

REPORT SUMMARY

REFERENCE NO - 16/505127/FULL		
APPLICATION PROPOSAL Erection of a residential development comprising 26 new residential flats with 20 parking spaces proposed at basement level.		
ADDRESS 51 London Road, Maidstone, Kent, ME16 8JE		
RECOMMENDATION - Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is considered to preserve the character and appearance of the surrounding area and would not result in any amenity or highways safety harm. The proposal would comply with the Development Plan and there are no overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE Cllr David Pickett and Cllr Georgia Harvey have called the application to committee for the reasons set out below.		
WARD Bridge	PARISH/TOWN COUNCIL	APPLICANT Innovation Design & Build Limited AGENT GDM Architects
DECISION DUE DATE 21/09/16	PUBLICITY EXPIRY DATE 26/12/16	OFFICER SITE VISIT DATE 05/07/2016
RELEVANT PLANNING HISTORY (including relevant history on adjoining site):		
App No	Summary	
08/1990	Outline planning permission for the demolition of existing office and erection of a 42 bed, five storey nursing home with access to be considered at this stage and all other matters reserved for future consideration (Resubmission of MA/08/0988) – Approved with conditions	
08/0988	Outline planning permission for the erection of 55 bed, five storey nursing home with means of access only to be considered at this stage and all other matters reserved for future consideration – Withdrawn	
16/501265/FULL	Erection of 32 dwellings comprising 24 x 2 bedroomed flats plus 8 x 1 bedroomed flats together with 27 car parking spaces – Refused for the following summarized reasons: <ul style="list-style-type: none"> • Design, height and bulk and resultant impact on the streetscape • Visually intrusive, overbearing and unneighbourly form of development • Lack of outdoor amenity space • Highways safety 	

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located on the south side of London Road. The site is located in urban area for the purposes of the Local Plan 2000. The ground levels within the site are approximately 2m above the public highway and the gradient of the land rises up towards the rear / southwest of the site. Vehicle access is currently afforded onto London Road from the northwest corner of the site. There is a ragstone wall on the front boundary of the site adjacent London Road. The site area measures approx. 1,744m². The site is currently overgrown and there are a number

of self seeded trees within the site. There are more mature trees located toward the site boundaries.

- 1.2 The area immediately adjoining the application site is characterised by two storey properties. To northwest of the site is Bower Mount Medical Practice, a two storey Victorian property with later two storey extensions and car parking areas to the front and side which are set at a higher level. 49 London Road is a detached residential house located to the southeast of the site. No. 49 is a large two storey detached Victorian property with living accommodation in the roof and a large single storey extension to the rear. The rear boundary of the site abuts the rear garden of 3 Bower Mount Road and 22 and 23 Whitchurch Close which are two storey residential houses. The wider streetscape of London Road exhibits a mix of building types and there are several examples multi storey developments within the streetscape.

2.0 PROPOSAL

- 2.1 Erection of a residential development comprising 26 flats together with 20 car parking spaces and cycle storage. A summary of the proposed development is as follows:

- Excavation of a basement level parking area to accommodate 20 parking spaces, cycle parking, service and stair and lift access to the upper levels.
- Turning area at the front of the building.
- Four levels of residential accommodation with the fourth level set within the curved roof and occupying the front part of the building only.
- 15x1 bed units and 9x2 bed units and 2x3 bed units.
- The 8 ground floor units would be affordable (5x1 beds and 3x2 beds).
- The flats would be accessed via a long central / internal corridor connecting to stair / lift access at the front and rear of the building.
- The flats would mainly be orientated to face northwest or southeast with windows located in the long flank elevations. Corner flats at the front would also have openings and balconies on the front and side.
- The building would have a long and narrow footprint measuring approx. 630m²
- The building is designed in a modern idiom with a curved roof divided into two sections covering the front part of the building with a lower flat roof above the rear part of the building.
- Materials include facing brick, coloured weatherboarding, ragstone, rendered walls and aluminium fenestration.
- New planting is proposed on the site boundary.

