

**APPENDIX 1 – REPORT TO PLANNING COMMITTEE 26-2-15**

**REPORT SUMMARY**

<b>REFERENCE NO - 14/503755/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision.			
<b>ADDRESS</b> Land To The Rear Of Milton Street And Hartnup Street Milton Street Maidstone Kent ME16 8LL			
<b>RECOMMENDATION</b> Permission be granted			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>  Redevelopment of non-conforming industrial site in mainly residential area for residential purposes			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Call in by Cllr Harper			
<b>WARD</b> Fant Ward	<b>PARISH/TOWN COUNCIL</b> Maidstone	<b>APPLICANT</b> Mr P Chesterfield <b>AGENT</b> Mr Chris Hawkins	
<b>DECISION DUE DATE</b> 08/01/15	<b>PUBLICITY EXPIRY DATE</b> 08/01/15	<b>OFFICER SITE VISIT DATE</b> 27/10/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/06/0610	Terrace of 5 houses	Permitted	
MA/07/106 MA/08/2146 MA/10/0842	Terrace of 6 houses 1 pair of semis & terrace of 4 houses 5 3 storey dwellings with parking	Permitted Refused Permitted	

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**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

1.1 The application site is situated between Milton Street and Hartnup Street and comprises 0.44ha. of land with a lawful industrial use known as Acorn Business Centre. The industrial units are accommodated in 3 large buildings which have been subdivided into smaller units. Most of the units have ceased trading and are now vacant. The existing vehicle access is from Milton Street. The character of the surrounding area is mainly residential in the form of terraced housing or flats.

1.2 The rear gardens of 84-104 Milton Street adjoin the application site on its southern side and the rear gardens of 1-6 Bazalgette Rise and 27-45 Hartnup Street to the west and north-west.

## 2.0 PROPOSAL

2.1 It is proposed to demolish the existing industrial buildings and erect 22 dwellings comprising a block of 6 x2 bed flats (3 storey) served by the existing access from Milton Street and 16x3 bed town houses (2 storey) served by a new access from Hartnup Street. 34 parking spaces are proposed within the site.

## 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0,44ha	0.44ha	
Approximate Ridge Height (m)		9m	
Approximate Eaves Height (m)		5m	
Approximate Depth (m)		10m	
Approximate Width (m)		17m, 23m, 38m	
No. of Storeys	1/2	2/3	
Net Floor Area			
Parking Spaces	12	34	
No. of Residential Units	0	22	
No. of Affordable Units	0	3	

## 4.0 PLANNING CONSTRAINTS

4.1 Industrial Area  
Allocated Site – housing/economic development

## 5.0 POLICY AND OTHER CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF) promotes the re-use of previously developed land and advises that Local Planning Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (paragraph 51).

Development Plan: Policies H1, ED2, CF1, T21  
Supplementary Planning Documents:  
Affordable Housing DPD,  
Open Space DPD

## 6.0 LOCAL REPRESENTATIONS

6.1 14 Letters of objection from local residents have been received raising the following concerns:

1. Additional traffic generation in an already congested area
2. Proposed access in Hartnup Street will be hazardous and steep. Existing access from Milton Street is very narrow.
3. Inadequate parking resulting in increased pressure for on-street parking, 5 on-street spaces will be lost in Hartnup Street
4. Loss of employment land and opportunities for small businesses
5. Loss of vegetation will have an adverse effect on wildlife
6. Loss of privacy/ overlooking of adjoining properties, particularly from 3 storey flats.
7. Increased noise disturbance in evenings and at weekends
8. Concerns about risk of flooding and capacity of local sewerage system

## 7.0 CONSULTATIONS

### Southern Water

7.01 "Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire RG21 28W (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

7.02 Our initial investigations show that there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and any existing properties and land may be subject to a greater risk of flooding as a result. We advise that applicant investigates alternative means for surface water disposal, considering the following options:  
Discharge to an available watercourse  
Discharge to soakaways

7.03 Alternatively;

If the existing development discharges surface water to the existing surface water system, then a discharge from the site may be permitted. If the applicant wishes to investigate this option, the applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. Any excess surface water should be attenuated and stored on site. Where flow attenuation is proposed and the sewerage in question is to be offered for adoption, the sewerage undertaker should be involved in discussions with all relevant parties to agree the ownership/responsibility for the facility.

