

APPLICATION: MA/13/1292 Date: 21 July 2013 Received: 24 July 2013

APPLICANT: Oliver James Homes Ltd. C/O

LOCATION: AMBULANCE STATION, LOOSE ROAD, MAIDSTONE, KENT, ME15 9QB

PARISH: Maidstone

PROPOSAL: Demolition of existing buildings and erection of convenience store and 8(no) dwellings with new access, parking and associated works as shown on Planning Statement, Ecological report, Noise Data report, Plan Noise Mitigation report, Geo Environmental Desk Study and Subsoil report/investigations, and drawing nos. 1847-01, 02 rev A, 03 Rev M, 07 Rev A and 1239/13/B/4 Rev G received 22/07/13, drawing no. 1847/06 Rev J received 24/07/13 and amended Tree Survey received 30/08/13.

AGENDA DATE: 19th September 2013

CASE OFFICER: Kathryn Altieri

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

- Councillor D. Mortimer has requested it be reported for the reason set out in the report.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV21, ENV49, T13, R1, R3, R10, CF16
- Supplementary Planning Document – Loose Road Character Area Assessment
- Government Policy: National Planning Policy Framework
- Planning for Growth Ministerial Statement (March 2011)

2. HISTORY

- MA/13/0169 - Demolition of existing buildings and erection of convenience store and 9 dwellings with new access and parking – Refused
- MA/11/1811 - Erection of Ambulance Community Response Post – Approved/granted with conditions

- MA/11/1061 - Outline application for the erection of 14 dwellings with access and layout to be considered at this stage and appearance, landscaping and scale reserved for future consideration –approved/granted with conditions

3. CONSULTATIONS

3.1 Councillor Mortimer: Raises objections;

3.1.1 *"These reasons are essentially the same as the previous application MA/13/0169. Although this new application has taken my into account my previous concerns over design and layout I still have overriding concerns as set out below;*

- *The application is the cause for considerable concern by local residents in relation to Lighting and signage, Noise from delivery vehicles, opening times, the substantial increase in traffic onto and from the Loose Road close to a busy existing junction.*
- *The building is out of keeping in relation to existing and new housing and the housing proposed as part of the development.*
- *This type of retail development will have a serious affect on the viability of adjacent businesses. There is serious concern that the developers seem to be indicating that on drawing 1847/03G the parking behind Boughton Parade which is always substantially used for the shops, the doctors and the Physiotherapist practice, can be used by customers of Sainsbury as an overflow car park. This proves that there will be insufficient parking for the new store.*
- *There is serious concern in relation to noise from refrigeration equipment particularly over the night time when traffic noise diminishes substantially.*
- *The huge volume of cars and in particular the heavy vehicles using the access road will have a serious affect on the amenity of residents occupying the new houses. and the new properties on the Fire Station site*
- *Should an ATM be installed, this will be a 24 hour unit which will obviously create traffic and parking concerns day and night."*

3.2 KCC Highways Officer: Raises no objections with recommended conditions;

3.2.1 *"Additional parking is provided, allowing for 2 spaces per dwelling. This is an improvement of the previous application which allowed only 1 parking space for each of the 3 bedroom houses. The additional parking will reduce the likelihood of residents parking on street. I would however recommend that the footway between the retail parking area and the rear of the 4 bedroom properties is extended to reach all of the 3 properties.*

3.2.2 *The retail element remains unchanged; the convenience store will comprise of 456m2 overall including 278m2 of retail floor space. The proposal includes 14 parking spaces and a loading bay. This site is adjacent to an existing shopping area and serves a large residential area therefore linked trips and a high proportion of pedestrian trips could be expected. I consider the level of parking for the retail use to be sufficient. Tracking diagrams have been provided which indicate that there is sufficient space for deliveries to turn within the site.*

- 3.2.3 *The access arrangements are also unchanged; a new access is to be provided via The Farrows. This is a shared surface designed in accordance with the principles set out in Manual for Streets.*
- 3.2.4 *Cycle parking is required at a level of 1 space per bedroom for the residential development and 1 space per 200m² for the retail (minimum).*
- 3.2.5 *There should be no new planting/obstruction above 600mm within the visibility splay at the junction of the site access with the Farrows, although the existing trees within the vision splay are acceptable.*
- 3.2.6 *There should be no new planting/obstruction above 600mm within the visibility splay at the junction of the Farrows with the A229 Loose Road."*
- 3.3 **KCC Biodiversity Officer:** Confirmed that previous comments made under MA/13/0169 still stand and raise no objections. As set out below;
- 3.3.1 *"We have reviewed the ecological information which has been submitted with the planning application in conjunction with the desk top information available to us (including aerial photos and biological records). We are satisfied with the information which has been submitted has adequately assessed the suitability of the site to contain protected species. We require no further information to be submitted for comments.*
- 3.3.2 *Bats have been recorded within the surrounding area. Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).*
- 3.3.3 Enhancements
- One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". No enhancements have been proposed to be incorporated in to the site. We recommend that bat tiles or bricks are incorporated in to the new development. In addition we recommend that native species are incorporated in to the landscaping."*
- 3.3.4 Recommended informatives have duly included with the decision.
- 3.4 **Landscape Officer:** Raises no objection on landscape and/or arboricultural grounds with recommended conditions;
- 3.4.1 *"The tree survey appears to be accurate, despite omitting survey details for some trees without explanation. However, I do not consider that this prevents comment on the proposal.*

3.4.2 *The site layout is different in the submitted hard and soft landscape plans and the tree survey; with discrepancies between which trees are to be retained and which are to be removed (e.g. the landscape plan shows a tree to be retained that is graded U in the tree survey). I now understand that this is because the tree is not in the applicant's ownership and it cannot be shown as removed because the owner's permission has not yet been obtained to remove it. Due to its poor structural condition, it is not suited to long term retention and whilst it is shown on the plans as retained, in reality it is likely that it will need to be removed in order to implement this scheme and should not be viewed as a retained tree in the determination of this application.*