3.0 BACKGROUND

- 3.1 Outline permission was granted for a 5 storey 42 bed nursing in November 2010. This consent has now expired. The outline consent only considered site access, however, the indicative drawings presented a 5 storey building therefore a precedent has been set on this site for a multi storey development. There have been relevant changes in planning policy with the publication of the National Planning Policy Framework in 2012 which post-date the original application. There have also been changes at adjoining properties which post-date the original application. As such the expired consent does not hold any significant weight in the current decision making process.

- 3.2 More recently planning permission was refused for a residential development comprising 32 flats at this site due to the height, scale, lack of amenity space and impact on neighbour amenity. The difference between the refused scheme and the current proposal are summarised as follows:

- Reduction in flats from 32 to 26.
- Height at front elevation reduced by some 1.5m.
- Height at rear elevation reduced by some 4m and flat roof replaces the curved roof.
- Materials changes to include facing brickwork and coloured weather boarding.
- Footprint reduced by some ...
- Enlarged communal amenity area at the rear of the building.
- Rear elevation moved some 7.8m further away from the rear boundary. Approximately 13.5m between the rear elevation and rear site boundary adjoining the rear gardens of properties fronting Whitchurch Close.
- Balconies and habitable room windows removed from the rear elevation.

3.3 Following the refusal of the above planning application the applicant sought pre-application advice to better understand and to seek to overcome the councils reasons for refusal.

4.0 AMENDED PLANS

4.1 Amended plans and additional documents have been submitted during the course of this application and the council has sent out three separate notification letters to neighbours and objectors, as well as putting up a site notice and advertising the application in the local newspaper. Amendments include changes to the articulation of the front elevation to include balconies and different materials; correcting errors on the drawings; changes to the vehicle access; additional tree and ecology reports; lowering the rear section of the building.

5.0 POLICIES

Local Plan 2000: ENV6, ENV21, T13

National Planning Policy Framework

National Planning Policy Guidance

Affordable Housing DPD

Public Open Space DPD

London Road Character Area Assessment SPD 2008.

Emerging Local Plan (submission version) May 2016: SP1, DM1, DM4, DM5, DM8, DM11, DM12, DM13, DM27

6.0 LOCAL REPRESENTATIONS

6.1 Some 12 neighbours have objected to the proposal, submitting a number of objection letters during the extended consultation process. The points of objection are summarised as follows:

- Building would be out of character and scale with the surrounding area.
- Poor design.
- The building design will create anti-social behaviour and poor quality of life
- Out of scale with neighbouring developments
- Under provision of parking
- Loss of trees and ecology
- Over development of the site
- Highways safety issues regarding the vehicle access
- Errors regarding the drawings / elevations
- Overshadowing neighbouring properties
- Overlooking / loss of privacy
- Increased traffic on London Road
- Examples of multi storey developments on London Road do not justify this development

- Air quality
- Flood risk
- Contrary to SPD relating to quality of build
- Increased traffic
- Loss of light
- Noise generated from the flats
- Increased parking congestion in surrounding roads
- Lack of consultation
- Excavation of the basement level will result in damage to neighbouring properties (*non material planning consideration*)
- Loss of a view (*non material planning consideration*)

- 6.2 Cllr David Pickett objects on the following grounds:
'If you are minded to approve this application I would like it referred to the Planning Committee on the following grounds:

Notwithstanding the partial reduction in the footprint and scale of the development there remain significant concerns.

1 The removal of one level of flats has not resulted in a comparable reduction in the height of the building.

2 The revised plan fails to reflect the fundamental concerns within the NPPF that the development should deliver high quality design.

The amended design is an unsatisfactory compromise which provides neither a traditional or modernist approach to the character of the mature and established street scene.

The scheme is lacking in character and architectural detail and a poor choice of materials. There does not appear to be any consideration given to any landscaping approach which is essential in this prominent location.

I do not consider this application to be appropriate to this mature residential location'.

'Notwithstanding the revised plan submitted I would like to maintain my view that the application for this location should be referred to the Planning Committee should the recommendation be for approval'.

- 6.3 Cllr Georgina Harvey objects on the following grounds:
'This is the second application submitted for this site and although the plans show some changes from the initial application my concerns are the following:

- *The removal of one level of flats from the original design has not resulted in a significant reduction in the height of the building.*
- *The lack of any appropriate landscaping detail means that no action has been taken to mitigate the poor air quality in this area.*
- *In terms of the materials, the cedar cladding should only be used if suitably treated so as to ensure that the appearance of the building does not deteriorate over time.*

Based on the current plans, I do not feel that this application is suitable for the area'.

