

REFERENCE NO - 20/500153/FULL		
APPLICATION PROPOSAL Change of use from 42 flats occupied by the elderly and warden flat to 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments including refurbishment of the existing building with external and internal alterations. Conversion of existing garden pavilion to cycle storage.		
ADDRESS 1 Rocky Hill Terrace, Terrace Road, Maidstone, ME16 8HT		
RECOMMENDATION The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):		
<ul style="list-style-type: none"> In the event that development has not commenced within 24 months of the planning permission decision date, a further financial viability appraisal shall be undertaken by the applicant to consider the ability of the proposal to provide a contribution towards affordable housing as part of a financially viable development with the cost of a third party review of the appraisal met by the applicant. With the applicant agreeing to provide any agreed level of affordable housing. 		
SUMMARY OF REASONS FOR RECOMMENDATION The submitted proposal has been found to be acceptable in relation to heritage impacts, the loss of existing residential accommodation, the standard of proposed residential accommodation, affordable housing, transport and traffic, access and servicing, car and cycle parking, ecology and biodiversity, trees and landscape and residential amenity		
REASON FOR REFERRAL TO COMMITTEE Cllr Purle has commented that this is quite a significant development concerning a listed building that should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. If officers are minded to approve either the application for planning permission or listed building consent, I would ask that the matter be "called in" to the Planning Committee.		
WARD Bridge	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Peter Hall (Sanctuary Housing Association) AGENT BM3 Architecture
TARGET DECISION DATE 31/05/2020 (EOT)		PUBLICITY EXPIRY DATE 20/02/20

Relevant planning history

- 20/500154/LBC Listed Building Consent for conversion of 42 flats occupied by the elderly and warden flat to 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments, including replacement of all windows, external repairs to the building and detached garden pavilion, and internal alterations. Pending Consideration

- 87/1961 Take down top parapet wall, take out dormer windows, take down chimney stacks and rebuild, strip roof and take up kerbs. Approved: 17 March 1988

74/1050 Conversion of six houses to 42 'old peoples flats' comprising 18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden flat, with parking spaces
Approved: 04 April 1975

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (0.3ha) is on the west side of Terrace Road (A20). The site is roughly rectangular in shape and occupies the block of land between the road junctions with Bedford Place to the north and Victoria Street to the south. Terrace Road is part of a one way gyratory with traffic travelling north past the site and joining with London Road to the east.
- 1.02 The character of the area to the west (rear) of the site is predominantly residential and immediately to the east, predominantly commercial. The town centre boundary, marked by the railway line, is located circa 190 metres to the east of the site. Maidstone West Railway Station is circa 230 metres to the south east of the site. To the north of the site on the opposite side of Bedford Place is Rock House, to the south on the other side of Victoria Street is 9 Terrace Road. At the rear of the site is Birnam Square, in contrast to other larger nearby properties Birnam Square consists of 20 small properties arranged in 4 terraced blocks with a small road running half way along the rear boundary of the application site
- 1.03 The application building dating from circa 1830 is set back from the road behind a hardstanding area providing circulation and parking and surrounded by landscaping. The building was originally constructed as a row of 6 terraced houses. The building is on the national list of historically important buildings (Grade II) and within the Rocky Hill Conservation Area. The trees on the Terrace Road frontage are protected under Tree Preservation Order no.17 of 1972.
- 1.04 The 6 buildings/building groups to the north of the application site, (located on the opposite side of Bedford Place and on the east side of London Road) are also Grade II listed. These are 3 Bedford Place; 4 to 7 (consec) Bedford Place; Rock House; 15 & 17 London Road; 19 (Rocky Hill House) London Road and 21 & 23 London Road.
- 1.05 The application building is currently vacant (since September 2017) following a fire but is currently laid out and was previously in use as 42 flats for the elderly (18 bedsits, 20 one-bed flats, 3 two-bed flats and a warden's flat). The building has accommodation on 5 floors (basement, ground, first, second and loft space) with basement lightwells and stepped access in the front elevation. There is a distinct rise in ground level towards the rear of the application site, with the rear amenity area and single storey garden pavilion building located on higher ground.