3.4.3 *No assessment seems to have been made of the impact of the retained and proposed planted trees on the arrangement of the dwellings. It appears to me that some future pressure for tree removals could arise as a result of shading to main rooms. The better trees are largely unaffected, however, so I do not consider my concerns to be severe enough to merit refusal of the application on tree grounds. If you are minded to grant consent, I recommend the use of conditions as previously discussed."*

3.5 **Environmental Health Officer:** In summary commented as follows;

3.5.1 *No objection is raised to how and when the commercial waste from the retail unit will be stored.*

3.5.2 *Buildings on site which are to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.*

3.5.3 *Extended opening hours on Sundays and Bank Holidays may be detrimental to the amenity of local residents. Suggest that the opening hours should be slightly restricted and initially be granted for a trial period of 12 months in order to allow time to assess any detrimental effect on the local community.*

3.5.4 *There is no indication from the latest British Geological Survey maps that there is a significant chance of high radon concentrations. However, the former use of the site included workshop areas where vehicles were stored and maintained.*

3.5.5 *A contaminated land report has been received with this latest application. The report concludes that "there appears to be no significant risk to receptors but that there should be an appropriate appraisal of ground conditions present directly beneath the tanks following their removal"; it should also be noted that a Major Aquifer exists within the underlying Hythe Beds below this site. Further investigation in the vicinity of the old tanks is still needed and a closure report is still required – this does not appear to have been supplied with this application. A contaminated land condition should be imposed on any planning permission granted.*

3.5.6 *The site is within the Maidstone Town Air Quality Management Area and adjacent to an air quality hotspot that exceeds EU air quality objectives for nitrogen dioxide (a transport pollutant). The latest development proposal involves a reduction in the number of dwellings and a re-arrangement of the layout and I note that all the proposed residential*

dwellings are set back from the busy A229 (Loose Road) behind the proposed convenience store. However, the site is also adjacent to a proposed development to build 122 houses (MA/08/0902). The cumulative impact of these residential units could be minimised by carrying out an air quality and/or emissions based assessment. Such an assessment should propose low emission schemes which could lead to a reduction in air quality emissions by minimising the transport trip generation of the development whilst also increasing the sustainability of the development. I therefore consider that an air quality assessment should still be required.

- 3.5.7 *A relevant noise assessment report for the proposed new residences should be provided. A noise assessment report by Hilson-Moran, ref 15245-05/PNR has been received and whilst this report addresses some of the issues associated with the planned convenience store for the site, i.e. plant noise in relation to rating noise affecting mixed residential and industrial areas; it does not properly address the other noise issues mentioned above with regard to the planned residential dwellings. A further acoustic assessment should therefore be required for the proposed 8 dwellings, in order to ensure that future residents are not exposed to excessive noise. The Hilson-Moran report notes that a supplementary report shall be provided for the Sainsbury' feasibility team to inform initial external plant noise mitigation measures, and this does not appear to have been supplied with this application; therefore any permission granted should have a condition attached to require this supplementary report."*
- 3.5.8 The Environmental Health Officer has recommended conditions for an acoustic survey, air quality survey, land contamination report and a trial period restricting opening hours for the retail unit. The recommended informatives have duly been imposed.
- 3.6 **Environment Agency:** Confirmed that previous comments made under MA/13/0169 still stand. As set out below;
- 3.6.1 Raise no objections with recommended conditions;
- 3.6.2 *"A report called The Proposed Redevelopment at Former Ambulance Station (R. Carr Geotechnical services, August 2012) has been submitted with the planning application. This report included a site investigation and risk assessment and satisfies part 1 and 2 of the following condition.*
- 3.6.3 *We agree with the findings of the report that the presence of hydrocarbons may indicate a leak which has occurred on site. The report indicates the following:*
- *It is recommended that an appropriate appraisal of ground conditions present directly beneath the tanks is undertaken following their removal from the ground.*
 - *Otherwise, no remediation is considered necessary at the site providing that the existing tarmac surfacing and underlying sub-base material is removed from the site to a licensed depository.*
- 3.6.4 *Please indicate what validation criteria will be used for the remaining in-situ soil beneath*

the tanks and sub-base material, in relation to part 3 of the following condition."

3.6.5 The Environment Agency consider that planning permission could be granted if conditions are set regarding land contamination, and that no infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority. The recommended informatives have been duly included with the decision.

3.7 **Kent Fire and Rescue Service:** As taken from previous comments received under MA/13/0169;

3.7.1 *"The means of access is considered satisfactory."*

4. REPRESENTATIONS

4.1 **North Loose Residents Association:** Raises objections to the proposal;

4.1.1 *The North Loose Residents Association is very concerned that, contrary to the Statement of Community Involvement and the Localism Bill, there has been no communication or public meeting with the local community to discuss these proposals. Therefore no account is being taken of the general opinion of our membership – in that they do not wish to see a convenience store on this site.*

4.1.2 *The convenience store will be sited forward of the other shops in Boughton Parade and we feel this would not be in keeping with the area.*

4.1.3 *Access road – delivery vehicles to the proposed convenience store, which will include articulated lorries, will have to travel (on a daily basis including Sundays) round several sharp bends and around the terrace of three houses to reach the delivery point. If the family homes have any visitors or service vehicles attending, this will make negotiating the road extremely difficult as there are no parking restrictions there. This would necessitate double yellow lines to ensure access is available for those vehicles, which would mean no parking facilities for visitors or service vehicles to any of the proposed dwellings. Also, there is a pinch point on The Farrowes which means that only one vehicle at a time can use the road. This will cause hold-ups backing onto the Loose Road.*

4.1.4 *The applicants state this development will provide a total of 8 dwellings. What they do not mention is that these 'family homes' will be very crammed and the terrace of three homes will effectively be in the middle of a roundabout. The terrace of five will look straight onto a fence, not an open aspect as stated in the application, and we understand that the fence is owned by another company and there is no intention for it to be removed.*

4.1.5 *The applicants state the proposed opening hours for the convenience store as 0700-2300 but they have not stated that there will be an ATM machine situated at the front of the building, facing the Loose Road. This will be available 24 hours a day, 7 days a week,*

and experience elsewhere (e.g. Cripple Street by the traffic lights and the Tesco Convenience Store on Upper Stone Street) shows that people will park on the main road – in this case in an extremely dangerous place by the traffic lights – at all times of the day and night.