7.0 CONSULTATION RESPONSES

- 7.1 **KCC Highways:** No objections regarding parking provision and trip generation. KCC have requested a Stage 1 Safety audit via condition to assess whether any minor improvements to the vehicle access are required.
- 7.2 **UK Power Networks:** No objections
- 7.3 **Southern Water:** Additional local infrastructure required to accommodate surface water. SW can provide foul sewage on the site. No objections subject to conditions and informatives.
- 7.4 **Kent Police:** No objections
- 7.5 **KCC Sustainable Drainage:** No objections subject to conditions.
- 7.6 **MBC Landscape Officer:** Raised original objection regarding potential future pressure to fell a tree adjacent the building. Amended drawings have moved the proposed building away from the tree in question.
- 7.7 **MBC Environmental Health:** No objection subject to conditions.
- 7.8 **Upper Medway IDB:** No objections
- 7.9 **MBC Housing:** No objections. 40% affordable housing proposed.
- 7.10 **MBC Public Open Space:** No objection. Request contributions.
- 7.11 **Natural England:** No comments.
- 7.12 **Upper Medway Internal Drainage Board:** No objection.
- 7.13 **NHS:** Request contributions towards local surgeries.
- 7.14 **KCC Development Contributions:** Request contributions towards local primary schools and libraries.

8.0 ASSESSMENT

- 8.1 The site is located within the urban area of Maidstone where the principle of additional housing is acceptable in this sustainable location in accordance with the NPPF. The site is a brownfield site and has remained vacant for a number of years following the demolition of the former office building and, the redevelopment of the site for residential use, subject to a suitable design standard, would contribute to the supply of housing in the borough in accordance the NPPF.
- 8.2 I consider the key issues to be the impact upon the character and appearance of the surrounding area, neighbour amenity, ecology and landscaping, future living conditions, highways safety and parking congestion.

Design

- 8.3 The application site is located in a prominent location on a primary A route into Maidstone town centre adjacent London Road (A220) and Policy ENV21 Strategic Transportation Corridors is considered relevant.
- 8.4 Policy ENV21 of the Local Plan 2000 states development will not be permitted which would harm the character, appearance and functioning of strategic routes within the borough. Paragraph 3.65 of policy ENV21 advises the character, appearance and

functioning of the strategic transportation routes within the Borough are important in terms of their influence on the perceptions of visitors and potential investors.

- 8.5 Paragraph 56 of the NPPF states the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

- 8.6 Paragraph 60 of the NPPF Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

- 8.7 The application site is currently vacant and is overgrown with trees and vegetation, a number of which are likely to be self seeded. The area immediately adjoining the application site is characterised by two storey properties. To northwest of the site is Bower Mount Medical Practice, a two storey Victorian property with later two storey extensions and car parking areas to the front and side. 49 London Road is a detached residential house located to the southeast of the site. No. 49 is a large two storey detached Victorian property with living accommodation in the roof and a large single storey extension to the rear. The rear boundary of the site abuts the rear gardens of 3 Bower Mount Road, 22 and 23 Whitchurch Close which are two storey residential houses. The wider streetscape of London Road does exhibit several multi storey developments, however, Bower Mount Medical Practice and 49 London Road form the immediate streetscene setting and it is considered that the height of any future development on the application site should respect the height of these two adjoining properties.

- 8.8 As with the recently refused scheme the proposed development is in a modern idiom and in terms of design and elevational treatment, is considered acceptable. I am mindful that the NPPF advises that planning decisions should not attempt to impose architectural styles or particular tastes (para. 60). Given the varied character of the streetscape along London Road it is considered that a development in a modern idiom such as the one proposed would not necessarily be inappropriate or incompatible with the wider streetscape. Materials proposed include facing brickwork and coloured render which are evident within the immediate and wider streetscape. There are fewer examples of coloured weatherboarding or curved roofs within the streetscape, however, these elements are considered to compliment the overall design of the building. The front elevation of the building would be set back some 12m from London Road behind the existing 2m high ragstone wall and additional tree planting and frontage planting, which would soften the visual impact of the building on the streetscene.

