

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/503025/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of existing care home to 11no. residential apartments, including erection of 2no. first floor extensions, an additional rear dormer, alterations to fenestration, and associated parking, landscaping, amenity space and secure bin/cycle storage.		
<b>ADDRESS:</b> The Vale Nursing Home 191 Willington Street Maidstone Kent ME15 8ED		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regards to the relevant provisions of the development plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Cllr Paul Cooper if officers are minded to approve (no reason given).		
<b>WARD:</b> Shepway North	<b>PARISH/TOWN COUNCIL:</b> N/A	<b>APPLICANT:</b> Charing Vale Ltd <b>AGENT:</b> Robinson Escott Planning
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 25/07/23	<b>DECISION DUE DATE:</b> 28/05/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

19/503036/FULL Demolition of a boundary wall and erection of a post and chain fence. Alterations and enlargements to existing parking area and a new access, with an added 2m hedge surrounding the boundary. Refused 02.09.2019

88/0097 Extension of 21 Bedrooms-dining room-sitting room 2 bathrooms. Refused 25.07.1988

90/1314 Extension of nursing home to provide 16 additional bedrooms and accommodation (amendments to MA/89/0112E) Approved 31.01.1991

86/1393 Change of use from dwelling to residential home for the mentally handicapped Approved 24.11.1986

