

APPLICATION: MA/12/1051 Date: 31 May 2012 Received: 11 June 2012

APPLICANT: Mr Chris Blundell, Golding Homes

LOCATION: LAND SOUTH OF, WALLIS AVENUE, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Erection of 18 flats and 51 houses together with 225m² of community/commercial space in accordance with plans numbered MHS058/12-310; 0934 PL_PH1_005; MHS058/12-110 and landscape design statement and detailed proposals plans as submitted on the 5 November 2012, and plans numbered 0934 PL/PH1_200; 0934 PL_PH1_111; 0934; PL_PH1_110; PL_PH1_104; PL_PH1_103; 28912 C.03; 28912 C.02; 28912 C.01; MHS0589/12-100; MSH058/12-110; PL_PH1_112; PL_PH1_210; PL_PH1_211; PL_PH1-212; PL_PH1_213; PL_PH1_005; PL_PH1_001; PL_PH1_100; PL_PH1_101; PL_PH1_102; PL_PH1_201; arboricultural report; flood risk assessment; design and access statement; ecological appraisal; drainage statement strategy; contamination assessment; energy statement as received on the 1 June 2012.

AGENDA DATE: 21st February 2013

CASE OFFICER: Chris Hawkins

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

- The Council own part of the land that forms the application site.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H1, ENV6, ENV22, T1, T13
- South East Plan 2009: CC1, CC6, CC8, H1, H5, T4, T7, NRM4, NRM11, AORS6, AORS7, BE1
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

2.1 There is no relevant planning history to this application site.

3. CONSULTATIONS

- 3.1 **Maidstone Borough Council Landscape Officer** was consulted and made the following comments:
- 3.1.1 An arboricultural survey has been provided by the applicant but there are clear inconsistencies in the recommendations of this report and the proposed layout, namely paragraphs 6.5, 7.1 and 7.2 whereby the objective is said to be to have trees within the site that are sustainable and can mature/thrive in a manner that will not lead to post development pressure.
- 3.1.2 The layout is such that there is little open space and very restricted frontage planting along Wallis Road. The only tree shown to be retained is categorised as grade A but its retention is unlikely to be successfully achieved. The Sweet Chestnut, T15, currently an open grown tree is shown to be surrounded with block pavements, all be it as 'no-dig' construction. There are no details in accordance with paragraph 5.3 of BS5837:2012 to demonstrate the viability of construction within the RPA of the tree and demonstrating that compensation elsewhere and/or mitigation measures can be achieved. The proposed parking beneath the tree will cause inevitable conflict, not least because of natural air-risings and the public amenity value will be lost by the enclosure of the tree in its new setting. There are no details of how construction around the stem is proposed and the roots are likely to lift the paving.
- 3.1.3 In more general terms the layout indicates the removal nearly all the trees on site, many of which are categorised as B grade. It is accepted that many of the trees are of such an age and condition that they do not constrain the layout but there appears to be little consideration for allowing sufficient space around buildings to achieve a decent landscaping scheme to mitigate their loss. The current layout will result in poor condition, constrained trees subject to post development pressure for removal, all contrary to the recommendations of BS5837:2012.
- 3.1.4 In conclusion, I am not satisfied that the landscape/arboricultural issues have been properly addressed in this proposal and would consider that the layout is currently unacceptable. The applicant should, therefore, be encouraged to achieve a better quality/more sustainable scheme by addressing the above issues.'
- 3.1.5 Further comments were received in January 2013. These state:
- 3.1.6 'My general comments on the landscape layout dated 12 July 2012 have not been addressed. However, the situation regarding the Sweet Chestnut, T15, has been improved upon through the removal of the block paving and a number of

parking spaces beneath the canopy of the tree. Despite these improvements though, as this tree has the potential for much future growth, it will still be the subject of future pressure for removal due to shade and natural arisings. It should be noted that although the canopy radius of this tree is shown as 5m on the masterplan it has been measured at between 6m and 8m in the Arboricultural Survey. In order to minimise conflicts and optimise the tree's long term retention I would recommend that parking spaces 36 and 37 are omitted, leaving only no dig and permeable pedestrian access around the perimeter of the grass.