- 4.1.6 Layout – the shop unit will be forward of the existing shops in Boughton Parade, thus making this large building more dominant. The developers again describe the terrace of five houses as facing open space, and we again emphasise this is not true as the houses will be facing wooden fencing which we are told is only 4 metres away from the front of the houses – providing a poor outlook and compromised daylight to the front rooms of these properties - and will remain in place.*
- 4.1.7 Scale: at the moment the parade is made up of independent shop keepers, which has been its strength in the past. Unfortunately this store will dominate the scene and put at risk at least two stores which have served the area for very many years, rather than 'complementing and strengthening them' as the applicants surmise. It should be noted that this parade has been viable with no closed shops in the past and the last thing local residents wish to see is boarded up shops.*
- 4.1.8 Density – this is still a crammed proposal, with approximately 36 houses to the hectare.*
- 4.1.9 Landscaping: approved application 11/1061 (for 14 houses) allows for retention of the existing hedge along the northern boundary together with extra hedges and trees. This proposal will not meet these landscape features and there will be even further detriment to wildlife and the quality of the air on the Loose Road.*
- 4.1.10 Parking in the existing Boughton Parade car park is not guaranteed as we understand this is a private car park owned, maintained and managed by Boughton Parade Management. The car park is often already full to capacity and provides parking for residents of the flats above the shops as well as visitors to the doctors' surgery, existing shops in Boughton Parade, the physiotherapy practice and the chemist. The mobile library also uses this car park. We understand from Boughton Parade Management that no approach has been made to them to use this car park.*
- 4.1.11 In addition, the applicants must be well aware that if only 14 car parking spaces were required, there would not be enough foot fall to make this store viable; they are therefore relying heavily on using a parking area provided by competitors rather than providing sufficient parking themselves.*
- 4.1.12 This application does NOT produce a design of high quality as required by the NPPF; in fact, quite the reverse. The high density of housing, narrow roads and cramming will NOT be visually attractive and certainly does not reflect the local character as stated in the Loose Road Character Assessment.*
- 4.1.13 The applicant's state: 'The starting point for the consideration of any planning application is the development plan, and the law requires that planning application should be determined in accordance with the development plan unless material*

considerations indicate otherwise. Material considerations would include relevant planning decisions affecting the land...'

4.1.14 This land already benefits from outline permission granted for 14 houses, which at the time was a change of use but was approved by the planning officer as being an appropriate extension of the housing development on the previous fire station land. Care was taken that this small development of 14 houses would blend in with the new development and appropriate soft landscaping was included. The NLRA expects that these facts will be given due consideration when considering this application. We would also point out that these 14 houses would be more in keeping with government targets for housing than would just 8 houses crammed into the back of a car park.

4.1.15 The points made make no reference to all the additional traffic which will come from surrounding areas and it is a fact that after 5pm is when convenience stores generate up to 40% of their turnover. The right-turn facilities from the Loose Road consist of enough space for just 1 or 2 cars; any further traffic waiting to turn right will cause delays in the Loose Road back to the traffic lights. This is an area already suffering from severe traffic problems and access/exit issues from this proposed development will only exacerbate these. We have already pointed out that the existing car park at the rear of Boughton Lane is full to capacity. This comment confirms that the applicants are well aware that the 14 spaces allowed for in this development are not sufficient. Traffic from 7am to 11pm, plus use of the ATM at all hours of the day, seven days a week, must have a significant adverse impact on the amenities of the nearest residential properties – including the new ones proposed in this application.

4.1.16 Conclusions

The shortcomings identified by the Planning Committee have not been addressed in this application. It is still a poor application with insufficient parking, crammed houses surrounded by roads, and access difficulties to and from the Loose Road.

4.1.17 Policy R1 allows for retail development within defined urban and village areas, provided that it does not threaten the overall economic vitality and viability of established centres and that road access, parking and service arrangements are adequate. We have demonstrated that these latter features have not been addressed satisfactorily.

4.1.18 Highways issues – we have asked Kent Highways Officers why they never make any comments about proposed developments in our area, despite the non-stop building and congestion that is still continuing. They advised us that as they are not the planning authority and they are not allowed to refuse planning applications. Instead, it is up to the local authority to plan in mitigation factors to help alleviate anticipated traffic problems. Despite confirmation that the traffic crossroads nearby are agreed to be at maximum capacity and a 'sensitive' junction, no mitigation factors have been included and the congestion and accepted high air pollution levels will just increase. For this reason alone, we think this application should be refused unless and until such mitigation factors are included.

4.1.19 The Loose Road Character Area Assessment states that enhancements to the strategic route of the Loose Road into the County Town will have a disproportionate impact on

local and visitor perceptions because of the number of people using it. The area around this development is described as having a significant loss of enclosure (together with a number of unsympathetic buildings) and opportunities should be taken to enhance the sense of enclosure and to redevelop or screen the buildings which are out of character, using the opportunity to set buildings well back from the road. We consider that another large bulky development will have a jarring effect on the street scene, rather than the approved application for housing which would soften the link between the new block of flats and the parade. A large commercial unit placed here would be out of context and be contrary to the Maidstone Borough Council Loose Road Character Assessment recommendations.

