

REPORT SUMMARY

REFERENCE NO - 15/510179/OUT			
APPLICATION PROPOSAL Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.			
ADDRESS 5 Tonbridge Road Maidstone, Kent, ME16 8RL			
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS.			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> - The loss of the employment use of the site is on balance thought acceptable and significant weight is attached to the sites allocation for housing in the emerging local plan and contribution that the new housing will make to the 5 year housing supply. - The highways impacts associated with the development would be similar to the existing/potential employment use of the site and the development would be acceptable in highways terms. - Suitably worded conditions on an outline approval and the consideration of the reserved matters at the detailed application stage would seek to maximise the positive benefit from the removal of existing buildings and to ensure that the replacement buildings are in keeping with the character and appearance of the area. Other potential harm can be mitigated through conditions and detailed design, including a study of ground contamination, air quality and noise. 			
REASON FOR REFERRAL TO COMMITTEE			
The application has been called in by Cllr Harper to enable public debate on issues such as the impact on the highway, loss of employment use and impact on neighbouring residential properties. The application is a departure from the adopted Local Plan.			
WARD Fant Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Corbens Place Ltd AGENT C.F. Thurlow Planning Consultant Ltd	
DECISION DUE DATE 07/03/16	PUBLICITY EXPIRY DATE 11/07/16	OFFICER SITE VISIT DATE 21/12/16	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
9 Tonbridge Road			
15/504719/LDCEX	Lawful development certificate (Existing) - Open A1 Retail use of the land and buildings.	Permitted	3/6/15
15/506273/DEMR EQ	Prior notification of proposed demolition: Single storey building divided into 2 retail units, 2-storey building with shop on ground floor and offices on first floor and single storey outbuildings.	Prior approval not required	1/9/15

Units 4/5			
09/2236	Erection of a single storey side extension to an existing storage and distribution building	Permitted	29/1/09
04/1104	<p>Extension of existing warehouse building for use for purposed within Class B8.</p> <p><i>(1) The proposed development, due to its height and proximity to the site boundary, would result in overshadowing of the rear garden area of the adjacent dwelling 12 Rowland Close and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996</i></p>	Refused	5/8/04
04/0267	<p>Extension of existing warehouse building for use for purpose within class B8.</p> <p><i>(1) The proposed development, due to its size and proximity to the site boundary, would result in overshadowing of the adjacent residential property 16 Rowland Close and its rear garden area and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.</i></p>	Refused	6/4/04
03/1774	<p>A change of use to storage and servicing of taxis and passenger carrying vehicles with ancillary offices and the installation of a second new window.</p> <p><i>(1) The proposed change of use to the storage and servicing of taxis and passenger carrying vehicles would be likely to generate an unacceptable level of noise and lead to a worsening of air quality to the detriment of occupiers of surrounding residential properties. As such the proposal is contrary to policy ENV15 of the Kent Structure Plan 1996, policies QL1 and FP5 of the Kent and Medway Structure Plan: Deposit Plan Sept 2003 and policies ENV1, ENV2 and ENV4 of the Maidstone Borough-Wide Local Plan 2000.</i></p>	Refused	7/1/04

02/1298	Demolition of existing buildings (3 no.) and the erection of 2 no. industrial units for use class B1c/B8 of 234 sqm each (units 1 and 2); use of unit 3 (existing) for use class B1c/B8 use; use of area to east of access drive for open storage in association with adjoining plant hire premises.	Permitted	9/12/02
5 Tonbridge Road			
15/503951/DEMREQ	<p>Prior notification of proposed demolition of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings.</p> <p><i>The application is lacking in a satisfactory scheme of restoration, with the proposed stockpiling of crushed materials to a potential height of 7m causing particular concern for the visual amenities of the locality. In the absence of any certainty as to how long the site would remain in this condition, the Local Planning Authority is of the opinion that prior approval for this element of the works is required.</i></p>	Prior approval required	16/6/15
11/0648	Alterations to elevations and change of use of vacant storage building to A1 retail associated with use of 5 Tonbridge Road and external works including cladding and replacement windows.	Permitted	27/6/11
81/0981	Reformation of entrance	Permitted	22/7/81
01/1641	<p>Conversion of first floor from offices to 1 no. flat.</p> <p>(1)The proposed change of use would result in the loss of commercial floorspace in a designated area of existing economic activity, contrary to Policy ED2 of the Maidstone Borough-Wide Local Plan 2000 and Policy ED1 of the Kent Structure Plan 1996.</p> <p>(2) Due to the close proximity of the proposed habitable rooms to the main road, the proposed accommodation would not provide a satisfactory standard of residential amenity, contrary to Policies ENV2, ENV4 and H23 of the Maidstone Borough-Wide Local Plan 2000 and Policy H2 of the Kent Structure Plan 1996.</p>	Refused	11/12/01

5A Tonbridge Road			
87/0252	Change of use from first floor residential flat to office accommodation.	Permitted	10/7/87
5, 7 & 9 Tonbridge Road			
07/1637	Demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking	Permitted	1/10/07
87/1195	Erection of building to provide a builders merchants showroom with associated wholesale and retail use.	Permitted	1/12/87
85/1592	Erection of storage building, warehouses and administrative offices	Permitted	9/1/86
81/0403	Outline application for erection of storage and warehouse buildings and admin. offices. Existing site and buildings used as building merchants, storage and showrooms	Permitted	10/5/81
75/0398	Fireplace slabbing shop, toilet and office.	Permitted	18/6/75