3.1.7 The applicant should, therefore, continue to be encouraged to achieve a better quality/more sustainable scheme.'

3.1.8 **Officer Comment:* Further negotiations have taken place with the applicant and it has been agreed that an appropriate method statement can be produced that would ensure that the tree within the centre of the site can be retained. It has been agreed that the tree be pruned prior to works commencing on site, and that a no dig construction be implemented on site. The landscape officer is satisfied with this proposal on this basis.

3.2 Maidstone Borough Council Parks and Open Space Officer was consulted and made the following comments:

3.2.1 The Parks and Leisure Team have viewed this application. Firstly we are concerned that the development is encroaching onto Parkwood recreation ground. Namely:

- There is a swale, to be used for drainage from the development which is 4 metres wide.
- The hard footpath.
- A number of trees (Poplar and Oak).
- Grass mounding

All of these are located on the Playing field, not in the development itself.

3.2.2 Whilst the Parks Team are certainly not against improvements to the recreation ground, we do not believe that it is acceptable to make changes to existing green space in order to make the development acceptable.

3.2.3 This development is adjacent to the recreation ground and by allowing it to creep into the green space will effectively reduce this area. We fail to see how a developer can apply for planning permission for a development when a significant part of which is on neighbouring land which is not owned by or has an agreement in place to be included.

3.2.4 As an aside to this we have a number of concerns with the proposed design of the landscaping on the MBC owned recreation ground:

- The Oak trees are too close together at 7meters and would need to be thinned in the future.
- We do not believe this location is suitable for a wild grass swale. This type of environmental feature would usually be placed in an out of the way area. We feel that there would be too much foot traffic in this area for it to establish properly. We also feel that it would act a litter trap, and would need additional maintenance to litter pick and maintain.
- The triangular plantation of Poplar trees in time would develop into an area of fairly thick woodland in time. In a public park of this nature we try to avoid creating hidden corners, which can attract antisocial behaviour, by having more open planting.
- We have some concerns with the grass mounding. In the past we have experience of a development where this type of mounding resulted in people being able to look directly into first floor windows.

3.2.5 With regard to the S106, no contributions are currently provided. We believe that a more conventional S106 contribution would be appropriate. As such we would recommend that a contribution be made for works which would be beneficial to the residents of this development with regards to works we feel are required at Parkwood Recreation Ground. Namely:

- Outdoor gym area and associated works;
- Refurbishment of teen area tarmac;
- Refurbishment of the MUGA and sports wall tarmac;
- New springer within the play area;
- Tarmac pathways to link Roman Way with Bicknor Road and Brishing Lane with Longshaw Road;
- A play area specifically aimed at children aged 6 years and under;
- Tree planting;

3.2.6 The contribution would be based on 69 units x £1575 per unit = £108675. This is the cost per dwelling as set out in the 'Supplementary Planning Guidelines' and Fields in Trust's (formerly National Playing Fields Association) guidelines as provision costs for outdoor playing space.'

3.2.7 **Officer Comment:* Following these comments, negotiations have taken place between the applicant and the Authority. It has now been agreed that the provision of a swale on the within the park would be acceptable, and that the landscaping scheme as now submitted is acceptable, and would enhance the character of the park. The applicant has identified that the environmental

enhancements to the park and surrounding area would cost in excess of £127,000, and the applicant are also proposing a contribution of £30,000 towards the stake park and the provision of outdoor gym equipment. This would therefore represent a contribution in excess of £150,000 in value, which would exceed the contribution originally sought. The Parks and Open Space Manager has accepted these proposals, and raises no objections.

