

APPLICATION: MA/09/1563 Date: 25 August 2009 Received: 28 August 2009

APPLICANT: Maidstone Housing Trust

LOCATION: PARK AND RIDE, COOMBE QUARRY, ARMSTRONG ROAD,
MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Planning application for erection of 12 self contained flats and 23 houses including access and associated works in accordance with plans numbered 0831/PL004 Rev A, 0831/PL006 Rev A, MHS024/09-020 received on the 11 December 2009, plans numbered 0831/PL203, 0831/PL202, 0831/PL127, 0831/PL124, 0831/PL123, 0831/PL122, 0831/PL121, 0831/PL120, 0831/PL004 and design and access statement, marketing report, tree survey, ecology report, noise impact assessment, transportation report, energy strategy, received on the 28 August 2009, preliminary risk assessment received on the 8 September 2009, geo environmental site investigation, received 12 October 2009 and green travel plan received 11 December 2009.

AGENDA DATE: 14th January 2009

CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by the neighbouring Parish Council
- It is upon land owned by Maidstone Borough Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
South East Plan 2009: CC4, NRM11, T4, CC1, T4, H5, W1, W6, BE1
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS9, PPG13, PPS23

HISTORY

There is no planning history directly relevant to this planning application. However the following planning history upon the neighbouring sites is of some relevance: -

South Park Business Village

- MA/89/1135 Outline application for approx. 130 000 sq.ft. of units for Class B1(B) B1(C) B2 B8. APPROVED.
- MA/89/1138 46 Starter Units Class Us B1(b) B1(c) and B2 B8; plus a Park and Ride facility for 250 cars. APPROVED.

Lacock Gardens/Tattershall Road

- MA/98/1395 Outline application for residential development including engineering works to fill and level site to surrounding contours, at a minimum density of ten dwellings per acre. APPROVED.
- MA/99/1725 Erection of 156 residential units inclusive of public open space and engineering works to fill and level site to surrounding contours. APPROVED.

1.0 CONSULTATIONS

- 1.1 **The Environment Agency** were consulted and initially raised an objection to this proposal, but have subsequently withdrawn their objection subject to the receipt of the Flood Risk Assessment. This has now been submitted to the Environment Agency.
- 1.2 **Kent County Council Highways Authority** were consulted and have raised no objections to this proposal, subject to the receipt of a suitable green travel plan, and the imposition of the safeguarding conditions as set out at the end of this report. The conditions include provision to ensure that parking spaces are provided and thereafter maintained, and the suitable provision of bicycle storage throughout the development.
- 1.3 **EDF Energy** were consulted and raised no objection to this proposal.
- 1.4 **Southern Water** were consulted and raised no objection to this proposal subject to the imposition of suitable safeguarding conditions.
- 1.5 **Southern Gas Networks** were consulted and raised no objections to this proposal.
- 1.6 **Kent Police** were consulted and raised no objections to the proposal.

2.0 INTERNAL CONSULTATIONS

- 2.1 **Maidstone Borough Council Landscape Officer** was consulted and raised no objections to this proposal: -

- 2.1.1 'A tree survey was undertaken by Duramen Consulting (ref 940) and it was noted that there were no trees within the site, therefore no constraints were placed on the site.
- 2.1.2 The lay out of the site as indicated that there will be meeting points and this will be a good opportunity to plant species of trees which will become focal points. Whilst it is desirable to have trees with distinctive features such as good autumn coverage or distinctive bark but as this an urban environment additional factors have to be considered such spatial constraints, maintenance costs (leaf litter) and what effect they will have if placed in small confined areas.
- 2.1.3 The development has been divided into two areas: Core area ie areas of high activity such as street entrances, frontages and feature trees in nodal areas which consist of semi mature trees; and infrastructure planting forming green links, extra heavy standard trees. Both sizes will help create an immediate effect on the new development and will help soften the impact.
- 2.1.4 The site and design access statement currently proposes that semi mature Pyrus Calleryana Chanticleer to be planted within the core areas. Whilst this species are suited to the urban environment there is a danger of creating a monoculture by planting one species. This has its disadvantages in that they will have the same life span and will therefore all decline at the same rate resulting in large scale loss of the tree cover.
- 2.1.5 The proposed species for the infrastructure are considered adequate; in particular Field Maple, Silver Birch, Ash and Alder are all consider good species when it comes to air quality within the urban environment. Other species which are consider good are Larch, Norwa Maple and Scots Pine.
- 2.1.6 Whilst the proposed landscping adequate consideration should be given to diversifying the species of trees within the core area.

