

<b>REFERENCE NO - 20/504416/FULL</b>	
<b>APPLICATION PROPOSAL</b> Demolition of the existing building and erection of a four storey building consisting of 19no. residential units, together with associated access, parking cycle store and infrastructure.	
<b>ADDRESS</b> 8 Tonbridge Road Maidstone Kent ME16 8RP	
<b>RECOMMENDATION</b> Grant permission subject to the s106 Heads of Terms and Conditions set out below.	
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The site is allocated for residential development in the Local Plan. The site is highly sustainable, being located close to the town centre and with good access to public transport. The scale of development proposed is acceptable and the design is considered to be of an acceptable quality. The Council's consultants have confirmed that the site cannot deliver affordable housing. An agreed approach has been reached for off-site mitigation in respect of open space, biodiversity and sustainable transport.	
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ward Councillor call-in.	
<b>WARD</b> Bridge	<b>APPLICANT</b> Drake & Fletcher <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 30/04/21	<b>PUBLICITY EXPIRY DATE</b> 29/10/20

### Relevant Planning History

90/0318 - Outline application for demolition of existing and erection of new offices with associated parking – Approved - 14.06.1994

01/1310 – Access onto Tonbridge Road – Approved 13.09.2001

01/1771 - Amendments to allow vehicles to enter and exit the car park via the rear entrance at all times without restriction – Approved 14.01.2002

13/1199 - Change of use of part of first floor from storage use to leisure (class D2) – Approved 21.11.2013

In addition to the above applications, the site was allocated for residential development in the 2017 Local Plan

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The site lies on the western fringe of the Town Centre close to Maidstone West Railway Station. This is considered to be a highly sustainable location with good access on foot or cycle to a range of services. A large number of bus services are accessible within a short walk from the site and National Cycle Route 17 passes just to the north of the site.
- 1.02 The surrounding area contains a mix of uses, including commercial, retail, leisure, healthcare and residential. The site itself is very small at circa 0.12 ha and currently comprises a retail store (Bathstore) at ground floor with a fitness use at first floor. A surface car park provides some 28-30 un-marked spaces for staff and customers, with access directly off Tonbridge Road; which at this location is one-way westbound.



- 1.03 Opposite the site residential developments are under construction at both Nos. 3 and 5 Tonbridge Road, the former rising to 6 storeys.
- 1.04 The existing building is not considered to make a positive contribution to the character or appearance of the area. The forward part is utilitarian in appearance with a modern shopfront and visually dominant signage.
- 1.05 The surrounding area is characterised by a wide range of building forms with no dominate style. The better buildings are the traditional brick 'houses' that lie to the immediate west of the application site, with some much poorer buildings opposite, including those under construction.



## 2. THE PROPOSAL

- 2.01 The proposal seeks to demolish the existing retail/leisure building and erect a part three part four storey building to provide 19 apartments, with 14 parking spaces, two of which will be EVC from first occupation. 20 cycle parking spaces are proposed within a secure store area. Access will be from Tonbridge Road, via an alteration to the existing crossover.
- 2.02 The proposed unit mix is 6 No. 1-bed apartments and 13 No. 2-bed apartments.
- 2.03 The broad form of development follows the existing, with the building frontage located on the forward, eastern part of the site. The proposal building will cover a greater portion of the site frontage than currently exists and move the parking spaces to the rear where they are screened.
- 2.04 The proposed building will reinstate the street frontage with it's scale designed to respect neighbours, whilst managing what is a relatively steep gradient up the hill.