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land located to the south of Tonbridge Road. Measuring approximately 0.77ha in area, the site has two existing access points from Tonbridge Road to the north of the site. The site lies to the west of Maidstone West railway station and contains a number of existing commercial buildings. The buildings on the site vary in size and appearance, although they do not exceed 2-storeys in height. The site is irregular shaped with the site at its widest in the centre of the site and goes into a point at the southern tip of the site. The site is on various levels with a fall in ground level from north to south and there are land level changes east to west. Existing retaining walls and building design take advantage of the site levels.
- 1.02 There are five distinct groups of buildings and a number of different commercial occupiers. Buildings fronting Tonbridge Road are currently in retail use, occupied by a fireplace shop and a golf shop. The area in the centre of the site is occupied by a taxi firm, including use for storage and repairs. FPS distribution occupies the lower section of the site and the extreme south of the site is used as a vehicle garage. All the site is currently occupied however should the application be successful all existing uses would need to vacate the site and all buildings would be demolished (a prior notification application for the demolition has been approved).
- 1.03 The railway line adjoins the site and curves around the site to the south and east. To the east of the site number 3 Tonbridge Road is an existing 3 storey building which benefits from a prior notification application for conversion to residential. This adjoining site is also the subject of a current planning application for demolition of existing buildings and the construction of a residential redevelopment. There is

currently a large area of hardstanding to the rear of the existing building. To the west of the site sited on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice with residential properties to the rear. The cul-de-sac of Rowland close adjoins the site to the south-western corner. The properties opposite the site in Tonbridge Road are in a mix of uses, with many converted to residential use.

- 1.04 The site is outside a conservation area, with the nearest listed buildings approximately 100 metres to the east and west of the site. There are no protected trees or landscape designations on the site.

2.0 PROPOSAL

- 2.01 The proposal seeks outline planning permission for up to 65 dwellings, with all matters (access; appearance; landscaping; layout and scale) reserved for future consideration.

- 2.02 The submitted indicative plans demonstrate that adequate layout and access can be provided for a development accommodating the number of residential units that are proposed. The number of units has been reduced from 83 as originally proposed to seek to protect neighbouring and visual amenity.

2.02 Indicative access

The indicative plans show a single point of access into the site. This access is shown from Tonbridge Road and utilises the existing southern access. The submitted planning application is accompanied by a Transport Statement. The indicative road layout shows a road along the eastern boundary of the site (adjoining number 3 Tonbridge Road), with spurs leading to undercroft parking and the individual dwellings to the southern part of the site.

2.03 Indicative layout

The plans show the site divided into two distinct character areas. These areas consist of higher density flats in a multi storey building on the northern part of the site fronting Tonbridge Road and four terraces and two pairs of semi-detached dwellings to the south of the site.

2.04 Indicative scale

The flatted block is shown as up to 6 storeys in height and the proposed dwellings are shown to be a mix of 2 and 2.5 storeys in height.

- 2.05 The application is also accompanied by an Energy Statement, Phase 1 Geo-environmental Assessment, Air Quality Assessment, Noise and Vibration Assessment, Flood Risk Statement and Archaeological Report.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance TQ75NE022

Air Quality Management Area (AQMA)

Employment Retention (Policy ED2)

Within Maidstone Urban Settlement Boundary

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan:

Maidstone Borough Wide Local Plan 2000

Policy ENV6 : Landscaping, Surfacing and Boundary Treatment

Policy ENV7: Riverside Zone of Special Townscape Importance (Adjacent to,
boundary along eastern boundary)

Policy T1 : Transport strategy

Policy T2 : Public Transport Preference Measures

Policy T3 : Public Transport for Substantial Developments

Policy T7 : Safeguarding Railway Lines

Policy T13 : Parking Standards

Policy T23 : Need for Highway/Public Transport Improvements

Policy ED2 (xxiii) : Retention of Employment sites

Policy CF1 : Seeking New Community Facilities

Affordable Housing DPD 2006

Open Space DPD 2006

Maidstone Borough Local Plan (submitted version) May 2016

Policy H1 (14) : Housing allocations – American Golf, Tonbridge Road, Maidstone

Policy DM1 : Principles of good design

Policy DM2 : Sustainable design

Policy DM4 : Development of brownfield land

Policy DM5 : Air quality

Policy DM11 : Housing mix

Policy DM12 : Density of housing development

Policy DM13 : Affordable housing

Policy DM22 : Open space and recreation

Policy DM23 : Community facilities

Policy DM24 : Sustainable transport

Policy DM25 : Public Transport

Policy DM27 : Parking standards

Policy ID1 : Infrastructure Delivery

Other documents:

Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

5.0 LOCAL REPRESENTATIONS

5.01 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 11 objections have been received in response to the original consultation which are summarised as follows:

- Overlooking and loss of privacy
- Lack of parking provision and traffic problems
- Loss of tree and landscaping
- Layout and density of proposed building and the overdevelopment of the site
- Overshadowing
- Documents not provided to assess all issues
- Extension to storage building previously refused

- Loss of light
- Loss of employment land
- Lack of access for emergency vehicles
- Noise and light pollution
- Increase pressure on doctors and schools
- Potential increase in crime
- Impact on Listed Building and Conservation Area, opportunity to improve the site.

Following re-consultation one additional letter of representation has been received objecting primarily in relation to highways and parking

6.0 CONSULTATIONS

6.01 Crime prevention design advisor

(16/9/16) : The applicant /agent has not addressed crime prevention in their Design and Access Statement. The application is for outline planning approval however if crime prevention measures are not addressed and outline planning is given approval without a planning condition then the opportunities for designing out for crime will be missed which in turn could have a huge impact on sustainability of the future development.