7.04 Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire 8021 28W (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

7.05 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

7.06 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

7.07 Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

#### KCC Economic Development

Request Summary Per Applicable Flat (x6)		Per applicable House (x16)	Total
Primary Education ( <i>new build</i> )	£1000.00	£4000.00	£70,000.00
Primary Land ( <i>acquisition cost</i> )	£675.41	£2701.63	£47,278.51
Secondary Education	£589.95	£2359.80	£41,296.50

7.08 "The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

7.09 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

7.10 These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary Per Applicable Flat (x6)		Per applicable House (x16)	Total
Primary Education (new build)	£1000.00	£4000.00	£70,000.00
Primary Land (acquisition cost)	£675.41	£2701.63	£47,278.51
Secondary Education	£589.95	£2359.80	£41,296.50

Per Dwelling (x22)		Total
Community Learning	£30.70	£675.34
Youth Service	£8.44	£185.73
Libraries	£144.36	£3175.88
Adult Social Care	£53.88	£1185.36
Highways	<i>Kent Highway Services will respond separately</i>	

7.11 Please note that these figures are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, and build costs.

#### Primary Education

7.12 The proposal gives rise to 5 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

7.13 This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

7.14 The County Council requires a financial contribution towards construction of the new school at £4000 for each 'applicable' house & £1000 for each applicable flat ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

7.15 The County Council also requires proportionate contributions towards the Primary School land acquisition cost at £2701.63 per applicable house & £675.41 per applicable flat.

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7.16 The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

7.17 Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

7.20 KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

### Secondary School Provision

7.21 The impact of this proposal on the delivery of the County Council's services is assessed and a contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

7.22 The proposal is projected to give rise to 4 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

7.23 The new secondary school accommodation will be provided in Maidstone through extensions and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

### Community Learning

7.24 There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

7.25 The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.

7.26 The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable). The County Council therefore requests £30.70 per household to address the direct impact of this development.

### Youth Services

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7.27 The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.

7.28 Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area. The County Council therefore requests £8.44 per household.

### Libraries and Archives

7.29 There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

7.30 The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development (including mobiles) and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).  
The County Council therefore requests £144.36 per household to address the direct impact of this development.

### Social Care

7.31 The proposed development will result in additional demand on Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. The proportionate cost of providing additional services for this proposed development is set out in the supporting document.

7.32 The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development.

7.33 The mitigation will comprise the following projects:

Project 1: Building Community Capacity: Capital improvement works enhancing/adapting existing community facilities to enable the additional social care clients arising (Older Persons, and also clients with Physical Disabilities and Learning Difficulties) to participate in community life, (activities and groups), and remain active.

Project 2: Assistive Technology (also referred to as Telecare): installation of technology items in homes (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes.

7.34 These projects will be delivered once the moneys are collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.  
The County Council therefore requests £53.88 per household.

### Superfast Fibre Optic Broadband

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7.35 To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community, etc.) of adequate capacity (internal min. speed of 100mb to each building) for current and future use of the buildings.

### Implementation

7.36 The County Council is of the view that the above contributions comply with the provisions of regulation 122 of the CIL Regulations and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

### KCC Highways

7.37 "I wish to raise concerns regarding the access of large vehicles including waste, emergency and delivery vehicles from the access on Milton Street".

7.38 The application states that waste vehicles can enter via the access on Hartnup Street, however, no mention is given to how waste would be collected from the section accessed from Milton Street.

7.39 It is advised in Manual for Streets that waste collection vehicles should be able to get to within 25 m of the storage point and there should be a maximum of three steps for waste containers up to 250 litres, and none when larger containers are used (the Health and Safety Executive recommends that, ideally, there should be no steps to negotiate).