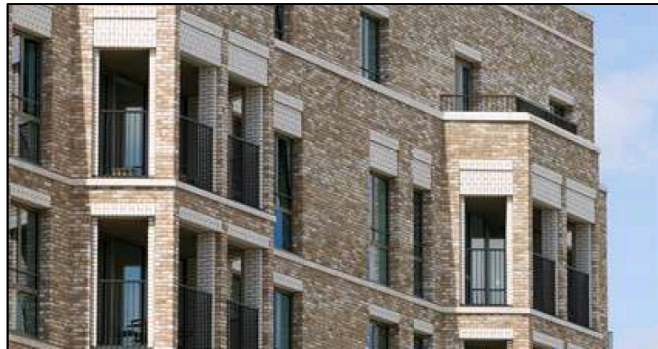
- 2.05 The proposed design (by Maidstone based architects GDM) is contemporary, but takes strong traditional references in terms of both form and materials. Brickwork will have a predominantly brown tone, which has been successfully executed on new houses opposite at No.5. The roof is set back with a light grey zinc finish. White stone strike courses and detailing provide further interest to the elevation detail.



Architects Proposed CGI



- 2.06 The design and access statement identifies a number of design references for the scheme, including this image.



South Gardens, Elephant Park by Maccreanor Lavington Architects

Members who attended the 2019 design tour to London will recall that the South Gardens scheme at Elephant Park was well received in terms of overall detail and quality of finish.

- 2.07 The proposed site layout reflects the site's existing urban context. The existing tree in the rear corner of the car park is retained, whilst planting beds are suggested to both the front and rear.
- 2.08 Officers did seek to explore the scope to set the building back and provide tree planting to the front, however, it was agreed that this would result in a less successful resolution of the existing street edge.

### 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.
- 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.
- Policy H1(15) - 6 8 Tonbridge Road Site Allocation – residential development of circa 15 units.
- DM1 Design quality – new development should, inter alia, respect local character in terms of, for example, height and scale.
- DM2 Sustainable design – promotes a fabric first approach.
- 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.

- 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.

#### **4. LOCAL REPRESENTATIONS**

- 4.01 No representations were received from local residents or businesses.
- 4.02 Councillor Purle requested that the application be referred to Committee should officers be minded to recommend on the grounds that *"As you might imagine, the good people of Maidstone Bridge are particularly concerned about the loss of their historic 'bathstore'. And more flats."*

#### **5. CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

##### KCC LLFA

- 5.01 No surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

##### MBC Parks and Open Spaces

- 5.02 As the proposed site contains 19 residential dwellings there would be a requirement of 0.29 hectares of meaningful on-site open space within this development. As the application documents do not indicate any on-site open space, it is requested that a contribution of £1,575 per property is made for off-site improvements or maintenance to existing open space. 19 units x £1,575 per unit = £29,925.00 off-site contribution.

##### Kent CC

- 5.03 Highlighted the financial contributions that would have been sought were CIL not in place.

##### Scotland Gas / Southern Water

- 5.04 No material comments

##### Mid-Kent EHO

- 5.05 No objection subject to conditions

##### Air Quality

MBC has undertaken diffusion tube monitoring at this location for a number of years and has not measured any exceedance of the NO2 annual mean objective. We would therefore expect air quality on site to be suitable for residential purposes and this is confirmed by the air quality assessment submitted with the application.

Nevertheless, the development is in a town centre location and is partially within an AQMA. The height of the building will, to some extent, prevent pollution from the road dispersing. Whilst this would not be disastrous, we would advise that if the applicant were able to move the position of the proposed block further back from the road, even a short distance, this would be beneficial both for the residents of the new development and to help to minimise the impact of the building on the surrounding area.

We would also request conditions for EV charging points and low NOx boilers

#### Noise

The acoustic assessment submitted with the application has shown that in order for the relevant noise standards to be met, a noise mitigation scheme including mechanical ventilation will be required. We would therefore recommend the attachment of a noise condition to any consent given to this application.

#### Kent Police

- 5.06 Confirm that if certain Secure by Design / CPTED requirements listed below are formally secured by Planning Condition then we, on behalf of Kent Police have no objection to its approval.

#### KCC Highways

- 5.07 Detailed representations were submitted, the major element of which queried the Applicant's assessment of the existing lawful use and associated trip generation (Officer Note – whilst the existing use is as a non-food retail showroom, the site benefits from open retail use, therefore the Applicant was correct to outline the worst case potential use of the existing site.) Nevertheless, KCC Highways advise that subject to conditions, no objection is raised:

Trip Generation - the likely impact on trip generation from these proposals is forecasted as no change in the AM peak and a net reduction of 15 two-way vehicle trips in the PM peak. It can therefore be reasonably concluded that these proposals would not result in any significant detriment to highway capacity.

