

APPLICATION: MA/12/2303 Date: 21 December 2012 Received: 27 December 2012

APPLICANT: Barnford Industries Ltd c/o Croft Capita

LOCATION: CONCORDE HOUSE, 10, LONDON ROAD, MAIDSTONE, KENT, ME16 8QA

PARISH: Maidstone

PROPOSAL: Change of use and works to convert the existing building to 73 residential units with associated access, parking and landscaping as shown on drawing numbers 02E, 003B, 004F, 005C, 006C, 007C, 008C, 009D, 010A, 011B, 012A and 013 received on 21/12/12.

AGENDA DATE: 16th May 2013

CASE OFFICER: Peter Hockney

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

- it is a departure from the Development Plan and has been advertised as such

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ED2, T13, CF1
- Affordable Housing DPD (2006)
- Open Space DPD (2006)
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

No relevant history

3. CONSULTATIONS

3.1 **Kent Highway Services** raise no objections to the application stating:-

"The application proposes the change of use of existing B1 office accommodation of 4808m² to residential use - 73 flats; comprising 5 studio flats, 10 1 bedroom flats and 58 2 bedroom flats

Access to the site is made from the A20 London Road with a separate in and out arrangement.

Alterations to the access are proposed to provide a conventional priority access replacing the existing in/out arrangement. Tactile paving and dropped kerb crossings are to be provided across the site access. Visibility at the junction is adequate.

72 car parking spaces are proposed with each flat, except one, allocated a car parking space and the flat without the space will be provided with car club membership for 5 years. 96 cycle parking spaces are also proposed. This level of parking is considered to be acceptable.

Pedestrian access is to remain as existing and cycle access via the vehicle access.

Tracking diagrams are provided indicating the turning movements for a refuse vehicle, fire tender and removal vehicles and this indicates that the proposed access arrangements are acceptable.

Traffic generation has been assessed using TRICs, this indicates that the residential development will result in a net reduction in traffic movements when compared with the use of the site as offices. No detriment to air quality is expected due to the net reduction in vehicular trips

The site lies in an accessible and sustainable location within walking distance of the Town Centre, public transport facilities and local amenities.

The crash database has been interrogated which indicates that there have been 2 injury crashes in the vicinity of the site within the study period and these did not occur at the site access/egress. I would concur with the view that this development proposal will not be likely to lead to any additional road safety hazards."

3.1.1 **NHS Kent & Medway** have requested a contribution of £29,016 towards improvements to the following doctors surgeries:-

- Lockmeadow clinic
- College Road
- Brewer Street
- St Lukes
- Marsham Street

These are doctors surgeries within 1 mile of the application site. The contribution relates to only the market housing element of the development and contributions are not sought on the affordable housing.

3.1.2 **Mouchel** on behalf of Kent County Council have requested the following contributions:-

£1,389.99 per applicable (excluding 1 bed units of less than 56m² gross internal area flat) towards the new build cost and a land cost contribution of £675.41 per applicable flat towards land acquisition of a 2 form entry Primary school. This would result in a total contribution of £119,793.20 from this development. The primary contribution will be allocated to one of the two planned new schools in Maidstone. The Area Education Officer has established that no primary schools in the town can be expanded so additional demand arising from new housing will have to be accommodated by new provision. The new school proposed on land east of Hermitage Lane is geographically closer to the site in question. The total pupil demand coming forward from new housing from here on (notwithstanding any housing provision to be made in the emerging Maidstone Core Strategy) will be dealt with by the provision of new school places which will serve the town as a whole. Please note that Primary School assessments are (and always have been) based on a 2 mile radius (as agreed by Inspectors) thus this school would be considered for this site. A contribution towards land acquisition costs is being sought until such time as the Borough Council gives a written undertaking or declares as Plan Policy that both of the new school sites will be transferred into KCC's ownership at nil or nominal cost. Until then, the financial risk to KCC needs to be covered adequately. If not required, such land costs will either be returned to the developer(s) as a condition of the s106 Agreement or simply not be pursued if there is intent to complete an agreement.