- 3.3 Southern Water** were consulted and raised concern that there was inadequate capacity within the existing sewers, and as such, recommended that should permission be granted a condition be imposed that requires details of drainage to be provided, and an informative requiring the applicants to enter into a legal agreement with the providers to ensure suitable sewer capacity is achieved.
- 3.4 Kent County Council Archaeology** were consulted and raised no objection subject to the imposition of a condition requiring a watching brief to be undertaken on site.
- 3.5 Kent County Council Highways** were consulted and raised no objections to the proposal, subject to the imposition of suitable conditions relating to the parking provided, cycle storage and visibility splays.
- 3.6 Kent County Council (Mouchel)** were consulted and requested that contributions be made towards the provision of enhanced facilities within the town centre and surrounding area. The contributions are as follows:
- £458,518.21 for new primary school provision;
 - £14,299.69 for new bookstock and extended opening hours within the towns library;
 - £1,072.90 for improved youth facilities;
 - £2951.10 for community learning facilities; and
 - £5,164.54 for adult social services.
- 3.7 The Environment Agency** were consulted and raised no objection to this proposal subject to the imposition of a condition that would address any potential contamination within the ground, and informatives that would address drainage, flood risk and groundwater.
- 3.8 The Primary Care Trust** was consulted but did not request that any contributions be made.
- 3.9 EDF Energy** were consulted and raised no objections to this proposal.
- 3.10 Southern Water** were consulted and raised no objection to this proposal.

4. REPRESENTATIONS

- 4.1 Both neighbouring properties, and those impacted by this proposal were notified of this application and no letters of representation have been received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the urban confines of Maidstone, within the Parkwood area. The site is currently wholly residential in character, although there are some retail units within the vicinity, and which form part of the outline planning application for 'phase 3' of this development.
- 5.1.2 The existing buildings within the western end of the site are two storey, which accommodate one bedroom flats. The properties both front Wallis Avenue, but also spur off at 90°, into cul-de-sacs, with properties that front on to these. These spur roads run up to the edge of the recreation area. The properties within this area are painted in a light (cream) colour, with concrete tile roofs, and concrete parking spaces to the front.
- 5.1.3 As one moves eastwards within the site, the properties all spur off at 90° to Wallis Avenue, in a relatively uniformed manner. These properties are set back from Wallis Avenue by approximately 20metres, with the majority of this land laid to grass, with intermittent tree planting.
- 5.1.4 Opposite the junction with Hollingworth Road is an existing electricity sub station and car park area, which is set back from the highway by approximately 10metres.
- 5.1.5 At the eastern end of the application site is a four storey block of flats that sits behind a terrace of two storey units. This four storey element is of simple design, with a flat roof, and concrete construction.
- 5.1.6 The site is adjacent to the recreation grounds in Parkwood, with football pitches laid out near to the residential properties. Heather House and the play equipment is situation to the south east of the application site.
- 5.1.7 The application site is approximately three miles from the centre of Maidstone, although is served by a relatively good bus service.

5.2 Proposal

5.2.1 This is a full planning application that seeks to demolish the existing buildings within the application site, and to erect 24 two bedroom units, 31 three bedroom units, and 14 four bedroom units, together with community facilities. The properties would be broken down as follows:

Type	Number
2 Bedroom Flat	18
2 Bedroom Dwelling	6
3 Bedroom Dwelling	31
4 Bedroom Dwelling	14
Total	69

5.2.2 The proposal would see a new road layout introduced, with built form provided upon existing open space as a result. This layout would effectively be in perimeter blocks, which would see active frontages on each road/access route.

5.2.3 The properties proposed would be of a varied form, with the largest dwellings located along the park frontage, and being provided with steep pitched roofs.

5.2.4 The largest element of the proposal would be the block containing the shops/community facilities and flats. In total, 225 square metres of commercial/community floor space would be provided within the development. This has not yet been fully specified as no end users have been identified.