4.1.20 *Lastly, in discussions with the Planning Officer and Kent Highways Officers, we have been told that planning considerations cannot take into account that people may break the law – e.g. park on double yellow lines in dangerous places because not enough parking is available, or because they spot an ATM and 'will only be a couple of minutes'. We are also told that the convenience store will attract extra traffic, but they cannot legislate against this. However, if experience shows that these offences will happen, why are we continuing to allow these problems, rather than having an effective planning system that plans out potential problem areas rather than planning them in?"*

4.3 Neighbour representations:

4.3.1 57 representations have been received (by 54 residents) raising concerns over;

- Highway safety
- Unacceptable increase in traffic movements/congestion
- Lack of parking
- General noise and disturbance to residents
- Impact on near-by protected trees
- Pollution
- Unwelcome use of Boughton Parade car park
- Loss of light
- Impact on viability of Boughton Parade/competition
- Impact on character of area
- Poor design and layout
- Poor quality of life for future occupants
- Land ownership

4.3.2 4 representations from neighbours are in support of the proposal.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site relates to a generally rectangular shaped plot of land that was formerly the Maidstone ambulance station located on the eastern side of

Loose Road, some 60m to the north of the junction with Boughton Lane. The site covers an area of approximately 0.4ha and except for the office accommodation that historically appears to have once been a dwellinghouse, the site has been largely cleared of its 1950's detached utilitarian buildings. The site has two vehicle accesses, one to the front of the site (Loose Road) and one that enters the site from its northern boundary ('The Farrow's'). This second access also serves the large housing development approved under MA/08/0902 and MA/10/0432 that was originally the site of the Fire Brigade Training Centre. This separate residential development surrounds the northern and eastern boundaries of the application site; Loose Road runs along the site's western boundary; and Boughton Parade (an allocated 'Local Centre' in the Development Plan) its car park and a doctor's surgery are found immediately to the south of the site.

5.1.2 The surrounding area is predominantly residential in character, although along this section of Loose Road, the fire station is found to the north of the site, Boughton Parade (a row of commercial premises with residential flats over) and the Swan Public House are found to the south; and a bank is sited opposite the application site, on the junction with Cripple Street. The residential properties do generally differ in style, appearance and age, however strong characteristics of the area include two storey properties with gable-end roofs built from red or yellow facing brick and there is the use of first floor rendering or tile hanging.

5.1.3 The application site is in the defined urban area and adjacent to a 'Local Centre' (Policy R10) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.2 Background information

5.2.1 Planning application MA/13/0169 was for the demolition of the existing buildings and for the erection of a convenience store and nine dwellings with new access and parking. This application was refused at Planning Committee on the 27th of June 2013 for the following reason;

"The proposal, by virtue of the proposed uses, layout and design would result in a development that would fail to respond positively to the character and appearance of the area and would result in a cramped form of development that would fail to provide an acceptable level of amenity for future occupiers. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012."

5.2.2 After further negotiations with the Council, the applicant has now resubmitted this scheme for consideration. The application is now for eight residential units instead of nine, with the layout of the houses having been amended. The proposed retail element of the proposal has remained largely unchanged.

5.2.3 This resubmission has addressed the only reason for refusal and this will be considered in the main body of this report.

5.3 Proposal

5.3.1 The proposed development is now for the demolition of the ambulance station and for the erection of eight dwellings and a detached retail unit with associated parking.

Retail unit

5.3.2 The proposed convenience store would be a single storey building with a footprint of 456m² that would be set back some 12m from Loose Road. 278m² of this would be given over to the retail sales area with the remaining floor area being used for storage and staff accommodation.

5.3.3 Set marginally forward of the properties within Boughton Parade (by some 2.5m), the proposed unit would have its customer entrance facing onto Loose Road; and would have large glazing elements to its northern and western elevations. The proposed unit would have a curved roof, at most standing some 6.5m in height from ground level; and in terms of finishes would have Euroclad SF500 metal sheet coloured 'Hamlet' (RAL9002) which is a silver/grey colour, and Ibstock Bexhill Red stock brick (with the detail coursing in the same brick). Parking (14 spaces including 1 disabled space) would be provided to the rear of the unit, with access from 'The Farrowes' to the north of the site. The building is intended to achieve a Good BREEAM rating.

5.3.4 The proposed opening hours for the unit would be 07:00-23:00 each day. In terms of deliveries, the applicant has confirmed that the proposed occupier would generally receive four deliveries per day, for newspapers (small van 4am-6am), bread and milk (rigid lorry 6am-10am), and general delivery (arctic or rigid lorry - morning). Waste collection would be during store opening hours. The proposed retail unit is expected to provide around twenty-five full-time and part-time jobs.

Residential units

5.3.5 In terms of layout, there would be a terrace of three (4-bed properties) that would front onto the new access road; and a terrace of five (3 bedroom) properties that would front onto the eastern boundary. The rear gardens of the 4-bed properties would face onto the convenience store's parking area; and the rear gardens of the 3-bed properties would face onto the new access road. Each property would have 2 allocated parking spaces (16 in total).

5.3.6 The 4-bed properties would each have a floor space of 110m² and a ridge height of 8.5m; and the 3 bedroom properties would each have a floor space of 92m² and a ridge height of 8.2m. All of the proposed dwellings would have an eaves height of 5m.

5.3.7 Each residential unit would be of a similar design in terms of scale, design and appearance. Indeed, the two terraces would have gable-ends; the ground floor would be of red Multi-stock brick (with a feature soldier course at ground level and a brick work feature band above the ground floor openings); at first floor level the 4-bed units would have plain tile cladding; and at first floor level the 3-bed units would be clad in white weatherboarding. In addition, the roofs would be of Marley Eternit 'Rivendale' fibre cement slates (colour blue/black), with terracotta clay ridge tiles; and there would be three individually hipped first floor windows to the front elevations.