(28/6/16) : I have met with Chris Thurlow and he will be submitting an application for (Secured By Design) if the development is given planning approval.

6.02 Network Rail

(8/1/16) : The developer/application must ensure that the proposal during construction and after completion does not affect Network Rail land. Comments outline a number of aspects and works that should be resisted.

(7/7/16) : No further comments

6.03 Southern Water

(11/1/16) : Comments outline matters relating to surface and foul drainage, highlight location of existing pipe work and the consents that would be required prior to development. Suggest conditions and informatives. In principle the site would appear to be able to accommodate the surface and foul water drainage needs for the proposed development.

(11/7/16) : No objection and original comments remain

6.04 Southern Gas Networks

(14/1/16) : The comments provide a plan showing the location of the pressure main and outlines the works that should not be carried out and the safety precautions.

6.05 Trees and landscape Officer

(4/1/16) : There are no protected trees on, or immediately adjacent to, the development site and there are no significant trees which pose a constraint to the proposal. Whilst I therefore raise no objection on arboricultural grounds, I am

concerned about the lack of space along the Tonbridge Road frontage to the north of the site to achieve a planting scheme to improve the amenity of the street scene.

(12/7/16) : I would only add that the revised layout is an improvement on the previous scheme in relation to the improved extent of soft landscaping along the Tonbridge Road frontage.

6.06 Environmental Health Officer

(21/12/15) : If you are minded to grant permission we would need to ensure that the mitigation measures given in the acoustics report were fully implemented. The measures include high performance acoustic double glazing, enhanced insulation to ceilings and an acoustic fence. The exact mitigation scheme cannot be produced without the exact proposed site layout being known.

In terms of the Phase I con land report, it indicates the presence of contamination on the site, and we would therefore wish to see a full intrusive investigation and a remediation strategy based on its findings.

The air quality assessment included with the application is completely inadequate as it provides no new information, either modelled or monitored, about air quality at the site, but simply refers to a diffusion tube 1.6km away. The site is in an Air Quality Management Area and approximately 100 metres from an air quality hotspot area, and therefore we would require a proper air quality assessment undertaken by a competent person in accordance with current guidelines and best practice. The assessment should contain

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

(19/7/16) , I would not consider the air quality assessment submitted previously to be adequate, as they have done neither modelling or monitoring to indicate the air quality which receptors will experience on site. Some of the properties, at least, are likely to need mechanical ventilation in order to achieve reasonable noise levels inside. I think it would be sensible if the ventilation scheme was designed to with both noise and air quality in mind. It must be capable of purge ventilation, and the noise of the system itself must be taken into account when designing the noise mitigation scheme.

We would also request onsite mitigation and the installation of EV charging points.

6.07 KCC Archaeological Officer

(19/7/16) : The site of the application lies close to, or contains, a Roman cemetery. Although there have been some targeted archaeological investigations towards the southern end of this site, I recommended the need for some specialist assessment of the archaeological potential and the extent of previous works on site. The applicant commissioned Wessex Archaeology to produce a Desk based Assessment. The DBA provides a useful account of the archaeological potential and is actually

extremely thorough. The report is possibly a bit too wide ranging but it does contain helpful information.

The Wessex DBA highlights that the site has archaeological potential associated with the Romano-British activity, especially a possible cemetery. The report also highlights that the site has been utilised before but details of existing ground disturbance is not clear. It is also noted that the site has been subject to some archaeological trenching and the results were negative.

Taking this information into consideration I suggest that there is still potential for archaeological remains to be impacted by the proposed development but a targeted programme of archaeological work, building on what is already known, would be appropriate. As such I recommend a condition is placed on any forthcoming consent:

6.08 **MBC Parks Officer**

(2/2/16) It is clear this development offers no opportunity for provision of formal public open space on-site.

It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution.

We would therefore request an off-site contribution of £13,0725 from the developer the calculation for which is 83 units @ £1575 per unit.

The cost per dwelling is as set out in the 'Supplementary Planning Guidelines' and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space.

The contribution would be used for the enhancement, maintenance and renewal of facilities across Green Space Amenity and Play Areas within a one mile radius of the development.

The contribution would be used for the enhancement, increased maintenance and renewal across the 8 types of green space within 1 mile of the proposed development.

The following 8 types of green space are defined in the Open Spaces Development Plan Document 2006:

1. Parks and Gardens
2. Natural and semi-natural areas
3. Amenity Green Space
4. Provision for Children and Young People (Equipped Play)
5. Green Corridors
6. Outdoor Sports Facilities
7. Allotments and Community Gardens
8. Cemeteries and Graveyards

Claire Park is located within 1 mile of the application site. The contribution requested above would be used towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green which could include the green itself and its surrounds.

6.09 **Kent Highways**

(1/2/16) I accept the transport analysis that has been undertaken with respect to potential trip generation of the site (not requiring planning permission) and that of the development proposals and agree that there are no highway grounds to refuse this application in terms of net trips.

Whilst the parking provision proposed is over 90% of the maximum recommended for a town centre location, I note that the swept path analyses of refuse and emergency vehicles accessing the site is reliant on no on street parking on the access road.

Due to the proximity of Maidstone West railway station it is considered important that some regime of on street parking enforcement is provided to prevent obstruction and maintain efficient operation of the access road. It would be helpful to understand if it is intended to offer this road for adoption or if some form of private enforcement could be guaranteed through a condition.

I also note that the swept path access into the site is shown from the off-side of the A26 when heading westbound. It would be helpful to understand what the swept path analysis would be from the nearside lane of the A26 and from a central position on this one-way road.

