contribute to the biodiversity of, inter alia, the River Len. Policies DM3(1)(iv) and DM3(4) further allow for enhancement to take place off-site.

6.140 The Council is progressing the scheme to daylight the River Len within the town centre. This is a scheme that has the potential to deliver both public realm enhancements and biodiversity gain in close proximity to the site. It is suggested that a minimum of £30,000 of the above open space contribution be ring-fenced to this scheme (or wider Len enhancements should this daylighting element not proceed).

6.141 In addition, it is suggested that a further £7,500 be sought towards biodiverse planting/habitat creation within and adjacent to the scheme.

6.142 Encouraging sustainable modes of transport are woven into the NPPF. The scheme adopts measures to reduce the use of the private car and to encourage sustainable modes. These include cycle provision for residents and employees. However, the scheme will attract a material number of visitors to both the residential and commercial elements. It is important that alternatives to car travel are available and that the travel mode behaviour of visitors matches the aspirations for occupiers of the scheme.

6.143 Both the Local Plan’s town centre vision and Policy SP23(2) reflect this objective. The town centre cycle hire scheme and an emerging E-bike

strategy are central to schemes that the Council is evolving for the town centre. The town centre hire scheme represents a relatively low cost opportunity to raise the profile of cycling in the town centre and will provide the opportunity for people arriving in Maidstone to continue their journey by cycle within the town centre and surrounding urban area. This provides the opportunity to encourage visitors to choose a non-car mode to travel to the town, as well as providing opportunities for residents and occupiers of the development who may not own a cycle.

6.144 It is therefore suggested that a contribution of £10,000 towards this scheme be sought in order to offset what is a significant generator of trips and visitors within the town centre.

6.145 In their representations, KCC requested contributions to a pedestrian crossing on Romney Place. When the principle of redeveloping this site was originally considered, it was hoped that permeability directly through the site could be achieved, thereby creating a direct route from Mote Road to Romney Place. However, due to third party land issues, this has not been possible and therefore it is not considered that this request is now justified, as pedestrian movements between the site and the main retail area/bus station are likely to be dispersed around existing pavements.

PUBLIC SECTOR EQUALITY DUTY

6.146 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

7.01 The Application Site represents a highly sustainable town centre site that well located to services and public transport. It is both a Local Plan Site Allocation and an identified regeneration priority. The early delivery of the scheme will assist in developing further interest in the town centre.

7.02 The proposed development responds positively to both the Site Allocation Policy and the Council's subsequent planning brief.

7.03 The level of office floorspace falls below the target, but it has been demonstrated that this has been optimised having regard to the physical constraints of the site, viability considerations and the need to ensure that other site specific aspirations are secured in a balanced manner.

7.04 Nevertheless, the proposed commercial space is well designed and would accommodate a significant number of new jobs, potentially in excess of 100.

7.05 The proposed apartments will deliver good quality accommodation and the mix will make a significant contribution to the need identified for this area.

7.06 The design is of a high quality and there are significant benefits in terms of improvements to the public realm and new town centre tree planting and landscaping. The landscaping scheme has been design to optimise the

biodiversity potential of the site and will make further significant contributions to nearby schemes.

- 7.07 The building incorporates low carbon technology for heating and cooling and the building design and fabric aim to significantly exceed Building Regulation requirements.
- 7.08 Measures to reduce dependency on traditional car use include a car club, EV charging and travel plan.
- 7.09 There will be less than significant harm to the listed Romney Terrace, but this is considered to be outweighed by the significant public benefits arising from the development. Other modest impacts identified in the preceding assessment can be mitigated through conditions and s106.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject:

- Delegated powers to resolve design detail listed in para 6.47 / condition 7
- The prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

S106 Heads of Terms

- A contribution to off-site open space / public realm enhancement measures of £61,000, with £30,000 ring-fenced to River Len enhancements within the vicinity of the town centre
- A contribution of £7,500 towards biodiverse planting/habitat creation in the River Len, with a priority given to the Palace Avenue daylighting scheme
- A contribution of £10,000 towards sustainable transport improvements in the town centre, with priority given to the proposed cycle hire / e-bike scheme
- An affordable housing viability review clause should the development have not been substantially implemented within 24 months of the date of planning permission