Access – the applicant demonstrates that suitable visibility splays can be achieved. Segregated pedestrian and cycle access is welcomed.

Parking - provision of less than one space per unit is acceptable, and even encouraged, in town centre locations where there is a high propensity towards sustainable and active transport modes and relatively high levels of congestion on the local highways network. This is because it encourages reduced levels of car ownership and therefore reduces the impact of development on congestion, road safety and pollution.

Manoeuvring – details of a typical van turning were requested (Officer note – these have since been provided)

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration by Members relate to:

- The Principle of Development
  - Residential
  - Affordable Housing
- Design / Open Space / Amenity
- Highways and Sustainable Travel
  - Trip Generation, Access, Parking, Sustainable Transport
- Surface Water / Flood Risk
- 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 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 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.
- 6.05 Policy SP1 seeks to deliver the 'Spatial Vision' set out in the Local Plan and states that sustainable growth should seek to ensure that development is of a high quality design and makes a positive contribution to the area.
- 6.06 It is considered that the site is located within a highly sustainable location with easy non-car access to a wide range of services and amenities. The location also offers access to a range of public transport options, with both bus and rail connections in close proximity to the site.
- 6.07 The site allocation for housing under H1 (15), which recognises that this is a sustainable brownfield site and thus 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's principles of sustainable development.

### Residential

- 6.08 The delivery of new homes to meet local needs is both an MBC and Government priority. The site allocation, although modest in scale, 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.
- 6.09 The principle of residential development and the optimisation of the site therefore accords with policy SS1 and will make a meaningful contribution to the Council's sustainable spatial strategy. The proposed mix of one and two bedroom units is considered to be appropriate to this location.

### Affordable Housing

- 6.10 The Local Plan reflects the expectations in the NPPF that housing development will contribute to the needs of the area and states that within the urban area (Policy SP20) a target of 30% affordable housing is sought.
- 6.11 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...*".
- 6.12 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?
- 6.13 The Applicant has submitted a VA which suggests that the scheme cannot sustain affordable housing.
- 6.14 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.

- 6.15 The Council's consultants note that the Applicant suggests that even with no affordable housing, the development generates a residual land value of (minus) -£513,581 which is suggested to be £1,113,581 (the deficit) below the Benchmark Land Value (BLV) of £600,000.
- 6.16 Our advisors reviewed the submitted VA and suggested a number of variations to the principal assumptions, for example:
- The private residential values were adjusted in accordance with market evidence.
  - Build costs were adjusted in line with current BCIS averages and reduced external and associated works costs.
  - Disposal fees were reduced to reflect industry standard assumptions.
  - A lower benchmark profit level for the private element of the scheme was set at 17.5%, reflecting the relatively low risk of this development..
- 6.17 The Consultant's concluded that the scheme as appraised with 0% affordable housing would generates a residual land value of -£94,457, which is £694,457 (the deficit) below the BLV of £600,000.
- 6.18 The Council's Assessment is therefore that whilst an affordable housing contribution cannot viably be provided by the proposed scheme in the current market, our view is that there is a circa £421,000 variance from the Applicant's figures.
- 6.19 Whilst the Council recognises that affordable housing review clauses can potential adversely impact upon regeneration schemes, in this instance, with the potential for future market conditions to change positively, a review mechanism should be included within a Section 106 agreement, in order to account for any changing market conditions across the scheme's development programme.