2.2 Maidstone Borough Council Parks and Open Space Officer has made no comment upon this application.

***Officer Comment:** No comments have been received due to the previous officer leaving their post. It should be noted that a request was made for the provision of parks and open space contributions within the previous application.

2.3 Maidstone Borough Council Housing Officer raised no objections to this proposal.

2.2 Maidstone Borough Council Environmental Health Officer made the following points: -

2.2.1 'A noise impact assessment by MLM Environmental, ref DMB/731233/R1, has been received with this application. Environmental Health accept the validity of this report and its conclusions that some mitigation will be required; the recommendations of this report should therefore be followed. The site is situated directly over an old land fill site and there are potential contaminated land and land-fill gas issues. No contaminated land report appears to have been received yet, but Environmental Health is aware that RSK have been commissioned by MHT to undertake a site investigation. This is a large scale development and the site is within the Maidstone Town Air Quality Management Area, but I do not anticipate that the extra number of vehicle movements likely to be generated (by this development alone) will significantly affect congestion in the area and hence air quality. Neither is the site close enough to known pockets of poor air quality for future residents to be likely to be exposed to poor air quality, so I do not consider that an air quality condition should be required in this particular case. Any demolition or construction activities are likely to effect local residents.'

2.5 Tovil Parish Council, who neighbour the site were notified and objected to the application on the following grounds: -

- 'Layout for disabled parking shows inadequate space around the bays;
- This is an over-intensive development of the site and the buildings look like prison blocks;
- The adjacent MBC Depot site is providing sufficient flat accommodation, therefore no further flats are needed on this site. There is a local shortage of larger houses and Tovil Parish Council recommends that this site be used for further larger properties/houses and not more flats;
- Design should follow brick colours of existing properties within Armstrong Road; this should be of a stock brick or similar;
- There is a need for an adequate safe communal space, away from parking areas, where residents can congregate with seated areas, or be peaceful by themselves;
- Transport Assessment: parking spaces do not accord with KCC parking standards as set out in the transport document by the developer;
- Every development in this area has created additional parking problems by only providing one space or less per property, which has created overflow parking problems in neighbouring streets, causing horrendous traffic problems;
- Overall, Tovil Parish Council recommends refusal of this planning application.'

3.0 REPRESENTATIONS

3.1 Neighbouring occupiers were notified and fifteen letters of objection have been received. The concerns raised within these letters were: -

- The impact upon the residential amenity of the neighbouring occupiers in terms of overlooking and the creation of a sense of enclosure;
- Would prefer no development on the site – rather have open space with trees;
- Reduction of natural light into the neighbouring residential properties;
- The proposal is not in keeping with the area;
- There would be an increase in traffic due to the development;
- Insufficient parking provision within the development;
- Smell and disturbance from the bin storage areas;
- Access to the southern most properties is not appropriate;
- A better bus service is needed if this is to be improved;

4.0 CONSIDERATIONS

4.1 SITE DESCRIPTION

4.1.1 The application site is located on the east side of Enterprise Road, behind an existing commercial unit (a brick built structure, with a shallow pitch roof) and associated car parking area. This site was previously used as a park and ride site for Maidstone Borough Council, and still lies within the Council's ownership. The use for park and ride ceased on this site some months ago, and it has been disused since. It is considered to be a relatively sustainable site, some 1km from the town centre of Maidstone, with a bus stop located within Armstrong Road, close to the application site.

4.1.2 The site is L-shaped, although the southern projection is significantly more narrow than the easterly. In total the site measures some 0.6 hectares, and given that 35 units are proposed, the development would be at a density of 58 units per hectare.