2. PROPOSAL

- 2.01 The submitted proposal is for internal alterations to convert the building to provide 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments including refurbishment of the existing building with external and internal alterations. The proposal includes the conversion of the existing garden pavilion building to provide cycle storage for future occupants.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017 SP1, SP18, SP19, SS1, DM1, DM3, DM4, DM6, DM9, DM23 and Appendix B
- Supplementary Planning Documents: London Road, Bower Mount and Buckland Hill Area' SPD, SPG4 'Kent Vehicle Parking Standards' Kent & Medway Structure Plan (2006).

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Front (east) elevation facing Terrace Road



4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations have been received from local residents raising the following (summarised) issues.
- 4.02 One letter of objection states that:
- The development will place an additional strain on local on-street car parking for which there is currently high demand, especially in the evenings.
 - The submitted parking assessment relies on the 2011 census data which does not take into account developments at 3 Bedford Place (Bedford House) and Riverhill Apartments (formerly Concorde House) development along London Road.
- 4.03 One representation neither objecting or supporting the planning application stated:
- Cannot see any information about allocated parking spaces for the 35 residential properties, potentially up to 50 extra spaces could be needed with multi car households and visitors.
 - There is space to create parking within the property grounds,
 - Victoria Street is becoming increasingly difficult to find a space in, and with this amount of added cars, I assume being able to apply for permits, will only make the situation much worse.
 - I would like to see the building improved and put to use but only if there is consideration taken on the parking

Councillor Jonathan Purle

- 4.04 This is quite a significant development concerning a listed building, which should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. Should officers be minded to approve either of these, I would ask that the matter be "called in" to the Planning Committee for members to decide.
- 4.05 Matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Historic England

- 5.01 No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Georgian Group

- 5.02 (Not objecting or supporting) The Group recommends that local authority requires more information from the applicant in regard to the date of the windows and their condition before determining this application. If the windows are confirmed to be original, this aspect of the scheme should be omitted.

Conservation Officer (MBC)

- 5.03 No objection subject to a planning condition requesting details of the bin storage area. The proposed conversion of the building to 35 residential dwellings is acceptable in heritage terms and would preserve the character and appearance of the Rocky Hill Conservation Area. (NB: Separate comments provided on the listed building application 20/500154/LBC).

Tree Officer (MBC)

- 5.04 No objection subject to a planning condition. I agree with this assessment that there will be no significant harm and welcome the replacement advanced nursery stock specimen.
- 5.05 The minor pruning works to lift the crowns of two trees over parking areas is reasonable, minor in extent and appropriate arboricultural management.

Environment Agency

- 5.06 No objection, as the site has a low environmental risk.

Natural England

- 5.07 No comment.

Southern Water

- 5.08 No objection subject to a condition requiring details of foul and surface water sewerage disposal.

Designing Out Crime Officer (Kent Police)

- 5.09 No objection. If this application is approved a Condition/Informative is requested to ensure that the development meets Secured by Design standards and shows a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

Local Highways Authority (KCC)

- 5.10 No objection. The applicant has clarified that access to the cycle storage in the rear pavilion will be by way of a cycle rail.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Heritage
 - Loss of existing residential accommodation.
 - Standard of proposed residential accommodation.
 - Affordable housing

- Transport and traffic, access and servicing, car and cycle parking
- Ecology and biodiversity, trees and landscape.
- Residential amenity.

Heritage

- 6.02 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.03 The National Planning Policy Framework (paragraph 192) states: *"In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness"*.

Rear (west) elevation facing Birnam Square



- 6.04 NPPF Paragraph 193 advises *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 6.05 NPPF Paragraph 196 is also relevant advising *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.06 The relevant heritage considerations as part of the current development include the need to consider the potential impact on:
- the listed application building (Grade II), the setting of nearby listed buildings (Grade II), and
 - the Rocky Hill Conservation Area.

Impact on the listed application building and setting of nearby listed buildings.