(4/7/16) I am grateful for the additional swept path analyses provided. I note that a new Transport Statement has been submitted. From my response of 1 February however I would be grateful if confirmation could be given regarding the intended status of the access roads proposed. This is related to the need for parking enforcement (adjacent to Maidstone West station) to ensure larger vehicles can operate/access effectively. It would further be helpful if cross sections of the site could be provided particularly with regards to the access ramp proposed (gated entrance to car park).

7.0 BACKGROUND PAPERS AND PLANS

Planning Application Supporting Statement dated June 2016
Design and Access Statement Issue 4 dated June 2016
Ensphere Energy Statement
Flood Risk Statement dated November 2015
Noise and vibration assessment dated 3 December 2015
Transport Statement dated June 2015
Phase 1 Geo-Environmental Assessment dated December 2015
Air Quality Assessment dated December 2015
Historic Environment Desk-Based Assessment

Drawing no. 3930-OPL-001 Rev B (Site location plan)
Drawing no. 3930-OLP-0100 Rev B (Existing Site Plan)
Drawing no. 3930-OLP-1000 Rev E (Illustrative Site Plan)
Drawing no. 3930-OLP-1001 Rev E (Illustrative Plans Level 1 & Level 2)
Drawing no. 3930-OLP-1002 Rev E (Illustrative Plans Level 3 & Level 4)
Drawing no. 3930-OLP-1003 Rev E (Illustrative Plans Level 5 & Level 6)
Drawing no. 3930-OLP-1004 Rev E (Illustrative Plans Roof Plans)

8.0 APPRAISAL

Principle of Development

- 8.01 The main considerations relate to the loss of the existing employment uses, the suitability of the site to accommodate residential accommodation

Loss of the existing employment uses

- 8.02 The application site is within the urban area of Maidstone and is identified in the MBWLP 2000 as a site for B1 employment (business use) retention. Policy ED2 of the Local Plan sets out that :

‘Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distribution sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.’

This identified allocated area covers the land west of Maidstone West station, the buildings at 1, 3 and 5 Tonbridge Road and the former MBC Council Offices at 13 Tonbridge Road. Since the adoption of the Local Plan in 2000 13 Tonbridge Road has been redeveloped to provide a medical centre to the front of the site and 10 dwellings to the south (application reference 11/1078). The site at 3 Tonbridge Road benefits from an extant consent for the conversion of the building to offices and 9 flats through a prior notification application (16/501842). The use of the building at 1 Tonbridge Road remains as offices.

- 8.03 As described in paragraph 1.02 of this report, the application site is currently occupied by a number of commercial businesses, including retail, distribution, car repairs and office uses. As set out by the Use Classes Order, these existing uses are within use classes A1 (retail), B1 (business), B2 (general industrial) and B8 (storage and distribution) use classes. Whilst the existing sites do provide employment uses, the use identified for retention by policy ED2 (B1 – business) is not currently the main use on the site. The planning statement submitted in support of the application sets out that the application site supports a total of 28 employees. With the size of the site, there is a relatively low employment density and it is considered that the current layout and uses do not make efficient use of the land on the application site.
- 8.04 The submitted application provides the following evidence in support of the proposal and the loss of the existing employment uses:
- Local Plan policies are out of date
 - Other sites have been redeveloped that are not in accordance with policy ED2
 - Lawful A1 retail uses to the front of the site
 - Site allocated for housing in the emerging Local Plan
 - Existing businesses could relocate elsewhere.
 - Indications from one tenant that larger floorspace is required due to the expansion of the business and another is considering retirement.
 - The existing premises are unlikely to be attractive to future occupiers.

More recent information from the agent suggests that the site largest employer is also looking to relocate away from the away from the site for the following reasons:
‘The anchor tenant on the site, FPS a motor parts distributor, has announced they will be leaving when their current lease expires. The reason is that neighbouring residential properties complain about noise from their units on site. FPS also have problems with large vehicles delivering to their premises having difficulty manoeuvring in the site.’

- 8.05 The council in providing agreement to the emerging Local Plan has also agreed to the loss of employment uses on the application site with the allocation of the site in the draft Local Plan to provide residential accommodation. It is considered that the loss of the employment uses is acceptable as a result of the information provided above about the long term suitability of the site to provide sustainable employment use and the allocation of the site for residential purposes.

Existing accommodation

- 8.06 The layout of commercial premises on the application site is sporadic; it is limited by existing buildings, level differences and the shape of the site. The current buildings have grown organically to meet the needs of current occupiers. The car repair use to the south of the site (abutting the railway line) is an example of the awkward arrangement of existing uses.

The FPS distribution use is the largest single occupier on the site currently occupying 3 large buildings to the centre and western boundary. The site planning history shows this business has expanded since the adoption of the council's existing Local Plan. The accommodation used by FPS is probably the best quality on the site, however the floor space is constrained by neighbouring development and the internal layout of the site.

- 8.07 The buildings fronting Tonbridge Road appear to provide suitable accommodation for the existing retail and office uses; however some upgrading would appear necessary. The buildings to the rear of the frontage buildings are older buildings that have ad hoc occupation with no room for expansion and limited again by access and neighbouring uses. No buildings on the site are considered worthy of retention and the applicant can currently lawfully demolish the existing buildings after submitting a prior notification to the council (August 2015).