4.1.3 The site is relatively flat, although the land does fall away significantly beyond the eastern boundary of the site, by approximately 2-3metres. It is at this eastern point that a flat development has been constructed, which itself is an L-shape, with parking provision located to the south-east. This flat development is two and three storey in height, and of a relatively traditional brick built, with pitched roof construction.

4.1.4 Adjoining the site

4.1.5 To the south of the site are two rows of terraced properties (a row of three, and a row of four. These units form part of the development that also lies to the west of the application site, which again is of a relatively traditional form – with two storey dwellings in situ.

- 4.1.6 To the south and east of the application site is South Park, which contains a play area, and numerous sports pitches. Access to this open space is proposed to be created within the application site.
- 4.1.7 There are no trees within the application site, nor to the front of the site. The site is currently bounded by existing fences.

4.2 PRINCIPLE OF DEVELOPMENT

- 4.2.1 The policy background to this development is clearly set out above. This application is for the erection of residential properties upon what appears visually as previously developed land (brownfield) and within the urban confines of Maidstone. The site had been used for some time as a park and ride car park, and still retains the hardstanding and other paraphernalia from that use.
- 4.2.2 This site has housing to the west, south and east (and with another application in for the land to the north-west pending), and is within a sustainable location, being only just over 1km from the town centre, and close by to shops, and schools, and, as such is considered to fit within the existing urban grain, and therefore in broad terms, be acceptable.
- 4.2.3 Members should be aware that this proposal is linked with application reference MA/09/1652 which is for the land at the former depot site in Armstrong Road, in that the same applicant is applying, at it would be likely that the two developments would be built out at a similar time.

4.3 PROPOSAL

- 4.3.1 The proposal is for the erection of 35 residential units, together with parking areas, and landscaped areas. The site is accessed from the roundabout at the junction of Lacock Gardens and Enterprise Road, on the north west corner of the site (where the park and ride was previously accessed).
- 4.3.2 On either side of the access, immediately as one enters the site, would be an area of landscaping containing both low level landscaping, and signature trees. On entry, the road would split in two, with an area of parking to the south (with a dwelling behind) and the access road to the main development to the west. This road runs from one end of the site to the other, and is designed so as to be a shared surface, broken up with soft landscaping, and the use of a variety of materials (permeable). The main carriageway varying from 6metres in width to 4.2metres, with parking spaces provided sporadically along the northern side (in total 14 spaces are to be provided along this access road).
- 4.3.3 Approximately 45 metres into the site, a nodal square is formed with a small parking area projecting to the south, again being a shared surface, which allows

for a pedestrian link into South Park, and the recently upgraded play area. This area accommodates four parking spaces, and a communal bin store. To the east of this nodal square, the road narrows, with trees lining on the southern side, a pinch point, and a small parking area to the most easterly point (for 5 cars).

4.3.4 With regards to the residential element, this would be broken down as follows: -

	Number of Units
Block C	
2 Bedroom Flat	12
Houses	
2 Bedroom Houses	10
3 Bedroom Houses	8
4 Bedroom Houses	5
Total	35

4.3.5 Southern Part of Site - Dwellings

4.3.6 As can be seen from the above, the street pattern is very regular, and this is also reflected in the way that the buildings are set within the site. On the southern side of the street, as one enters the site are 8 terraced houses, which are two and three storey in height (approximately 5.4metres wide, a maximum of 10metres deep, with a maximum height of 10metres). These properties would be set back from the shared surface by approximately 2.2metres, with a small area of soft landscaping proposed to the front of each property. These dwellings would also have their own private gardens, with a minimum depth of 10metres (with a shed and productive garden) provided within. These buildings are designed in a relatively contemporary way, with the use of white crisp render, with a brick plinth (yellow stock). There would be a good use of colour throughout, on the doors and also alongside the proposed windows.

4.3.7 North-Western Building

4.3.8 Opposite these units would be the largest block, of flats. This would accommodate all 12 flats proposed, over three storeys. This building would again, be of a relatively contemporary appearance, with a façade with three projecting elements, and a recessed ground floor. This building would have a maximum width of 47.6metres, a depth of 10.2metres, and a maximum height of 11.4metres.