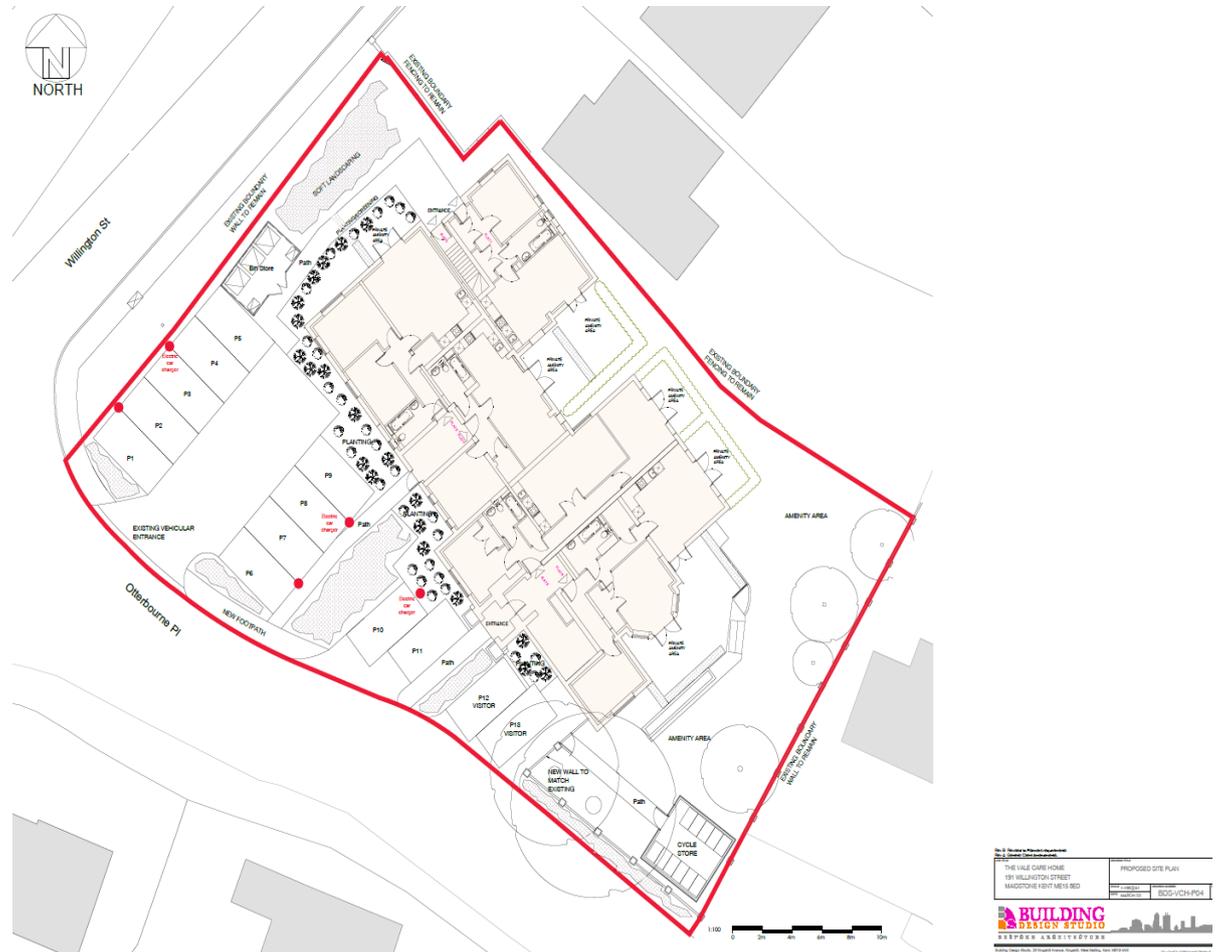
**1. DESCRIPTION OF SITE**

- 1.01 The application site is in the Maidstone urban area. The site is occupied by a large, detached building on the junction of Willington Street and Otterbourne Place. The current lawful use of the building is a 24-bed residential care home (use class C2 residential institutions).
- 1.02 The building has accommodation on two floors and the loft space. The ground floor provides day space (lounge, dining room & quiet room), kitchen, laundry, offices, bathrooms and 7 bedrooms, the first floor provides 13 bedrooms and the second floor 4 bedrooms.
- 1.03 There are 2-metre-high brick walls to the Otterbourne Place (annotated as front elevation on the submitted plans) and to the side boundary to Willington Street and side boundary adjacent to 9 Otterbourne Place. The rear boundary with 189a Willington Street has a 1-metre-high retaining wall surmounted by 1-metre-high timber fence.
- 1.04 There is an existing small, paved parking area to the front and side of the building. Whilst currently outside the existing brick boundary wall, the application site includes the grass verge in Otterbourne Place and this verge is in the applicant’s ownership.
- 1.05 The character of the surrounding area is largely residential with family sized dwellings. The dwellings in Otterbourne Place have open frontages with well-manicured gardens. Front

boundaries in Willington Street are brick walls and hedges with the ragstone wall defining the boundaries of Mote Park beyond Willington Street.

- 1.06 Ground levels at the site drop in a general south to north direction. Vehicle and pedestrian access to the site is gained via a short drive across the verge from Otterbourne Place.

Proposed site plan



**2. PROPOSAL**

- 2.01 This application is for the change of use of the existing care home to 11no. residential apartments. The scheme includes first floor extensions over the existing single storey projections on the north elevation, together with an additional rear dormer and alterations to fenestration.
- 2.02 The scheme includes provision of associated parking, landscaping, amenity space and secure bin/cycle storage. It is proposed to demolish sections of the existing boundary wall on the southern boundary to extend the car parking area out onto the grass verge adjacent to Otterbourne Place.
- 2.03 In relation to the internal layout, the ground floor would provide 5 apartments in the form of 2 one-bedroom apartments and 3 two-bedroom apartments. Each apartment at ground floor would have kitchen, living and bathroom facilities. The first floor would provide 5 apartments in the form of 4 one-bedroom apartments and one two bedroom apartments all with kitchen, living room and bathroom facilities. The single apartment in the loft space would have 3 bedrooms, kitchen, living area and a family bathroom.
- 2.04 The proposed bin store would measure 5 metres long and approximately 3 metres wide. It would be positioned between the boundary wall and northwest flank wall and would rise 2.1 metres above ground level. The proposed cycle store is capable of accommodating 11 cycles

is in the southeast corner of the site. It would have a width of 4.5 metres and depth of 4.5 metres, rising 3.5 metres above ground level, with eaves at 2 metres.

- 2.05 The scheme includes provision of 13 off street car parking spaces for future occupiers of the proposed apartments. Access to these parking spaces would be via the existing access form Otterbourne Place.