Neighbouring uses

- 8.08 The character of the area surrounding the application site has changed significantly since the Local Plan was adopted in 2000. There has been a significant shift from commercial accommodation to residential uses, especially in this town centre location. Previous applications have also permitted residential development to the west of the application site (on land designated as employment retention under Policy ED2).
- 8.09 Central government have relaxed the legislation that controls the change of use to residential use and this has resulted in a rise in the conversion of B1 office space to residential use. As a result of these changes the existing commercial uses on the application site are less compatible with neighbouring uses. Complaints have been received regarding noise and disturbance from the existing uses on the application site and due to the nature and age of the planning permissions there is little restriction on the existing uses in term of planning conditions.
- 8.10 In conclusion the identified allocation of the site set out in the MBWLP dates from 2000, the prevailing character of the site and its surroundings has significantly altered since this time. The protection through policy ED2 has been significantly undermined in this town centre location by changes in demand, expectations and legislation. The site provides limited employment relative to the land area and existing commercial uses are keen to relocate due to their expansion needs and incompatibility with neighbouring uses.

- 8.11 Moving forward the emerging Local Plan has now been submitted to the Planning Inspectorate and this plan is considered to carry significant weight. The emerging plan does not seek the retention of employment uses on the application site. The emerging plan allocates the application site for residential use (together with the land to the east (3 Tonbridge Road) and land opposite (8 Tonbridge Road)). The site allocation and other listed factors demonstrate the shift away from employment retention on the application site and provide a significant material consideration to justify a departure from Policy ED2 of the Local Plan.

Principle of residential development

- 8.12 The site is within the urban area of Maidstone, as defined in the adopted and emerging local plans. The site is considered to be in an extremely sustainable location and subject to consideration of all other material considerations residential development on the site is supported.
- 8.13 As set out in the core principles of the NPPF development of brownfield site should be encouraged, with the NPPF advising *'encourage effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value.'*
- 8.14 Policy DM4 of the emerging Local Plan states that *'Proposals for development on previously developed land (brownfield land) in Maidstone urban area....that make effective and efficient use of land and which meet the following criteria will be permitted :*
- i) *The site is not of high environmental value; and*
 - ii) *If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density.'*
- 8.15 Policy H1 (14) of the emerging Local Plan allocates the site for development of approximately 60 dwellings. The allocation is subject to the detailed consideration of design/layout, access, noise, air quality, land contamination and highways/transportation. Each of these issues is discussed later in the report.
- 8.16 Overall it is considered that significant weight can be attached to the emerging allocation for residential development within the new Local Plan. With the application site on brownfield land, not being of high environmental value and the sustainable location of the site within the Maidstone Urban Area the principle of development of the site is accepted subject to the following detailed consideration.

Residential density

- 8.17 Policy DM4 of the emerging Local Plan sets out that the density of new development should reflect the character and appearance of the locality. Policy DM12 set out that *'At sites within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare.'* Policy H1 (14) in allocating the site suggests an approximate density of 75 dwellings per hectare with an allocation of approximately 60 dwellings on the site.
- 8.18 The submitted outline scheme proposes up to 65 dwelling on the application site. This would equate to a density of 84 dwellings per hectare. The number of units has been reduced from a higher density of 108 dwellings per hectare, reducing the number of units from 83 to 65. This amendment was sought to protect the amenity of

neighbouring residents and ensure that a satisfactory number of units could be accommodated on the site.

- 8.19 It is considered that the revised residential density achieves the necessary balance between making most efficient use of the land and assimilation with the character and appearance of the area.

Residential mix

- 8.20 Paragraph 50 of the NPPF set out that *'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should : Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.'*
- 8.21 Policy DM11 of the emerging Local Plan re-iterates this requirement and seeks to use the Strategic Housing Market Assessment (SHMA) 2015 to inform and determine house sizes and mix.
- 8.22 Whilst the current application is in outline form with all details indicative, the application provides an indicative dwelling mix. This proposal would provide 41 flats and 24 houses. The mix includes 6 no. 1 bedroom units, 38 no. 2 bedroom units, 4no. 3 bedroom units and 16 no. 4 bedroom units with the mix of dwelling sizes for the proposed houses and flats set out in the table below:

Table 1: Indicative residential dwelling mix

Number of bedrooms	Square metres	No. of flats	No. of houses
1	50	6	
2	61	12	
2	65	5	
2	70	12	4
2	76	3	
2	79		2
3	76	1	
3	86	2	
3	92		1
4	124		10
4	194		6
TOTAL		41	24

- 8.23 The indicative plans show a mix of unit sizes and highlight the ability to provide a mix of dwelling sizes on the application site. It is considered that the submitted information and indicative plans have successfully demonstrated that the development can provide accommodation to meet local need as identified within the Strategic Housing Market Assessment.

Affordable housing

- 8.24 Chapter 6 of the NPPF promotes the delivery of a wide range of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The Council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing relating to *'housing sites or mixed-use development sites of 15 units or more, or 0.5 hectare or greater'* and

above this threshold 40% of units be provided as affordable accommodation. The application site meets the criteria set out in the DPD in relation to site area and 40% of the 65 dwellings would equate to 26 dwellings.

8.25 Paragraph 2.14 of the DPD sets out :

'the Council is aware that there may be circumstances whereby 40% affordable housing will not be viable if the Councils is expecting a full range of other planning obligations, such as contributions towards open space, highways, education, health, public art, etc. In such cases, the Council will priorities requirements, but the onus will lie with the developer to prove to the Borough Council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing.'

This is reiterated in paragraph 2.16 which states :

'The onus will lie with the developer to prove to the Council's satisfaction why a site cannot meet this requirement.'

