

## REPORT SUMMARY

**REFERENCE NO:** - (A) 23/500769/LBC and (B) 23/500773/FULL

### APPLICATION PROPOSAL:

(A) Listed Building Consent for restoration of Len House, rebuilding of 2 bays to Palace Avenue and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, creche, or day nursery, gymnasium or indoor recreational purposes uses (within classes E, F2(a) and Sui Generis) at ground floor. (ii) Provision of 22no. residential apartments (class C3) at first floor by conversion and erection of a part rear first floor extension and provision of 58no. residential apartments (class C3) in a two storey roof extension with rooftop amenity space (iii) Associated landscaping to roof. (revised scheme to 20/501030/LBC).

(B) Section 73 - Application for minor material amendment to approved plans condition 2 (to allow amendments to the design and layout including rebuilding of 2 bays to Palace Avenue, omission of external boardwalk, first floor car park, 9 terraces to second floor and green roof of top roof level) and variation of conditions 3 (programme of archaeological work); 5 (contamination risks); 7 (commercial use of ground floor); 9 (materials); 10 (constructional details); 14 (roof treatments), 16 (EV charging facilities); 17 (hard landscape works); 24 (enhancement of biodiversity); 25 (LEMP); 31 (boardwalk and Mill Street forecourt), 34 (ground floor commercial space), 35 (external plant), 37 (travel plan) and 40 (sustainable surface water drainage scheme) pursuant to 20/501029/FULL (as amended by 23/500477/NMAMD) for - Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide flexible commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses (within classes - E, F2(a) & Sui Generis of the Town & Country Planning uses Classes Order). (ii) Provision of 22 residential apartments (C3) at first floor by conversion and erection of part rear first floor extension and provision of 58 residential apartments (C3) in two storey roof extension with rooftop amenity space, together with ancillary car parking. (iii) construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, landscaping, earthworks including demolition of hardstanding and structures, de-culverting the River Len and reutilisation of existing vehicular access points from Mill Street and Palace Avenue.

**ADDRESS:** Len House Mill Street Maidstone Kent ME15 6YD

### RECOMMENDATION:

- (A) Grant listed building consent subject to conditions
- (B) Grant planning permission subject to conditions and legal agreement

### SUMMARY OF REASONS FOR RECOMMENDATION:

General arguments have been put forward on viability and that the scheme approved could not have been built out because of building regulations especially in regard to fire separation between ground and first floor.

Negotiations to the scheme have resulted in a residents' lounge and gym and much more of the ramp being visible to the general public from more glass curtain walling. The service/back of house areas will be less intrusively positioned.

Subject to appropriate updated conditions and a s106 legal agreement, in terms of heritage, parking provision, public realm, amenity space, drainage and flood risk, the amendments are considered to be acceptable overall.

A new legal agreement can better secure de-culverting obligations and ensure the residents of the Len House conversion have access to comparable levels to the original planning permission in terms of of parking and communal open space when the wider site is developed.

**REASON FOR REFERRAL TO COMMITTEE:**

Relate to amendments to applications which are significantly different to those originally approved at Planning Committee and includes a planning obligation in regard of de-culverting (ie Daylighting) of River Len that would involve a key role for Maidstone Borough Council.

<b>WARD:</b> High Street	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Mr Glen Obee <b>AGENT:</b> On Architecture
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<b>CASE OFFICER:</b> Marion Geary	<b>VALIDATION DATE:</b> 14/03/23	<b>DECISION DUE DATE:</b> 31/10/2023
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**ADVERTISED AS A DEPARTURE: NO**

**Relevant Planning History**

20/501029/FULL

Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses (within classes A1/A2/A3/A4/A5/B1a/D1/D2 of the Town & Country Planning uses Classes Order) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) Construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, earthworks including demolition of hardstanding and structures, and new boardwalk to north side, de-culverting the River Len and re-utilisation existing vehicular access points from Mill Street and Palace Avenue.

Approved 01.10.2020

20/501030/LBC

Listed Building Consent for restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace within the following uses - retail, financial and professional, café or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses (within classes A1/A2/A3/A4/A5/B1a/D1/D2 of the Town & Country Planning uses Classes Order) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) new boardwalk to north side.

Approved 01.10.2020

21/500608/SUB

Submission of details to discharge the following conditions of LBC 20/501030: Condition 3 (Materials) (as per revised materials schedule received 06.05.21); Condition 4 (Constructional Details); Condition 5 (Large Scale Drawings - Windows, Doors and Schedule of Repairs) (as per additional West Leigh window and door details submitted

05.05.21); Condition 6 (Method Statement) (as per PAYE façade condition survey and Civic Engineers repair statement submitted 10.05.21) and Condition 8 (Full Set of Record Photographs of Existing Building).  
Approved 09.06.2021

21/500611/SUB

Submission of Details to Discharge the following conditions of 20/501029/FULL (insofar as they relate to Len House): 3 (Programme of Archaeological Work); Condition 9 (Materials) (as per revised details received 5th and 6th May 2021); Condition 10 (Constructional Details) (as per revised window drawing 20.061 RP04-01 S0 P2); Condition 14 (Scheme of Treatment of the Existing Roof) and Condition 37 (Travel Plan)  
Approved 09.06.2021

21/504318/SUB

Submission of details pursuant to conditions 15 (part) (renewable energy strategy for Len House Conversion), 29 (detailed scheme for Mill Street forecourt & beverage kiosk), and 32 (part) (lighting strategy for Len House Conversion) of application 20/501029/FULL (mixed-use: flexible commercial and residential development)  
Pending Consideration

21/504440/SUB

Submission of details part pursuant for conversion phase for conditions 21 (landscape planting scheme), & 17 (hard landscaping), of application 20/501029/FULL (mixed-use: flexible commercial and residential development).  
Part Permitted Part Refused 07.10.2022

21/504441/SUB

Submission of details part pursuant to condition 24 (biodiversity enhancement scheme) for conversion phase of application 20/501029/FULL (mixed-use: flexible commercial and residential development)  
Refused 07.10.2022

21/504442/SUB

Submission of details pursuant to conditions 26 (residential noise levels), & 35 (external plant noise levels) of application 20/501029/FULL (mixed-use: flexible commercial and residential development).  
Part Permitted Part Refused 06.07.2022

21/504443/SUB

Submission of details pursuant to condition 40 (sustainable surface water drainage scheme) of application 20/501029/FULL (mixed-use: flexible commercial and residential development)  
Approved 01.06.2022

22/505845/NMAMD

Non-Material Amendment to Application 20/501029/FULL: Amendment to development description as detailed in cover letter dated 13/12/22.  
Refused 19.01.2023

22/505984/SUB

Submission of Details pursuant to condition 5 (Large Scale Drawings Details of Windows) of Application 20/501030/LBC.  
Approved 13.01.2023

22/505985/SUB

Submission of Details pursuant to condition 10 (Construction Details of Windows of Len House) of Application 20/501029/FULL.  
Approved 13.01.2023

23/500477/NMAMD

Non-Material Amendment to Application 20/501029/FULL to alter the description of the development.

Approved 10.02.2023

23/500497/SUB

Submission of details to discharge condition 6 (method statement) of planning application: 20/501030/LBC.

Pending Consideration

## **MAIN REPORT (A) AND (B)**

### **1. DESCRIPTION OF SITE**

- 1.01 The site is a former new and used car showroom and car repair garage undergoing redevelopment for a mixed use, predominantly residential of 80 apartments on the upper floors with "town centre " type commercial uses on ground and mezzanine floors. Len House is a Grade II listed building.
- 1.02 The site includes a canalised section of the River Len along Palace Avenue before it meets the River Medway a short distance from the site. Part of the River Len is culverted on the eastern part of the site.
- 1.03 Land to the east and north east of Len House that was mainly open areas for ancillary car display, storage and parking is included in the wider application site for new build of 79 apartments to give 159 residential units for the site as a whole. That part of the overall development scheme included a podium open space of 575 sqm set above undercroft parking.
- 1.04 The approved drawings showed parking as follows

	Residential Spaces	Incl Disabled Spaces	Commercial Spaces	Incl Disabled Spaces	
First Floor Len House	20	2			
Undercroft New build	88	10			
Frontage Palace Avenue			23	2	
<b>Total</b>	<b>108</b>	<b>(12)</b>	<b>23</b>	<b>(2)</b>	<b>131</b>

- 1.05 Hence the total residential spaces were 108 giving a ratio of parking of 0.68. Disabled spaces were provided at a ratio of 10% overall.
- 1.06 The original scheme was proposed as an overall redevelopment of the car related business, both the building and the extensive area of land around it Whilst the conversion of Len House has been underway for over a year, the new build element of the original planning permission has not commenced.