Proposed Conditions

Time Limit

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

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

Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

6755_D1000 Site Location Plan
6755_D1100 Existing Site Plan
6755_D1101 Shandon House, Existing Plans and Elevations

6755_D2099 Proposed Lower Ground Floor Rev 01
6755_D2000 Proposed Ground Floor Rev 01
6755_D2001 Proposed 1st Floor Rev 01
6755_D2002 Proposed 2nd - 5th Floor Rev 01
6755_D2006 Proposed 6th - 8th Floor Rev 02
6755_D2009 Proposed 9th - 11th Floor Rev 02
6755_D2012 Proposed Roof Plan Rev 02

6755_D2199_A Blocks A & B, Proposed LGF Plan, Sheet 1 of 2 Rev 01
6755_D2100_A Block A, Proposed Ground Floor Plan Rev 01
6755_D2101_A Block A, Proposed First Floor Plan Rev 01
6755_D2102_A Block A, Proposed 2nd - 5th Floor Plan Rev 01
6755_D2106_A Block A, Proposed 6th - 8th Floor Plan Rev 02
6755_D2109_A Block A, Proposed 9th - 11th Floor Plan Rev 02

6755_D2199_B Blocks A & B, Proposed LGF Plan, Sheet 2 of 2 Rev 01
6755_D2100_B Block B, Proposed Ground Floor Plan Rev 01
6755_D2101_B Block B, Proposed First Floor Plan Rev 01
6755_D2102_B Block B, Proposed 2nd - 11th Floor Plan Rev 01

6755_D2500 Section AA Rev 01
6755_D2501 Section BB
6755_D2502 Section CC Rev 01

6755_D2700 North and South Proposed Elevations Rev 02
6755_D2701 East and West Proposed Elevations Rev 02
6755_D2702 East Elevation (Block A), West Elevation (Block B) Proposed Elevations Rev 02

Topo Survey Drg 01 June 2019

HW&Co Landscape Masterplan Issue 9 Nov' 2020
0276-20-B-1A LPP Ground Floor Landscaping

0276-20-B-2D LPP Roof Landscaping

Redmore Environmental Air Quality Assessment Reference: 3144r2 23/11/20

Sharps Redmore Acoustic Planning Report Rev D 25/11/20

GEA Desk Study & Ground Investigation Report J19176 Issue 2 November 2020

GTA Civils Flood Risk Assessment & Drainage Strategy v3 06/11/20

Blue Sky Ultd Sustainability & Energy Statement 24/11/20

Reason: To clarify which plans and technical / environmental details have been approved.

Archaeology

- 3) Prior to the commencement of development the applicant shall secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Contamination

- 4) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority:

A site investigation, based on the submitted ground investigations report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 5) A Closure Report shall be submitted for approval by the Local Planning Authority upon completion of the approved remediation works. a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

Use

- 6) Unless the prior written approval of the Local Planning authority has been obtained pursuant to this condition, the commercial uses at ground and first floor of the buildings hereby approved shall only used for purposes defined as offices and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: To ensure that the commercial element delivers the specific requirements of the site allocation policy.

Elevation Details

- 7) Notwithstanding the drawings hereby approved, the construction of the development shall not commence above slab/podium level until further details of the ground floor façade treatment and upper floor levels of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The details shall include an increased emphasis upon Ragstone to the commercial facades and a more robust upper level/s elevation.

Reason: To ensure a satisfactory appearance to the development.

Material Samples

- 8) The construction of the new build apartment blocks shall not commence above slab/podium level 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 by the Local Planning

Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

Energy

- 9) Prior to the first occupation of the scheme, a verification report shall be submitted to and approved by the LPA confirming the installation of the energy performance measures set out in the [insert name of report]. The report shall confirm the physical details and energy performance of air source heat pumps and building fabric specification and any other measures that minimise energy use All renewable energy systems shall thereafter be retained and maintained in a working order.