- 8.9 The previous application was refused on this site due to the height and scale of the building in relation to the adjacent properties. This scheme has sought to overcome this by reducing the highest part of the building by some 1.5m and accommodating the top / fourth level of living accommodation in the curved roof spaces of the building. The proposed building remains higher than the adjacent properties at 49 London Road and the Bower Road Medical Practice, however, given the set back from the street, curved roof design and wider streetscene context, it is considered that this site could accommodate a building of the height and scale proposed.
- 8.10 At the front of the building the use of materials, balconies, recesses and angled building line constitutes a high standard of design and is considered to be visually attractive in accordance with the NPPF. The flank and rear elevations exhibit fewer materials and less articulation than the front elevation and are not considered to represent such a high standard of design as the front of the building. However, as the flank and rear elevations would largely be screened from public view the lesser design quality of these elevations is considered acceptable in this instance.
- 8.11 There have been a number of objections regarding the design and compatibility with the streetscape. The proposal is located between two Victorian properties, however, I do not consider that the future redevelopment on this site need necessary follow the architectural style of the two immediate neighbours given the varied built environment of the wider streetscape. Further, the Medical Practice which is located to the northwest of the site has a modern two storey side extension which extends further back than the proposed building and is also visible from London Road. There are also a number of examples of multi storey developments along London Road such that I do not consider a building of the height and design proposed would appear out of keeping with the surrounding area.

Amenity

- 8.12 Four levels of residential accommodation are proposed comprising 5x1 bed units and 3x2 bed units on the ground, first and second floors and two top floor 3 bed flats. The flats would mainly be orientated to face northwest or southeast with windows located in the long flank elevations. Balconies are proposed at the flats located at the front of the building.
- 8.13 49 London Road is a detached residential property adjoining the southeast boundary of the application site. The relatively small rear gardens of residential properties on Whitchurch Close back onto the southwest boundary of the application site.
- 8.14 The rear elevation would contain two windows on the ground to third floor level serving the hallway and secondary openings for the living room kitchen areas. Compared to the refused scheme the number of windows in the rear elevation has been reduced, the rear balconies have been omitted and the rear building line would be some 13m from the rear boundary of the site. There would be approximately 20m separation between the rear elevation of the building and the rear elevation of the properties fronting onto Whitchurch Close, which is considered acceptable from a privacy and outlook perspective. There would still be an element of overlooking towards the gardens of the properties located to the rear of the site therefore I consider it would be appropriate to attach a condition securing obscure glazing on the secondary living room windows on the rear elevation.
- 8.15 The proposed development is not considered to have a harmful impact in terms of loss of light or outlook on the houses at Bower Mount Road and Whitchurch Close located to the rear of the site due to the set in from the rear site boundary of approx. 13m distance and the height of the rear flat roof element. Additional landscape

screening is also proposed along the rear site boundary which would further screen the proposed development from the residential properties at the rear of the site.

- 8.16 The proposal would introduce a four/five storey residential development with a number of habitable room windows overlooking the neighbouring properties on either side of the site at 49 London Road and the Bower Mount Medical Practice. The number of windows overlooking 49 London Road could be considered unneighbourly development and does weigh against the proposal. However, compared to the refused scheme the footprint has been reduced such that the flank windows would not directly overlook the rear garden space of 49 London Road. Oblique views would be afforded from the side windows towards the rear garden of 49 London Road, however, the rear garden of 49 London Road is already directly overlooked by first floor windows at three adjoining residential properties and, I do not consider the proposal would significantly increase to the existing levels of overlooking due to the oblique viewing angles.
- 8.17 The proposal would have some negative impacts in terms of loss of outlook, light and privacy on the openings in the northwest flank elevation of 49 London Road, including windows serving the kitchen and games room (ground level) and windows serving a bedroom and bathroom (first floor level). These are north facing windows serving largely non-habitable rooms with the exception of the bedroom. The negative impact on 49 London Road does weigh against the proposal, however, this is a common situation with flank windows on a brownfield site in a built up area. Further this situation has been previously considered when outline permission for the nursing home was approved on the application site and during a planning application to convert 49 London Road from an office to a dwellinghouse (ref: 10/2015). The NPPF also advises that schemes should optimise the potential of the site to accommodate development (para 58) and, to completely safeguard the amenity / outlook of 49 London Road would significantly limit the redevelopment potential at the development site and would fail to make the most efficient use of this sustainable brownfield site. On balance it is therefore considered that the impact on 49 London Road would not warrant refusal.
- 8.18 Additional landscaping is also proposed along the southern boundary of the site which would assist in screening the proposed building from the ground floor side windows at 49 London Road.
- 8.19 The proposal is not considered to have a detrimental impact to the property to the north of the site which is Bower Mount Medical Surgery.