£589.95 per applicable flat toward the extension of a Secondary school. This would result in a total contribution of £34,217.10 from this development. The cumulative impact of this and other developments creates a significant deficit in Secondary places. Under the 'first come, first served' assessment, any surplus has already been allocated, thus the 3 secondary pupils arising from this development cannot be accommodated. The secondary contribution will be pooled with others and put towards a capital expansion project at one of Maidstone's secondary schools (yet to be confirmed). This approach is in line with the methodology agreed with the Borough for at least the last ten years. Few contributions may have been secured to date simply because there has been no pupil need. This scenario is now changing with the increased live birth rate, an increase in the quantum of inward population migration and the prospect of further new housing in Maidstone.

£6,309.71 toward the provision of bookstock at Maidstone libraries.

£2,095.74 towards community learning

£3,380.90 towards adult social services

3.3 **The Environment Agency** raises no objections to the application.

3.4 **UK Power Networks** raise no objections to the application.

3.5 **MBC Parks and Open Space** request a contribution of £114,975 towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development. We would request that any contribution be spent at Mote Park (improvements to play area(s)), Whatman Park (skate park and landscape improvements), Clare Park (improvements to play area and landscape improvements) and Giddyhorn Lane (improvements to play area), while consideration should also be given to allotment sites at Rocky Hill and Buckland Hill for improvements to allow more usable allotment space.

All the above sites are within a mile radius of the development and would all benefit greatly as we would foresee higher demand and usage to these sites should this proposed development be built.

3.6 **MBC Conservation Officer** raises objections to the application stating:-

"Concorde House lies immediately opposite to a group of listed buildings and immediately adjoins the Rocky Hill Conservation Area. Both the existing building and the proposed development affect the settings of these designated heritage assets.

Concorde House is a 5-storeyed office block with semi-basement parking erected in 1965. It is a typical building of its era, flat-roofed with brick and curtain-walled elevations. The Council's London Road Character Assessment SPD of 2008 describes Concorde House as the "bulky flat roofed 5 storey office buildings visible from the character area present a flat, monotonous frontage ...The design neither takes visual clues from the historic buildings nor creates an interesting contrast."

I concur with this view and consider that the building has an adverse impact on the setting of the conservation area and of the group of listed buildings opposite. Historic development in the vicinity is of a modest scale, 2 or 3 storeys in height, so Concorde House appears as a discordant element because

of its height and bulk. Its rather pedestrian design and alien cladding materials exacerbate its detrimental impact.

In my view, if the existing building is no longer viable for its original purpose as office accommodation, the best option would be demolition and redevelopment at a more appropriate scale. However, in principle, its conversion to residential use would have no additional adverse impact on the setting of the conservation area or on the setting of nearby listed buildings, and the re-cladding exercise proposed, together with the addition of features such as balconies to add visual interest, could lead to a visual improvement. However, the addition of an extra floor will further compound the problem of scale and in my view would cause further harm to the significance of nearby heritage assets."

3.7 **MBC Landscape Officer** raises no objections to the application stating:-

"The tree survey report produced by CBA Trees is acceptable and there are no proposals to remove any of the existing trees on site. I therefore raise no objection to the proposed scheme on arboricultural grounds.

I am, however, concerned that many of the existing trees do not appear to be in a good condition and, as a result, I would like to see a detailed landscape scheme with some of the trees replaced and/or a long term management plan that considers the succession of the existing trees located within the application site."

3.8 **MBC Environmental Health Manager** raises no objections to the application stating:-

"The site is in a adjacent to a busy road and traffic noise may have a significant impact on future residents. I note that a Noise Assessment report by Hawkins Environmental, ref H1457, has been submitted with this application. The assessment concludes that the site would fall in to NEC C if rated under the old PPG24 note, the report also concludes that sufficient noise mitigation can be achieved if appropriate double glazing is used, plus an acoustically treated passive ventilation system.