Policy AH1 states at point A :

*'The Council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, **unless the Council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided.**'* (Officer's emphasis)

8.26 The developer has sought to demonstrate that the provision of affordable housing on would make the submitted proposal financially unviable. The planning application was accompanied by a viability report and during the assessment of the planning application this viability information has been independently reviewed on behalf of the Council by a third party assessor. The third party assessment agreed with the applicant's report and concluded *'The scheme is unviable as currently presented and cannot provide further contributions to affordable housing'*.

8.27 With the viability information submitted by the applicant and the results of the independent assessment, it is concluded that the proposed development on the application site would not be financially viable if it were to include affordable housing provision.

Visual Impact

8.28 Tonbridge Road varies significantly in character and appearance as it moves out from the town centre and away from Maidstone West Station. Recent redevelopment has changed the character of the area and planned development is likely to affect the character further. Development in the immediate vicinity is generally between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights. Buildings behind the frontage (in line with south of the site) are predominantly lower 2-storey dwellings.

There is no dominant design, however to the south of the road there is generally a slight set back from the back edge of the footway with vehicular accesses kept to a minimum and minimal frontage landscaping (more recent development has taken into consideration the need to soften the street scene).

8.29 Whilst the existing buildings sit comfortably within the street scene they do not make a significant contribution to the area and the principle of their removal (as identified in

the accepting of the prior notification application for demolition) is considered acceptable.

- 8.30 The proposed development is in outline form and as such matters of scale, appearance and layout are reserved matters. Indicative plans have however been provided to demonstrate that the proposed quantum of development could be provided on the site. This indicates layout and storey heights. No detailed design has been provided at this stage.
- 8.31 The indicative plans show two key character areas within the site, the higher density apartments to the north of the site and the lower density housing to the south of the site. The development and layout to the south generally accords with development on neighbouring sites.
- 8.32 With a change in ground level in Tonbridge Road the application site is at a lower level than the neighbouring medical centre site (3 storeys), but higher than the existing three storey building at 3 Tonbridge Road.

The indicative information that has been submitted states that a building at the front of the site would be six storeys in height. The flatted building would include undercroft parking at the lower level and residential accommodation on the upper floor levels.

Whilst only indicative outline information is available at this stage, in the context of neighbouring development there are reservations about the suitability of a six storey building in this location. Notwithstanding these reservations it is highlighted that the current application is in outline form with all matters (including scale) reserved and the applicant requesting the provision of 'up to' 60 dwellings. It would be for the applicant to demonstrate through the submission of the detailed design at reserved matters stage that the development is in keeping with the character and scale of the surrounding area. This information could include the submission of existing and proposed street scene drawings and how the development would use existing and proposed ground levels.

Air quality

- 8.33 The application site is within the Air Quality Management Area (AQMA). This is designated as an area with poor air quality due to the nature of road networks and traffic movements. The severity of the air quality cascades southwards away from Tonbridge Road itself.
- 8.34 Paragraph 124 of the NPPF states :
- 'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'*
- 8.35 Policy DM5 of the emerging local plan sets out :
- 'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance.'*
- 8.36 The application is accompanied by an Air Quality Assessment. The Environmental Health Officer (EHO) raises concerns regarding the adequacy of the report as it does not include modelling or monitoring to indicate the air quality which would be

experienced on site. The data used is taken from generic monitoring stations rather than from the location of the application site.

- 8.37 Whilst the information on air quality with the outline submission was found to be of poor quality, this can be adequately addressed through the use of planning conditions and a future reserved matters application.

Noise

- 8.38 The application is accompanied by a Noise and vibration assessment. Paragraph 123 of the NPPF sets out :

‘Planning policies and decisions should aim to :

-avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

-mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions;

-recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

-identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.’

- 8.39 The main issue regarding noise relates to the standard of the proposed residential accommodation. The impact of road noise from Tonbridge Road that carries a significant volume of traffic and the adjacent railway line need to be considered. The submitted report in support of the planning application identifies mitigation measures including high performance acoustic double glazing, enhanced insulation to ceiling and an acoustic fence.

- 8.40 With the exact noise mitigation scheme dependent on the detailed design of the development a planning condition is recommended seeking a detailed mitigation proposal.

Land contamination

- 8.41 The application is accompanied by a Phase 1 Geo-Environmental Assessment which has identified ground contamination on the application site. The assessment recommends that a Phase II intrusive investigation of the land is carried out. With the application site currently occupied and the intrusive nature of the recommended investigation works a planning condition is recommended to seek the completion of this further work.

Residential Amenity

- 8.42 The core principles set out in the NPPF state that planning should *‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.’*

Point (iv) of Policy DM1 of the emerging local plan re-iterates this requirement and states proposal shall :

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of the nearby properties.'

- 8.43 The main consideration is the impact on the occupiers of the properties in Vine Mews and Rowland Close to the west of the site. Neighbours opposite the site in Tonbridge Road are considered a significant distance away and the property to the east (3 Tonbridge Road) is yet to be converted to residential.
- 8.44 It is considered that the submitted indicative plans demonstrate that the redevelopment of the application site with residential accommodation could take place whilst maintaining adequate residential amenity for neighbouring residential occupiers.

Vehicular Access and Parking

- 8.45 Whilst access is not due to be considered at this stage the indicative plans show access to the north-eastern corner of the site. This would reuse the existing access to Tonbridge Road (as outlined in the draft allocation).
- 8.46 The application satisfactorily demonstrates that safe access could be provided onto Tonbridge Road. The Transport Statement demonstrates to the satisfaction of the Highways Officer that the trip generation of the proposed residential use of the site would be less than existing uses.
- 8.47 The submitted indicative plans show parking provision of 70 car parking spaces, with 5. Spaces for visitors and the other 65 spaces allocated as one space per dwelling. This level of parking provision is considered acceptable for this town centre location.
- 8.48 A concern has been raised by Kent Highways regarding the potential of the access road within the application site to be used as overspill public parking for Maidstone West Railway Station. As a result Kent Highways state that appropriate parking enforcement methods would need to be provided within the application site. A planning condition is recommended to seek the submission and approval of these measures.