Proposed elevations



**3. POLICY AND OTHER CONSIDERATIONS**

Local Plan Review:

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) polices are as follows:

- LPRSS1: Maidstone borough spatial strategy
- LPRSP2: Maidstone urban area
- LPRSP10(A): Housing mix
- LPRSP12: Sustainable transport
- LPRSP14: Environment
- LPRSP14(A): Natural environment
- LPRSP14(C): Climate change
- LPRSP15: Principles of good design
- LPRHou2 - Residential extensions, conversions, annexes, and redevelopment within the built-up area
- LPRTRA2: Assessing transport impacts.
- LPRTRA4: Parking
- LPRQ&D 1: Sustainable design
- LPRQ&D 2: External lighting
- LPRQ&D 4: Design principles in the countryside
- LPRQ&D 6: Technical standards
- Policy LPRQ&D7- Private amenity space standards
- LPRTRA2: Assessing the transport impacts of development.

The National Planning Policy Framework (NPPF) (2023):

- Section 2 – Achieving sustainable development.
- Section 12 – Achieving well designed places.

Supplementary Planning Documents:

- Ministry of Housing, Communities and Local Government: National Design Guide.
- National Planning Policy Guidelines (NPPG).
- Kent and Medway Structure Plan 2006: SPG4 Vehicle Parking Standards

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

##### Local residents

- 4.01 13 representations received objecting to the application for the following (summarised) reasons:
- Detrimental impact of density on character of the area.
  - Detrimental impact of removing grass verge on local character.
  - South facing elevation misleading as is not showing parked vehicles.
  - Loss of existing on street parking
  - Parking is inadequate and would exacerbate existing parking problems.
  - Overlooking and loss of privacy to neighbouring houses.
  - Proposed use and associated level of activity not consistent with the quiet cul de sac.
- 4.02 Cllr Paul Cooper (prior to May 2024 elections)  
Requested the application is determined by the Planning Committee if the case officer is minded to approve. Cllr Cooper did not give any planning reasons for the committee referral.

#### 5. **CONSULTATIONS**

##### KCC Highways and Transport

No objection

##### KCC Drainage

No objection

##### Environment Agency

No objection

##### MidKent Environmental Protection Team

No objection

##### Southern Water

No objection

##### KCC Minerals and waste

No objection

##### Kent Police

No objection

##### KCC Economic Development

Additional impact on the delivery of community services and this will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

##### MBC Housing and Communities Team

No objection. (on the basis that the applicant's financial viability appraisal has been subject to independent review).

#### 6. **APPRAISAL**

- 6.01 The key issues are:
- Loss of the existing use
  - Spatial strategy
  - Design, appearance, and character
  - Residential use and policy DM9
  - Standard of accommodation
  - Neighbour amenity
  - Parking and highway safety
  - Affordable housing

##### **Loss of the existing use**

- 6.02 The Maidstone Local Plan Review (paragraph 9.32) reports that the Strategic Housing Market Assessment 2021 found a need for an additional 1,228 residential care bedspaces in the

borough. In this context the loss of the existing 24 bedspaces as part of the current application needs to be considered.

- 6.03 The applicant has owned and operated care homes since 1998 and currently has 10 care homes in Kent and Medway with 4 of these homes in Maidstone. The size of care homes varies from 24 beds up to 88 beds. These care homes provide residential, dementia, nursing and learning disability care. The applicant has knowledge of operating, adapting, and building care homes including as with the application building, older houses that have been expanded.
- 6.04 In terms of current care needs, the applicant reports:
- a) The application building has a passenger lift and 4 chair lifts. Currently the passenger lift only serves part of the ground floor and part of the 1st floor. 3 ground floor bedrooms are only accessible via the stair-lift. 2 first floor bedrooms are only accessible via the stair-lift due to the extension being on a different level to the main building. The 2nd floor has no passenger lift access and is only accessible via a stair lift.
  - b) A lot of residents referred for care have mobility issues and it is very challenging to accept these residents with a limited number of rooms with step-free access. This situation makes these rooms extremely hard to occupy on a frequent basis.
  - c) The application building currently has double occupancy rooms which are extremely hard to occupy. Since the Covid pandemic Kent County Council has not been placing residents in double occupancy rooms due to infection control risks. As a result, the only people suitable for these rooms are married couples or friends and this is not a regular occurrence.
- 6.05 With existing building layout issues, the applicant has explored the following options to continue the residential care use on the application site.
- a) Demolish and rebuild – the existing building occupies the majority of the site and this option was discounted as the plot size is too small to achieve any increase in floor area. Concluded that this was not a viable option.
  - b) Demolish and rebuild the extension and change layout to main building – would require closure of the home and with current standards and need for larger ensuite bedrooms this extensive work would only provide 15 bedrooms. A care home of 15 bedrooms would be unviable as it would not provide the necessary economies of scale with the same staff levels of a 27 bedroom home. Concluded that this was not a viable option.
- 6.06 The applicant has concluded for the above reasons that the continued provision of a residential care home on the application site is not financially viable. The applicant advises *"Should the development go ahead, Charing Healthcare would work with all our stakeholders to ensure a smooth transition for residents to move into other care homes and would allow ample time for this to happen. Charing Healthcare has 3 other care homes in Maidstone and can assist with relocating residents into our homes. We will also work with the local authority to relocate residents into other homes if other homes are deemed best for the residents"*.