5.3.8 In terms of the garden sizes, the 4 bedroom properties would generally have 6-8.5m wide gardens that measure 14m-15m in length; and the 3 bedroom properties would generally have 5.5m wide gardens that measure between 6m-9m in length. Each residential unit would achieve a minimum of Level 4 in terms of the Code for Sustainable Homes.

General details

5.3.9 The vehicle access from 'The Farrows', at the entrance (where granite setts are to be placed) would measure some 5.4m wide, widening to 6m within the site. The proposed hard surfacing of the main access road is stated to be Marshalls Tegula concrete sett paving (burnt ochre colour) for the section through the residential area, with further rows of granite setts then demarcating the retail area, and then Marshalls Tegula concrete sett paving (permanent grey) being laid. The allocated parking spaces for the residential units would be laid in Marshalls Tegula concrete sett paving (red multi colour).

5.3.10 In terms of soft landscaping, the proposal would seek to retain the mature beech hedge along the site's northern boundary, along with the 3 Norway Maples and the 1 Silver Birch set in this hedge; and there would be further planting within the site, including a mixed hedge and a number of ornamental trees along the site's southern boundary. The frontage with Loose Road would be retained lawn, with a Robinia tree planted close to the front of the retail unit.

5.4 Principle of Development

Residential development

5.4.1 Development Plan policy and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations, especially where the wider character of the area is predominantly residential. According to the NPPF, "*Housing applications should be considered in the context of the presumption in favour of sustainable development*". The Planning for Growth Ministerial Statement also states;

"Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

5.4.2 The site lies within the sustainable built up area, adjacent to an identified 'Local Centre' (known as Boughton Parade) and a doctors surgery; there are bus services (most frequent being services 5 and 89) regularly running along Loose Road in and out of Maidstone town centre; and in terms of schools, there are both primary schools and secondary schools within close distance of the site. For example, the New Line Learning Academy and Tiger Primary School are approximately 550m (along Boughton Lane) from the application site; and Park Way CP Primary School is approximately 1500m to the north of the site. There is other schools close-by in Mangravet, Shepway, Loose Road and Boughton Monchelsea.

5.4.3 The lack of a 5 year supply is a relevant factor but does not, of itself, direct that this application should be approved. Indeed, this proposal would make a relatively marginal contribution to the borough's housing land supply position and it is the details of this proposal that, in my view, make this a satisfactory development.

Retail development

5.4.4 The NPPF seeks to encourage and support sustainable economic growth, and does state that significant weight should be placed on the need to support economic growth through the planning system. It also goes on to state that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

5.4.5 In terms of the MBWLP, the three main (saved) retail policies of relevance to this element of the proposed development are R1, R3 and R10. The retail unit would not exceed 500m² of gross floor space and so policy R2 is not relevant. Saved

policy R1 states that retail development would be permitted in the defined urban area provided that (in summary);

- *The proposal does not threaten the overall economic vitality and viability of established retail centres;*
- *There are no highway safety objections, adequate access and parking; and the site is easily and safely accessible by a reasonable choice of modes of transport (including by people with disabilities);*
- *There is no significant adverse impact on neighbouring land uses or residential amenity.*

5.4.6 Saved policy R3 of the MBWLP states that retail development that would undermine the vitality and viability of the town centre would not be permitted. Saved policy R10 of the MBWLP relates to existing 'Local Centres', of which 'Boughton Parade' is one. This policy states that development which would harm its vitality and viability would not be permitted, and then goes on to state that;

"PROPOSALS FOR FURTHER CLASS A1 RETAIL DEVELOPMENT WILL BE PERMITTED IN, OR IMMEDIATELY ADJACENT TO, EXISTING DISTRICT OR LOCAL CENTRES SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1 AND R2."

5.4.7 The applicant has not submitted a detailed sequential/impact assessment with this application, measuring the impact of the proposal on Maidstone town centre's vitality and viability. However, under saved policy R2 of the MBWLP, this would only be a requirement if the proposed retail unit would exceed 500m² of gross floorspace, which this unit does not; and likewise, the NPPF does not consider an impact assessment for a retail unit of this scale is necessary.

Overview

5.4.8 There is policy support to provide further A1 development adjacent to existing 'Local Centres', and I am satisfied that the principle of this development is acceptable and in accordance with the Development Plan and the NPPF. However, clearly the details of the scheme must be appropriate in terms of its design and appearance; its impact on the pattern and grain of development in the surrounding area; and in terms of its impact on the amenity and vitality of the surrounding area. The remainder of this report will assess these issues and set out why I consider the detail of the proposed development to be acceptable.

5.4.9 This proposed development is for eight new dwellings, so the applicant is not required to provide any Section 106 contributions; and given the number of proposed dwellings and the size of the site, no affordable housing is required.

5.5 Design, siting and appearance

- 5.5.1 In accordance with the adopted Loose Road Area Character Assessment SPD (8.13), I consider the removal of the ambulance station building as being a positive move, as its low, utilitarian appearance did not relate positively to the character of Loose Road at this point; and given its noticeable set back from Loose Road, it did lose a sense of enclosure along this stretch of the road. The layout proposed under this application would set the built development closer to the road, fully respecting the strong positive character of the street whilst leaving the opportunity for "street trees", as recommended in this SPD.
- 5.5.2 In terms of the impact on the wider area, cul-de-sac and backland development is a common feature of the wider area. Indeed, the development would be largely surrounded by existing residential properties; and with the recent housing development at the Kent Fire Station site to the north and east of the application site, there is no clear uniform pattern of existing built development for this scheme to adversely effect. Moreover, the development would have frontage development onto Loose Road and the open space to the east of the site; which in my view responds positively to the existing built form of the area hereabouts. It is therefore my opinion that the proposed development is appropriate and would not have a detrimental impact on the pattern and grain of the surrounding area.
- 5.5.3 The proposed retail unit would front onto Loose Road; it would sit closer to the road than the ambulance station; and it would be marginally set further forward than 'Boughton Parade' is to the road. However, the eastern side of Loose Road does not have an obvious building line for the unit to disrupt; and I take the view that it would be more in tune with the aims of the Loose Road Area Character Assessment SPD, in that it would provide a better sense of enclosure than the buildings previously on site. The two most prominent elevations (northern and western) of the retail unit would be broken up by a good level of glazing, creating active frontages; the use of a facing brick would put the building into context with its surrounding area; and the curved roof with its overhangs and use of modern metal sheeting would provide an acceptable level of detail and articulation. I do not consider the proposed retail unit to be of an excessive scale.
- 5.5.4 The new dwellings would have ridge heights of around 8.5m from ground level and the retail unit would stand some 6.4m in height. Both elements of the proposal would be set lower than the 'Boughton Parade' buildings and certainly much lower than the apartments along the northern side of The Farrows; the new dwellings would have a similar palette of materials as used in the recent housing development to the rear of the site (land to rear of Maidstone fire station); and the wider area is very much mixed in terms of property styles and