4.3.9 These flats would be set some 4metres from the edge of the highway, and would be some 6metres from the rear boundary of the site (which backs onto the side wall of a commercial unit). It is proposed that an area of soft landscaping be provided to the front of the units, and that a good level of planting be provided on the northern (rear) boundary. A large bin storage unit would be provided to the front of these units, which would be provided with a green roof.

4.3.10 Eastern End of Site - Dwellings

4.3.11 At the eastern end of the site, the proposed units on either side of the street, are brought closer together, to provide a pinch point, and a visual 'end-stop' to the development. It is within this part of the scheme that a row of indigenous trees (4) are proposed to run parallel to the street, to the front of a row of terraced properties. Six units are proposed on either side of the street, of the same design as previously described. The properties on the southern side of the street would be set some 5metres from the edge of the highway, and those on the north, 2metres.

4.3.12 The end units on both rows of terraced properties would project forward to create a pinch point of 5.5metres, which gives a focal point to the development (this width is required to allow access to a small parking area), which would give the proposal an end point, and also restrict views through to the residential properties beyond.

4.3.13 South-Western Corner of Site

4.3.14 Within the south-western portion of the site would be a pair of semi-detached properties, served off Lacock Gardens. These would both have side gardens, to ensure that there would be no significant overlooking of existing neighbouring properties. These units would be of two storey in height, therefore respecting the heights, and form of the existing dwellings that surround this part of the site. An area of hardstanding would be provided to the front for parking, as well as a bin storage area, and a rear garden within which a shed and productive garden would be proposed.

4.3.15 To the north of these units would be a sole detached building, which would front onto the development site. This would be a 4 bedroom unit, which would be constructed over three floors. This property would have a large rear garden, measuring some 9.5metres deep, and with a width of 17metres. This property would be 1.5metres back from the parking area (containing 8 spaces) and would also be served by a bin storage area to the front.

4.4 DESIGN

4.4.1 Layout - The applicant has undertaken a significant level of discussion with the Planning Authority prior to the submission of this application, with the layout of the development under some scrutiny. Unlike the Depot Site, there was little scope to have any other arrangement but that submitted, and as such, the applicant has submitted a very regular street formation.

4.4.2 In terms of the quality of this layout, note has to be taken of the existing development within the locality. The surrounding area is somewhat characterised by cul-de-sac development running at right angles to one another, so this development, being of a straight cul-de-sac arrangement does respect this existing form. This development improves upon the existing street pattern in that it incorporates shared surfaces, and also a more informal landscaping. This creates a good level of legibility throughout the development, allowing for ease of movement, but also ensuring that the street has an active frontage. It also ensures that there is a good level of variety throughout, despite the relatively straightforward street pattern. The fact that the buildings come forward, towards the street, as one moves through the site, adds interest, and likewise, the introduction of planting on opposite sides of the street demonstrates variety. I would suggest that the one disappointing feature of the development is the parking area at the eastern most point, tucked behind the last residential units. The applicant has sought to address this with additional planting, however, it still appears somewhat detached from the remainder of the development. I do not consider that this is such a problem as to warrant the refusal of the application however.

4.4.3 The dwellings have all been provided with a good sized garden, which is in accordance with the requirements of PPS3, and the flats have a communal garden to the rear (although this is less extensive).

4.4.4 It is therefore considered that overall, this is a good layout, which both reflects the existing grain of development within the locality, as well as reflecting the requirements of the Kent Design Guide.

4.5 Building Design

4.5.1 The design of the buildings shown are of a relatively contemporary nature, with the extensive use of white render, and yellow stock bricks – predominantly at ground floor level – upon all units. The site itself is relatively self contained, with a relatively narrow entrance point that restricts views of the development from the existing public realm. That said, the development would be of a different form to the surrounding dwellings, which are of a more traditional appearance. The juxtaposition of tradition and contemporary works in this instance as the scale of the proposed buildings would ensure that they do not dominate the existing, and the proposal has been designed in such a way that it appears quite separate to the existing development (with a distinct entrance point and a built

form that turns its back on the existing). The design would also relate to the larger scheme on the opposite side of Enterprise Road that would have a main access point at the same junction as this site.