### **2. PROPOSAL**

- 2.01 These amendments relate to the conversion/extension of Len House itself which is taking place currently. The commercial uses have not yet been specified but would be as encompassed by the extant planning permission which includes: retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic

or health centre, crèche or day nursery, gymnasium or indoor recreational purposes uses.

- 2.02 The approvals 20/501029/FULL and 20/501030/LBC were for the double height ground floor car display/workshop and mezzanine to be in commercial "town centre" uses. The vehicle ramp that linked the 2 floors was to be retained as a vehicle ramp to access private car parking of 20 spaces on the first floor of the former workshop. It would thus have continued with a functional use similar to that when the building was in industrial use.
- 2.03 The remainder of the first floor of the workshop was approved to be converted/extended to create 22 apartments. Of those apartments, 16 were to have internal "winter gardens" to the main frontages of Mill Street and Palace Avenue.
- 2.04 The approved second and third floors would comprise of 29 apartments per floor in a new build 2 storey penthouse. The approved scheme indicated 15 of the second floor apartments having stepped access via patio doors to external terraces. None of the third floor apartments were provided with private amenity space.
- 2.05 The roof of the penthouse block was indicated to have PV panels set in a sedum roof.
- 2.06 The planning permission was subject to a s106 unilateral undertaking dated 30 September 2020 which detailed:
- Granting of a licence to MBC to carry out site investigation works
  - Payment of Culvert contribution of £80,000 to contribute to the Council's costs of undertaking the Culvert works (being further surveys and works for daylighting existing culverts on the site)
  - Transfer defined "culvert land" at nil cost to MBC
- 2.07 If the above was not carried out, the developer would alternatively landscape the culvert land in accordance with approved details. None of these s106 requirements have been met by the applicants.
- 2.08 Various amendments are sought in listed building consent **application (A)** summarised as follows:
- a) Removal of external boardwalk and replacement with internal commercial street;
  - b) Amendments to proposed fenestration;
  - c) Flexible ground floor commercial floorspace;
  - d) Relocation of internal cycle stores to external area;
  - e) Amendments to mezzanine floor;
  - f) Omission of first floor car park for residents;
  - g) Amendments to first floor level;
  - h) Omission of green (sedum) roofs of second floor roof level and top roof level;
  - i) Amendments to second floor layout;
  - j) Amendments to third floor layout.
  - k) Changes to housing mix and apartment dimensions.
- 2.09 Consent for the removal of the walls enclosing Staircae 2 (Showroom) at first floor is also being sought due to damage during demolition works which affected

structural stability of the surrounding walls. The applicant states: *“they could not be retained, but that the removal of these walls has not caused harm to the overall character and appearance of the Listed Building causing “less than substantial” low level of harm that does not seriously affect the significance of the designated heritage asset”*.

2.10 Various amendments are sought to the ‘parent’ planning permission in **application (B)**. The applicant has also suggested a related update of the timetable of the culvert obligations described above.

	<b>Amendment</b>	<b>Reason Given by Applicant</b>
i.	Amendment to the layout of Ground floor to provide 7 commercial units (4 of which in the former workshop space). Service corridor adjacent ramp reduced to increase visibility of low part of the ramp. Commercial unit adjacent ramp to have curtain glass walls to allow lower part of ramp to be visible. Main Entrance from Mill Street to workshop area to be aligned with the ramp for public visibility.	The ground floor layout needs flexibility for further sub-division of the floorspace to ensure it can be viably let to encourage a wide range of potential end users.
ii.	Dismantling and rebuilding of 2 projecting window bays to Palace Avenue using salvaged and new pre-cast masonry units.	For structural reasons, engineers have recommended exposing and then treating the corroded supporting steel frame of these 2 bays
iii.	The original scheme included an external cantilevered boardwalk along the riverfront  It is proposed to omit it, to be replaced with an internal “street” on the Palace Avenue elevation which will act as public access corridor for the proposed commercial units and a thoroughfare during daytime use (to be controlled via a planning obligation)	The external boardwalk has complications of structural design, construction, and viability.  It would have involved two of the building’s windows on the façade facing the River Len being enlarged and converted to create door openings, along with invasive structural works, leading to a loss of historic fabric and character of the listed building. Door openings of that size would have required special design to deal with wind loading that would not have been in-keeping with the existing fenestration.  The new internal street will allow the public to experience the entire length and height of the building as well as the structure, glazing and architecture. It can be used and experienced all year round and will display historical images and materials.
iv.	the addition of external doors, removal of some windows and the addition of ventilation louvres and Various amendments	Required following a detailed design stage review of the scheme to take into account of compliance with Nationally Described Space Standards, Building Regulations, and Fire Regulations.

	including to mezzanine and third Floor layouts are also proposed and amendments or additions of stair cores.	
v.	Changes to Housing Mix and Apartment Dimensions	To meet Nationally Described Space Standards.
vi.	Delete internal first floor car park (20 Spaces) To be replaced with 22 external spaces in the SE corner of the site with legal agreement to secure that land within the new build element.	Constraints in terms of vehicle exhaust ventilation systems and accommodation of fire safety equipment to achieve Fire Regulation compliance. The number of car parking spaces would also be reduced by lobbies and fire corridor added into the layout for fire protection.
vii.	Revision to second floor to remove 9 external terraces and alter 2 to have external not internal access.	Levels of the existing roof of the building are not consistent (being higher at Palace Avenue than Mill Street) and it is no longer feasible due to Building Regulations to provide internal steps to access 9 of the terraces
viii.	First Floor to be amended to allow for 2 apartments to increase in size and have "winter gardens" and inclusion of a communal residents' lounge and gym.	To make efficient use of space that cannot accommodate internal parking [see (vi) above] and to compensate for loss of 9 terraces ([see (vii) above]. The residents' gym and lounge will have large areas of glazing to allow the upper part of the ramp to be visible.
ix.	omission of sedum "green" roof of top of penthouse roof and adding a reduced sedum "green" roof to existing roof of Len House. The Penthouse Roof to continue to be used for PV panels.	Significant structural reinforcement requirements to add to penthouse roof as this is designed to be of a lightweight steel frame avoiding numerous new steel columns ground floor. Sedum measuring 540 sqm. can be added to edge of the existing retained concrete roof of Len House which does not present structural problems.
x.	The amount of commercial floorspace is proposed to be amended from 3,612sqm GIA to 3,331sqm GIA	Reflecting the revised drawings and need for plant rooms and mechanical and engineering services to ensure compliance with Building Regulations and Fire Regulations.
xi.	Relocation of Internal Cycle Stores to External Area	To improve the layout and optimize the commercial / residential spaces the cycle stores are to be positioned to the rear of the building externally. The external cycle store will be a two-tier storage system within a secure bike hub
xii.	variation of condition 3 (programme of archaeological work);	Update condition wording Len House compliance with details approved under submission ref. 21/500611/SUB. New build apartments- details to be submitted.