sizes. This does highlight the mixture of properties within close proximity of the application site. I am therefore of the view that the proposal would not result in the loss of any significant long views; and would not appear out of context, over dominant or incongruous with the built development that already exists hereabouts.

- 5.5.5 Whilst there is no clear frontage onto The Farrows, the retained hedge along the northern boundary of the site would break the view of the development from the highway; and the use of tile hanging and weatherboarding, and first floor flank windows would provide a certain level of visual interest. Moreover, the proposed use of ridge tiles; front door canopies; soldier coursing detail; first floor tile hanging or weatherboarding; individual dormer elements; and suitable fenestration and eaves detail, in terms of recesses and overhangs (to be ensured by condition) would achieve a satisfactory appearance to the development.
- 5.5.6 In terms of density, the housing works out to be between 36 dwellings per hectare, and I do not consider this to be excessive in the context of the site's urban location. Indeed, the proposed dwellings would not be overly small in size; and they would sit well within the site, with a good level of planting possible to further soften and enhance the development. I also consider the level of garden space to be satisfactory, and do not agree that these areas would be of a size as to result in unacceptable living conditions for future occupants. I therefore take the view that this development would not be particularly cramped in appearance, with the properties sitting comfortably within the allocated plots.
- 5.5.7 The development would make use of the existing access from The Farrows, and whilst the road is some 6m wide, I accept that this is necessary to accommodate the delivery vehicles to the retail unit. I am also of the view that, on balance, the use of informal road surfacing and the contrast of paving between the road and the parking spaces, together with the proposed planting that will soften both the hardstanding and any boundary treatment would result in a visually acceptable development. The parking/turning area for the retail unit would also be well screened from public view, and I have no strong objection to this element of the proposal.
- 5.5.8 The use of granite sets and block paving together with the soft landscaping would enhance the scheme; and the applicant will be encouraged to use appropriate materials as mentioned in the SPD (i.e. red bricks, and plain slate roof tiles). This would ensure a sense of place and will be dealt with by way of an appropriate condition.
- 5.5.9 I am therefore of the view that this is a satisfactory development that would not appear out of context, cramped or visually incongruous within the

setting/pattern and character of the wider area, but a cohesive development in terms of the visual integrity of the surrounding area.

5.6 Residential Amenity

- 5.6.1 The proposed retail element, putting it into context, is of a small-scale and it is not unusual to find development like this in the urban area, especially along major roads in and out of Maidstone. I am not of the view that the extra vehicle movements created by this small-scale development would result in a further significantly harmful level of noise and disturbance to local residents when you consider that Loose Road is a busy 'A' road generating its own noise; and there is already a 'Local Centre' immediately adjacent to the site that is served by a relatively large car park to the rear that again creates its own levels of noise. I am also satisfied that the proposed opening hours of 07:00-23:00 each day is reasonable and in line with other retail units of this scale in and around Maidstone. These hours will be ensured by way of condition.
- 5.6.2 I am satisfied that the residential element of this proposal, given its scale, design, location and separation distance from other residential development, would not have an adverse impact on the residential amenity of the surrounding properties outside the application site.

5.7 Impact on future occupants

- 5.7.1 I am satisfied that the fenestration arrangements of the new dwellings would result in acceptable levels of outlook, daylight and privacy for the occupants; and appropriate boundary treatments (to be ensured by condition) would also maintain acceptable levels of privacy for future occupants. The proposed 3-bed terrace would face an existing 1.8m high close boarded fence and planting, and whilst this is not ideal, the 3m gap of separation and the size of the fenestration detail would allow light in to the rooms that they serve. Moreover, the level of proposed outdoor private amenity space is considered to be acceptable for properties of this size, and given each property's orientation would receive ample sunlight. I am also satisfied that the residential amenity of future occupiers would not be significantly affected by the existing surrounding properties, given their separation distances, orientation, fenestration detail and boundary treatments.
- 5.7.2 I am also satisfied that the amenity impact of the proposed retail unit on any future occupant would not be to such a harmful extent as to warrant refusal. Indeed, the proposed retail unit is of a small scale and whilst car movements in and out of the site would be more frequent than if there was no retail element, I remain of the view that it would not be of such a level as to cause serious harm. I also raise no objections to the number of, and types of deliveries at the times

shown. It is not unusual in the urban area, to have houses close to late opening retail units or car parks, and any prospective buyer will be fully aware of the situation.