5.2.5 Part of the proposal is for the provision of works to be undertaken to the open space opposite the site. This includes the provision of a swale to allow for the sustainable drainage of the site, which would be planted with wildflower and tail grass, and would be bound with a knee high railing – to replace the existing. A path would be provided along the 'park' side of the swale, which would be provided with new seating.

5.2.6 New street lighting would be provided along the access road to run alongside the park.

5.2.7 Within the north-eastern section of the park it is proposed that an informal area including (gentle) earth mounds and clusters of tree planting be provided. This would sit behind the recently constructed sheltered units on the former bowling

green site, and to the front of proposed housing. These clusters of trees would be of indigenous species.

- 5.2.8 It is proposed that significant enhancements be made to Wallis Avenue, including the provision of tree planting, and a raised surface at the point where the application site adjoins the existing shopping parade.
- 5.2.9 The applicant has identified that the scheme is likely to be a scheme for 100% affordable housing. However, due to the changes in funding, they have requested that any Section 106 agreement state the minimum of 40% affordable housing, and this aids with their funding process.
- 5.2.10 The proposal would see the dwellings constructed to level 3 of the code for sustainable homes.

5.3 Principle of Development

- 5.3.1 The application site is located within the urban confines of Maidstone and currently contains residential properties. The re-use of this land for residential properties would not conflict with any local or national policies, and as such, I consider that the principle of such a development is acceptable, subject to all other material considerations being considered.
- 5.3.2 The principle of commercial floor space within the application is also considered acceptable. The level of floor space is relatively minor and would certainly not be of a scale that would require any sequential test to be undertaken. I do not consider that this floor-space would be likely to be to the detriment of the existing offer within the vicinity, nor the wider area.

5.4 Visual Impact

- 5.4.1 The existing buildings located within the application site are of poor design, and poor build quality. I do not consider their loss to be to the detriment of the character and appearance of the locality. There is, however, a good provision of space around these existing buildings, and whilst there is not significant tree or hedge planting within this land, it does provide an open character to this part of the Parkwood Estate.
- 5.4.2 This proposal would see a significant increase of the amount of built form within the application site. The proposal would see the creation of perimeter blocks that would front on to Wallis Avenue, the park, and the feeder roads between. These perimeter blocks would be of two and three storey dwellings at the western end of the application site, and they would have a variation in their roof form and overall heights. To my mind this provides an interesting, and well articulated

front to the park and also to Wallis Avenue, which would be a significant enhancement on the current appearance of the locality.

- 5.4.3 This development would represent a high quality regeneration opportunity within this locality. The proposed buildings are, in my opinion, of a high quality of design, which whilst different from the surrounding area would be well articulated, and would provide a varied and interesting street scene. The buildings would be relatively contemporary in nature, with steep pitched roofs, both recessed and projecting windows, and roofs with no overhanging eaves (containing internal drainage details). Whilst the buildings are of a scale that is larger than many of the other properties within the vicinity, as this would be a large scale redevelopment, I see this as a stand alone development in many respects. Because of this, an increase in scale does not detract from the overall character and appearance of the locality. In addition, it should be noted that the proposal is in close proximity to a number of flats which are of a greater bulk than those proposed within this development.
- 5.4.4 The commercial development and flats would be of a significantly greater bulk than the development at present. However, I consider the buildings to be well designed, and to be of a mass that would not prove to be overbearing to the surroundings. The buildings would be articulated, and would have variety in their roof heights, and this, together with the level of fenestration would ensure that the proposal would have a high quality appearance.
- 5.4.5 I am of the view that the design of the buildings proposed would significantly enhance the character of the area. They would be constructed of high quality materials, and would be provided with a good level of landscaping. In addition, the works proposed to the public realm would further enhance the character and appearance of the locality.
- 5.5.6 A number of the properties within the development would be provided with dwarf brick walls, railings, and hedges behind. This provides the properties with defensible space, as well as layering the buildings, and providing a more varied palette of materials. Furthermore, in front of a number of the dwellings, build outs into the highway would be provided with tree, and low level planting. I consider this to further enhance the character and appearance of the locality.
- 5.5.7 One significant benefit of this development is the provision of a frontage along the northern side of the recreation ground. This, together with enhanced pedestrian access would enhance the setting of the park, from the south, and would also increase the natural surveillance of the park. Likewise, the provision of the swale, with the wildflower, and long grass mix proposed within, would further soften this northern edge, which comes to a rather abrupt conclusion at present.