Amenity of future occupants

- 8.20 The proposal comprises one, two and three bedroom flats. The proposal would provide internal living space in accordance with national requirements. In addition, the flats at the front of the building would be afforded private outdoor amenity space (balconies) and there would be a reasonable size area at the rear of the building for use as a communal garden.

Parking & highways safety

- 8.21 The proposal includes the excavation of a basement level parking area to accommodate 20 parking spaces and further cycle parking spaces. A turning area for cars and service vehicles is proposed at the front of the building. The existing vehicle access to the site would be utilised.
- 8.22 The number of spaces proposed would represent an under provision of parking when assessed against the Council and KCC parking standards which requires 1 space

per 1 and 2 bed units in this edge of town location and 2 spaces for 3 bed units. However, the site is located within a sustainable location in proximity to Maidstone town centre, train stations and bus routes and future occupants would not have to rely on private vehicles to access public transport, services and employment within the town centre. Therefore I do not consider the proposed development would have an unacceptable impact on parking provision or highways safety from an under provision of parking. KCC Highways have not objected due to an under provision of parking. KCC guidance promotes 1 cycle parking space per flat which would be provided at basement level.

- 8.23 Following discussions between the developer and KCC Highways the existing single vehicle access point onto London Road would be utilised with a turning area at the front of the building. KCC Highways recommended the existing access be maintained as opposed to the in out vehicle access originally proposed. The turning area would accommodate service vehicles accessing the site and allow vehicles to enter and exit the site in forward gear. KCC Highways have recommended a safety audit is undertaken as a condition to determine any minor changes that may be required to the vehicle access.
- 8.24 The proposal would result in an increase in vehicle movements at the application site and within the surrounding road network. The figures in the TA advise that the proposal would result some 86 additional vehicle trips per day. KCC Highways have not objected to the increased traffic movement on London Road and surrounding road networks and I have no reason to differ from their view on this matter. On this point I have had regard to paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Infrastructure

- 8.25 A development of this scale is clearly expected to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan.
- 8.26 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (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.*

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) four or more separate planning obligations that—*
 - (i) relate to planning permissions granted for development within the area of the charging authority; and*

(ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.

- 8.27 This section came into force on 6th April 2015 and means that planning obligations cannot pool more than 4 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

The following contributions have been sought:

- 8.28 A primary education contribution of £6492.64 is sought towards the Brunswick House Primary School enhancement. There will be a greater demand placed on schools within the local area from the occupants of the 26 flats as such the contribution is considered justified and appropriate in order to enhance the local primary school.
- 8.29 The KCC has sought a contribution of £1248.41 towards additional bookstock in the town centre libraries to mitigate the impact of the new borrowers from this development. It is likely that the proposed development of 26 flats would result in additional demand placed on the book stock in Maidstone and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.30 The NHS has sought a contribution of £10,626 towards investment in two local surgery premises; Alington Park and Alington Clinic. It is likely that the proposed development of 26 flats would result in additional demand placed on local surgeries and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.31 MBC Parks and Open Space have requested an off-site contribution of £1575 per dwelling. At 26 dwellings the POS Officer has confirmed this would equate to £40,950. It is likely that the proposed development would result in additional pressure on local play facilities in Maidstone and as such the contribution is considered justified and appropriate.
- 8.32 Justification for the contributions is outlined above and also within the consultation responses from KCC Economic Development and the NHS and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.