5.8 Highway safety implications

- 5.8.1 The proposed development would use the existing vehicle access to the northern boundary of the site. Visibility splays from here are acceptable. I am of the view that this access point would be adequate for the frequency/level of vehicle movements to and from the site; and Loose Road would be capable of satisfactorily accommodating the extra traffic generated by this new development. The Highways Officer has not raised any objections to this proposal in this respect. Visibility splays from the junction of The Farrowes with Loose Road have not been shown as it is outside the application site and not in control of the applicant.
- 5.8.2 There is an existing pathway that runs parallel with Loose Road, and an existing footpath along the Farrowes. I consider both to be adequate and safe for pedestrians to use in accessing the site, including the footway between the retail parking area and the rear of the 4 bedroom properties that does extend to reach all of these properties. A traffic island for pedestrians wanting to cross Loose Road is also available close to the application site. Moreover, I consider there to be a good level of connectivity for pedestrians between the retail unit and the residential element of the development. Indeed, as well as the footpath along the northern edge of the site, the 'shared surface' type approach for the main access is considered acceptable, as there is good all round visibility; and given the layout and limited size of the site, no vehicle should be travelling at any great speed to endanger pedestrians. The laying of an informal and permeable surface, like block paving; and the addition of a second row of granite setts closer to retail parking area further brings any driver's attention to the fact that the surface is also to be used by pedestrians. The siting of the access points is inherent to this proposal and I consider the location of these would not result in any significant highway safety issues.
- 5.8.3 The level of parking provision for the new dwellings has been increased from that proposed under MA/13/0169, so that all eight of the new dwellings will have two parking spaces each. I remain of the view that this level of parking shown is acceptable for a development of this scale that is in a sustainable location (within walking distance of major bus routes and local amenities); and there would be adequate turning areas within the site in order for vehicles to leave in a forward gear without prejudicing highway safety. This level of parking is acceptable to the KCC Highways Officer. Whilst this would increase the level of hardstanding within the site, I am of the view that the use of a mixture of surfacing together with the proposed landscaping would ensure a satisfactory

appearance to the development. Details of cycle storage will be secured by way of condition.

- 5.8.4 In terms of parking provision for the proposed retail element, fourteen spaces have been allocated. This site is adjacent to an existing shopping area and serves a large residential area and therefore linked trips and a high proportion of pedestrian trips could be expected. I consider the level of parking for the retail use to be sufficient and the Highways Officer also raises no objections in this respect. The tracking diagram provided does indicate that there is sufficient space for delivery vehicles to turn within the site; and in terms of them accessing the store, I am satisfied that this would not lead to any significant highway safety issues. The Highways Officer is satisfied with the details of this diagram.
- 5.8.5 It is also my view that drivers are unlikely to stop on Loose Road, in front of the retail unit, given its 'A' road classification; the existing double yellow lines; the cycle lane; and its proximity to the signalled pedestrian crossing, the junctions with Boughton Lane and Cripple Street, and the two traffic islands.

5.9 Impact on vitality and viability of area

- 5.9.1 As previously explained, a detailed sequential/impact assessment that measures the impact of the proposal on Maidstone town centre's vitality and viability is not required because the retail unit would not exceed 500m² of gross floorspace (as stated in policy R2 of the MBWLP). This is in accordance with the NPPF.
- 5.9.2 Saved policy R1 of the MBWLP states that retail development will normally be permitted in the defined urban area provided that the proposal would not threaten the overall economic vitality and viability of established retail centres; and saved policy R10 of the MBWLP states that retail development will be permitted adjacent to 'Local Centres', in this instance, subject to the appropriate criteria in policy R1.
- 5.9.3 'Boughton Parade' has an estate agent; a take-away restaurant; a newsagent; a Spar; a hairdresser; a launderette; and a physiotherapy clinic. Putting it into context, this is not a large retail development but a local "convenience store" sized unit that is intending to largely serve the surrounding residential area. Given the scale and nature of the proposal it would certainly not have an adverse impact on Maidstone town centre; and in my view would be of an appropriate scale for its location, acting as an 'anchor' store that would improve footfall to the existing 'Local Centre' and subsequently improve its vitality. The proposed retail unit would provide a certain level of competition to the Spar and newsagents, but I am of the view that this does not outweigh the overall

benefits of the proposed development and do not consider it justified to refuse the application on these grounds.

- 5.9.4 As explained in the previous sections of this report, I am satisfied that there would be adequate access and parking for the retail unit, and that the site would be easily and safely accessible by a reasonable choice of modes of transport; and that it would not have a significant adverse impact on neighbouring land uses or residential amenity.
- 5.9.5 For the reasons given, I am therefore satisfied that this proposed development would not threaten the overall economic vitality and viability of Maidstone town centre or 'Boughton Parade'.

5.10 Landscaping

- 5.10.1 In terms of the soft landscaping proposed, a key element to this is the retention of the mature beech hedge along the site's northern boundary, along with the 3 Norway Maples and the 1 Silver Birch set into this hedge. This well established planting softens the development and gives continuity to the scheme in terms of its setting and context with the surrounding area. Whilst there will be a number of ornamental plants/trees within the site, native hedge planting would carry on through the scheme, providing a good blend of species that will enhance the development.
- 5.10.2 The relatively maintenance intensive frontage to the proposed retail unit has been omitted in this resubmission, giving over to a simple lawned area and a couple of ornamental trees. I have no strong objection to this type of planting, subject to a maintenance and long term management plan of the planting that will be ensured by way of condition.
- 5.10.3 Tree Preservation Order 20 of 1997 protects a group of three Lime trees to the north of the site and a group of five Silver Birch, two Field Maple and five Norway maple trees to the east of the site. These trees are recognised for their contribution to the character of the area within the Loose Road Character Area Assessment SPD.
- 5.10.4 Whilst no assessment has been made of the potential impact of the retained and proposed planted trees would have on the arrangement of the dwellings, the better trees are largely unaffected. The Council's Landscape Officer therefore concedes that their concerns are not severe enough to merit refusal of the application on tree grounds. All landscaping conditions previously recommended under MA/13/0169 will be duly imposed once more, as requested by the Landscape Officer.