5.5.8 The proposal would also provide a significant enhancement to the appearance of Wallis Avenue, through both the public realm improvements, and also the appearance of the buildings.

5.5.9 I am therefore of the opinion that the development would result in a significant enhancement of the character and appearance of the locality. The buildings are well designed and the enhancements to the public realm, both in terms of within the development itself, and also within the recreation ground would have a significant benefit to the vicinity. I am therefore of the view that this proposal would conform with the objectives of the NPPF.

5.5 Residential Amenity

5.5.1 With regards to the residential amenity, due to the fact that the existing buildings are all being demolished allow for this re-development to take place there would be no dwellings immediately affected by this proposal.

5.5.2 The nearest residential dwelling outside of the application site would be approximately 40 metres from the nearest proposed dwelling. I consider this distance to be sufficient to ensure that there would be no significant overlooking, overshadowing, or the creation of a sense of enclosure to this, or any other existing residential property.

5.5.3 Whilst the proposal would create a new access into the site, adjacent to the park, this would be a sufficient distance from existing (retained) properties to ensure that there would be no significant noise and disturbance generated by this element of the proposal.

5.5.4 With regards to the amenity of the future occupiers of these units, it is noted that many of the dwellings would have particularly small gardens. These would allow for an element of private amenity space, and this, combined with the large parkwood recreational ground nearby, would ensure that this family housing would be provided with suitable outside space.

5.6 Highways

5.6.1 Kent Highway Services were consulted and raised no objections to this proposal, on the basis that there would be sufficient parking provision within the development, and that safe access and egress could be provided to and from the site.

5.6.2 In terms of the parking provision, it is proposed that 1.6 spaces per unit be provided, many of these within small internal courtyards. Whilst in recent years,

there has been a move away from providing such car parking provision, as the courtyards were often underused, or became areas of crime or vandalism, in this instance, I am satisfied that the proposal would be acceptable. The applicant would provide low walls to the rear gardens, allowing for visibility of these parking areas, and would effectively make the houses double fronted. This would ensure that the parking areas would interact more readily with the properties that they serve. This is aided by the fact that the parking areas are relatively small, serving only four or five houses (with the exception of the parking provision for the flats).

- 5.6.3 In addition to the parking courts, it is proposed that a number of the properties have individual driveways. This is limited to one space per dwelling, which whilst serving properties of up to four bedrooms is considered sufficient – the reason being that there would be space to park upon the existing highway if required. Whilst a low parking ratio, I do not consider that the proposal would have a detrimental impact upon highway safety.
- 5.6.4 As part of the 'package' of works proposed, the applicant has agreed to address the issue of traffic calming within the vicinity. It is proposed that raised tables be provided along Wallis Avenue, and that a more substantial raised; shared surfaces be provided where the proposed shops/commercial area is to be located. I consider that this has overriding benefits to both the character and appearance of the locality, but also to slowing traffic down along Wallis Avenue (which is – anecdotally – used as a 'rat run' from the industrial estate).
- 5.6.5 With regards to the entering and leaving of the site – it is proposed that a new vehicular access be constructed alongside the existing park. However, this would be designed in such a way as to prevent the through-flow of traffic, with each 'segment' of the highway serving only a few properties, along cycle and pedestrian access can be obtained for its full length. In most part the links through from this access to Wallis Avenue follow the orientation of the existing carp parks/access roads, however, in any event suitable visibility can be achieved at these access points to the satisfaction of the highway officer.
- 5.6.6 I am therefore satisfied that the proposal would be likely to have a positive impact in terms of highway safety due to the additional works being undertaken by the applicant. There are no grounds to object to the application on highway safety matters.