7.40 According to the Manual for Streets, reversing causes a disproportionately large number of moving vehicle accidents in the waste/recycling industry and BS 5906: 2005 recommends a maximum reversing distance of 12 m. Providing an area where vehicle turnaround is difficult may lead to an increase in reversing vehicles.

7.41 I would appreciate further details on how waste is proposed to be collected from the section accessed from Milton Street, and I also recommend that the applicant consults with waste authorities to reach agreement on the way waste is to be managed within the proposed development.

7.42 A swept track path diagram was included in the application for emergency vehicle access; however, it is not clear that the vehicle would be able to turn around without difficulty once in the site. It is therefore recommended that the applicant consults with the emergency services to ensure emergency access is to an acceptable level.

7.43 I would also like to recommend that the access from Hartnup Street is changed from a bellmouth junction to a vehicle crossover in order to give pedestrians right of way and therefore increase road safety.

7.44 Finally, the application states that for the implementation of the new access on Hartnup Street a speed hump will need to be relocated. It is important to note that for this to occur a Section 278 is required from the agreements team at KCC Highways."

### NHS Property Services

7.45 The proposed development is expected to result in a need to invest in a number of local doctors surgeries – there are 5 within a 1 mile radius.



7.46 The NHS would apply the S106 contribution to meet extra demand placed on local primary and community health service. The healthcare contribution is calculated to be £17,208 plus legal costs

#### MBC Environmental Health

7.47 "As the site is occupied by buildings used for light industry and there is an electricity sub-station, it is likely that there has been ground contamination. A site investigation should be carried out and a full report submitted to the Council.

7.48 The applicant should be aware that it is probable that asbestos based material will be found during any works that are carried out. Should the development go ahead, adequate and suitable removal measures will be required for the minimisation of asbestos fibres, to prevent airborne fibres from affecting workers carrying out the work and local residents.

7.49 The provision of cycle storage should be considered. As the site is close to the Air Quality Management Area, residents should be provided with a Welcome Pack promoting the use of sustainable transport. This should include information on local buses, cycle routes and links to relevant local websites with travel information and to the local Car Club.

#### REQUESTED LAND CONTAMINATION CONDITIONS:

7.50 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the relevant conditions have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition; has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

#### SITE CHARACTERISATION CONDITION

7.51 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops,

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- livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

### SUBMISSION OF REMEDIATION SCHEME CONDITION

7.52 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan..

### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME CONDITION

7.53 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

### REPORTING OF UNEXPECTED CONTAMINATION

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7.54 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition ^IN;, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition ^IN;, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition ^IN;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

## INFORMATIVES

### Asbestos

7.55 Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, 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.

7.56 As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

### MBC Housing

7.57 "The development is for a total of 22 units with the applicant proposing 15% affordable housing which equates to 3 units.

7.58 The applicant has set out their reasoning for only providing 15% affordable housing on this site at section 7 of the planning statement.

7.59 They have acknowledged that the Councils current adopted policy is 40% affordable housing on all sites comprising of at least 15 units. However, the application then goes on to state that they believe that the draft policy in the emerging local plan should be used instead.

7.60 At 7.2.2 of the planning application, the developers state; 'Whilst this policy within the emerging local plan is not adopted, and therefore has little weight at this stage, the Council has recently accepted that developments can provide affordable housing in line with this evidence base.'

7.61 It further adds at 7.2.4; 'However, the (adopted) development plan has been through necessary consultations, and therefore remains in force. It should only be deviated from if material considerations indicate otherwise.'

7.62 The statement then goes on to mention that Sibley Pares have undertaken viability work that assesses the clean –up costs of the site and that this indicates that it would not be viable to bring this site forward should 40% affordable housing be required.