- 6.07 When making a decision on all listed building consent applications, or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.
- 6.08 The 6 buildings to the north of the application site, (along the opposite side of Bedford Place and on the east side of London Road) are also Grade II listed. These are 3 Bedford Place; 4 to 7 (consec) Bedford Place; Rock House; 15 & 17 London Road; 19 (Rocky Hill House) London Road and 21 & 23 London Road.
- 6.09 Unsympathetic changes have previously been made to the internal layout of the application building as part of the earlier conversion works from 6 houses to flats, this included the removal of staircases. Further damage was caused by a recent fire.
- 6.10 The works proposed as part of the current application seek to restore the historical significance of the application building, to bring the building back into beneficial use and maintain the building fabric where this is possible. These repair works are set out in the submitted master repairs schedule, and summarised in the separate report for Listed Building Consent. The proposed internal layout involves the removal of small sections of the original wall on all floors of the building. This work is required to allow internal circulation and to ensure the standard of the proposed accommodation
- 6.11 It is considered that the proposed restoration and repair works will conserve and enhance the current and future setting of the nearby listed buildings. The proposed works to remove small sections of original wall in the application building will result in less than substantial harm to the significance of this designated heritage asset. It is concluded that this less than substantial harm to the building is outweighed by the benefits from the building repairs and restoration and bringing the application building back into use that will help ensure its long term survival.

Rocky Hill Conservation Area map (with listed buildings marked in red)



Rocky Hill Conservation Area.

- 6.12 The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest such as conservation areas.
- 6.13 The Act places a duty on local planning authorities in making its decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.14 The application site is located within the Rocky Hill Conservation Area which covers a group of high status 19th century housing in a prominent elevated position overlooking Maidstone town centre. The London Road, Bower Mount and Buckland Hill Area' SPD lists as positive local features the special historical interest of listed buildings and the conservation area.
- 6.15 The proposed external works to the application building will conserve the appearance of the building and the historic significance. As a result, it is considered that the works will enhance the character and appearance of the Rocky Hill Conservation Area in line with adopted policy and the NPPF.

Loss of existing residential accommodation

- 6.16 Local Plan policy SS1 seeks to focus the majority of development within the more sustainable parts of the borough. The most sustainable location is Maidstone's urban area, followed by the Rural Service Centres and the Larger Villages. The application site is located within the most sustainable area in the borough, the Maidstone Urban Area.
- 6.17 Local Plan policy SP 19 (Housing mix) states that the council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. The council will seek a sustainable range of house sizes, types and tenures that reflect the needs of those living in Maidstone Borough now and in years to come.
- 6.18 The application site is currently arranged to provide 42 flats for the elderly (18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden's flat) and a warden flat. Following a building fire in 2017 (believed to be an electrical fire in the basement) a review of the accommodation by the applicant found that it was not suitable for continued occupation by the elderly for a number of reasons including:
- The changing needs and expectation of older people requiring independent living accommodation.
 - Local policies regarding a diversity of unit sizes at individual sites; and
 - The need to retain and enhance the heritage value of Rocky Hill Terrace.
- 6.19 The applicant has advised that historic building features, including stepped entrances and flagstones, created access issues for older residents with mobility issues. Access to all units on the third floor of the building required tenants to scale at least two flights of stairs, and some units were considered not fit for purpose. A review of the communal facilities also highlighted that the facilities typically required in new older-persons sheltered housing scheme could not be provided without significant alterations to the orientation of the scheme and without a significant detrimental impact on heritage features.
- 6.20 The previous building was found not fit for purpose and a sustainable long-term use of the building which would maintain the heritage value of the site was sought. The current proposals have been developed in accordance with Local Policy SP19, to provide a broader range of accommodation whilst protecting the heritage asset.

- 6.21 The current application involves a reduction in the overall number of residential units in the building (from 42 flats to 35 flats) but a greater mix of accommodation consisting of 15 studio apartments, 6 one bedroom and 14 two bedroom apartments.
- 6.22 Local Plan policy SP19 states that the council will work with partners to support the provision of specialist and supported housing for the elderly, disabled and vulnerable. Whilst the current application involves the loss of accommodation (last used in 2017) for the elderly, it has been demonstrated that the accommodation cannot be properly adapted to modern mobility standards without harming the historical significance of the building. It is also highlighted that without any planning condition attached to the 1974 permission the use of the building is unrestricted to providing for the elderly and the building could be used for any residential use (use class C3) without the need for further planning permission.

Standard of the proposed residential accommodation.