- 4.5.2 There would be no real long distance views of the site, given that it is surrounded by development, save for a small corner within the South East of the application site, which backs onto South Park. It would not result in any impact upon the wider townscape of the locality, and would not be apparent as incongruous from the wider area.
- 4.5.2 The development sits very comfortably within the site, with a strong entrance, denoted by the erection of two strong, three storey focal points. This entrance point would draw ones eye as passing the entrance, and the crispness of the design, reflecting the modern, and varied development within. The design of the buildings, with flat roofs, and overhangs has a good level of detailing, as well as the variety in height, which would add interest and variety once within the site.
- 4.5.3 All units within the development are of a similar design, with the use of render at first and second floors, within most units brick built at ground floor level. These materials are considered to be acceptable within the site, as they would reflect the neighbouring development, and would result in a sharp, contemporary finish. It is therefore concluded that the building quality of the units is sufficiently high, and would not therefore warrant a refusal.

4.6 CONTRIBUTIONS

- 4.6.1 The applicant has submitted a financial appraisal of the development, which sets out that as the returns on this development would not warrant any additional contributions being made. Circular 05/2005 gives guidance on the use of Planning Obligations with regard to any proposed development. Within this Circular it states:-

"In some instances, perhaps arising from different regional or site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers..."

- 4.6.2. In terms of the development, contributions have been requested from Parks and Public Open Space, Primary Health Care and Kent County Council.
- 4.6.3 As Members are aware, the Council's joint number one priorities for Section 106 contributions are affordable housing and public open space. In this instance this

development provides 100% affordable housing, and, in addition, a large number of family dwellings, and is therefore considered to meet one of the joint priorities of this Authority.

- 4.6.4 A financial appraisal has been submitted on behalf of the applicant by Cluttons which identifies that the financial margins for the development would not cope with the requirement for contributions towards planning gain. Any requests for contributions would result the price paid for the land needing to be reduced.
- 4.6.5 It is clear from the evidence contained within this financial appraisal that there would be no surplus for S.106 contributions towards any requested financial contributions. I consider that the delivery of 35 affordable units which would meet an identified need within the Borough would outweigh the necessity to provide contributions to other services.
- 4.6.6 In terms of further consideration of this issue, a contribution is requested by Maidstone Borough Council Parks and Public Open Space department for the upgrade, improvement and renewal to amenity spaces or play areas within a two mile radius. The site lies immediately adjacent to South Park with its associated facilities, which has a skate park, football pitches (including floodlit) and children's play areas. This would provide a planted and maintained area with formal seating and lighting for security. The area of open space would not be a private area for the residents of the new development and would be open to use by the wider community. The financial appraisal combined with, the location of the adjacent recreation ground leads me to consider that a contribution for Public Open Space would not be appropriate. The Councils own DPD does allow for a lesser contribution to be made if they are satisfied that it is appropriate, given specific circumstance. In addition, Policy CF1 of the Local Plan states that residential that would generate a need for new community facilities for which spare capacity in such facilities does not exist will require contributions. As stated, it is considered that there is such space capacity in the existing open space nearby to the site.
- 4.6.7 If the Council considers the provision and/or upgrading and improvement of open space in the area a priority then money from the sale of the land could be used for this purpose. I would refer back to planning application MA/08/
- 4.6.8 The applicant has demonstrated that the scheme is not economically viable if contributions are sought. Whilst it is regrettable that the S.106 contributions cannot be met, there is an identified need for affordable housing in this area and the scheme can be delivered. Central Government are encouraging Local Planning Authorities to be flexible in recognition of the recession and I consider that an appropriate balance is being struck here.