xiii.	variation of condition 5 (contamination risks)	Update condition wording.  Len House compliance with details approved under submission ref. 21/502283/SUB.  New build apartments- details to be submitted.
xiv.	variation of conditions 7 (commercial use of ground floor)	Update condition wording to refer to Proposed Ground Floor Plan and Update Use Classes
xv.	variation of condition 9 (materials)	Update condition wording Compliance with details approved under submission ref. 21/500611/SUB
xvi.	variation of condition 10 (constructional details)	Update condition wording  Compliance with details approved under submission ref. 21/500611/SUB as amended by details approved under submission ref. 22/505985/SUB
xvii.	variation of condition 14 (roof treatments)	Condition to be revised to enable revised details to be submitted once S.73 Application approved to take into account removal of some terraces and relocation of sedum roof.
xxviii.	variation of condition 16 (EV charging facilities);	Update condition wording to remove reference to Len House Residential EV charging facilities as residential car parking provision is no longer proposed on the first floor.
xix.	variation of condition 17 (hard landscape works);	Len House compliance with details approved under submission ref. 21/504440/SUB on 7 October 2022.  New build- details to be submitted.
xx.	variation of condition 24 (enhancement of biodiversity)	To allow for early completion of the landscaping to the Kiosk area (Mill Street) and the mill pond as part of the works to Len House.
xxi.	variation of condition 25 (LEMP)	To allow for early completion of the landscaping to the Kiosk area (Mill Street) and the mill pond as part of the works to Len House.
xxii.	variation of condition 31 (boardwalk and Mill Street forecourt)	Update condition to remove reference to the boardwalk.
xxiii.	removal of condition 34 (ground floor commercial space)  The approved ground floor layout shows the commercial floorspace sub-divided into 3 main areas.	As (i) above. The ground floor layout needs flexibility for further sub-division of the floorspace to ensure it can be viably let to encourage a wide range of potential end users.
xxiv.	variation of condition 35 (external plant),	Update condition wording Compliance with details approved under submission ref. 22/504442/SUB



xxv.	variation of condition 37 (travel plan)	Update condition wording Compliance with details approved under submission ref. 21/500611/SUB
xxvi.	variation of condition 40 (sustainable surface water drainage scheme)	Drainage of Mill Street Forecourt area to comply with details approved under submission ref. 21/504443/SUB

### 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):  
Kent Waste and Minerals Plan (amended 2020):  
The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts moderate weight as although Stage 1 and 2 Hearings have concluded, the Plan is still in Examination.

The relevant draft policy in the Regulation 22 that need to be considered in the determination of this specific planning application is LPRSA145 which allocates the building and curtilage for approximately 159 dwelling units and approx. 3,612 sqm of retail, leisure or other appropriate town centre uses (i.e. reflecting the extant planning permission).

Statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

### 4. LOCAL REPRESENTATIONS

n/a

### 5. CONSULTATIONS

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

#### Kent Police

- 5.01 Recommend the Secured By Design Commercial 2015 and Homes 2023 guides. Design and Access statements (DAS) should address crime prevention and demonstrate the seven attributes of CPTED in accordance with the NPPF. Recommend an SBD certification, which is free of cost, to show commitment to crime prevention and community safety.

#### UK Power Networks

- 5.02 If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act. 1996.

#### KCC Archaeology

- 5.03 The proposed variations seem to refer mainly to Len House itself so no further comments

#### KCC Drainage

- 5.04 Need evidence to support omission of sedum roof and applicant has not taken account of wider benefits.

Southern Water

- 5.05 Siting of new buildings must avoid conflict with sewer.

Environment Agency

- 5.06 Requires a completed sequential test, to steer new development to areas with the lowest risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.

- 5.07 Installation of a cantilever above the River Len or de-culverting will need a Flood Risk Activity Permit.

KCC Highways

- 5.08 The planning statement does not confirm if the quantum of parking would be identical to that previously approved, or where within Phase 2 of the development it would be provided.

Environmental Protection

- 5.09 Variation of the layout and the types of commercial use of ground floor areas as an indoor commercial street, may have effects on potential noise and odour issues. Further noise assessments are required.

Historic England

- 5.10 It is a fine example of the Art Deco style, and original interior e.g. the staircases, also contributes to its significance. The building's position beside the former Len mill pond enhanced its aesthetic appeal and local distinctiveness.
- 5.11 It is a rare example of a commercial garage and show room from an early phase of motoring. The large volume workshops and the ramp for vehicular access to a first floor workshop illustrate its historic function.
- 5.12 More sub-division of the ground and first floors, which were historically largely open spaces in the eastern wing, would cause a level of harm to the significance of the listed building.
- 5.13 The removal of car parking from the first floor, and vehicular use of the ramp would make it more difficult to appreciate its historic function. Harm to the significance of the ramp and thus to the building as a whole would be increased if ramp is obscured.
- 5.14 The removal of the boardwalk from the scheme would not harm the listed building, though the it would have connected the building to existing historic water features and would have allowed experience the river tributary in a wholly unique way. It is slightly less harmful to introduce an internal street as it is no longer necessary to alter the principal elevation.
- 5.15 The open character of the ground floor should be retained with a physical and visual link to the ramp and much better intervisibility with large, glazed partitions.
- 5.16 Clarity on the form of individual commercial units would also be helpful to prevent obscuring the structure and appreciation of its former industrial character and use.
- 5.17 The first-floor spaces at the top of the ramp (historic asset space) and the ramp itself should not have a domestic appearance as it would distil an understanding of their historic function and appearance.

- 5.18 There may also be heritage benefits that could be secured such as heritage interpretation, to explain the historic function and development of the building, its role in Maidstone and its connection to the local community.

## **6. APPRAISAL**

- 6.01 These proposed amendments were subject to lengthy pre-application discussions and correspondence whereby, inter alia, comprehensive revised applications were sought by officers rather than incremental changes to conditions given the disparity between what was approved and what is proposed now.
- 6.02 The changes do not change the number of apartments in Len House which will remain at 80. The layout changes to the first floor means an overall loss of 1 x3 bed flat and 1 x1 bed flat replaced by 2 x 2 bed flats. The overall floor area for residential increases as more of the first floor is being used for residential in lieu of the parking with some apartments in the rest of the building increasing in dimensions accordingly.
- 6.03 The first floor internal parking is being removed to be replaced outside the building and the space is being reconfigured, partly used for 2 flats and partly for a gym (141.1 sqm) and residents lounge (107.5sqm) and a historical asset space (207sqm) at the top of the ramp to give an area where vintage vehicles can be displayed as part of the historic interpretation offer.
- 6.04 The changes are appraised below with reference to impacts on heritage, public realm and highways.

### **Increased Sub-division of Ground Floor Former Workshop and Loss of Functionality of Internal Ramp**

- 6.05 The heritage significance of the interior mainly lies in the double height, large size, openness and industrial appearance of the former workshop which, together with the internal vehicle ramp to access the first floor, are indicative of its special character and use. The ramp is specifically mentioned in the listing description given its former use as a garage. The original planning permission aimed to minimise and control subdivision of the space to avoid obscuring the structure and appreciation of its former industrial use. A condition was imposed specifically to prevent further subdivision of the approved space without a formal approval..
- 6.06 That these are key objectives was also recognised in the Len House Planning Guidelines 2020 which state that "*there would therefore need to be a clear and convincing justification to the loss of the ramp or compromising the large open spaces*".
- 6.07 This amendment is to create more and smaller separate commercial units and an internal street (further discussed below).
- 6.08 There are also changes to the plant rooms and mechanical and engineering services to ensure Building Regulations and Fire Regulations compliance eg the plantroom needs full height partitions due to the height of the and size of sprinkler tanks.
- 6.09 It is accepted that the main retained space was very large (970 sqm) and the need for a service corridor and fire protection between it and the ramp resulted with challenging design issues with securing public visibility of the ramp. Amendments have been negotiated that significantly reduce the impact of "back of house" servicing and allow much more of the lower part of the ramp to be publicly visible by both the introduction of curtain glass and ensuring the main customer entrance will pass by the ramp and an "interpretation area" in the new foyer of the building.