5.7 Landscaping

- 5.7.1 The applicant has submitted an appraisal of the existing tree planting/landscape throughout the development, which has been appraised by the Council's Landscape Officer.

- 5.7.2 The proposal initially included the provision of a significant level of landscaping, and a swale within the existing recreation area to the south of the application site. This land is owned by Maidstone Borough Council who were unwilling to allow for a swale to be incorporated within the design, as it was considered inappropriate development within an area of open recreation. Concern was raised, in particular with regards to the collection of litter within the swale, and the loss of usable open space within the park. Whilst to my mind, the provision of a swale would have been beneficial to the development as a whole, I certainly understood the concerns raised by the Council's Parks and Open Space Manager.
- 5.7.3 Negotiations have subsequently taken place between the Council and the applicants that have sought to achieve a compromise that both parties are satisfied with. Amended plans have now been submitted that do show the provision of a swale, although this has been amended so that it would be provided with a wildflower and tall grass mix; that is considered to enhance the setting of the park, as well as adding significant ecological benefits to the locality.
- 5.7.4 In addition to this, it has been agreed that contributions be made towards the provision of adult gym equipment be provided within the Park. It has been agreed that this equipment be provided closer to the existing play equipment, rather than along the proposed path as originally envisaged. This followed discussions with the Council's Parks and Open Space Manager, who considered this a more appropriate location to ensure use by all – not just residents of this development. I consider that this is a suitable compromise that would ensure that the development has further benefits, and further regenerates the locality. The Parks and Open Space Manager now raises no objection to the proposal.
- 5.7.5 The provision of some earth mounds within the park, together with additional tree planting is considered to be an enhancement to the existing parkland setting. Whilst initially concern was raised with regards to the formality of this element, amendments have now been made that would see the provision of clusters of trees, and smaller mounds, which would add interest and also an areas for children to play.
- 5.7.6 Whilst it is acknowledged that the recreation ground is used predominantly for sports and recreation, on its northern side (the southern side has long grass and significant tree planting), I do not consider the provision of this swale, nor the woodland area to result in a significant loss of sports provision, that would be to the detriment of the residents of the locality.
- 5.7.7 The landscape officer had initially raised some concerns about the proposal, however, these have now been addressed through the amendment of some of

the species proposed, and also some works to be undertaken to an existing tree within the application site. No concern is now raised by the Council's Landscape Officer to the proposal.

5.7.8 To my mind the proposed landscaping would see a significant enhancement to the existing landscaping provision within the locality. There would be an increased number of street trees within the application site, with the 'build-outs' within the roads softening the appearance of the proposal. In particular, I consider the provision of the landscaping along Wallis Avenue, which at present has a paucity of planting (predominantly grass verges, and paths) to be of significant benefit to the character of the area.

5.8 Section 106 Requirements

5.8.1 With regards to the provision of S106 contributions, or works, any agreement should be based upon the three core principles as set out within the Community Infrastructure Levy Regulations (reg 122) 2010. These set out three specific legal tests that are required to be met when negotiating/approving a S106 legal agreement. These tests are:

- 1) The request must be necessary to make the development acceptable;
- 1) The request must be related to the development; and
- 2) The request must be reasonably related in scale and kind.

5.8.2 It has been requested that contributions of £482,006.44 are made to Kent County Council to address the impact that this proposal would have upon existing primary schools, local libraries, youth facilities, community learning and adult social services. This is broken down in the following manner:

- £458,518.21 for new primary school provision;
- £14,299.69 for new bookstock and extended opening hours within the towns library;
- £1,072.90 for improved youth facilities;
- £2951.10 for community learning facilities; and
- £5,164.54 for adult social services.