4.7 RESIDENTIAL AMENITY

- 4.7.1 The application site is in close proximity to a number of existing residential properties within the locality, in particular, those within Lacock Gardens, and Enterprise Road.
- 4.7.2 The properties within Enterprise Road are at a lower level than the application site, and are sited behind a 2metre high boundary (existing) with the park and ride car park. These units are flats, and there are a number of habitable windows within the rear elevation, facing the application site. However, due to the distance of the proposed dwellings from these units being in excess of 10metres, the height difference, and the fact that there would be additional planting along this elevation, it is not considered that this proposal would give rise to any significant overlooking of these neighbouring properties.
- 4.7.3 Due to the distance between these properties (10m), and their respective heights, it is also not considered that this proposal would result in an overbearing form of development for the existing residents. The proposal would not result in any significant loss of light, or the creation of a sense of enclosure.
- 4.7.4 The properties located within Lacock Gardens area a greater distance away than those within Enterprise Road, and there is proposed to be a much lower desntiy of built form at this western end of the development. Those to the west of the site are a minimum of 12metres from the proposed properties, and are designed with side facing windows at first floor, and those sited to the south are approximately 21metres from the rear of the proposed units. As such, it is not considered that this proposal would result in any overlooking, creation of a sense of enclosure, or loss of daylight to the occupants of these properties.
- 4.7.5 In conclusion, this proposal would not have any significant impact upon the amenities of the neighbouring occupiers.

4.8 HIGHWAYS

- 4.8.1 Kent Highway Services raise no objection to this proposal on the basis that there is sufficient parking provision within the site, and that the point of access is suitable for a development of this type.
- 4.8.2 The proposal includes parking spaces for up to 36 cars, with the total number of units proposed being 35. This gives a parking ratio of just over 1 space per unit. This is considered to be in accordance with the Development Plan. This Authority does not have any adopted parking standards, and moreover, there are none within the Development Plan and, as stated within PPG13, Local Authorities should not impose maximum parking standards upon developers, who should themselves lead on the provision within the development. This Authority would only be able to refuse this application on lack of parking, if it was clear that a

relatively low ratio would result in a highway safety issue that cannot be resolved by parking regulations. It is both my view, and that of Kent Highway Services that this would not be the case, and as such there are no grounds to refuse this application on these grounds.

- 4.8.3 Access into and out of the site is considered to be of a sufficient standard, with good visibility splays on either side of all. This would ensure that all future residents/visitors could enter and leave the site, in a forward gear, safely.
- 4.8.4 Furthermore, the provision of the nodal square within the development would enable large vehicles, such as refuse trucks or fire appliances to enter into and out of the site safely, with suitable distances to all properties to enable collection. All roads would be constructed to a standard to allow for their adoption.
- 4.8.5 The applicant has submitted a green travel plan, which sets out the measures to be undertaken to assist with new residents using public transport – a welcome pack is to be provided providing time tables for example. In addition, all dwellings would be provided with a shed for cycle storage (separate cycle storage would be provided within the flats). This would all assist in ensuring that the site is as sustainable as possible, reflecting its location within the urban area, and relatively close to the town centre.

4.9 LANDSCAPING

- 4.9.1 The applicant has not provided a detailed landscaping plan to date, although an illustrative plan does form part of the application. This shows that the boundary of the application site will be improved significantly with the planting of at least 50 additional trees, as well as an indigenous hedge along the northern, eastern and western boundary. No precise details of these trees are given at this stage, however, the plans show that these would be indigenous, and it is proposed that through a robust conditions, these details be agreed. These trees would give the development a softer edge, as well as providing the future residents a better outlook (particularly to the north, which looks on to the side wall of the commercial building). In addition, Enterprise Road is characterised by a strong tree line, particularly at its northern end, the creation of a planted area at the access point of this site would further enhance the appearance, to the overall benefit of the character of the locality.
- 4.9.2 Within the centre of the development, it is proposed that an additional 12 trees be planted, to break up the hard surfacing. Again, it is proposed that these all be indigenous trees, that reflect the character of the area, and also help to provide a sense of place for the development as a whole.