5.11 Ecology

- 5.11.1 A preliminary ecological survey has been submitted by the applicant, and after consultation with the KCC Biodiversity Officer, I am satisfied that detail submitted has adequately assessed the suitability of the site to contain protected species. No further information in this respect is required.
- 5.11.2 No ecological enhancements have been incorporated in to this development. However, given that there is proven limited ecological interest on the site as it stands and given the relatively small scale of the proposal, I do not consider it reasonable in this case to impose further conditions for ecological enhancements to be incorporated into this scheme. Native species have been incorporated in to the landscaping scheme.
- 5.11.3 As bats have been recorded in the surrounding area, an informative will be added advising the applicant to adhere to the 'Bat Conservation Trust's Bats and Lighting in the UK guidance' is adhered to in the lighting design.

5.12 Other Matters

- 5.12.1 This proposed development is for eight new dwellings, and as such, the applicant is not required to provide any Section 106 contributions.
- 5.12.2 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. Therefore, this development would not be prejudicial to flood flow, storage capacity and drainage within the area.
- 5.12.3 Whilst the development is satisfactory in terms of its design and layout, I consider it reasonable to remove each residential property's permitted development rights to extend each property, to erect out-buildings, and to erect boundary treatments. This will preserve the character of the development and to ensure that the amenity of future occupants is respected.
- 5.12.4 Given the previous use of the site, I do consider it reasonable to impose the land contamination condition as recommended by the Council's Environmental Health Department. I will advise by way of an informative that the applicant should also indicate what validation criteria will be used for the remaining in-situ soil beneath the tanks and sub-base material, in relation to part 3 of this condition (as recommended by the Environment Agency).
- 5.12.5 Whilst the Council's Environmental Health Officer has asked for an Air Quality Assessment and Noise Assessment, I do not consider this reasonable in this instance, given that this a relatively small scale development for only eight

residential units. In addition, provided that the works are carried out in accordance with The the acoustic report carried out by Hilson-Moran, no objection is raised with regards to the plant or machinery.

5.12.6 Any issues concerning land ownership and rights of way are not material planning considerations but a civil matter between the interested parties.

6. CONCLUSION

6.1 The loss of one dwelling and the amended layout which includes additional parking for future occupants; larger gardens for the 4-bed properties; a greater separation distance between the dwellings and the proposed retail unit; improved hard surfacing detail to further emphasise the 'shared surface'; and the more modern styled dwellings that relate better to the Maidstone Fire Station development, would result in a development that would respond positively to the character and appearance of the area and no longer result in a cramped form of development. With this considered, I am satisfied that this proposal has overcome the previous reason for refusal under MA/13/0169.

6.2 I consider that this proposed development would not cause any demonstrable harm to the character, appearance or vitality of the area, and would not significantly harm the amenities of existing residents. It is therefore considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant; and recommend conditional approval of the application on this basis.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the retail unit 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.

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

- i) red facing bricks (including detail coursing);
- ii) slate roof tiles;
- iii) terracotta clay ridge tiles;
- iv) hanging tiles;
- v) weatherboarding.

The development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

4. The development shall not commence until details of the proposed materials to be used in the surfacing of all access road, parking, turning areas, and pathways within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments, including measures to prevent car parking on amenity areas, 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 building(s) 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.

6. The development shall not commence until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have submitted to and approved in writing by the local planning authority;

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

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.

7. The retail premises hereby permitted shall only open to customers within the following times: 07:00-23:00 Monday to Sundays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

8. The development shall be undertaken in accordance with the landscaping scheme, as shown on drawing no. 1239/13/B/4 Rev G received 22/07/13, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

9. 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.

10. All construction activities and tree protection shall be carried out in accordance with the approved Tree Survey details received 29/08/13, comprising Tree Protection During Construction, Arboricultural Impact Assessment and Arboricultural Method Statement, unless the local planning authority gives written consent to any variation;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

11. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority full details relating to the maintenance and long term management plan of the approved landscaping scheme, which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations';

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

12. The dwellings shall achieve Level 4 or better of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or better has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

13. 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.

14. The development shall not commence until:

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

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

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology.

If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

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

Reason: To prevent harm to human health and pollution of the environment.

15. The development hereby approved shall be carried out in accordance with the acoustic report carried out by Hilson-Moran, ref 15245-05/PNR (received 22/07/13), and shall meet all the recommendations specified in the report;

Reason: To safeguard the enjoyment of residents.

16. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

17. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment.

18. Notwithstanding the provisions of 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), no development within Schedule 2, Part 1, Class(es) A, B, D and E and Schedule 2, Part 2, Class A shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

19. 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 and in order to minimise any impact upon ecology. 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, amenity and biodiversity of the area.

20. The development shall not commence until details of the cycle storage areas have been submitted to and approved in writing by the Local Planning Authority. Any details as are approved shall be fully implemented prior to the first occupation of any of the residential units;

Reason: No such details have been submitted and to ensure highway safety.

21. The retail building hereby permitted shall achieve a minimum BREEAM New Construction rating of at least Good. No part of the building shall be occupied until a final certificate has been issued for it certifying that a BREEAM New Construction rating of at least Good has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

22. The development hereby permitted shall be carried out in accordance with the following approved plans: 1847/03 Rev M and 07 Rev A received 22/07/13 and 1847/06 Rev J received 24/07/13;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives set out below

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 EHM.

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.

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

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.

Prior to use, Environmental Health should be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

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.

Foul Drainage should discharge direct to mains foul sewer as stated on the application.

The use of soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse. Alternative options should therefore be sought, for example discharge to surface water sewer.

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipe work should be protected from accidental damage. Below ground pipe work should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance 'PPG1 - General guide to prevention of pollution', which is available on our website at www.environment-agency.gov.uk.

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output. Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and

CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

As an initial operation on site, adequate precautions should be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway, for example washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances before leaving site.

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 applicant/agent was advised of minor changes required to the application and these were agreed.

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, 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.