Landscape and Ecology

- 8.33 The Ecology report identifies the site as having a low habitat value for badger, dormouse, and reptiles. The site has a low - moderate habitat value for foraging and commuting bats and a very low habitat value for great crested newt. The site has a high habitat value for breeding birds. KCC Ecology have advised that the Ecology Survey and the contents and methodology within the ecology appraisal is considered acceptable and do not raise any objections in terms of ecology impacts. The ecology enhancements include the installation of bat and bird boxes and additional tree and landscaping and can be secured by condition.
- 8.34 Trees would be retained on the site boundaries additional tree planting is also proposed along the site boundaries. However, it is proposed to remove a number of trees from the site to facilitate the development. The proposal is supported by a tree survey and the landscape officer does not object to the removal of any of the trees due to their condition and amenity value. Importantly, there is sufficient space within

the site to plant additional trees to compensate for tree loss. Additional tree planting and landscaping, including species and location, can be secured by a condition.

- 8.35 The landscape officer has raised concerns regarding the potential future pressure to fell a TPO Lime tree on the northern boundary of the site due to the proximity of the development. The landscape officer has not raised an objection regarding the proximity of the development and damage to the RPA or canopy of this tree. The developer has amended the proposal to move the building further away from the tree to overcome the landscape officer comments. In addition, the tree would be located adjacent bedroom and secondary windows only therefore an objection relating to future pressure to fell is not considered to warrant a sustainable objection. In addition the tree in question is covered by a TPO therefore the council would control any works to this tree in the future to prevent its removal.

Affordable Housing

- 8.36 The development is for a total of 26 units with the applicant proposing 30% affordable housing which equates to 8 units. All of the ground floor units (5x1 bed and 3x2 bed) would be affordable units. The Council Housing department has confirmed that Moat Housing has been in discussion with the developers who are proposing to deliver the scheme in accordance with the council's affordable housing policy. An appropriate mix will be secured via an S106 agreement during discussions between the developer and the Housing department.

Other Matters

- 8.37 The application is accompanied by an Air Quality and Noise Report. The Council EHO has reviewed the findings of both reports and does not raise any objections in terms of air quality, the impacts of traffic noise or land contamination upon future occupants of the site subject to suitable conditions.
- 8.38 A number of neighbouring residents have raised objections relating to the excavation works that would be required. Matters of land stability will be assessed under the building regulations procedure and are not a material planning consideration to warrant refusal or objection to a scheme.
- 8.39 The proposal is not located within an area at risk of flooding and the EA have raised no objection on flooding grounds as a result. Following the initial consultation response from KCC Drainage the developer has submitted a proposed sustainable drainage strategy for the site and development which KCC have accepted in principle subject to further details being submitted by condition.
- 8.40 Several residents have raised objections in relation to the council's consultation processes. In this regard 3 separate consultation letters have been sent to neighbours following the submission of additional and amended plans. A site notice was also erected outside the site and the proposed development has been advertised in the Kent Messenger when the application was initially received and validated by the council. National and Maidstone Councils own consultation guidance has been adhered during this application.
- 8.41 There have been a number of errors with the applicant's plans which have been addressed by the architect.

9.0 CONCLUSION

- 9.1 The proposal represents a sustainable redevelopment of a brownfield site and is considered to conform with the Local Plan 2000, NPPF and emerging Local Plan. The proposals are not considered to result in any unacceptable parking, traffic and

highway safety impacts, or unacceptable visual and streetscene impacts, subject to conditions. The proposal would not have a harmful impact on the setting of any listed buildings or conservation areas.

- 9.2 The proposal would result in some impact on neighbouring amenity due to the height and proximity to the site boundary, however, this is not uncommon at urban brownfield sites when seeking to make the most efficient use of land. This does however weigh against the proposed development. In addition, the additional traffic generated by the proposal would result in some air quality concerns in an AQMA which also weigh against the development but the EHO considers this could be overcome by an appropriate condition. However, on balance, it is considered that the public benefits of the additional housing, including 30% affordable housing in accordance with the emerging policy DM13, at this sustainable brownfield site, would outweigh the harm identified.
- 9.4 Overall, the public benefits of additional housing and the redevelopment of an edge of town centre redundant brownfield site is considered to outweigh the low adverse impacts that have been identified above. As such the development is considered to be in compliance with the National Planning Policy Framework and the Local Plan 2000 and emerging Local Plan (submission version) May 2016.
- 9.5 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