View of public entrance at the base of the historic ramp



View from the street, through the commercial unit to the ramp

- 6.10 The proposals as amended do retain the internal ramp as a structure and vintage vehicles will be displayed on it to illustrate its past use. It is proposed to install a glazed screen adjacent to the entrance. The ramp would be visible to residents and visitors all times of the year.
- 6.11 The proposed omission of the first floor parking means that the ramp would no longer retain its functionality for vehicles to move between the 2 floors as would have been the case when the building was in active use as a vehicle workshop. The ramp is a key part of the historic and architectural interest of the Listed Building. This is a detrimental impact as its original use will be lost and it would be more difficult to appreciate its original function. This is a major disbenefit given the building's former use.

### **Replacement of Boardwalk with Internal "Street"**

- 6.12 The applicant proposes to omit the external boardwalk, citing complications of structural design and viability to be replaced with an internal street with historical images displayed in the fabric of the shopfront partitions.



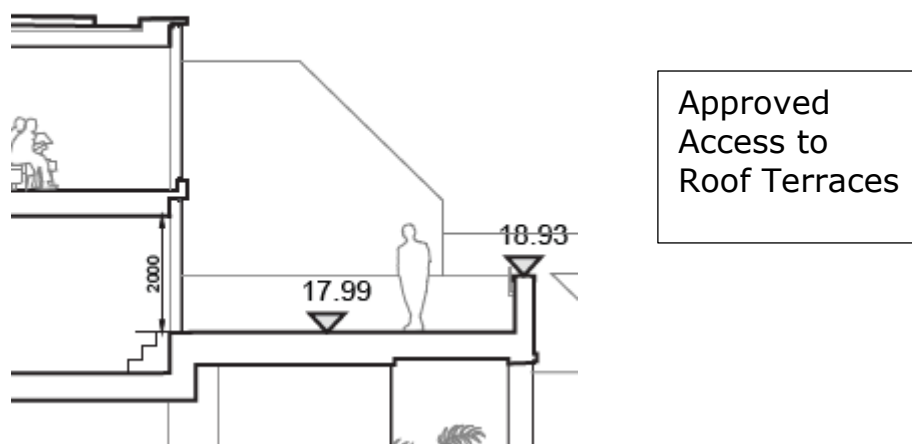
View of the internal street

- 6.13 The external boardwalk would have allowed the public to appreciate the moated area and immediate setting and connected external and internal areas. Furthermore, the approved scheme retained the ground floor openness which is a key part of the building's significance.
- 6.14 In contrast, the internal "street" will result in the more subdivision of the ground floor former workshop and contribute to a loss of openness but will give benefits in retaining existing window openings and lessen loss of historic fabric. The absence of an attachment to the main façade along the River Len will allow a better uninterrupted view of the elevation reflected in the water and will not be visually cluttered by decking, glass screen, steel handrails, balustrades, safety lighting etc.
- 6.15 The boardwalk would have interrupted the façade to Palace Avenue which has a unique aesthetic in its juxtaposition to the River Len and the need for the insertion of doors would impact on the aesthetic of the replacement steel windows because door openings as opposed to windows result in a need for greater wind loading in modern day Building Regulations- the design would have been less elegant. Furthermore the internal street proposal is an opportunity to improve the heritage interpretation for the site.
- 6.16 The original planning application 20/501029/FULL was deferred by Planning Committee of June 2020 for a number of reasons, one of which was for the then case officer to seek further information on the Boardwalk scheme in terms of ecological impacts due to shading of the river and public safety. Whilst the formal decision of the Planning Committee was to approve the boardwalk element, there are evidently both planning merits and disadvantages with it and a slight negative in terms of heritage impact on the main external façade. This is also the stance of Historic England.
- 6.17 However, the Mill Street Forecourt with the Open Air Kiosk will be retained and add some new active river edge to its new commercial use.

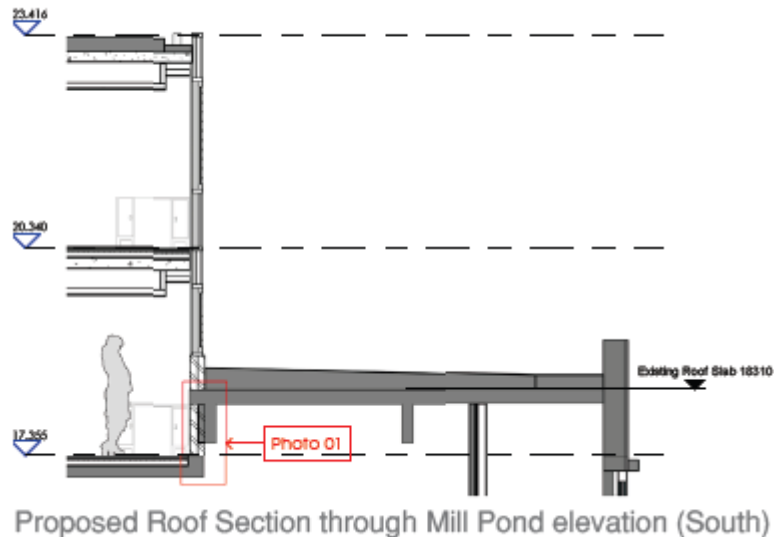
- 6.18 Overall, it is not considered that the removal of the boardwalk is unacceptable, provided that a reasonable level of public access via the "internal street" is secured by a legal undertaking.

### **Reduction in Number of Outdoor Terraces**

- 6.19 The NPPF confirms that developments should ensure a high standard of amenity for existing and future users and Policy DM1 (iv) of the MBLP reinforces this requirement.
- 6.20 The original and revised submission both have 80 apartments overall. In the approved conversion, 15 first floor flats had internal "winter gardens" and 14 second floor flats had outside terraces. This has altered in the submission to 17 first floor flats with "winter gardens" and only 3 second floor flats with outdoor roof terraces. (NB The original submission also included a sedum roof but that was not an amenity space).
- 6.21 The justification is that the planning permission was incorrect in the floor levels, meaning that the Palace Avenue apartments are being built on new floors that are much lower than the retained roof level of the terrace and this hinders access from more of the second floor flats. They also say that an alternative of having communal or individual terraces accessed externally will impact on privacy.
- 6.22 The details submitted when planning permission was first sought indicated that all of the retained roof of Len House was level at 17.99m OD and all could be accessed from all the fourth floor penthouse apartments via 3 internal steps and 2m head height (which is the Building Regulation for this arrangement).



- 6.23 Whilst the levels of the existing roof along Mill Street can accommodate either internal or external access to terraces similar to the approval, 9 of those along Palace Avenue cannot as the level of the roof is much higher at 183.10m OD
- 6.24 Below is the applicant's illustration of the actual levels change along Palace Avenue and it is clear there is not the requisite 2m headroom.



- 6.25 Accordingly, only 6 of the approved 15 outdoor terraces can be constructed to comply with Building Regulations. Elsewhere, at first floor level within Len House being converted, 17 of the apartments will have “winter gardens”, an increase in 1 from the 16 approved.
- 6.26 Whilst it is disappointing that there is a net loss of 8 areas of private amenity space, as detailed above, the applicant has agreed to introduce new areas of indoor communal amenity space in the form of a gym and lounge.
- 6.27 The original planning permission was presented as a comprehensive scheme with communal outdoor amenity space entirely within the new build part of the scheme i.e. podium garden above the undercroft parking. It will be the continued expectation (secured via a planning obligation) that when the new build stage of the development comes forward, that should have at least an equivalent size of outdoor amenity space that would be accessible for use by residents of the conversion of Len House as was originally envisaged.

#### **First Floor Changes.**

- 6.28 The s73 scheme involves the omission of first floor car parking for residents, said to be due to constraints posed in vehicle exhaust ventilation systems and to accommodate fire safety equipment to achieve Fire Regulation compliance.
- 6.29 To make efficient use of space that cannot accommodate internal parking and to compensate for loss of 9 terraces, it is to be amended to allow for 2 apartments to increase in size and have “winter gardens” and inclusion of a communal residents’ lounge and gym.
- 6.30 The residents’ gym and lounge will have large areas of glazing to allow the upper part of the ramp to be visible.