### **Spatial strategy**

- 6.07 LPRSS1 Maidstone Borough Local Plan Review (March 2024) sets out the spatial strategy and the settlement hierarchy for the borough. This strategy directs development to areas of the borough proven to be the most sustainable locations. This assessment included considering access by non-motorised transport including presence of pavements, prospect of linked trips etc.
- 6.08 The hierarchy directs development firstly to the urban area, then the designated rural service centres, to the larger villages then lastly to the smaller villages. The supporting text to LPRSS1 explains that development should be delivered where employment, key services, and facilities are available together with a range of transport choices.
- 6.09 The application site is within a reasonable working distance to the range of facilities including shops, doctor's surgery with good public transport links to Maidstone Town Centre and beyond. The site is in a sustainable location and therefore is considered suitable for the residential apartments proposed subject to complying with other relevant policies in the Local Plan.

- 6.10 The proposal seeking to change of use of existing care home to 11no. residential apartments and associated development would comply with LPRSS1. The central aims of these locational policies are consistent with the core objectives of the NPPF (December 2023).

### **Design, appearance, and character**

- 6.11 Policy LPRSP15 states that proposals should create a high-quality design which responds positively to and where possible enhances the character of the local area. The immediate surrounding area has a residential character typified by varied styles of houses. Policy LPRHou2 requires the scale, height, form, appearance and siting of the proposal to fit unobtrusively with the existing building where retained and the character of the street scene and/or its context. The policy also state that 'the traditional boundary treatment of an area would be retained and, where feasible, reinforced'.
- 6.12 The proposal includes extensions and alterations to the building to facilitate its conversion. A first-floor extension is proposed above a single storey projection to the side building elevation facing 9 Otterbourne Place and a first floor infill extension is proposed to the rear of the elevation fronting Willington Street. These are relatively small additions in relation to the scale of the building. The roof of the extensions would be set down from the ridge of the main roof and the extensions would be of appropriate scale and design.
- 6.13 The proposed third dormer would be appropriately detailed to replicate the design and scale of the existing two dormers in the rear roof slope. The presence of an additional dormer in the roof slope would not result in harm to the character of the building or the local area. The changes to fenestration are in keeping with the appearance of the retained building.
- 6.14 The application includes partial demolition of the existing boundary wall on the south boundary to extend the car parking area out onto the grass verge adjacent the road. Nearby residents have commented that removal of the grass verge would have a detrimental effect on the character of the local area.
- 6.15 Good design includes the provision of active street frontages and the two street frontages are currently blank and dead with 2 metre high brick boundary walls. Whilst the loss of the existing grass verge is regrettable, this negative impact is on balance outweighed by the positive change to provide an open and active frontage in this prominent location. The application drawings indicate that the proposed parking area will include new landscaping and this landscaping will improve the appearance of this area. A planning condition is recommended to require submission and approval of more details of this landscaping.
- 6.16 Policy LPRSP10(A) states "*...Maidstone Borough Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough*". The proposals would create a strong mixed community advocated by the Local Plan and the NPPF (December 2023). The character of the local area would remain predominately residential dominated by family occupied houses.
- 6.17 In summary, the change of use of the building to residential apartments including the minor extensions proposed would be in keeping with the established character of the local area. The proposals would comply with the requirements set out in policies LPRSP15 and LPRHou2, and all relevant provision of chapter 12 of the NPPF (2023) jointly seeking to ensure all development reflect the character and distinctiveness of the area in which it is situated.