The site is within the Maidstone Town Air Quality Management Area and is just under 240m from a known air quality hotspot. I consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect. The building to be converted should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.

There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations.

Section 54 of the Clean Neighbourhoods and Environment Act 2005 requires the developer to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time."

4. REPRESENTATIONS

4.1 None received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is an existing five storey office block with surrounding grounds and parking areas. It is within the urban area of Maidstone in an edge of town centre location on the east side of London Road. The building is a typical flat roofed 1960's office block with brick and curtain walled elevations. It is a staggered building that fronts London Road with vehicular access in the south east corner of the site that leads to a parking area to the rear containing 72 spaces. The site falls away from London Road with a drop of approximately 2.5 metres across the site from south west to north east.
- 5.1.2 The surrounding area is mixed in character with a restaurant adjoining the site to the north, residential to the east and offices to the south east. On the opposite side of London Road, within the island, there are a number of other office buildings with other commercial uses in the form of a hotel, garage and wine warehouse. On the west side of London Road, the character of the area is predominantly residential.
- 5.1.3 On the west side of London Road there are a number of listed buildings and the Rocky Hill Conservation Area. There are also a number of trees that are subject to Tree Preservation Orders within the Conservation Area.
- 5.1.4 The site is within an economic development area as designated by policy ED2 of the Maidstone Borough-Wide Local Plan (2000). This designation secures the retention of the site for B1 office purposes.

5.2 Proposal

- 5.2.1 The application is a full application for the change of use of the existing building from offices (B1) to 73 flats (C3) with the creation of an additional floor of accommodation set back from the main façade to create a roof terrace. This would result in 5 studio flats, 10 one bedroom apartments and 58 two bedroom apartments. The proposal is in excess of 15 units and in accordance with policy AH1 of the Council's Affordable Housing DPD (2006) 40% affordable housing is proposed as part of the scheme with a mix of social rent and intermediate forms of tenure.
- 5.2.2 The change of use also involves works to the external surfaces of the building in terms of cladding with render panels to the facades of the building, the creation of balconies and roof terraces to provide private external space.
- 5.2.3 The proposal would also include the addition of a new floor. This would be constructed as an infill around the existing flat roofed blocks on the roof and would not extend any higher than these existing parts of the building.
- 5.2.4 The car park arrangement would remain relatively unaltered with 72 spaces to be provided for the 73 flats. In addition there would be 96 cycle spaces provided within the building under croft area. This would be a lockable area providing security for the cycles. Additional landscaping is proposed as part of the scheme on the frontage to London Road, which is a key short range vantage point and within the parking area.

5.3 Principle of Development

- 5.3.1 The site is within the urban area of Maidstone and is previously developed land on the edge of the town centre. The principle of a residential use for this building is generally acceptable and in accordance with national planning policy guidance.
- 5.3.2 However, the site is designated under policy ED2 of the Maidstone Borough-Wide Local Plan (2000) for the retention of the site for B1 office use. Therefore to allow the conversion of this building to residential would be contrary to the Development Plan and as a result has been advertised as a departure.
- 5.3.3 A marketing assessment undertaken by Cluttons has been submitted by the applicant, which demonstrates that the premises have been marketed by Cluttons through direct mailing, adverts in the KM, board outside the premises and on the internet through Cluttons website and Property link and Focus. These letting instructions have been continuous since 2003 and have resulted in extremely limited success. Alternative uses have also been explored by

Cluttons including hotel and leisure, medical, retail, car showroom and light industrial/trade counter. None of these uses are considered suitable by Cluttons.

- 5.3.4 The Council's property manager has assessed the marketing report and concurs with the findings.
- 5.3.5 In the absence of any likely employment use being forthcoming for the site it is my view that the principle of residential use on this site is acceptable.