5.8.3 Following on from this request, discussions have taken place between the Council and the County Council, as concern was raised that there was inconsistency in the request. Concern was raised that the expansion of the existing schools had not been addressed as an option, and that developments to the north-west of Maidstone were quoted as having an impact on the school roll within this area. Kent County Council has responded to this letter, and are of the view that it is necessary to make this contributions to address the requirement for a new school within the locality.

- 5.8.4 However, the applicant has submitted a viability appraisal that demonstrates that as this is a redevelopment of their own land, and due to the fact that the proposal is for 100% affordable housing, the development effectively shows a negative value, and no profit will therefore be made. As this proposal would have a significant benefit to the character and appearance of the area through physical regeneration, and as it would be 100% affordable housing, which remains a priority of the government, I consider that in this instance, it would be appropriate to forego such contributions, due to the other benefits associated with this development. The applicant has also submitted a viability appraisal for the development showing only 40% affordable housing (together with the other financial contributions sought) and again, this demonstrates that there would be no possibility to provide additional contributions on this site.
- 5.8.5 As the scheme is for 100% affordable housing provision, and as it replaces existing housing stock, the PCT has not requested any contributions be made for this development.
- 5.8.6 Significant discussions have taken place between the Council's Parks and Open Space Officers and the applicants in order to secure a high quality landscape scheme. As much of the landscaping scheme would provide wider benefits than just for those residing within the new development, it has been agreed that it is appropriate to seek lesser financial contributions from this proposal than usually required. However, there will need to be a legal mechanism in place to ensure that the proposed landscaping is provided and a suitable maintenance programme is in place to ensure the longevity of the planting. It should be noted however that the works that the applicant are proposing would bear a cost of approximately £127,000 – both in terms of the works to the recreation ground, and also along Wallis Avenue. This, together with a financial contribution of £30,000 towards enhancements to the skate park, and for the provision of outdoor gym equipment, would exceed the contribution that the Parks and Open Space officer would ordinarily request. As this forms part of a wider 'regeneration' of the area, and goes beyond the works normally associated with the landscaping of a site, I am satisfied that these provisions would meet the requirements of the Regulations as set out above.
- 5.8.7 As stated, the applicants are requested that any legal agreement be set at providing a minimum of 40% affordable housing. This clearly meets with the objectives of the Council's adopted DPD. Nonetheless, it is my understanding that the applicant is to provide the scheme as 100% affordable housing. I am satisfied that it is acceptable and appropriate to secure a legal agreement on the basis of the provision of a minimum of 40% affordable housing in this instance, as this complies with the Council's policy. The applicant has also demonstrated

that even providing this level of affordable housing, only a limited amount of contributions can be provided – which aid the regeneration of the area.

5.9 Other Matters

5.9.1 The applicant has indicated that these properties would achieve a minimum of level 3 of the code for sustainable homes. Whilst in many instances this Authority would wish to see a minimum of level 4 on new developments, particularly one of this scale, I consider there to be mitigating factors as to why this does need to be provided in this instance. The applicant are providing a significant number of physical improvements to the locality, including highway works, and significant works to improve the landscaping. These all bear substantial additional costs that would not normally be required by a Local Planning Authority. To my mind therefore, the benefits that this proposal would bring forward, and the costs that these would generate to the applicant outweigh the benefits that providing dwellings at code level 4 would bring.

5.9.2 The applicant has completed a preliminary ecological appraisal of the application site, which drew the following conclusions:

- There is no further work required with regards to amphibians;
- There is no further work required with regards to reptiles;
- A bird breeding survey is not deemed to be necessary;
- There is no further work required with regards to dormice;
- There is no further work required with regards to badgers;
- That due to the condition of one of the buildings, any demolition works to the roof of this unit be undertaken by hand, under the supervision of a qualified bat ecologist;
- That lighting respond to the potential impact upon bats;
- That works to the trees responds to the potential impact upon bats; and
- That suitable enhancement also should be provided within the application site, where possible.