### **Neighbour amenity**

- 6.18 Policy LPRSP15 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 The application site has residential neighbours, and some have raised objections to the proposals on grounds that it would result in overlooking and loss of privacy to neighbouring houses.
- 6.20 The proposal includes extensions and alterations to the building to facilitate its conversion. A first-floor extension is proposed above a single storey projection to the side elevation facing 9 Otterbourne Place. The existing elevation has windows at ground, first and second

floor levels. The proposed first floor extension with a gable roof will remove one of the existing windows at first floor level and provide a replacement window at second floor level. The extension is separated from the boundary with 9 Otterbourne Place by circa 12 metres with the proposed extension level with the open area to the front of this neighbouring property. A new window to the front elevation overlooks Otterbourne Place.

- 6.21 An additional third dormer is proposed to the rear elevation facing 189a Willington Street. The dormer is in the main roof slope adjacent to the existing two dormers and circa 8 metres from the side boundary with 189a Willington Street. The new dormer is at an oblique angle to the rear elevation of 189a Willington Street. The proposal includes changes to fenestration including new ground floor patio doors. It is concluded that in these circumstances and the presence of existing dormers, the proposed changes are acceptable in relation to the relationship with 189a Willington Street.
- 6.22 An infill extension is proposed at first floor level. The infill extension is to the rear of the building wing that faces Willington Street. The extension will enclose a flat roof area that has the existing building on three sides. This extension is found to be acceptable in relation to neighbour amenity.
- 6.23 Nearby residents raise concerns that the change from a 24-bed residential care home (use class C2) to 11 residential apartments (use class C3) would increase levels of activity which would be harmful to local character. The activity and nature of the proposed 11 residential apartments would be different to the family occupied houses surrounding the application site, however activity would be similar as both are residential uses. There is no evidence to suggest that there would be any significant increase in levels of activity or movements to and from the site that would be detrimental to residential amenity.
- 6.24 It is highlighted that the lawful use of the site is a 24-bed care home. This existing use attracted a significant footfall and the use in the past has caused amenity issues for nearby residents that would be removed by the current proposal.
- 6.25 In summary, whilst the level of activity generated by the proposed use would not necessary reflect that of nearby residential properties, the proposal is acceptable in relation to overlooking and privacy issues and the levels of activity would not compromise the residential character of the local area. The proposal would comply with policy LPRHou 2, LPRSP15 in terms of the respect for the amenities of neighbouring properties including visual intrusion, loss of privacy and light.