5.4 Visual Impact

- 5.4.1 The existing building is not attractive in appearance and does not positively contribute to its surroundings. However, it is of a significant scale within a large plot and has a considerable visual impact. It is visible from short range views and within the context of the nearby listed buildings on the west side of London Road as well as longer range views from the other side of the River Medway.
- 5.4.2 The additional storey that would be constructed would 'level off' the top floor of the building. This would result in the appearance of a complete building rather than different height blocks on the roof of the building. The use of light ochre panels on the majority of the upper floor would add to its visual interest and tie in to the panelling on the flank elevation.
- 5.4.3 The proposed external works including the recladding of the building would improve the visual appearance of the building. The light coloured render would ensure that despite the loss of some of the glazing the building would have a light appearance. The introduction of balconies would break up the facades of the building and add visual interest to the property. The improvements to the building would result in a significant improvement to the building that would have a positive impact on its impact on the street scene and appearance of the area.
- 5.4.4 The result of the external works would be a considerable improvement to the appearance of the building and therefore its impact on the surrounding area. In addition, the fact that the building would be brought into a viable use that would continue into the future would ensure that the building would not deteriorate over time.
- 5.4.5 I note the comments from the Conservation Officer. He considers that the existing building is not visually compatible with its surroundings. The London Road Character Assessment SPD of 2008 describes Concorde House as the "bulky flat roofed 5 storey office buildings visible from the character area present a flat, monotonous frontage ...The design neither takes visual clues

from the historic buildings nor creates an interesting contrast.” The Conservation Officer considers the impact of the existing building stating that the historic development in the vicinity is of a modest scale, 2 or 3 storeys in height, so Concorde House appears as a discordant element because of its height and bulk. Its rather pedestrian design and alien cladding materials exacerbate its detrimental impact. I do not disagree with this assessment.

5.4.6 The Conservation Officer states that if the existing building is no longer viable for its original purpose as office accommodation, the best option would be demolition and redevelopment at a more appropriate scale. Whilst this would allow a more appropriately scaled building(s) to be constructed on site this is not what is proposed. The applicant has explored alternative options involving the demolition of the building, however, these are not viable alternatives. Furthermore, from a sustainability point of view it would be preferable to reuse the existing building rather than demolish it and remove the waste materials and construct a new building.

5.4.7 In his assessment of the proposal the Conservation Officer considers the principle of the conversion to residential use would have no additional adverse impact on the setting of the conservation area or on the setting of nearby listed buildings, and that the re-cladding, together with the addition of features such as balconies to add visual interest, could lead to a visual improvement. However, he raises concern that the addition of an extra floor will further compound the problem of scale and cause further harm to the significance of nearby heritage assets. I can understand the Conservation Officers view, however, I consider that the visual improvements proposed to the building in the form of recladding and the addition of balconies would be of considerable benefit. In addition, the long term use of the building preventing the deterioration of the building as well as the wider planning benefits and provision of housing would provide significant benefits. Overall, I consider that these visual and wider benefits would outweigh the harm caused by the additional floor, which in my view is relatively minor.

5.5 Residential Amenity

5.5.1 The nearest residential properties to the site are to the rear (north east) in Sprinvale (accessed from Buckland Road). These houses and flats are generally a significant distance from the building. The closest property would be a block of flats known as Robin House and this would be a minimum distance of approximately 20m. The majority of the block would be in excess of this distance and also of the previous 21m guideline contained in the old Kent Design Guide. I consider that the separation distances between the new flats and existing residential properties would be sufficient to prevent an unacceptable loss of privacy to existing occupiers.

5.5.2 There would be no significant loss of light or overbearing impact on the existing residential occupiers.

5.6 Highways

5.6.1 The access point would remain in a similar position to the existing access point but would not have an in and out access arrangement. Instead it would have a single dual access point with adequate visibility splays to ensure that safe access and egress could be attained from the site.

5.6.2 The TRICS database indicates that traffic movements would be reduced from the office potential to the residential use and in any case would not result in an unacceptable level of traffic movements onto this classified and heavily trafficked road.