5.9.3 I propose to include a condition that the enhancements are as suggested within the ecological appraisal, with full details to be submitted prior to the works being undertaken on site.

5.9.4 The area is within a flood Zone 1 according to the latest EA Flood Zone Map. The applicants have submitted a flood risk assessment that identifies the development as having no increase in surface water run off (from existing), either in terms of peak run off rate, or through the surface water generated. The inclusion of Sustainable Drainage throughout the site is of significant assistance with this. I am therefore satisfied that drainage/flooding has been fully

considered with an acceptable mitigation strategy in place to address any impacts.

5.9.5 A contamination Assessment (desktop study) has also been submitted with the application. This indicates that the risk of contamination is low, and that risk from contamination spreading from the nearby industrial estate is also low. I concur with these findings, and require no further submission of details.

6. CONCLUSION

6.1.1 The development proposed would result in significant enhancements to the character and appearance of the Parkwood area. The buildings are well designed and the spaces around them respond to the context of the locality. Whilst the materials used would not replicate those within the vicinity, this would not detract from the locality.

6.1.2 Whilst the displacement of the occupiers of a number of single residential units has been raised as a concern by the Maidstone Housing Officer, it is acknowledged that through phases two and three, some of these may be able to be accommodated.

6.1.3 Concern was initially raised with regards to the landscaping provision, but through negotiations with the Council's Parks and Open Space Officers this matter has now been resolved, with the resultant proposal to the satisfaction of both parties. I consider the landscaping proposals to result in an enhancement of the appearance of the locality.

6.1.4 The applicant has provided a viability appraisal of the development site, and this, together with the positive work being undertaken to the surroundings of the site, would result in a development that would have a net gain in terms of the quality of lives to those within the vicinity of the site.

6.1.5 I therefore recommend that Members give this application favourable consideration and give the Head of Planning delegated power to approve subject to the receipt of a suitable section 106 legal agreement and the imposition of suitable conditions as set out below.

7. RECOMMENDATION

The head of Planning be given DELEGATED POWERS TO APPROVE subject to the completion of a suitable S106 agreement containing the following:

- 1) Contributions of £30,000 towards the enhancement of the existing stake park and the provision of outdoor play equipment;

2) A minimum of 40% affordable housing.

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with the National Planning Policy Framework (2012).

3. 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 the National Planning Policy Framework (2012).

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity in accordance with the National Planning Policy Framework (2012).

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

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (2012).

6. 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 the National Planning Policy Framework (2012).

7. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted in accordance with the National Planning Policy Framework (2012).

8. 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 the National Planning Policy Framework (2012).

9. The landscaping shall be carried out in accordance with the 'landscaping design statement and detailed proposals' as received by the Local Planning Authority on the 5 November 2012.

Reason: To secure a high quality of landscape design, in accordance with the National Planning Policy Framework (2012).

10. 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 the National Planning Policy Framework (2012).

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

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

12. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. Once works have completed on site, a certificate showing compliance with level 3 shall be submitted to the Local Planning Authority.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

13. The development shall not commence 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, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, 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 the National Planning Policy Framework (2012).

14. The development shall not commence 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.

15. 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 and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.

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 the National Planning Policy Framework (2012).

16. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to the National Planning Policy Framework (2012).

17. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design, in accordance with the National Planning Policy Framework (2012).

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority

for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework (2012).

19. No occupation of the development hereby permitted shall take place until the raised tables along Wallis Avenue have been provided. The raised tables shall be designed and constructed to a specification approved by the Highways Authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2012).

20. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas, in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

21. No development shall take place until details of the placement of swift bricks and bat boxes have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with the National Planning Policy Framework (2012).

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.

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.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

The applicant is encouraged to provide areas of cordwood within the development where possible.

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