Trees, Landscaping and Ecology

- 8.49 The existing site has limited existing tree planting, landscaping or ecology capability. The site is predominantly occupied by buildings or hardsurfacing. There is some overgrown planting along the southwest boundary which appears to be as a result of planning conditions attached to permission to extend the existing distribution building. Other trees exist on the boundary to the east of site within the boundary of 3 Tonbridge Road.
- 8.50 The redevelopment of the site would allow for the enhancement of the site and its improvement in terms of tree planting, landscaping and ecology. The Tree/Landscape Officer raises no objection to the scheme and identifies the reduced number of units and the revised indicative layout allowing for greater opportunity for

landscaping to the front of the site, due to a greater set back from the highway shown.

8.51 Cllr Harwood has made a representation which seeks improvements to landscaping and ecology, requesting that the following is secured by a planning condition:

- Set back from the highway in line with the neighbouring Vines Medical Centre to allow for planting and landscaping to the front of the site.
- Incorporation of swift bricks into the northern and eastern flanks of all the proposed buildings
- Incorporation of bat boxes, tube or tiles.
- Felled wood from trees on the site used for woodpiles to provide hibernation sites for hedgehogs
- Detailed landscaping scheme to maximise hedgerow planting

8.52 It is considered that these requests would be acceptable and could be dealt with by condition in order to improve the site in terms of landscaping and ecological potential.

Developer Contributions

8.53 A development of this scale would place extra demands on local services and facilities and it is important to ensure that, if permitted, the development can be assimilated within the local community. As such, suitable infrastructure contributions to make the development acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

8.54 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements: -

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

8.55 **Open Space** - With regard to public open space and the Council's adopted DPD, there is not space for on-site provision of Open Space and therefore a commuted sum towards off-site provision is requested. This would equate to £1575 per dwelling towards the resurfacing of the MUGA, tennis courts and pathways within Clare Park as well as improvements to the bowls green which could include the green itself and its surrounds. This is considered necessary and reasonable and would comply with the adopted DPD and pass the CIL tests.

8.56 **Healthcare** - A contribution of £62,136 (members will be updated at the meeting should this figure change to take into consideration the lowered unit numbers) is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice in order to provide the required capacity that this is directly related to the proposed new housing, which is considered necessary and reasonable and therefore accords with policy CF1 and passes the CIL tests.

8.57 **Education.** KCC has requested a contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary to allow permanent expansion to 2 Form Entry and £2,359.80 per applicable house and £589.95 per applicable flat towards Maplesden Noakes 1st Phase of expansion. Evidence has been submitted that the schools in the vicinity are nearing capacity and that the projections over the next few years, taking into account this development and

those permitted, show that capacity would be exceeded. The requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 8.58 **Libraries** - KCC have identified that there would be an additional requirement for bookstock at local libraries on the basis that the development would result in additional active borrowers and therefore seek a contribution of £48.02 per dwelling. It is considered this request to be compliant with policy CF1 and to meet the tests set out above.
- 8.59 **Community Facilities** A community learning contribution of £30.70 is sought towards portable equipment for the new adult learners in Maidstone. This complies with policy CF1 and the three tests as set out above.
- 8.60 **Youth Services** - A contribution of £8.49 per dwelling towards local youth services is sought towards additional equipment for the new attendees supplied to InfoZone Youth Centre. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

Other issues

- 8.61 Policy H1(14) of the emerging local plan encourages a joint development with the Slencrest House (3 Tonbridge Road), which is allocated under policy H1(16). This suggestion was highlighted to the applicant early in the application process. At that time the applicant stated that they had approached the neighbouring owner and was told that the neighbour was not envisaging redevelopment of the neighbouring site at this time. Since this time an application has been registered for 3 Tonbridge Road which seeks to demolish the existing building and erect 21 apartments, this application is currently invalid and is some time of determination. Although a joint development would have been preferred this cannot be insisted upon and each scheme must be considered on its own merits.
- 8.62 The site lies on a site of potential archaeological importance. The applicant has provided a desk based Archaeological Study which the KCC Archaeological Officer is happy with the findings and detail. Subject to a planning condition there is no objection is raised on archaeological grounds.
- 8.63 The application is accompanied by a flood risk statement. This identifies that the site is within Flood Risk Zone 1, which has the least risk. Southern Water have raised no objection and subject to a satisfactory surface water drainage system the scheme is not considered to raise undue issues regarding flooding or drainage.

Public transport and pedestrian improvements

- 8.64 Policy T2 of the Local Plan seeks to develop measures to aid bus and hackney carriage access and Policy T3 requires major developments to provide facilities for public transport. Policy DM24 of the emerging plan seeks to facilitate the delivery of transport improvements and Policy H1 (14) refers to the improvement of pedestrian and cycle links from the site to and through Maidstone town centre.
- 8.65 The application has been discussed with the Council's Planning Policy team and the Council's Consultant Transport Planner. The conclusion of these discussions are that the site is in an extremely sustainable location. The site is in close proximity to Maidstone West Train station (ranging from 50m to 250m), with the route benefiting

from a footpath along Tonbridge Road linking to the station. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance. Bus stops are located along Tonbridge Road and these provide access to the town centre, hospital, and other towns.