Proposed First Floor Plan



Image of Historical Asset Area looking down the ramp

- 6.31 The applicant has indicated he will enter into a legal agreement to secure land within phase 2 to replace the car parking. Initially, 22 spaces in the SE of the site would be dedicated to the residents of Len House. This would be enforced until the new build element of the scheme were completed.
- 6.32 The original planning permission would have provided 108 residential parking spaces for 159 units which is a ratio of 0.68. Therefore, the legal agreement will need to ensure that for the 80 units in the converted Len House, that at least 54 spaces are made available in the long term on the remainder of the wider site to residents of the conversion.

### **Sedum Roof**

- 6.33 A sedum "green" roof was promoted in the original planning application as beneficial for drainage and biodiversity and thus its retention would be supported by policy DM3 of the MBLP.
- 6.34 Members chose to place great weight on this matter in the original permission. However, the amendments include removing the sedum on the very top floor of the new penthouse roof and adding a smaller area around the penthouse on the original roof of the building.
- 6.35 Engineering consultants have advised that the chosen structural design is to minimise the amount of new structure (ie steel columns) present on the ground floor to better retain the open plan nature of the workshop and showroom. As a result, the existing structure of Len House needs to bear a greater load configuration. The engineering consultants advise the concrete in Len House was not necessarily designed for that purpose and the building was constructed when little was understood about reinforced concrete. Also it is stated that a consistent approach to the reinforcing of the concrete was not used across the construction of the building.
- 6.36 Consequently, a light gauge steel frame has been designed and fabricated by a specialist to be used on the first floor. The remainder of the partitioning and structure have also been selected based upon low weight.
- 6.37 Hence, the engineers assert that the proposed omission of the original extent of sedum roof on the top floor of the penthouse is due to high loads over large spans which causes significant stress in elements of the original reinforced concrete structure, worsened when the load (i.e. 'sedum roof') is at a high elevation.



- 6.38 The existing concrete roof areas above the first floor level of Len House are not receiving additional construction loads and the engineering consultants consider they are robust enough to be an alternative location for the sedum roof, albeit over a reduced area.
- 6.39 However, there would be related implications for surface water drainage which was covered by a drainage strategy that referenced the sedum roof having a role in managing run-off. A condition would be needed for that strategy to be revised accordingly.

### **Flood Risk**

- 6.40 The original FRA stated that the building of Len House lies in Flood Zone 2. Residential is a "more vulnerable" land use and these uses are on the upper floors with the commercial uses on the ground and mezzanine floor being "less vulnerable".
- 6.41 There are extant planning permissions for the redevelopment of the site and they have been reflected in the Regulation 22 LPR in draft policy LPRSA145 with one criterion being "*any development of the site shall take account of potential flood risk issues and ensure that the surface water drainage strategy does not increase the risk of surface water flooding*".
- 6.42 The Flood Risk Assessment includes an extract from the DRAFT Level 2 SFRA Detailed Site Summary Tables by JBA consulting which advises that proposals will need to demonstrate flood resilience including that:
- De-culverting could provide betterment for flood risk.
  - A commitment to contribute to continued upkeep of the defences currently offering protection
- 6.43 The FRA details that converting Len House, means it is not possible to raise the ground floor above the design flood level for this element of the proposed development. However, there is a 'less vulnerable' commercial use on the ground floor and the mezzanine level gives safe refuge above the design flood level.
- 6.44 For escape in a flood event, a dry unimpeded pedestrian access/egress route (without crossing the River Len) is available to the north-east of the site via an existing alley way leading to Gabriel's Hill.
- 6.45 Officers have considered the EA's requirement for a sequential test. The proposals involve a s73 amendment to a change of use of an existing building. The NPPF states "*Applications for minor development and changes of use should not be subject to the Sequential or Exceptions Tests but should still meet the requirements for site-specific flood risk assessments.*"
- 6.46 In this case, the conversion of Len House to 80 apartments is an extant consent for a change of use of the existing building (albeit part of the rear was shown as needing to be demolished and rebuilt). In addition, the second and third floors were also extensions which are works which clearly need to be in situ, notwithstanding the Flood Risk 2 siting. The benefits from re-using the listed building (subject to the changes being acceptable) clearly cannot be achieved on another site.
- 6.47 Therefore, the FRA's conclusion is accepted that the Sequential Test does not need to be applied to these s73 amendments to the conversion of Len House itself.

### **Deculverting of River Len**

- 6.48 When the Planning Committee originally considered the parent planning application in 2020, Members deferred determination in order for Officers to consider a request

by the Committee for River Len Daylighting, seeking that the land, under which the culverted river runs, to be transferred to the Council in order that it can progress a scheme for the daylighting of the River.

- 6.49 This was secured by officers and formed part of the Committee resolution to approve the overall development.
- 6.50 The s106 (unilateral undertaking) that was accepted by MBC had a trigger of payment of 1 April 2021 of £80,000 to MBC as contribution to the culvert works and reasonable endeavours to transfer the land by 1 January 2022 and not to commence development until the grant of a licence to MBC to access the land for the purpose of surveys. These have not taken place.
- 6.51 The applicant has had his engineers look into the feasibility of the deculverting opportunity offered to MBC in the original planning permission and they have concluded that cost may be very significant. However, this needs further investigating by MBC itself.
- 6.52 It is considered essential for the de-culverting works that were expressly key to the original approval of the scheme and which form part and parcel of the overall planning permission to be included in the legal agreement so that they can continue to be secured. Therefore, the culvert obligations entered into for the original consent need to be updated to reflect appropriate new timescales, indexation of the culvert payment and in regard of the land to be transferred, to include access rights for MBC to implement any de-culverting works, should these go ahead.

#### **Other Variations**

- 6.53 Amendments to the proposed fenestration are the addition of external doors, removal of some windows and the addition of ventilation louvres following a detailed design stage review of the scheme. These are minor and not considered to have heritage or any other harmful impacts and thus acceptable on the basis of the continued use of the approved steel "Crittall style" replacement windows.
- 6.54 The mezzanine floor will still be for commercial office space use but with re-location of stair cores to ensure that they do not conflict with the existing structure and to comply with the fire strategy. Minor changes have been made to the location of internal walls and minor design changes to circulation areas. These are all acceptable in heritage terms.
- 6.55 The amendments to second and third floor layout include reconfiguration of residential internal layouts and amendments or additions of stair cores. All residential units will comply with National Described Space Standards. These are acceptable minor changes.
- 6.56 The use of more the first floor floorspace for 2 apartments allows changes to housing mix and more generous apartment dimensions elsewhere. There are no concerns in principle with these minor changes.
- 6.57 Most of the requested changes to conditions derive from being updated to reflect that there have been partial discharges for Len House but not for the new buildings on the rest of the overall application site.
- 6.58 However, in terms of condition on drainage, that will need to include a revised drainage strategy as discussed above due to less sedum roof.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.59 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

#### **CIL**

- 6.60 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **7. CONCLUSION**

- 7.01 This Council previously accepted zero affordable housing and a higher than normal density on the new build element to compensate for the acknowledged viability problems in this part of Maidstone so there is not significant further weight on the general viability argument. However, officers do accept that the original approval was undeliverable because of the significant lack of alignment with building regulations. It is also understood that there is a focus is on the actual delivery of apartments in the town centre.
- 7.02 Overall, the proposed changes cannot be said to enhance the listed building but it has been demonstrated that the original permission cannot now be implemented in the form that was envisioned and presented to the Planning Committee.
- 7.03 There are still clear disbenefits with these proposed incremental changes such as the loss of the functionality of the ramp but general arguments have been put forward on viability and that the scheme approved could not have been built out because of building regulations especially in regard to fire separation between ground and first floor.
- 7.04 The amendments to the ground floor sub-division are acceptable on heritage grounds taking into account the much improved scope for public visibility of and interaction with the ramp and scope for heritage interpretation.
- 7.05 Negotiations to the scheme such as the residents lounge and gym have partly reduced the harm from the loss of roof terrace amenity space and the new layout and extra internal curtain glazing of the ground floor near the ramp is improved from what was originally submitted in that much more of the ramp is visible to the general public from both the throughfare and from the nearest commercial units due to use of more glass curtain walling. The revised layout negotiated means that the service/back of house areas will be less intrusive by being located to a less sensitive part of the building.
- 7.06 The s73 process does allow a new legal agreement that can better secure the original concept of the overall scheme including much more clarity on the de-culverting obligations and ensuring that the ratio of parking for the Len House conversion remains as approved when the rest of the site is developed and communal open space on the wider site is accessible for residents of the Len House conversion.
- 7.07 Subject to appropriate updated conditions and a s106 legal agreement for, inter alia, the daylighting of the River Len culvert that Members actively sought as a positive aspect of the redevelopment originally, the amendments are considered to be acceptable overall, bearing in mind the practical and technical justification submitted by the applicant.