7.63 Firstly, it is welcomed that such a viability assessment has been undertaken at this stage of the planning application. Housing would very much like to have access to this viability study so that it can be independently assessed to confirm what level of affordable housing can be provided on this development.

7.64 Secondly, whilst the developer is correct in stating that, '...the Council has recently accepted that developments can provide affordable housing in line with this (new) evidence base,' this has only been applied to strategic housing sites as identified in the emerging local plan. This is not one of those sites.

7.65 Finally, Housing are currently putting forward officer recommendations for a change in the affordable housing provision percentages, including the suggested 15% figure, following the period of public consultation on the draft Local Plan. It is housing's view that until such time as the new Local Plan and policies within it are adopted (or at least all agreed and closer to adoption than at present); the current Affordable Housing Development Plan document should be adhered to.

7.66 The proposed development is for 16, 3 bed houses and 6, 2 bed flats. The affordable provision is for 3, 2 bed flats.

7.67 There does not appear at this stage to be any mention of the proposed tenure mix.

7.68 If the adopted 40% affordable provision was applied this would equate to 9 affordable units. As the development is planned for all 2 and 3 bed units we would be looking for the following bedroom mix in this situation:

6, 2 bed flats  
3, 3 bed houses

7.69 Provision for lifetime homes across all the affordable dwellings is also encouraged."

## 8.0 BACKGROUND PAPERS AND PLANS

8.1 Design & Access Statement, Transport Statement, Planning Statement, Phase II Contamination Report.  
Drwg. Nos. DHA/9946/01 02,05,06A, 07,13, 15,16.

## 9.0 APPRAISAL

### Principle of Development

9.01 There are no Local Plan policies that afford protection to the business uses on the site. The NPPF promotes the re-use of previously developed land and advises that Local Planning Authorities should normally permit planning applications for change of use to residential and any associated development from commercial buildings (currently within Class B1/B2). where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (paragraph 51).

9.02 The principle of residential redevelopment is therefore considered to be acceptable subject to supporting evidence as to why there should not be any strong economic reasons to retain the existing industrial uses on the site.

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### Density/layout

9.03 The initial proposals at pre-application stage were for 28 units which created a more intensive layout with large areas of hard surfacing and parking. The density has been reduced to 22 units (approx. 50 dwellings per hectare) which is comparable with the character of the surrounding area.

### Affordable Housing

9.04 The Council's Affordable Housing DPD (2006) requires a 40% provision with the affordable rent/shared equity split 60/40. Emerging policy seeks a provision of 15% for an urban site, where the majority is previously developed land, or otherwise 30%. This is emerging policy, which is out to public consultation, and is based on general assessment of viability over areas of the Borough. Clearly it is not detailed to individual sites, and therefore, any provision lower than 40% (as required by the adopted policy) would need to be justified through a viability report/assessment.

9.05 In this case 3 affordable units are proposed equating to 15% of the total number of dwellings. The Housing Manager has advised that 9 affordable units (40%) should be provided in line with current policy. However in this case it is considered that the emerging Draft local policy provides a more up-to-date assessment of provision, having regard to the urban location of the site and the type of proposed development.

9.06 Further information has been submitted in the form of a viability appraisal to determine the level of affordable housing which the proposed scheme can support having regard to existing use value and abnormal development costs – in this case relating to remediating contamination arising from historic industrial uses and disposal of asbestos. The main issue is whether affordable housing at 15% rather than 40% is acceptable in this case.

9.07 The viability appraisal concludes that affordable units generate only minimal land value with the developer receiving build costs plus a nominal land value from an Affordable Homes Provider. The provision of 3 affordable units would deduct £117,000 from the total site value which would reduce the development site value to £959,250, marginally higher than the existing value. The appraisal concludes that provision of any more than 3 affordable units would put viability into negative. On this basis the applicant claims that it would not be viable to provide any more than 3 affordable units.

### Access & Parking

9.08 The layout proposes use of the existing vehicular access from Milton Street. This has provided the only means of access to the site for many years, including use by commercial vehicles. Its future use will be to serve the 6 flats only which is likely to involve less vehicle movements than at present. However it is too narrow (2.9m) to provide access by emergency or service vehicles.