- 4.9.3 Further soft landscaping areas are proposed to the front of the properties, giving a degree of separation between the public domain and the properties, giving the properties a defensible space, and making them feel more private, despite being so close to the street.
- 4.9.4 All dwellings have good sized gardens, with productive gardens which enable the future occupiers to grow their own fruit and vegetables – making the properties more sustainable. These gardens are an ideal size for families, with space for children to play within – in accordance with PPS3.
- 4.9.5 As the details submitted are only illustrative at present it is considered appropriate to impose a relatively detailed conditions that would ensure that the development is finished to a high standard, with suitable species, and also with a suitable spread across the site. Should this be imposed and complied with, it is considered that the landscaping would be of a high standard, and would therefore be in accordance with both national policy, and those within the policies within the Development Plan.

4.10 SUSTAINABLE CONSTRUCTION

- 4.10.1 As this development is being proposed by Maidstone Housing Trust, in order for them to obtain their full grant, there are required to build these units to a minimum of level 3 of the code for sustainable homes. However, in this instance, it has been agreed that a minimum of code level 4 will be achieved throughout the development. In addition to this, the applicant has also stated that at least 10% of all energy throughout the development would be generated through renewable sources, in accordance with Policy NRM11 of the South East Plan (2009).
- 4.10.2 In order to achieve level 4 of the CSH, the applicant has indicated a number of measures that they would undertake, including the provision of high performance gas boilers, mechanical heat recovery ventilation systems, energy saving lighting, Water butts, internal recycling bins, plus other features yet to be confirmed.
- 4.10.3 This development, together with the existing depot site opposite, would be the first developments of this scale to be constructed to level 4 of the CSH within the Borough of Maidstone. In my opinion, this is a particularly strong feature of this development, and the use of such technology on this scale would set the bar higher for future developments of this nature. The cost of meeting level 4 rather than level 3 would equate to approximately £2000 per unit, which is a significant extra cost for the development overall. However, it is thought that this would have significant, overriding benefits for not only the wider environment, but the residents within the units - hopefully reducing the cost of living. Whilst this isn't defined as a *priority* for this Authority, in the same way as parks and open space

is, it is my opinion that building to this level would have genuine long term benefits for the wider area, and as such should be encouraged.

4.10.4 It is therefore considered that in terms of sustainable construction, this application excels, and goes over and beyond what this Authority would normally seek. As such, I conclude that the development is of a high quality sustainable design, and would be part of a stand out scheme for Maidstone.

4.11 AFFORDABLE HOUSING PROVISION

4.11.1 The applicant for this application, is Maidstone Housing Trust, who are proposing to provide 100% affordable housing throughout the whole site. At this moment in time, this is proposed to be 100% social rented, but it has been agreed that this can be varied (the tenure not the overall provision) to greater reflect the needs of residents within the Maidstone Area. As can be seen from above, I have given significant weight to the fact that this provision is at such a high level, well above the required 40% within the Council's Development Plan, and therefore how much contributions the applicant has been able to provide. I have done this on the basis that there is an acute need for good quality, family accommodation, set at an affordable level, within the Borough. Not only is the applicant providing 100% of the units at an affordable level, but all are capable of accommodating families, with all properties having at least 2 good sized bedrooms, with a number being larger (and many provided with private gardens).

4.11.2 It is therefore considered that not only is the maximum level of affordable housing being provided, but that the mix of units is of an excellent mix, and as such, this proposal goes well over and beyond the requirements of the Council's Development Plan.

4.12 ECOLOGY

4.12.1 The applicant has submitted a full ecological report with the application. This report sets out that the existing use of the site would ensure that there would be little or no chance of any protected species within the application site. However, I conclude that it would be appropriate to push the developers on this matter, and suggest that informatives be placed upon any decision notice recommending the use of swift bricks, and bat boxes throughout the development, to further improve this situation. This would therefore be in accordance with PPS9 which seeks to find an overall benefit to biodiversity when a site of this nature is redeveloped.

4.12.2 As previously stated, the applicant is to provide a number of green roofs throughout the development, which could well improve the biodiversity throughout the site. Likewise the provision of additional soft landscaping

throughout the development, both in the form of planters, and the planting of trees, would further improve the current situation.

4.12.3 I therefore conclude that this application would be likely to have an overall benefit to biodiversity, both within the site, and to the wider area (the additional planting may assist foraging etc) as on this basis complies within the requirements of the development plan.