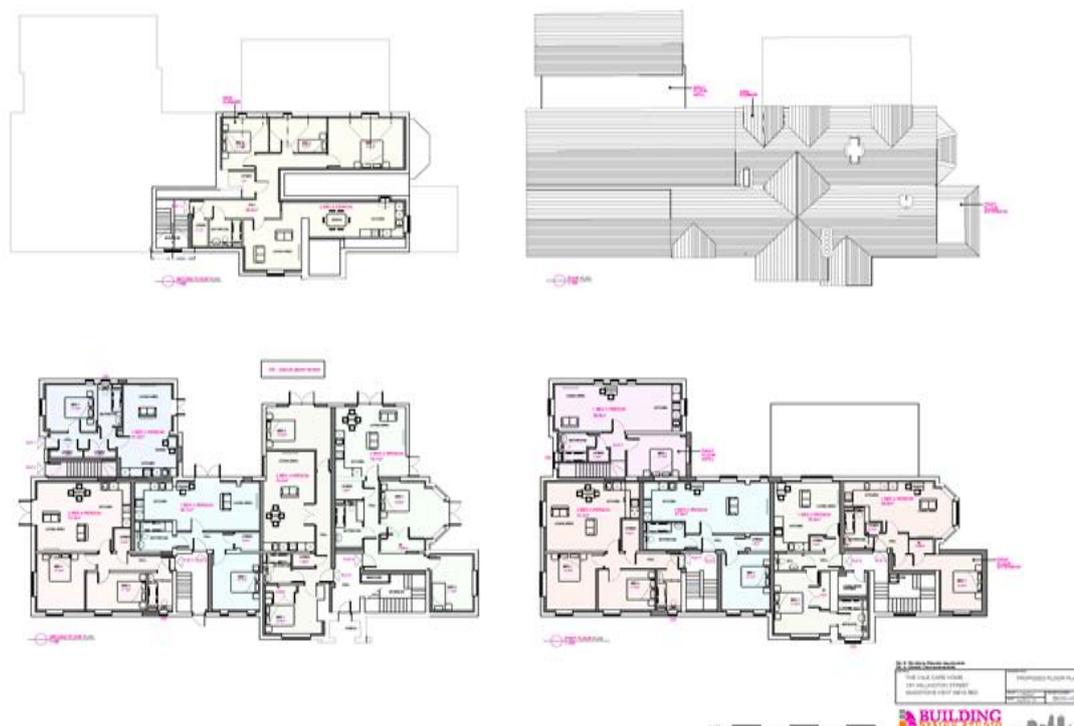
### **Standard of accommodation**

- 6.26 Policy LPRSP15 states that proposals will be permitted where they "*...provide adequate residential amenities for future occupiers of the development...*". The policy seeks to ensure that occupiers are not "*...exposed to, excessive noise..., overlooking or visual intrusion...*". The NPPF advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.27 All habitable rooms in the dwelling comply with space standard set out in Policy LPRQ&D6. These standards require that habitable rooms to be of sufficient size for daily activities of future occupiers and served by a window to allow for natural light. The main doors and windows on the elevations look out onto the front and rear gardens of the site and there is adequate daylight, outlook and privacy provided for future occupants.
- 6.28 Policy LPRQ&D7 sets out the amenity space standards that new houses must comply with. The supporting text to the policy states "*For a house or ground floor flat, a garden with direct access is the best solution*" (paragraph 9.132). The policy states "*Where it is not feasible to provide balconies for all flats, a quality private communal space must be provided for occupants to use*".
- 6.29 The submitted plans show patio doors providing direct access from all the five ground floor apartments to external parts of the site. The six upper floor apartments would share a communal space. This arrangement is line with policy LPRQ&D7. A planning condition is recommended seeking further details of the use, subdivision, and design of external amenity areas on the site. It is highlighted that the site is within a reasonable walking distance to Mote Park and the outdoor amenities this offers. Additionally, given the size of some of the

apartments it seems reasonable to assume that future occupants would not comprise of families with children.

- 6.30 The site is located adjacent to a main traffic route. With the previous use of the site as a residential care home, it is found that the proximity to the highway would not have a detrimental impact on residential amenity. The Council's Environmental Protection Team have commented on the application with no reason to object. The apartments are designed such that habitable parts of the units are largely stacked above each other to minimise potential impact between the apartments.

#### Proposed floor plans



#### **Parking and highway safety**

- 6.31 Policy LPRSP15 sets out that new development should provide adequate vehicle and cycle parking to meet adopted council standards. Whilst policy LPRTRA4 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 6.32 Maximum off street parking standards optimise the density of development in existing sustainable locations well served by public transport. As advised at NPPF [2023] paragraph 109 "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes".
- 6.33 Off street parking standards for new dwellings are provided in the Kent and Medway Structure Plan 2006: SPG4 Vehicle Parking Standards. These standards require 16 off street spaces and the proposal includes 13 off street car parking spaces. The current 24 bedroom care home that would generate parking demand from visitors, care home and medical staff had 8 off street car parking spaces.
- 6.34 Policy LPRTRA4 advises "The council may depart from established maximum or minimum standards to take account of...local circumstances that may require a ... lower level of parking provision...including as a result of the development site's accessibility to public transport, shops and services...Any departure from the adopted standards will be informed by consultation with the Local Highways Authority".
- 6.35 The application site is in an accessible location in the Maidstone urban area. The *Local Highways Authority* have been consulted on the application and have raised no objection to the application or the level of off street parking that is provided. The proposal would be

unlikely to generate significant parking demand on local roads, and no overriding objection can be raised in this instance on lack of adequate car parking provision.