### **Design / Open Space / Amenity**

- 6.20 The NPPF recognises that good design is a key aspect of sustainable development. Recent Government announcements have sought to raise the importance of design and therefore support the aspirations of MBLP DM1.
- 6.21 Whilst this is in effect a small 'infill' site, the quality of building design proposed and the detail in the materials is considered to be very good and would enhance the contribution of this site to the character and appearance of the area.
- 6.22 The scale and massing is considered to be acceptable in terms of the street scene as a whole and will not detract from the setting of adjacent buildings. There are no heritage assets whose setting would be affected.
- 6.23 The landscape and open space offer from the scheme is somewhat limited. Officers have investigated options with the Applicant, for example, altering layout to allow further street frontage planting or reducing car parking to allow more open space to the rear. However, it was agreed that due to the small scale nature of the site and the preference for a strong building frontage, on-site opportunities for open space would be limited. For example, reducing the level of car parking to provide a small increase in open space would not necessarily generate amenity space that would be attractive or beneficial to residents, nor offer other meaningful environmental benefits
- 6.24 As a central urban and small site with limited flexibility, the preference is to manage open space needs through the enhancement of open space off-site. The Parks and Open Spaces team have identified potential opportunities for off-site enhancement and these are identified below. The Applicant has agreed to fund these.
- 6.25 The site in its present form offers no ecological value. Due to the small scale nature of the site and the limited capacity for landscaping, opportunities for biodiversity enhancement on-site are limited. That said, the response of the application to biodiversity enhancement is somewhat lacklustre with reference to generic bird, bee, bat boxes etc. Again, whilst the opportunity of the site is limited due to its size and location, a condition is proposed seeking a more imaginative biodiverse approach to the on-site landscape areas.
- 6.26 Further, as with open space, it is considered that this site offers the opportunity to make a more effective biodiversity enhancement off-site and this would be appropriate recognising that the application delivers a sustainable site allocation.
- 6.27 Within the amenity 'envelope' and having regard to the central urban location of the site and the level of traffic passing the site, both noise and air quality are relevant considerations, specifically in terms of their potential impact on the quality of the proposed residential accommodation.
- 6.28 In terms of air quality, both the NPPF and Policy DM6 of the Local Plan require both (i) the impact of development upon and (ii) its potential vulnerability to air quality to be assessed.

- 6.29 The site frontage lies within the wider AQMA that covers the principal highway routes from the Town Centre. The Application is accompanied by an AQ assessment. This assessment identifies that NO<sub>2</sub> limits will not be exceeded in this location and PM<sub>10</sub> only twice per annum compared to the permitted 35 exceedances in any one year.
- 6.30 A damage cost calculation has been carried out which estimates a 5 year cost of £14,103. This identifies the level of mitigation that should be provided. Measures to reduce particle generation include, EV charging provision, use of renewable energy generation, a travel plan and measures to encourage cycling. On this basis, adequate measures will be employed to manage potential AQ impacts such that no adverse impacts would arise.
- 6.31 The EHO raise no objection but suggest that mechanical ventilation is sought on the front elevation, which will be secured through condition. As detailed above, the EHO's suggestion of setting the building further back from the road was considered, however the AQ benefits would not have been significant and this approach would have resulted in other compromises to the scheme which would have outweighed the negligible benefit.
- 6.32 With regard to potential noise impacts, which in this location relate principally to traffic and nearby commercial uses, the assessment identifies that the proposed building and glazing specification will be sufficient to mitigate impacts, but that mechanical ventilation will be required in order that residents do not have to rely upon opening windows.
- 6.33 In summary, it is considered that despite the site's urban location, with the application of suitable mitigation, acceptable living conditions can be achieved in accordance with Policy DM1.

### **Highways and Sustainable Travel**

- 6.34 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.
- 6.35 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.

- 6.36 The development manages the overall level of car parking to less than one space per unit and offers an initial EV provision. It is recommended that a condition is imposed ensuring latent provision across the whole scheme to ensure that residents are not deterred from purchasing EV.
- 6.37 The proposed cycle provision is acceptable for residents. In addition, the Applicant has agreed to provide a financial contribution to support the town centre cycle hire scheme and this is considered to be a positive element to enhancing the sustainability of the scheme.
- 6.38 KCC confirm that they accept the access and parking arrangements and the Applicant has responded to the request to reduce the level of parking by one space to ensure that adequate space is available on-site to allow service vehicles to manoeuvre.
- 6.39 To conclude, this is a highly sustainable location for new housing, the scheme raises no objections in terms of access and traffic impacts and is considered to comply with policies SP21 and 23. The contribution to the town centre cycle scheme will promote sustainable travel opportunities for both residents of and visitors the scheme.