- 6.23 Local Plan policy DM1 and paragraph 127 of the NPPF states that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers of the development by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.24 The proposed accommodation provides a good standard of residential accommodation with adequate internal space for the intended function of individual rooms. The submitted plans show that the accommodation is provided with sufficient daylight, sunlight and outlook for future occupiers. The accommodation is provided with an external amenity area to the rear of the site. Access to the rear shared amenity space is provided via the two external entrances on Victoria Road and Bedford Place. The basement flats are accessed via existing individual external staircases located to the front of the building.
- 6.25 The submitted Noise Assessment (January 2020 Ref: 25044_04_NA_01 Mewies Engineering Consultants Ltd) recommends the installation of double glazed units in order to reduce traffic noise levels from the A20. The primary consideration with the proposed listed building works is whether they would conserve and enhance the historic significance of the building and the retention of the original windows wherever possible is recommended.
- 6.26 Whilst outside the planning system Part E of the Building Regulations "Resistance to the Passage of Sound" highlights the difficulties associated with adapting historic buildings and the need to conserve special characteristics and allows special dispensation. The document advises that: *'the aim should be to improve sound insulation to the extent that it is practically possible, always provided that the work does not prejudice the character of the historic building, or increase the risk of long-term deterioration to the building fabric or fittings'*. A planning condition is recommended to seek a full condition survey of the existing windows with the emphasis on retaining windows where at all possible, followed by repair with replacement the last option.
- 6.27 A planning condition is recommended to seek measures that can be incorporated within the new accommodation that reduce the likelihood of crime whilst not harming the historical significance of the building.

Affordable housing

- 6.28 In line with Local Plan policy SP 20 and guidance in the NPPF and NPPG affordable housing is sought on sites that can provide 10 or more units and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). On sites within the Maidstone Urban Area policy SP20 states that 30% affordable housing provision would be sought.

- 6.29 Where a developer considers that affordable housing provision would make a proposal financially unviable, policy SP20 sets out that the developer will need to submit a viability appraisal. This viability appraisal will then be subject to scrutiny by an independent third party assessor.
- 6.30 The submitted development fulfils the criteria where affordable housing would normally be sought at 30%. The applicant has submitted a viability appraisal that shows the proposal resulting in a considerable financial deficit even without any affordable housing.
- 6.31 A third party assessment of the developer's conclusions has been carried out. The third party assessment has agreed with these conclusions. It was found that the submitted proposal, with the heritage considerations and works to this listed building, would not be financially viable by some margin whilst including a contribution towards affordable housing. In line with policy SP20, a change in the tenure or mix has been considered but this would not resolve this issue. The proposed reduction in the number of flats in the building has the positive benefit of revealing more of the historic internal layout, in addition the proposal will enable the building repair and restoration works.
- 6.32 Unlike the majority of planning applications, the business of the current applicant Sanctuary Housing Association is the provision of affordable housing,. Sanctuary Housing Association who have a head office in Worcester advise on their website that *"Providing good quality, affordable housing is at the heart of what we do. With more than 50 years' experience and over 69,000 homes across England, Sanctuary Housing is one of the UK's leading social landlords. As a not-for-profit organisation, we reinvest any surplus we make back into our housing and services, making our communities a place our residents are proud to call home"*.
- 6.33 The independently verified evidence confirms that the submitted development is currently financially unviable with affordable housing provision in line with the requirements of policy SP20. Notwithstanding these conclusions, in light of their core business and using the viability information the applicant has said that they intend to make all efforts outside of the planning system to provide affordable housing on this site. The applicant will do this by looking for financial support from Homes England or by seeking other partners including potentially a partnership with the council.
- 6.34 A concern has been expressed in a consultation response that the future occupiers of the building will place a burden on local services. The proposal includes a reduction in the overall number of units from the previous use as accommodation for the elderly. There is no evidence to suggest that the impact from the proposal would be greater than any other similar proposal.
- 6.35 There is a high demand for affordable housing and no upper limit for affordable housing provision set out in adopted policy. The applicant has said that they *"...will seek to let units in the refurbished scheme to people and families who are able to manage and meet the obligations of their tenancies without extensive specialised support. Our Group mission is to create sustainable communities where people choose to live and our lettings policy will be guided by this mission"*.
- 6.36 With the independently verified financial viability appraisal, the applicant has satisfied the relevant tests in the Local Plan and there is no policy requirement for any affordable housing to be provided as part of the submitted development. As included on other developments in the borough and to provide greater certainty it is recommended that a s106 legal agreement is used to secure a viability review.