- 7.08 The condition on EV charging has been superseded in terms of passive charging by Building Regulations so only active charging now needs to be secured by planning condition.

## 8. RECOMMENDATION

**GRANT Listed building consent for application (A) for revised works to the listed building subject to subject to the following conditions below** with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

**GRANT planning permission for application (B) subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below** with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £3825 in total

### HEADS OF TERMS

- Culvert – Within 1 month of consent to grant both a licence to MBC to carry out site investigation works and payment of Culvert contribution of £80,000 index linked from 30 September 2020; and within 6 months of consent to transfer defined “culvert land” at nil cost to MBC; grant access rights by MBC to implement any de-culverting works.
- Securing public use of the throughfare “internal street” during daytime hours
- Replacement temporary car parking spaces (22 no.) pending redevelopment of the remainder of the site and long term (54 no.) car parking spaces within any scheme for redevelopment of the remainder of the site
- To compensate for the net loss of roof terraces at Len House, any revised scheme for new build redevelopment will be required to include the provision of communal open space that provides a commensurate amount of space for the 2 elements with permanent rights of use by for residents of the apartments in Len House.

### CONDITIONS for **(A) 23/500769/LBC**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Ground Floor Retention & Restoration Plan 20.061-ONA-00-00-DR-A-1400-S4 Rev P03

Proposed Mezzanine Level Retention & Restoration Plan 20.061-ONA-00-M0-DR-A-1401-S4 Rev P04

Proposed First Floor Retention & Restoration Plan 20.061-ONA-00-01-DR-A-1402-S4 Rev P03

Proposed Second Floor Retention and Restoration Plan 20.061-ONA-00-02-DR-A-1403-S1 P03

Proposed Roof Retention & Restoration Plan 19.027.500.03 P

Proposed Basement Retention & Restoration Plan 19.027.500.04 P

Proposed Retention & Restoration Elevations 20.061-ONA-00-EL-DR-A-1410-S4  
Rev P03

Proposed Len House Ground Floor Plan 20.061-ONA-00-00-DR-A-1550-S1 Rev  
P08

Proposed Len House Mezzanine Level Floor Plan 20.061-ONA-00-M1-DR-A-1501-  
S1 Rev P04

Proposed Len House First Floor Plan 20.061-ONA-00-01-DR-A-1502-S1 Rev P08

Proposed Len House Second Floor Plan 20.061-ONA-00-02-DR-A-1503-S1 Rev06

Proposed Len House Third Floor Plan 20.061-ONA-00-03-DR-A-1504-S1 Rev P04

Proposed Len House Roof Plan 20.061-ONA-00-RF-DR-A-1505-S2 Rev P05

Proposed Len House Elevations 20.061-ONA-00-EL-DR-A-1510-S1-P06

Proposed Pump Kiosk Reinstatement 19.027.300.01 P

South Elevation - Bay Repair/Rebuild 20.061-ONA-00-EL-DR-A-1569

Residential Entrance 02 Details 20.061-ONA-00-SE-DR-A-1551 S1 P02

Proposed Second Floor Balcony to Mill Street 20.061-ONA-00-XX-DR-A-1550 S1  
P01

Proposed Sections 20.061-ONA-00-SE-DR-A-1540-S1 P03

Proposed Sections 20.061-ONA-00-SE-DR-A-1541 S1 P02

Reason: To clarify which plans have been approved.

- 2) Within 3 months of this consent, constructional details at a scale of not less than 1:20 shall be submitted for the approval of the Local Planning Authority for the glazing to commercial unit 3.1, the residents' gym and residents' lounge.

Reason: To protect the historic and architectural interest of the Listed Building.

- 3) The approved works to Len House shall be constructed using the materials approved under 21/500608/SUB.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 4) The approved works to Len House shall include constructional details approved under 21/500608/SUB. The area annotated as Winter Gardens shall be retained as approved with single glazing to the façade (as approved under 22/505984/SUB) and shall not be used as habitable space.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 5) Works to Len House shall be as approved under 21/500608/SUB as amended by 22/505984/SUB in regard of

(i) windows and doors which are to be retained, restored or replaced

(ii) existing brickwork or other external finishes that are to be restored/made good or replaced, including details of any new materials that are intended to match existing

(iii) the fully detailed schedule of repairs and maintenance regime in regard of

- Alterations to staircases and stair compartments

- Internal ramps
- New internal opening or closures
- Any proposed secondary glazing

Reason: To ensure the quality of the development is maintained and to prevent harm to the special architectural and historic interest of the listed building.

- 6) All existing historic features shall be retained in situ, except where indicated otherwise on the approved drawings. Any internal and external repair works and façade repairs to the listed building shall accord with the Façade Condition Survey by PAYE approved under ref 21/500608/SUB as amended by Proposed Outline Façade Dismantle And Rebuild Methodology, Façade Repair Mark-up, Façade Repair Schedule and drawing 20.061-ONA-00-EL-DR-A-1569 (South Elevation - Bay Repair/Rebuild).

Reason: To ensure the quality of the development is maintained and to prevent harm to the listed building.

- 7) Following the initial exploratory demolition, preparatory and strip out works, a broad method statement shall be submitted to and approved by the Local Planning Authority prior to the detailed fit out scheme commencing. It shall set out the approach to the following matters and shall include mitigation measures necessary to demonstrate that the works/installations will not harm the building's special architectural and historic interest. The statement shall be supplemented with drawings/specifications of typical details as necessary.

- Plumbing including all ground and above level drainage
- Ventilation provision
- Mechanical & Electrical services for heating and lighting
- Fire strategy - measures for prevention, detection, and means of escape
- Acoustic attenuation between spaces
- Removal of any asbestos
- New interior lighting scheme
- Any special measures for kitchens and kitchen storage areas

The development shall be carried out in complete accordance with the approved details.

Reason: To protect and preserve the appearance and character of the listed buildings

- 8) There shall be no insertion of false or suspended ceilings to ground floor units 02 to ground floor units 02, 3.1, 3.2, 3.3, 04 or the Internal Street.

Reason: To protect the historic and architectural interest of the Listed Building.

- 9) Within 3 months of consent, details of the fit out for the Internal Street, ramp, first floor Historic Asset Space, Residents' Gym and Residents' Lounge shall be submitted for the approval by the Local Planning Authority. The approved works shall be implemented prior to first use and retained thereafter. No carpets shall be installed and the fit out should aim to conserve the industrial character of the listed building.

Reason: To protect the historic and architectural interest of the Listed Building.

- 10) Within 3 months of first use, heritage interpretation area(s) shall be installed in accordance with details that have been submitted to and approved by the Local Planning Authority. The full set of record photographs of the existing building submitted under 21/500608/SUB shall be made available to Kent County Council's Historic Environment Record within 2 months of this decision.  
Reason: To ensure that the heritage benefits associated with archiving the building's history are secured.