### **Surface Water and Flood Risk**

- 6.40 Whilst KCC requested a strategy before permission were granted, having regard to the fact that this location is not identified as a flood risk area, that it is a fully developed site covered with buildings and hard surfacing, with no existing SUDS measures; it is considered appropriate that future sustainable surface water drainage can be managed through a condition.

### **Other Matters**

- 6.41 The applicant has agreed to condition seeking the installation of bird, bee, bat and swift accommodation and this will be sought through a condition. Similarly the Applicant has agreed to a condition seeking the installation of PV on the roof of the building, where it will not be visible from street level.
- 6.42 In order to mitigate the absence of useable on-site green amenity space for residents, as required by Policy DM19, the Applicant has agreed to make a contribution to both off-site and biodiversity enhancements. This site is considered to be an appropriate location where off-site enhancements would deliver greater net benefits.
- 6.43 In addition to local open space enhancements as suggested by the Parks, team, the opportunity exists to contribute to the daylighting of 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. 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. The applicant has agreed to a joint open space and biodiversity contribution of £30,000 , allowing the Council to determine which schemes

this funds, but clearly the Len daylighting is an opportunity for this scheme to support alongside local recreational areas.

- 6.44 As part of the transport and air quality mitigation package, the scheme makes provision for on-site cycle storage, with provision of a little over one space per unit. Both the Local Plan's town centre vision and Policy SP23(2) encourage sustainable modes of transport in and around the town centre. The site is located close to Maidstone West, where a proposed hub for the town centre cycle hire scheme is proposed. The town centre cycle hire scheme is central to the Council's town centre strategy. 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.
- 6.45 The applicant has agreed a £2,500 contribution to this initiative as part of the overall package of AQ and transport mitigation.
- 6.46 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.

### **Public Sector Equality Duty**

- 6.47 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 site is allocated for residential development in the Local Plan and the scheme accords with this objective. This is a sustainable location for residential development, with good access to services, amenities and public transport.
- 7.02 The design is good quality and will enhance the character and appearance of this part of the town centre.
- 7.03 Acceptable living conditions can be achieved and the scheme provides adequate mitigation to enhance local open space that will be accessible to residents.

## 8. RECOMMENDATION

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

- 1) A contribution to off-site open space / public realm enhancement measures and biodiverse planting/habitat creation of £30,000
- 2) A contribution of £2,500 towards sustainable transport improvements in the town centre, with priority given to the proposed cycle hire / e-bike scheme and the imposition of the conditions as set out below:

### **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:

*[insert approved list and reports]*

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

#### Contamination

- 3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;



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.

#### Material Samples

- 4) The construction of the new build apartment blocks shall not commence above slab/podium level until written details and virtual 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.

#### Renewable Energy

- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

#### Landscaping

- 6) The works shall not commence above slab/podium level until details of both hard and soft landscape works 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.

- 7) 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.

#### Biodiversity

- 8) The development hereby approved shall not commence above slab level until further details of biodiversity enhancement measures 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

- 9) 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.

- 10) 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

- 11) 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.

#### Air Quality

- 12) Prior to the first occupation, a verification report shall be submitted to and approved by the local planning authority detailing the mitigation measures and their respective costing in response to the Quality Damage Cost Calculations with the submitted [insert ref] report dated.....

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

#### Travel Plan

- 13) 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](http://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.

#### Access

- 14) 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

- 15) The development hereby approved shall not commence above slab level until a surface water drainage scheme for the site based on sustainable drainage principles has been submitted to and approved by the local planning authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves to manage surface water on site. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design feature. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

Case Officer: Austin Mackie