- 6.37 In the event that development has not commenced within 24 months of the planning permission decision date, the viability review would require a further financial viability appraisal to be undertaken by the applicant. The financial viability appraisal would consider again the ability of the proposal to provide a contribution towards affordable housing as part of a financially viable development. The cost of a third party review of the appraisal would be met by the applicant with the applicant agreeing to provide any agreed level of affordable housing.

Transport and traffic, access and servicing, car and cycle parking

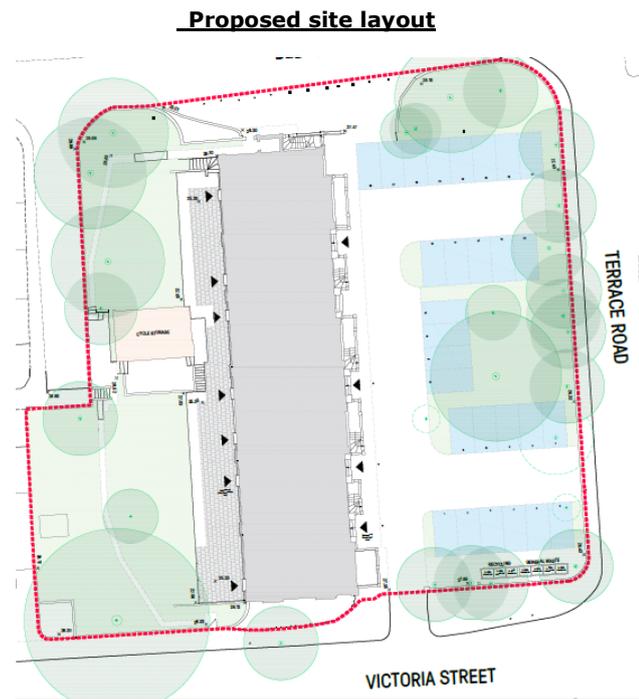
Access and servicing

- 6.38 Local Plan policy DM 1 states that proposals which create high quality design will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.
- 6.39 The existing vehicle access to the site is from Victoria Street and this access is retained as part of the submitted proposal. The existing access is considered suitable including in relation to its width, driver sight lines and the future servicing of the accommodation. The bin storage will be located close to, and accessible for collection on foot from the Victoria Street frontage. Pedestrian access will be provided from both the Victoria Street and Bedford Place frontages.

Car parking

- 6.40 Local Plan policy DM 23 states that the car parking for residential development will take into account the type, size and mix of dwellings and the need for visitor parking. Parking shall secure an efficient and attractive layout of development whilst ensuring the appropriate provision of integrated vehicle parking. Car parking standards are set out at Local Plan Appendix B.
- 6.41 The application site is located at the edge of the town centre, in an area with existing on street parking controls. A CPZ (Zone W1) covers Bedford Place and Victoria Street operating Monday to Saturday 8am to 6.30pm. In addition to restrictions to permit holders only, some bays allow 2 hours non permit parking with no return within 2 hours.
- 6.42 Local Plan Appendix B advises that the car parking requirements applying to the application site are set as 'maximum' standards (as opposed to minimum). The guidance states that reduced, or even nil car parking provision would be acceptable for rented properties, subject to effective tenancy controls and where main provision is not allocated.
- 6.43 The application building is currently laid out as 42 flats (18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden's flat) with 18 off street car parking spaces provided to the front of the building. Although the building is currently vacant this previous use of the building could recommence without the need for any further planning permission.
- 6.44 The current proposal seeks to provide an additional 10 off street car parking spaces and reduce the overall number of residential units from 42 to 35. The car parking is split into five areas (see plan above with the blue areas showing proposed parking) each accommodating between 4 and 8 spaces. The majority of these parking spaces, within four of the five areas, are based on the current parking arrangements, with a further bank of 4 spaces running in front of the building.
- 6.45 The proposed 35 flats will be provided with a total of 28 off street car parking spaces which is in line with policy DM23 and the car parking standards which would require a maximum of 42 off street spaces (1 space per dwelling with 7 visitor spaces). This parking provision is considered acceptable in relation to local on street demand and there has been no objection from the local highways authority. The applicant has

suggested a planning obligation restricting future occupiers from obtaining permits. Case law has found this type of restriction unlawful and the level of parking provided is in line with adopted policy.