CONDITIONS for **(B) 23/500773/FULL**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Proposed Ground Floor Retention & Restoration Plan 20.061-ONA-00-00-DR-A-1400-S4 Rev P03
  - Proposed Mezzanine Level Retention & Restoration Plan 20.061-ONA-00-M0-DR-A-1401-S4 Rev P04
  - Proposed First Floor Retention & Restoration Plan 20.061-ONA-00-01-DR-A-1402 S4 Rev P03
  - Proposed Second Floor Retention and Restoration Plan 20.061-ONA-00-02-DR-A-1403-S1 P03
  - Proposed Roof Retention & Restoration Plan 19.027.500.03 P
  - Proposed Basement Retention & Restoration Plan 19.027.500.04 P
  - Proposed Retention & Restoration Elevations 20.061-ONA-00-EL-DR-A-1410-S4 Rev P03
  - Proposed Len House Ground Floor Plan 20.061-ONA-00-00-DR-A-1550-S1 Rev P08
  - Proposed Len House Mezzanine Level Floor Plan 20.061-ONA-00-M1-DR-A-1501-S1 Rev P04
  - Proposed Len House First Floor Plan 20.061-ONA-00-01-DR-A-1502-S1 Rev P08
  - Proposed Len House Second Floor Plan 20.061-ONA-00-02-DR-A-1503-S1 Rev06
  - Proposed Len House Third Floor Plan 20.061-ONA-00-03-DR-A-1504-S1 Rev P04
  - Proposed Len House Roof Plan 20.061-ONA-00-RF-DR-A-1505-S2 Rev P05
  - Proposed Len House Elevations 20.061-ONA-00-EL-DR-A-1510-S1-P06
  - South Elevation - Bay Repair/Rebuild 20.061-ONA-00-EL-DR-A-1569
  - Residential Entrance 02 Details 20.061-ONA-00-SE-DR-A-1551 S1 P02
  - Proposed Second Floor Balcony to Mill Street 20.061-ONA-00-XX-DR-A-1550 S1 P01
  - Proposed Sections 20.061-ONA-00-SE-DR-A-1540-S1 P03
  - Proposed Sections 20.061-ONA-00-SE-DR-A-1541 S1 P02
  - Site Phasing Plan 20.061-ONA-00-00-DR-A-1002
  - Proposed Site Plan 19.027.100.03\_B

Proposed Pump Kiosk Reinstatement 19.027.300.01 P

Proposed Rear Development Ground Floor Plan 19.027.210.00 P / Rev B

Proposed Rear Development Mezzanine Level Floor Plan 19.027.210.01 P / Rev B

Proposed Rear Development First Floor Plan 19.027.210.02 P / Rev B

Proposed Rear Development Second Floor Plan 19.027.210.03 P / Rev B

Proposed Rear Development Third Floor Plan 19.027.210.04 P / Rev B

Proposed Rear Development Roof Plan 19.027.210.05 P / Rev B

Proposed Elevations F, G, H 19.027.260.00 P / Rev B

Proposed Elevations I, J, K, L, M 19.027.260.01 P / Rev B

Proposed Elevations N, O, P, Q 19.027.260.02 P / Rev B

Proposed Site Section A 19.027.610.00 P / Rev B

Proposed Site Section B & C 19.027.610.01 P / Rev B

Proposed Site Section D 19.027.610.02 / P Rev B

Landscape Masterplan (dwg 0250-1000 Rev2)

Reason: To clarify which plans have been approved.

- 2) Excavations adjacent to or beneath Len House shall accord with archaeological details approved under 21/500611/SUB.

Reason: To enable the recording of any items of historical or archaeological interest.

- 3) No development of the new build stage of the scheme shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. This should include:

- assessment of Early Medieval and earlier archaeology

- potential for remains within the east part of the site which may have complex Post Medieval or earlier remains surviving, including Post Medieval water channels and Medieval riverside activities

- assessment of the early 20th century industrial and commercial activity represented in the archaeological resource

- some preliminary fieldwork to clarify potential for as yet unknown significant archaeology, including modern structural remains associated directly with Len House

Reason: To enable the recording of any items of historical or archaeological interest.

- 4) Prior to first occupation, a final report detailing all archaeological results and finds resulting from the approved scheme of archaeological work relevant to that unit being occupied shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of recording any below ground structures or finds and to inform KCC Heritage's archives.

- 5) A scheme to deal with the risks associated with contamination with the conversion of Len House shall accord with details approved under 21/502283/SUB. The new



build elements of the development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 6) A Closure Report shall be submitted for approval by the Local Planning Authority upon completion of the approved remediation works. The closure report shall include full verification details and should 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: In the interests of protecting the health of future occupants from any below ground pollutants.

- 7) Unless the prior written approval of the Local Planning authority has been obtained pursuant to this condition, the commercial use of the ground floor units 02, 3.1, 3.2, 3.3, 04, the Mill Street forecourt and Kiosk, as shown on drawing number 20.061-1550-S1 Rev P08 shall only used for purposes defined as; drinking establishment, food and drink consumption on the premises (with ancillary take away) and for the associated retail sales of food and drink and ancillary products only and for no other purpose (including any other purpose within classes E or F2(a) of the Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the former workshop building (within the overall range of uses approved across the site) could cause harm to the character and appearance of the listed building and functioning of the surrounding area.

- 8) No more than 75% of the units in the new-build apartment blocks (excluding any new units created within or above Len House), shall be occupied until all of the Len House conversion works hereby approved have been completed.

Reason: To ensure the timely repair and conversion works to the listed building.

- 9) The approved works to Len House shall accord with 21/500611/SUB in regard of details and samples of the materials to be used in the construction of the external surfaces of the building. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 10) The approved works to Len House shall accord with construction details approved under 21/500611/SUB as amended by 22/505985/SUB.

Reason: To ensure a satisfactory appearance to the development and to protect the character and appearance of the Listed Building.

- 11) The construction of the new build apartment blocks shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 12) The construction of the new build apartment blocks shall not commence above slab level until the following constructional details with section drawings at a minimum scale of 1:20 have been submitted to and approved by the Local Planning Authority:

-Windows

-External doors

-Balconies

-Eaves

-Rain water goods

The development shall be constructed as approved.

Reason: To ensure a satisfactory appearance to the development

- 13) The construction of the new build apartment blocks shall be in accordance with the proposed slab levels shown on approved drawing 19.027.100.03 Rev B or in accordance with any further details approved by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and the relationship of the development to properties to the north.

- 14) The works to Len House hereby approved shall not commence above existing roof level until details of the scheme of treatment of the existing roof and the new penthouse roof have been submitted to and approved by the Local Planning Authority. The submitted scheme shall include details of the design, materials, specification and management plans for any roof level sedum roof..

Reason: In the interests of the character and appearance of the locality.

- 15) The works to Len House hereby approved shall not commence above existing roof level until a renewable energy strategy for the entire site has been submitted to and approved by the Local Planning Authority. The strategy shall include the physical details and energy performance of air source heat pumps and solar PV array as detailed within the approved Sustainability And Energy Statement by Sol Environment Ltd. The Renewable Energy strategy shall be implemented before first occupation of the related phase. All renewable energy systems shall thereafter be retained and maintained in a working order.  
Reason: In the interests of renewable energy and the character and appearance of the locality.
- 16) Notwithstanding the approved drawings, active EV charging facilities shall be provided in accordance with the following schedule:  
Residential: 6 active  
Commercial: 2 active  
The electric vehicle charging points as approved shall be installed prior to first occupation of the related buildings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.  
Reason: To promote the reduction of CO2 emissions through the use of low emission vehicles
- 17) Hard landscape works to Len House shall accord with 21/504440/SUB.  
Reason: To ensure a satisfactory appearance to the development.
- 18) The construction of the new build apartment blocks shall not commence above dpc level until details of hard landscape works have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.  
Reason: To ensure a satisfactory appearance to the development.
- 19) Any works to daylight the River Len fronting Palace Avenue shall be carried out in accordance with a daylighting scheme to be submitted to and approved by the Local Planning Authority. Such a scheme shall include details of: -the water channel alignment, cross sections of the river and embankment profile, -the proposed planting mix and establishment regime (including use of organic textiles) for the aquatic environment -long-term management plan -details of an appropriately sized screen on pumps (in order to be compliant with the Eels Regulations 2009). -the construction methodology for deculverting, dewatering and potential desilting of the Mill Pond.  
Reason: To ensure that any daylighting scheme is carried out to an acceptable standard and in a manner that optimises net biodiversity gain.
- 20) Should the River Len Daylighting scheme not proceed, the area shall be landscaped in general accordance with the Landscape Masterplan (dwg 0250-1000 Rev2) in accordance with details to be submitted to and approved by the Local Planning Authority and the landscaping shall be implemented in the first planting season following first use of the converted Len House.  
Reason: In the interests of the visual amenity of the area.
- 21) The works to Len House hereby approved shall not commence above existing roof level until a details of a related landscape planting scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved by the Local Planning Authority that shall include all

areas of amenity land indicated in the Landscape Masterplan (dwg 0250-1000 Rev2) hereby approved. The scheme shall show all existing trees and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to enhance amenity and biodiversity value and include a planting specification, implementation details and a 5 year management plan.