11.0 RECOMMENDATION – GRANT Subject to the following

Subject to a legal agreement in such terms as the Head of Legal Services may advise to provide the following:

- The provision of 30% affordable residential units (8 flats).
- £6492.64 is sought towards the Brunswick House Primary School enhancement.
- Contribution of £1248.41 towards additional bookstock in the town centre libraries.
- Contribution of £40,950 towards Parks and Open Space (*further details to be included as an urgent update*).
- Contribution of £10,626 towards improvements at Alington Park and Alington Clinic.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

CONDITIONS

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

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

- (2) Prior to the commencement of any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and surfacing of all access roads, parking and turning areas and pathways shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

The details and samples of the materials submitted shall include details of bat bricks incorporated into the proposed building;

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to the commencement of any works above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter.

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

- (4) Prior to the commencement of any works above damp proof course level full details in the form of large scale drawings (at a scale of 1:20 or 1:50, where relevant) of the following matters shall be submitted to and approved in writing by the Local Planning Authority:-

- a) Details of windows and doors and recesses/reveals;
- b) Precise details of the fenestration;
- c) Details of the finish of the roof of the proposed building;
- d) Details of balconies and balustrades

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

Reason: To ensure a satisfactory appearance to the development.

- (5) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: In the interest of a high quality finish of the development hereby permitted

- (6) Prior to the commencement of any works above damp proof course level a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines

The landscaping details and management plan shall include details of the communal amenity area proposed at the rear of the building.

Reason: To ensure a high quality design, appearance and setting to the development and in the interest of biodiversity.

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

- (8) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 including tree protection details, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For tree protection and to ensure a satisfactory external appearance to the development.

- (9) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels 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.

Reason: In order to secure a satisfactory form of development.

- (10) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

- (11) Prior to the occupation of the building(s) hereby permitted, a minimum of one communal electric vehicle charging point shall be installed along with a dedicated parking space for use when cars are charging, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- (12) Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be 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.

- (13) Prior to the commencement of development a Stage 1 Road Safety Audit of the vehicle access shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels including any recommendations for road safety improvement outlined in the Safety Audit.

Reason: In the interests of highways safety.

- (14) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the site boundary. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provision, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (15) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provision, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (16) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provision, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (17) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To protect future occupiers from contamination

- (18) 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 the amenity of future occupiers

- (19) The ecological enhancements set out in the Preliminary Ecological Appraisal by LaDellWood; dated February 2016, shall be implemented prior to the occupation of the development.

Reason: To incorporate biodiversity enhancements within the development site.

- (20) The windows in the rear elevation of the building hereby approved shall be obscure glazed and non-openable except at 1.7m above the internal floor levels.

Reason: To safeguard the amenity of neighbouring properties.

- (21) Before the development hereby approved commences details of oriel windows and / or obscure glazing to be installed in the bedrooms of units 14 and 15 (first floor) and units 22 and 23 (second floor) in the southeast elevation shall be submitted for prior approval in writing by the Local Planning. The approved details shall be in place before first occupation of said units and shall be retained as such at all times thereafter.

Reason: To safeguard the amenity of neighbouring properties.

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

Planning Committee Report

DHA 11225 H-01 Rev P1; dated 11.11.2016, DHA 11225 H-02 Rev P2; dated 14.12.2016 and 3663/p10, 3663/p20, 3663/p23, 2371/15/A/1B, 2371/15/A/1A, 15238_01; received 15.06.2016 and AC16215-0001 Rev A; received 3 October 2016 and 3663 P11 rev b, 3663 P12 rev b, 3663 p13 rev b, 3663 p14 rev b, 3663 p15 rev b, 3663 p16 rev b, 3663 p17 rev b, 3663 p18 rev b, 3663 p19 rev b, 3663 p21 rev b, p22 rev b, 3663 p24 rev b, 3663 p25 rev b; received on 12.01.2017

And the following supporting documents:

Tree Survey by LaDellWood; dated February 2016, Air Quality Assessments and Noise Assessment; dated January 2016, Preliminary Ecological Appraisal by LaDellWood; dated February 2016, Transport Statement by DHA; dated February 2016, KB Ecology Reptile Report dated October 2016.

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

INFORMATIVES

- (1) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Case Officer: Andrew Jolly

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