Cycle parking

- 6.46 Local Plan policy DM 23 states that cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location.
- 6.47 Cycle parking is proposed in the existing detached brick pavilion building at the rear of the site in the form of Sheffield type stands providing 36 spaces. This provision is in line with the minimum cycle standards of one cycle space per unit in Supplementary Planning Guidance SPG4 'Kent Vehicle Parking Standards' of the Kent and Medway Structure Plan (July 2006). With the provision of a cycle rail for access the proposed cycle parking is considered an appropriate design and sited in a convenient, safe, secure and sheltered location in line with policy DM23.

Transport and traffic

- 6.48 Local Plan DM23 states that new developments should ensure that proposals incorporate electric vehicle charging infrastructure. Planning conditions are recommended seeking the provision of a minimum of two electric vehicle charging points
- 6.49 A planning condition is recommended requesting the submission of measures to promote sustainable travel choices by future occupiers of the accommodation. This could include information given to new occupiers, including public transport timetables.
- 6.50 It is considered that the vehicle trips generated by the proposal can be safely accommodated on the road network with harm to highway safety.

Ecology and biodiversity, trees and landscape

Trees and landscape

- 6.51 Local Plan policy DM1 states that proposals should create high quality design and respect the topography and respond to the location of the site and sensitively

28.05.2020

incorporate natural features such as trees, hedges and ponds worthy of retention within the site.

- 6.52 Policy DM3 states: "To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect positive landscape character, trees with significant amenity value, and important hedgerows".

Existing pavilion building at the rear of the site



- 6.53 Several trees on site are protected by Tree Preservation Order and the site is located within the Rocky Hill Conservation Area that also offers tree protection. Whilst the works to the main building will have no impact on trees, the proposal includes works to make more efficient use of the land to the front of the site. These works include providing additional car parking bays, associated road widening and providing a bin storage area. The proposal includes the removal of 3 trees and works to raise the canopy of other trees on the site.
- 6.54 The works involve the removal of a Sycamore (T15 category U) which is in significant decline, and the removal of a low value Leyland cypress (T2 category C) to accommodate road widening. The third tree is a Sycamore (G1 Category B) which is to the south of a group of moderate value trees that are subject to Tree Preservation Order ref. T2 (Order no. 17 of 1972).
- 6.55 The submitted arboricultural assessment found that *"The removal of trees T2 and T15 is considered negligible due to their low value and poor condition respectively. The removal of tree G1 is considered a moderate arboricultural impact as the tree forms part of an established tree group of moderate collective value. However, the impact is not considered significant as the tree is not a notable individual feature and because the remaining group will be largely retained. It is therefore recommended that the tree is replaced as part of the proposed development, using an advanced nursery stock specification to offer instant impact"*.
- 6.56 Planning conditions are recommended to seek a landscape scheme for the site and for the implementation of the scheme by the end of the first planting season following first occupation. In terms of the location of a replacement tree the arboricultural assessment advises that this could be *"...at the north eastern corner of site, between trees T16 and T4. It is noted that tree T4 exhibits poor overall condition and therefore the removal of this tree with the replacement of 2-3 new*

trees in this location could offer the best long-term gain in terms of new tree planting”.

- 6.57 In order to mitigate the impact of additional surfacing within the root protection area (RPA) of retained trees the submitted arboricultural assessment recommends *“... that the areas of new surfacing within the RPAs adopt a ‘reduced-dig’ approach using a cellular confinement system laid on-top of the existing ground level, avoiding the need to excavate or compact the ground created by conventional surfacing techniques”.*
- 6.58 The loss of the trees to be removed and their status have been considered against the benefits of the changes to the layout at the front of the site. The proposed measures are considered sufficient to protect the long term health of the retained trees in relation to the work in root protection areas. A planning condition is recommended to secure these measures. It is considered that with the repair and restoration works and enhanced landscaping the proposal will preserve the character and appearance of that area in line with legislation.
- 6.59 The council’s tree officer has considered the submitted information and agrees with the conclusions subject to planning conditions. These conditions have been added to the recommendation.