Reason: In the interests of a satisfactory appearance to the development and biodiversity.

- 22) The construction of the new build apartment blocks shall not commence above dpc until details of a related landscape planting scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted for approval to the Local Planning Authority that shall include all areas of amenity land indicated in the Landscape Masterplan dwg 0250-1000 Rev2 hereby approved. The scheme shall show all existing trees and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to enhance amenity and biodiversity value and include a planting specification, implementation details and a 5 year management plan.

Reason: In the interests of a satisfactory appearance to the development and biodiversity.

- 23) All planting, seeding and turfing specified in the approved landscape details shall be completed in the first planting season (October to February) following first use or occupation of the related phase. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority. gives written consent to any variation.

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

- 24) A scheme for the enhancement of biodiversity on the relevant part of the site shall be submitted for approval by the Local Planning Authority at the following stages of the development:

-Within 2 months of this decision in relation to Len House

-Within 6 months of the first commencement of the new build apartment blocks.

These schemes shall include a Phasing Plan for implementation and shall address the enhancement of biodiversity within the Mill Pond and through integrated methods into the design and appearance of the buildings by means such as swift bricks, bat bricks and habitat for solitary bees. Details shall also include measures to minimise impact on the Mill Pond and its ecology. The development shall be implemented in accordance with the approved details and all features shall be retained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 25) A landscape and ecological management plan covering each stage of the development, shall be submitted to and approved by the Local Planning Authority as follows:

- Prior to first occupation of any dwelling following the works to convert Len House;
- Prior to first occupation of any dwelling within the new build apartment blocks.

These details shall include a timetable for implementation and shall address long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens. Landscape and ecological management shall be carried out in accordance with the approved plan and timetable unless the Local Planning Authority gives written consent to any variation.

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

- 26) The development hereby approved shall not commence until a scheme has been submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within all proposed residential units (both new build and listed building conversion) and the external noise levels in relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, Local Planning Authority. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. The ceiling and floor that separated the residential and commercial unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014+A1:2017 Acoustics - Field measurement of sound insulation in buildings and of building elements Airborne Sound Insulation. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The scheme must include an assessment of and necessary mitigation to address potential late night noise from nearby entertainment and leisure venues and include an acoustic assessment of proposed commercial uses within the converted Len House. The scheme shall be carried out as approved prior to the first occupation of the relevant residential unit and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

- 27) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the commencement of the use of the related 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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access thereto.

Reason: In the interests of road safety.

- 28) Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be placed on the site or buildings hereby approved without the express consent of the Local Planning Authority.

Reason: To ensure adequate control of the character, appearance and setting of the listed building.

- 29) Prior to works to Len House commencing above existing roof level, a detailed scheme for the Mill Street forecourt and beverage kiosk shall be submitted for approval to the Local Planning Authority. Such a scheme shall include the design, materials, lighting strategy and hard landscaping/seating proposals for the external area and include any all weather proposals such as umbrellas or canopies. The approved scheme shall be completed prior to the first use of any part of the main A3/A4 element within Len House and the kiosk shall be used thereafter primarily for the sale of beverages unless otherwise agreed by the Local Planning Authority.  
Reason: To ensure that forecourt enhancement scheme is delivered to a satisfactory standard.
- 30) Prior to works to Len House commencing above existing roof level, a detailed scheme for the proposed Mill Pond boardwalk shall be submitted for approval by the Local Planning Authority. Such a scheme shall include the form of attachment, design and materials including any handrails, a lighting strategy access and arrangements for long term management. The approved scheme shall demonstrate that the deck structure has been design to optimise natural light levels and to ensure that disturbance to the ecology in the below section of the Mill Pond is minimised and detail any integrated biodiversity enhancement works to be incorporated into the walkway design and shall be completed prior to the first use of commercial elements of the scheme.  
Reason: In the interests of the Listed Building and its setting and to ensure an acceptable level of biodiversity enhancement is secured across the scheme as a whole.
- 31) The internal street on drawing 20.061-1550-S1 Rev P08 shall be retained as approved as a thoroughfare.  
Reason: In the interests of pedestrian permeability.
- 32) Prior to works to Len House commencing above existing roof level, a lighting strategy of the buildings and public areas shall be submitted for approval to the Local Planning Authority. These details shall include measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, including the Mill Pond and the proposed de-culverted River Len. The development shall thereafter be carried out in accordance with the subsequently approved details prior to first use/occupation and retained thereafter.  
Reason: In the interest of visual amenity, heritage sensitivity and ecology.
- 33) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no CCTV or other communications or monitoring equipment, including satellite dishes shall be erected on Len House without the prior written consent of the LPA.  
Reason: To ensure that the character and appearance of the listed building is not harmed.
- 34) The ground floor commercial space shall be retained as hereby approved on drawing 20.061-1550-S1 Rev P08 and not be further subdivided by way of internal partitions or ceilings except in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the character and appearance of the listed building is not harmed.

- 35) There shall be no external plant (including ventilation, refrigeration and air conditioning) or ducting system except in accordance with details approved under 21/504442/SUB.

Reason: In the interests of visual and aural amenity.

- 36) Within 6 months of this decision, details of a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to for the approval by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ Publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018 and should typically include a grease filter, pre-filter and activated carbon treatment, together with high level fume dispersion. Any equipment, plant or process shall be installed prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme and maintained to the original specification.

Reason: To safeguard the amenities of the surrounding area.

- 37) A Travel Plan shall be implemented and monitored as approved by 21/500611/SUB. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan.

Reason: In the interests of environmental sustainability.

- 38) The approved details of the access points to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

- 39) No use or occupation of the development hereby permitted shall take place until related highway works, to include installation reinstatement of closed crossovers, new access points and footway crossovers have been implemented in accordance with a scheme to be approved by Kent County Council under s278 of the Highways Act 1980.

Reason: In the interests of highway safety.

- 40) (i) Drainage of Mill Street Forecourt area shall comply with details approved under submission ref. 21/504443/SUB.

(ii) Within 3 months of this decision, a Revised Surface Water Drainage Strategy for the remainder of the Len House stage of the development shall be submitted for the approval of the Local Planning Authority which shall take account of the reduction in the areas of sedum roof. The drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that (with reference to published guidance):

-silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters

-appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The Revised Drainage Strategy shall be implemented as approved before first use of the building.

(iii) The development of the new build stage of the site shall not begin until a sustainable surface water drainage scheme for the relevant part of the site has been submitted to and approved by the Local Planning Authority. The drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that (with reference to published guidance): -silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. -appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- 41) No part of the new build element of the development shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

- 42) Prior to the first occupation of any part of the development, the development, a scheme of air quality mitigation measures shall be implemented in accordance with details that have been submitted to and approved by the Local Planning Authority. This should include at least one residential receptor modelled in Upper Stone Street. It should include a costed mitigation scheme showing how the money is to be spent. The damage cost could be spent on cycle storage and low NOx boilers.

Reason: In order to ensure that an acceptable level of mitigation of potential air quality impacts is secured.

#### INFORMATIVES

- 1) Environmental Protection re Asbestos



- 2) Environmental Protection re Noise and Vibration transmission between properties
- 3) KCC Archaeology- condition 4 for Len House and condition 3 for rest of the site
- 4) Environment Agency-De-culverting will need a Flood Risk Activity Permit.

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