5.6.3 The proposed parking level of 72 spaces would be just shy of a 1 to 1 ratio but would be acceptable in the edge of town centre location. This combined with the 96 cycle spaces would provide sufficient parking facilities for the proposed flats.

5.6.4 There are no objections from Kent Highway Services to the scheme and I am satisfied that there would be no highway safety implications from the proposals.

5.7 Landscaping

5.7.1 A tree survey has been undertaken and submitted as part of the application. The landscape officer has examined the survey and confirms that it is an adequate survey. One issue that is raised relates to the relatively poor condition of a number of the trees and that a landscaping scheme with measures for their gradual replacement should be submitted. I agree with this assessment and such a scheme can be secured by way of a condition.

5.7.2 There is some planting in the front of the site this would be increased through the proposed scheme, which would result in a softer appearance to the site from views from London Road.

5.8 Heads of Terms

5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.8.2 The summarised matters below are sought within a completed Section 106 and are discussed in full later in this section.

- Affordable Housing at 40% would be required in accordance with policy AH1 of the Affordable Housing DPD (2006).
- Public open space contribution of £114,975 (73 units x £1575 per unit) is sought from the Council's Parks and Open Space Team in lieu of any on site provision in accordance with policy OS1 of the Open Space DPD (2006).
- Healthcare contribution of £29,016 towards the improvement of doctors surgeries within 1 mile of the site to provide for the additional demand from the new flats.
- Primary school contribution of £119,793.20 (this includes an element of land acquisition cost that would be refunded if land is passed to KCC at nominal cost); towards the construction of a new primary school within 2 miles of the site to cater for the additional demand for places.
- Secondary school - £34,217.10 towards the extension of an existing secondary school within Maidstone to cater for the additional demand for places.
- Library contribution of £6,309.71 toward the provision of bookstock at Maidstone libraries for the additional demand on the resource.
- Community learning contribution of £2,095.74 towards new/expanded facilities and services at both Maidstone Adult Education Centre and through outreach community learning facilities in Maidstone local to the development.
- Adult social services contribution of £3,380.90 towards four identified projects in Maidstone being integrated dementia care, provision of linked care needs and assessment suite, changing place facility and assistive technology (telecare).

5.8.3 This proposal includes the provision of financial contributions for the National Health Service (NHS), Kent County Council (KCC), and for Maidstone Borough

Council Parks and Open Space Department (POS) and for the provision of affordable housing on site. The applicant has been made aware of these requests, and has agreed, in writing, the heads of terms as set out in the recommendation below.

- 5.8.4 The Council's policy AH1 in its affordable housing DPD requires the provision of a minimum of 40% affordable housing on schemes of 15 units and above. The proposal includes the provision of 30 flats for affordable housing (41%). These would consist of 24 two bedroom apartments and 6 one bedroom apartments. They would be a mix of social rent and intermediate forms of tenure, with the final split confirmed within the terms of the Section 106. The split contained within the affordable housing DPD requirements 60% of the affordable housing to be affordable rent and 40% for other forms of affordable housing. However, in the event that a different split is proposed and agreed by the Council I do not consider that this would harm the overall aim of policy AH1 so long as at least 30 flats are provided as affordable housing. I consider that the provision of 40% affordable housing is in accordance with the affordable housing DPD and therefore complies with the requirements of the Development Plan.
- 5.8.5 Maidstone Borough Council Parks and Open Space Officer was consulted and has requested that a contribution of £1,575 per dwelling be made to improve the open space provision within the locality. The open spaces identified are Mote Park (improvements to play area(s)), Whatman Park (skate park and landscape improvements), Clare Park (improvements to play area and landscape improvements) and Giddyhorn Lane (improvements to play area), while consideration should also be given to allotment sites at Rocky Hill and Buckland Hill for improvements to allow more usable allotment space. These areas are within 1 mile of the site and I am of the opinion that providing these contributions would not only be in accordance with the Councils adopted Development Plan Document (DPD) but the three tests set out above.
- 5.8.6 The NHS has requested that a contribution be provided to upgrade the existing facilities within the locality, to ensure that the additional demand placed upon this infrastructure can be accommodated. The NHS has confirmed that the money will be spent upgrading the nearby surgeries of Lockmeadow clinic, College Road, Brewer Street, St Lukes or Marsham Street. Policy CF1 of the Local Plan states that residential development that would generate a need for new community facilities will not be permitted unless the provision of new (or extended) facilities are provided, or unless a contribution towards such provision is made. I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing surgeries, and that the money being requested is not excessive. I am satisfied that this request for contributions complies with the three tests as set out above.