- 6.36 NPPF advice on assessing highway impact states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe" (NPPF 2023 paragraph 115). There is no evidence available to suggest that the level of off street car parking would meet this threshold of 'severe' impact.
- 6.37 The proposal will utilise the existing access from Otterbourne Place and this access is considered acceptable for the development. The submitted plans show refuse storage and a planning condition is recommended to seek further details of this refuse storage and arrangements for collection.
- 6.38 For these reasons, the proposal is considered acceptable in relation to highway matters, parking, and access. It would comply with the standards in LPRTRA4 for locations such as this and there is no reason to think the development would result in significant material increase in on street parking demand around the local area or exacerbate any existing parking or highway safety challenges in the local area.
- 6.39 The Council's cycle parking standards are set out in the Kent and Medway Structure Plan 2006: SPG4 Vehicle Parking Standards as minimum requirements. The submitted plan shows the provision 11 cycle parking spaces within a cycle store. This provision is in line with the standard of one cycle parking space per unit. A planning condition is recommended to ensure that this cycle parking is provided prior to first occupation and retained for the lifetime of the development.

**Biodiversity enhancement plan**



**Ecology**

- 6.40 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment. The NPPF states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.41 The application site consists of a large residential care home, with the land surrounding the building providing a communal garden. Based on there being little vegetation at the site and with the existing garden land use, the potential for protected species to be present is limited. The application includes a biodiversity enhancement plan indicating the location of a bat

box, bird box, bee hotel and a log pile. The landscaping proposed would provide some net gains for biodiversity. A planning condition is recommended to ensure that these features are provided.

### **Affordable housing**

- 6.42 Policy LPRSP10(B) states *"On major housing development sites...where 10 or more dwellings will be provided, or the site has an area of 0.5 hectares or more, the council will require the delivery of affordable housing...brownfield development in the mid value zone will be expected to deliver an element of on site affordable housing". The supporting text sets out "The Council will only consider reducing planning obligations if fully justified through a financial appraisal..." (paragraph 7.25).*
- 6.43 The current application is supported by a financial viability appraisal. The appraisal concluded that whilst still deliverable the scheme would make a return of 1.49%, which is below the recognised profit level of 20%.
- 6.44 The financial viability appraisal has been independently reviewed. The review found that *'although more viable than presented within the FVA, the scheme does not appear sufficiently viable to support a contribution towards affordable housing. This appears to be as a result of the moderately high BLV for the site, relative to the proposed quantum of development and sales values that can be generated'.*
- 6.45 On this basis, the return to the developer following all costs would be significantly below target return and the development cannot viably provide s106 contributions. It is recommended that in line with policy LPRSP10(B) planning permission be granted without a requirement to provide affordable housing.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.46 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.

### **Community Infrastructure Levy**

- 6.47 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.

## **7. CONCLUSION**

- 7.01 In summary, the proposal would create 11 additional residential apartments in a sustainable location and the levels of activity associated with the residential use of the building would not be harmful to the quiet residential character of the local area. The extensions proposed to the building are of appropriate scale and design without harm to visual character or neighbouring amenity. The proposal would not result in overlooking, loss of privacy or loss of light issues with neighbouring properties.

- 7.02 There are no objections in terms of highways impacts. Whilst affordable housing is not provided within the scheme for viability reasons, this would not impose significant harm on the wider interest of local affordable provision as required by policy LPRSP10(B) of the Local Plan Review. With suitable conditions the proposals are acceptable, and it is recommended that planning permission is granted.

8. **RECOMMENDATION – GRANT PLANNING PERMISSION** Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 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 hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Application form
  - BDS-VCH-100 (Site Location Plan)
  - BDS-VCH-P03 (Existing Elevations)
  - BDS-VCH-P04 (Proposed Site Plan – Colour)
  - BDS-VCH-P07 (Proposed Bin and Cycle Stores Floor Plan)
  - BDS-VCH-P08 (Biodiversity Site Plan)
  - BDS-VCH-P01 Rev A (Existing Site Plan)
  - BDS-VCH-P02 Rev A (Existing Floor Plans)
  - BDS-VCH-P04 Rev B (Proposed Site Plan)
  - BDS-VCH-P05 Rev B (Proposed Floor Plans)
  - BDS-VCH-P06 Rev B (Proposed Elevations)
  - Affordable Housing Statement
  - Financial Viability Appraisal
  - Healthcare Viability Report
  - Renewable Energy Statement
  - Acoustic Report

Reason: To ensure the quality of the development is maintained and to prevent harm to the visual amenity of the area.
  
- 3) The development hereby approved shall not commence until a Construction Management Plan for the development has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site Personnel
  - (c) Timing of deliveries
  - (d) Temporary traffic management / signage
  - (e) Measures to control dust.
  - (g) Measures to prevent the discharge of surface water onto the highway.