- 8.66 It is considered the key on this site is not to provide additional off-site works, but to ensure that the development itself promotes the use of the sustainable transport available. This could include the provision of secure cycle parking and a travel plan for the site, including measures to promote sustainable transport.

9.0 CONCLUSION

- 9.01 The proposal would result in the loss of land currently designated in the adopted local plan for employment retention. However with the emerging local plan now carrying significant weight, the existing mix of uses and their compatibility with neighbouring uses, the overall changing character of the area and the highly sustainable location of the site it is considered that the provision of housing towards the Council's 5 year housing supply outweighs the employment retention of the site in this case.

- 9.02 Subject to conditions the proposed redevelopment of the site could result in environmental enhancement which would seek to protect existing and future occupiers and the overall character and appearance of the area.

11.0 RECOMMENDATION –

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- Financial contribution of £2360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary to allow permanent expansion to 2 Form Entry.
- Financial contribution of £2359.80 per applicable house and £589.95 per applicable flat towards Maplesden Noakes 1st Phase of expansion.
- Financial contribution of a contribution of £48.02 per dwelling towards additional bookstock required to mitigate the impact of the new borrowers from this development.
- Financial contribution of £30.70 is sought towards portable equipment for the new adult learners in Maidstone.
- Financial contribution of £8.49 per dwelling towards local youth services is sought towards additional equipment for the new attendees supplied to InfoZone Youth Centre
- Financial contribution of £1575 per dwelling towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green.
- Financial contribution of £62 136 (members will be updated at the meeting should this figure change to take into consideration the lowered unit numbers) is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice

The Head of Planning and Development be given DELEGATED POWERS TO GRANT outline permission subject to the conditions and informatives set out in the report:

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Scale b. Appearance c. Landscaping d. Access e. Layout

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this decision. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

- (3) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The submitted details shall include landscaping to the northern boundary adjacent to Tonbridge Road and maximise native hedgerow planting.

Reason: In the interests of visual amenity.

- (4) Vehicular access pursuant to condition 1 shall be from Tonbridge Road (A26) only and shall provide visibility splays to the satisfaction of the Local Planning Authority which shall be provided and maintained prior to first occupation.

Reason: In the interests of highway safety this is necessary prior to commencement of development.

- (5) Prior to the development reaching damp proof course level written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (6) Prior to the development reaching damp proof course level, details of all fencing, walling, railings and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority, approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (7) Prior to the development reaching damp proof course level, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority, the approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- (8) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels. These details shall include details any proposed re-grading, cross-sections, retaining walls and other means to facilitate the development.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- (9) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

- (10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- (11) Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) 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.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). 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.

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. Details are required prior to commencement of development to ensure that contamination is adequately assessed and remediated.

- (12) Prior to first occupation of the development a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include full verification details as set out in point 3 of condition 11. The report 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. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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. Details are required prior to commencement of development to ensure that contamination is adequately assessed and remediated.

- (13) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter

Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (14) Pursuant to Condition 1 a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
1. An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 2. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be fully in place prior to the first occupation of the building and maintained as such thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development as the content of the report may inform design and layout.

- (15) Prior to the commencement of development a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out and submitted to and approved in writing by the Local Planning Authority. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include the following:
- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);
 - The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
 - The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
 - The result should be totalled for a five year period to enable mitigation implementation.
 - The calculation is summarised below:
Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]
The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

- (16) Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development to reduce transport related air pollution from the development both during the construction phase and when in occupation. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to first occupation of the development and maintained as such thereafter. [The developer should have regard to the DEFRA

guidance from the document *Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.*]

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

- (17) Provision shall be made for EV “rapid charge” point (of 22kW or faster) and for charge points for low-emission plug-in vehicles. Details shall be submitted to and approved by the Local Planning Authority prior to the development reaching damp proof course level, provided in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To provide for low emission vehicles and a lower carbon footprint

- (18) No residential dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan measures shall be implemented within three months of first occupation of any building hereby permitted and thereafter retained.

The Travel Plan should include the following:

- a) Setting objectives and targets.
- b) Measures to promote and facilitate public transport use, walking and cycling.
- c) Promotion of practices/facilities that reduce the need for travel.
- d) Monitoring and review mechanisms.
- e) Travel Plan co-ordinators and associated support.
- f) Provision of travel information.
- g) Marketing.
- h) Timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

- (19) Prior to first occupation details shall be submitted to the Local Planning Authority of a scheme for parking enforcement measures within the development. These measures shall be carried out in accordance with the approved measures prior to first occupation and maintained as such thereafter.

Reason: To prevent misuse of the site for commuter parking resulting in overspill of vehicles onto the highway.

- (20) Prior to the commencement of development a sustainable surface water drainage scheme, shall have been submitted to and approved in writing by the local planning authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015). The scheme should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall be implemented in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system.

- (21) Prior to the commencement of development details of facilities, by which vehicles will have their wheels, chassis and bodywork cleaned and washed free of mud and similar substances at the application site, details of construction vehicle loading/unloading and turning facilities and details of parking facilities for site personnel and visitors during construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to construction work commencing on site and maintained as such in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities. Details are required prior to commencement to avoid unacceptable implications during the construction phase.

- (22) The development hereby permitted shall be carried out in accordance with the following approved plans:
Transport Statement
1:1250 Site Location Plan
Drawing number 2353/1/- (Block Plan) (Indicative Only) - Matters relating to point of access only.

Reason: For the avoidance of doubt and in the interests of proper planning

INFORMATIVES

- (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, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (2) 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.
- The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (3) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sew capacity check to identify the appropriate connection prior to the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (4) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.

Case Officer: Rachael Elliott

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