- 5.8.7 Mouchel on behalf of Kent County Council has requested a contribution of £119,793.20 towards the construction of a new primary school within 2 miles of the site. This includes a contribution for land acquisition that would be returned if a site is provided at nil cost e.g. at the Land East of Hermitage Lane Strategic Allocation Site. There has been evidence submitted that the schools in the vicinity are nearing capacity and that the projections over the next few years would reach the capacity. Therefore they are seeking contributions from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing schools. Therefore the new school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 5.8.8 There is also a request for a contribution of £34,217.10 towards the extension of a secondary school within Maidstone. There has been evidence submitted that the secondary schools in Maidstone are nearing capacity and that the projections over the next few years would reach the capacity. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.
- 5.8.9 KCC have identified that there would be an additional requirement for bookstock at the Maidstone Library on the basis that the development would result in additional active borrowers and therefore seek a contribution of £6,309.71. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 5.8.10 A community learning Community learning contribution of £2,095.74 towards new/expanded facilities and services at both Maidstone Adult Education Centre and through outreach community learning facilities in Maidstone local to the development. KCC have identified that the proposal would give rise to additional demand for such a provision. The request is for a contribution towards the provision of additional facilities and staffing to support the need of the development. I consider that this request is justified, compliant with policy CF1 and the applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.8.11 A contribution towards adult social services of £3,380.90 towards four identified projects in Maidstone being integrated dementia care, provision of linked care needs and assessment suite, changing place facility and assistive technology

(telecare). Telecare provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and that applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

5.9 Other Matters

- 5.9.1 The scheme represents a conversion rather than a new build and as such the Code for Sustainable Homes does not apply. However, the BREEAM Domestic Refurbishment Assessment would be applicable and a 'Very Good' rating would be achieved utilising items such as a community heating system and measures to reduce water consumption. This combined with the fact that the proposal is a conversion rather than a demolition and rebuild would ensure that the conversion itself is a sustainable form of development.
- 5.9.2 A noise assessment has been undertaken and the Council's Environmental Health Manager is satisfied that the living standards of the proposed occupiers would be in accordance with the relevant standards. There is a request from the Environmental Health Manager that a condition be imposed requiring a air quality survey be undertaken. Given the sites proximity to a known air quality hotspot I consider that this condition would be reasonable.

6. CONCLUSION

- 6.1 The site is previously developed land within the urban area of Maidstone. It is a sustainable edge of town centre site and therefore a suitable site for residential development. The conversion of the building to flats would result in the loss of office accommodation within a designated employment area (ED2) of the Maidstone Borough-Wide Local Plan (2000). There is a marketing report that has been undertaken that demonstrates that the office building is not viable in its current use and that conversion to residential is the only likely reuse of the building.
- 6.2 The alterations to the building would result in considerable improvement to the external elevations of the building and this would improve the short range views from London Road but also longer range views from across the river. Whilst the introduction of an additional floor would increase the scale of the building the overall visual improvements and the wider planning benefits would outweigh any slight impact on the historic setting on the opposite side of London Road.

- 6.3 The scheme would provide 40% affordable housing on site and contributions towards education provision, healthcare, open space and other community facilities. The applicant has agreed to these contributions and they are in accordance with the adopted policies of the Development Plan and the CIL regulations.
- 6.4 I therefore recommend that Members give this application favourable consideration and give delegated powers to the Head of Development Management to approve subject to the submission of a suitable S106 agreement and the conditions and informatives as set out below.