The construction works shall proceed only in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety.
  
- 4) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
 

Reason: In the interest of the amenities of occupiers of neighbouring properties.
  
- 5) The materials to be used in the development hereby approved shall be as indicated in the Design and Access Statement. The materials shall be permanently retained thereafter.
 

Reason: To ensure a satisfactory appearance to the development.
  
- 6) Prior to first occupation of any of the apartments hereby approved, the on-site ecology enhancement measures shown on drawing BDS-VCH-P08 (Biodiversity Site Plan) (received on 28<sup>th</sup> June 2023), shall be in place. All features shall be retained and maintained permanently thereafter.
 

Reason: To enhance ecology and biodiversity on the site.
  
- 7) At the end of the first planting season (October to February) following first occupation of any of the approved apartments landscaping shall be in place, and this landscaping shall be in accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping shall include:
  - a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
  - b) Notwithstanding the submitted drawings, maximum provision of soft landscaping and minimum areas of hardstanding in the car parking areas.
  - c) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70%*

*Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*

- d) a timetable of implementation of the approved scheme and
- e) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

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

- 8) Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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.

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

- 9) Prior to first occupation of any of the apartments hereby approved external amenity space shall be provided for all the apartments including
  - a) direct access from the ground floor units
  - b) defensible space in front of all ground floor windows and
  - c) communal space accessible for the occupiers of the apartments at first and second floor levels

The areas of approved amenity space shall be retained and maintained in accordance with the approved details.

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

- 10) Prior to first occupation of any of the apartments hereby approved a management plan, including management responsibilities and maintenance schedules for the open areas of the application site (excluding private amenity space) shall be submitted to, and approved in writing by, the local planning authority. The approved management plan shall be followed thereafter.

Reason To ensure the appropriate protection of wildlife and design of supporting habitat.

- 11) Prior to first occupation of any of the apartments hereby approved, the bin storage shown on the approved plans shall be in place. These details will be retained and maintained as such thereafter.

Reason: In the interests of amenity.

- 12) Prior to first occupation of any of the apartments hereby approved, a waste collection strategy shall be in place that is in accordance with details that have previously been submitted to and approved by the Local Planning Authority. The waste strategy shall set out arrangements for the collection of waste including the collection location and measures to ensure that bins are returned to the bin storage area. These details will be maintained as such thereafter.

Reason: In the interests of amenity.

- 13) Prior to first occupation of any of the apartments hereby approved, a minimum of three operational electric vehicle charging points for low-emission plug-in vehicles shall be installed on the site and ready for the use by new occupants with the electric vehicle charging points thereafter retained and maintained operational as such for that purpose. The electric vehicle charging points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.

- 14) Prior to first occupation of any of the apartments hereby approved, 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 (submitted Energy Report recommends air source heat pumps). The decentralised and renewable or low-carbon sources of energy shall be maintained thereafter. Reason: To ensure an energy efficient form of development.

- 15) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The approved details shall be in accordance with bat conservation trust guidelines and the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme. Reason: In order to prevent undue light pollution and to protect wildlife.
- 16) Prior to the installation of any external windows a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in external amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the any of the relevant apartments hereby approved and retained and maintained as such thereafter.  
Reason: In the interests of amenity.
- 17) Prior to first occupation of any of the apartments hereby approved, crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.  
Reason: In the interests of amenity.
- 18) Prior to first occupation of any of the apartments hereby approved, the car and cycle parking shown on drawing BDS-VCH-P04 Rev. B (Proposed Site Plan) (received on 23<sup>rd</sup> July 2023) shall be provided and ready for use, with the car and cycle parking retained and maintained for the lifetime of the development.  
Reason: In the interests of amenity and sustainable travel.
- 19) Prior to the first occupation of the apartments hereby approved the parking and turning areas and cycle parking shown on drawing BDS-VCH-P04 Rev. B (Proposed Site Plan) (received on 23<sup>rd</sup> July 2023) shall be completed and thereafter shall 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 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.
- 20) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter. Reason: To ensure a sustainable form of development.
- 21) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.  
Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.

### **Informatives**

1. The applicant is advised that it is their responsibility to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. The applicant is advised that across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have

'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

3. The applicant is advised that it is their responsibility to ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.