9.09 34 parking spaces are proposed for 22 dwellings which is considered to be acceptable and in accordance with KCC parking standards. The concerns about parking which have been raised by local residents relate mainly to the lack of on-street parking in the surrounding street. There is considered to be a satisfactory level of parking provision within the site which is unlikely to exacerbate the situation in the surrounding area.

### Residential Amenity

9.10 Some concerns have been raised regarding the overlooking of proposed gardens within the centre of the site from properties in Bazalgette Rise which have shorter rear gardens than the properties in Milton Street and Hartnup Street, most of which have 20-30m long rear gardens. The recent block of flats at 7 Bazalgette Rise will only be approx. 3m from the SW flank wall of Plots 12-16.

9.11 The outlook from the Bazalgette Rise properties and their rear gardens towards the site will be most directly affected by the replacement of the existing industrial buildings by housing. However that part of the site directly to the rear of Nos. 1-6 Bazalgette Rise will remain relatively open and it is considered that the occupiers will not suffer a material loss of amenity.

9.12 The rear elevation of the proposed 3 storey flats (Plots 17-22) in the southern part of the site will be situated approx. 12m from the rear of 8-10 Bazalgette Rise. This separation distance is less than ideal but will to some extent be mitigated by the existing vegetation which will be retained. The separation between the southern flank wall and the rear of the adjoining properties in Milton Street will be approx. 25m and the relationship is considered to be satisfactory subject to additional landscaping along the southern boundary.

## 10.0 CONCLUSION

10.01 On balance it is considered that the principle of redevelopment is acceptable. Although the loss of established employment land is recognised it will remove a non-conforming industrial use in an area which is predominantly residential in character. The proposed density, layout and design are considered to be acceptable. In addition the proposed development will yield a range of contributions to improve the local infrastructure including education, community services and healthcare. It is considered that the various contributions which have been requested as part of the proposed S106 Agreement meet the relevant tests in the CIL Regulations,

10.02 The number of affordable units proposed falls short of the level required by current adopted policy but supporting evidence indicates that provision of any more than 3 units would not be viable. The concerns about use of the existing access and additional demand for on-street parking in the surrounding area are recognised but it is considered that adequate parking provision will be made within the site.

## 11.0 RECOMMENDATION

Grant planning permission subject to the prior completion of a S106 Agreement in such terms as the Head of Legal Services may advise to secure the following community infrastructure contributions relating to:

- primary education – contributions of £6701.63 for each applicable house and £1675.41 for each applicable flat towards land acquisition and construction of new primary school
- secondary education – contributions of £2359.80 per applicable house and £589.95 per applicable flat towards cost of increasing capacity of local secondary schools
- community learning - £30.70 per household
- youth services - £8.44 per household
- libraries - £144.36 per household
- adult social care - £53.88 per household

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- healthcare contributions of £17,208 plus legal costs for investment in local doctors surgeries

### Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers (DHA/9946//01 02, 05, 06A, 07, 13, 15, 16).

Reason: to ensure a satisfactory form of development.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: In the interests of visual amenity

5. Further details of how waste is to be collected from the southern part of the site accessed from Milton Street shall be submitted to and approved by the LPA in conjunction with the waste authority to reach agreement on the way waste is managed within the proposed development.

Reason; In the interests of highway safety and the effective management of waste.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity

7. Before development commences revised details of the proposed access from Hartnup Street showing a change from a bellmouth junction to a vehicle crossover in order to give pedestrians right of way shall be submitted and approved by the LPA.

Reason: in the interests of highway safety

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8. Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of environmental protection

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the relevant conditions; have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without



unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

12. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan..

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

INFORMATIVES

## Planning Committee Report

1. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire 8021 28W (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".
2. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, 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.
3. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Case Officer: Tim Bloomfield

**NB** For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.