7. RECOMMENDATION

Subject to the submission of a S106 legal agreement addressing the following matters:

- The provision of a minimum of 40% affordable housing;
- Public open space contribution of £114,975 being £1,575 per dwelling for the improvement of the open space within 1 mile of the site;
- Healthcare contribution of £29,016 for improving the existing health care facilities within 1 mile of the site;
- Primary school contribution of £119,793.20 (this includes an element of land acquisition cost that would be refunded if land is passed to KCC at nominal cost); towards the construction of a new primary school within 2 miles of the site;
- Secondary school contribution of £34,217.10 towards the extension of an existing secondary school within Maidstone;
- Library contribution of £6,309.71 toward the provision of bookstock at Maidstone library;
- Community learning contribution of £2,095.74 towards new/expanded facilities and services at both Maidstone Adult Education Centre and through outreach community learning facilities in Maidstone local to the development;
- Adult social services contribution of £3,380.90 towards four identified projects in Maidstone being integrated dementia care, provision of linked care needs and assessment suite, changing place facility and assistive technology (telecare).

The Head of Development Management BE GIVEN DELEGATED POWERS TO APPROVE subject to the conditions set out below:

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:
02E, 003B, 004F, 005C, 006C, 007C, 008C, 009D, 010A, 011B, 012A and 013 received on 21/12/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with guidance contained in the National Planning Policy Framework 2012.

3. The development shall not commence until, full details of the materials to be used in the external finish to the building 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 guidance contained in the National Planning Policy Framework 2012.

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

Reason: No such details have been submitted in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) and guidance contained in the National Planning Policy Framework 2012.

5. 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 building(s) or the completion of the development, whichever is

the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) and guidance contained in the National Planning Policy Framework 2012.

6. The flats shall achieve a minimum rating of VERY GOOD of the BREEAM Domestic Refurbishment Assessment. No flats shall be occupied until at least a rating of VERY GOOD has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and guidance contained in the National Planning Policy Framework.

7. The developer should have due regard to the acoustic report carried out by Hawkins Environmental, ref H1457, and shall meet all the recommendations specified in the report;

Reason: To ensure an adequate level of amenity for future occupiers in accordance with guidance contained in the National Planning Policy Framework 2012.

8. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter;

Reason: To ensure an adequate level of amenity for future occupiers and to prevent worsening impact on air quality in accordance with guidance contained in the National Planning Policy Framework 2012.

9. No development shall commence until details showing the provision of construction vehicle loading/unloading and turning facilities parking for site personnel and visitors prior to commencement of work on site and for the duration of construction have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out ;

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

Informatives set out below

To safeguard the enjoyment of their properties by adjoining residential occupiers and the amenity of the surrounding area the developer must provide evidence that the development conforms with Approved Document E Building Regulations 2003 Resistance to the Passage of Sound to the Local Planning Authority. Details of the relevant building control authority should also be provided to the Local Planning Authority.

Attention is drawn to the COPA 1974 sections 60 & 61. The Council will normally expect contractors to adhere to the Guidance Note for Contractors contained in the Associated British Standard COP BS 5228:2009 for noise control on construction sites which includes such matters as hours of noisy working, working practices and public relation with local residents. 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 the normal working hours, cannot be stressed enough.

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

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

- Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.
- Where practicable, all loose material on the site should be covered during the demolition process.
- During the construction, reconstruction, refurbishment or modification of the building and where practicable the exterior should be sheeted, enclosing openings etc. as necessary.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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

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

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

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

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County

Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800) in order to obtain the necessary Application Pack.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000 in relation to policy ED2. However, the marketing report submitted demonstrates that there is unlikely to be a viable employment use within the building therefore the conversion to residential is considered acceptable in this edge of town centre location and there are no overriding material considerations to indicate a refusal of planning consent.