Reason: In the interests of ensuring that the building contributes positively to climate change.

EV Charging

- 10) EV charging facilities shall be provided in accordance with the following schedule:

10 active

37 passive

All Electric Vehicle chargers provided for homeowners shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection).The electric vehicle charging points as approved shall be installed prior to first occupation of the related buildings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles

Hard Landscaping

- 11) The works shall not commence above slab/podium level until details of hard landscape works (where possible virtual samples) have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

Soft Landscape Scheme

- 12) All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season (October to February) following first use or occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or

become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Biodiversity

- 13) The development hereby approved shall not commence above slab level until further details of the biodiversity enhancement measures outlined in the approved landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure that the ecology and biodiversity details shown in the landscaping scheme are implemented to an acceptable standard.

Acoustic Protection

- 14) The development hereby approved shall not commence above slab/podium level until a scheme has been submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within all proposed residential units (both new build and listed building conversion) will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, Local Planning Authority. The scheme shall be carried out as approved prior to the first occupation of the relevant residential unit and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

- 15) The development hereby approved shall not commence above slab/podium level until, details of measures to provide mechanical ventilation to the habitable rooms fronting highways (and any other elevations as may be necessary) has been submitted to and approved by the local planning authority. Such measures shall demonstrate that clean air can be drawn in and served to the relevant rooms. Such equipment shall be maintained to an operational standard thereafter.

Reason: The front elevation lies within an air quality management area where natural ventilation would not deliver an acceptable quality of air or amenity for future occupiers.

Parking/Turning Implementation

- 16) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the first occupation of the 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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access thereto.

Reason: In the interests of road safety.

External Lighting Strategy

- 17) Any external lighting installed on the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of visual amenity

Plant and Ducting Systems

- 18) There shall be no external plant (including ventilation, refrigeration and air conditioning) or ducting system except in accordance with details that must be submitted to and approved by the Local Planning Authority pursuant to this condition. The details must include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction For Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever operating. The development shall be carried out in accordance with the approved details and no further plant or ducting system shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and aural amenity.

Air Quality

- 19) Prior to the first occupation, a verification report shall be submitted including a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.

The calculation should include:

- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);

- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality. Details shall be submitted to show the mitigation measures funded by the DCC, including renewable energy saving, travel plan, non car travel opportunities, EV charging.

Reason: In the interests of ensuring that the development mitigates its impact on local air quality.

Travel Plan

- 20) Prior to occupation a Travel Plan and a timetable for its implementation shall be submitted for approval by the Local Planning Authority. The approved Travel Plan shall be registered with KCC Jambusters website (www.jambusterstpms.co.uk). The applicant shall implement and monitor the approved Travel Plan as approved, and thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period

Reason: In the interests of environmental sustainability.

Car Club

- 21) Prior to the first occupation of the development the proposed car club shall be brought into operation in accordance with details previously approved by the local planning authority. Such details to include, but not limited to:
- location of car club bay
 - details of operator (including fallback)
 - vehicle/s type
 - contract length,
 - membership scheme,
 - charging structure /discounts, etc

Reason: In the interests of environmental sustainability.

Access

- 22) The approved details of the access point to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

SUDS

- 23) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report by GTA Civils (November 2020). The submission will also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.
- 24) The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 25) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets

and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Construction Management

26) Prior to the commencement of development, including site clearance and excavation, a Construction and Pollution Management Plan shall be submitted to and approved by the Local Planning Authority and shall include the following:

- Routing of construction and delivery vehicles to / from site.
- Measures for managing vehicle arrival and avoidance of queuing.
- Parking and turning areas for construction and delivery vehicles and site personnel.
- Provision of wheel washing facilities.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Dust suppression measures
- Noise management measures, including location of construction plant.

Reason: In order to ensure that an acceptable level of mitigation of construction impacts, including potential air quality impacts is secured and to avoid disruption to the local highway network.

Case Officer: Austin Mackie