4.13 OTHER MATTERS

4.13.1 As the site was previously used as a car park, there is a strong likelihood that there would be contamination within the ground. As such, it is considered appropriate to impose a suitable safeguarding condition to ensure that there would be no danger to health, for either the construction workers, or the future residents of the properties, should permission be granted.

4.13.2 The applicant has submitted no details with regards to the external lighting within the site. With the previous level of lighting used within the car park, the removal of these, and the erection of residential lighting would in all likelihood reduce the amount of spill to neighbouring occupiers. However, I would suggest that it is appropriate to ask for details of any new lighting to ensure that the character of the development is maintained.

5.0 CONCLUSION

5.1 It is therefore concluded that this proposal would be of a form and layout in keeping with the character and appearance of the area. There would be no detrimental impact upon the residential amenity of the neighbouring occupiers, nor upon highway safety. The proposal is considered to comply with the policies within the Development Plan, and as such, it is recommended that Members give this application favourable consideration, and grant planning permission subject to the imposition of the conditions set out below.

RECOMMENDATION

Subject to:

- i) A Section 106 legal agreement ensuring the development is retained as 100% affordable housing;
- i) No additional/new representations being received following the most recent public consultation to the financial appraisal.

I be GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until samples of the materials, (which shall include multi stock yellow bricks, natural slate and render) to be used within the construction of the buildings, and hard-standing hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: In the interests of securing a high quality finish to the development in accordance with PPS1.

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

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

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1 and PPS3.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using

the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with PPS1 and PPS3.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

7. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 4 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

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

8. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

9. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs.
- ii) Details of windows and doors and recesses/reveals.
- iii) Details of the junction of the windows and the coloured panels.

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

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

- 10.No development shall take place until precise details of bin storage, clothes drying and cycle storage facilities for the flat blocks have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be available prior to the first occupation of any of the units, and thereafter maintained.

Reason: To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with PPS1.

- 11.No external meter cupboards, vents, flues or extract grilles shall be installed on any elevation facing a highway without the prior agreement in writing of the Local Planning Authority.

Reason: In the interest of the visual amenity of the area in accordance with PPS1.

- 12.The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are constructed in a satisfactory manner in accordance with PPS1 and PPG13.

- 13.No development shall take place until details of all fenestration details have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be fully implemented.

Reason: In the interest of the visual amenity of the area in accordance with PPS1.

- 14.The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall

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

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with PPG13.

15.No development shall take place until:

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

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

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

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

Reason: To prevent harm to human health and pollution of the environment in accordance with PPS23.

16. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with PPS1.

17. There shall be no deviation from the approved plans.

Reason: To ensure a high quality of development in accordance with PPS1

18. No external communal bin stores shall be provided, other than those shown on drawing number MHS024/09-020.

Reason: To ensure a satisfactory appearance to the development pursuant to PPS1.

19. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of any building without the prior approval in writing of the local planning authority;

Reason: To preserve the integrity of the design of the development pursuant to PPS1.

20. No development shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E, F and H, Part 2 Class A and Part 25 Classes A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area. In accordance with policy PPS1.

22.No development shall take place until precise details of the green roofs are submitted to the Local Planning Authority and approved in writing.

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

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

Reason: To ensure adequate drainage arrangements pursuant to PPS25.

24.All services to the premises shall be underground;

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

25.To safeguard the future occupants of the site, a detailed scheme for the investigation, recording and remediation of gas shall be submitted. The scheme to comprise:

1. A report to be submitted to and approved by the LPA. The report shall include a risk assessment and detail on how site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.

2. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the LPA. The proposals shall detail sources of best practice used.

3. Approved works shall be carried out in full on site prior to first occupation.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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

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

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

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

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Attention is drawn to Approved Document E Building Regulations 2003 "Resistance to the Passage of Sound". It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

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

There shall be no burning of waste materials on site.

No development shall take place until there is provision within the site to accommodate operatives' and construction vehicles loading/off-loading and turning and for the parking for site personnel/operatives/visitors.

REASON FOR APPROVAL

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material consideration to indicate a refusal of planning consent.