Ecology and biodiversity

- 6.60 Local Plan policy DM3 states: *“To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough’s natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species”.*
- 6.61 A preliminary ecological appraisal has been submitted with the current planning application. The appraisal found that the existing two buildings are considered to offer ‘low’ potential to support roosting bats. In accordance with the Bat Conservation Trust’s ‘Bat Survey for Professional Ecologists, Good Practice Guidelines’ (Collins, 2016), the appraisal advises that one bat survey should be carried out for buildings with low suitability.
- 6.62 The appraisal highlights that bat surveys can only be undertaken in suitable weather conditions between May and September (inclusive) with at least one survey conducted between May and August. A planning condition is recommended to ensure that this survey takes place and in the unlikely event that the presence of bats is found for appropriate mitigation to be put in place.
- 6.63 The appraisal found no evidence or potential for any other protected species on the site. The appraisal advised that, other than the bat survey, no further surveys are required.
- 6.64 The appraisal recommends ecological enhancement with the installation of a range of bird box types including open fronted and hole fronted nest boxes. The appraisal recommends a wildlife-friendly planting scheme that uses native plant species, as this would be of benefit to invertebrates, and subsequently birds and bats. Planning conditions are recommended to seek these ecological enhancements including the wildlife friendly planting as part of a landscape scheme.

Neighbour amenity

- 6.65 Local Plan policy DM 1 states that proposals which would create high quality design and will be permitted where they respect the amenities of occupiers of neighbouring properties and uses 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 nearby properties.

Looking north along the rear (west) elevation towards Bedford Place



- 6.66 The current proposal involves internal alterations to this existing building that will reduce the overall number of residential units. In these circumstances and the separation from nearby properties the submitted proposal is considered acceptable in relation to neighbour residential amenity.
- 6.67 The application site is located just outside the Air Quality Management Area that runs along the A20 and an air quality assessment has been submitted with the application. The application involves a reduction in the number of units that are provided in the building. The applicant is proposing due to viability issues a minimum of 2 electric charging points and a condition is recommended seeking a minimum of 2 up to a maximum of 20 for the proposed one and two bedroom apartments.

Other Matters

- 6.68 With the submitted development not including any affordable housing, the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 The submitted proposal has been considered and has been found to be acceptable in relation to heritage, the loss of existing residential accommodation, the standard of proposed residential accommodation, affordable housing, transport and traffic, access and servicing, car and cycle parking, ecology and biodiversity, trees and landscape and residential amenity.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- In the event that development has not commenced within 24 months of the planning permission decision date, a further financial viability appraisal shall be undertaken by the applicant to consider the ability of the proposal to provide a contribution towards affordable housing as part of a financially viable development with the cost of a third party review of the appraisal met by the applicant. With the applicant agreeing to provide any agreed level of affordable housing.

And the following planning 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) No development shall take place other than in accordance with the following approved plans:

- 70583-D003-Proposed site plan (Rev. A rec.06.04.2020)
- 70583-D100A-Existing and Proposed Lower Ground Floor Plan (rec.06.04.2020)
- 70583-D101A-Existing and Proposed Ground Floor Plan (rec.06.04.2020)
- 70583-D102A-Existing and Proposed First Floor Plan (rec.06.04.2020)
- 70583-D103A-Existing and Proposed Second Floor Plan (rec.06.04.2020)
- 70583-D104-Existing and Proposed Third Floor Plan
- 70583-D203-Existing and Proposed Garden Pavilion
- 70583-D204 Proposed Front Elevation
- 70583-D205 Proposed Side Elevations
- 70583-D206 Proposed Rear Elevation
- Air Quality Assessment
- Master Repairs Schedule, documents 1 to 4
- Noise assessment.
- Transport Statement (Transport Planning & Highway Solutions Limited December 2019)
- Arboricultural Impact Assessment (Tyler Grange Group Limited 7th January 2019 ref 12361_R01_JP_AS)
- Heritage Statement (Heritage Collective January 2020, Project Ref 5074A)
- Preliminary Ecological Appraisal (April 2019 Greenspace Ecological Solutions Ltd Report Number J20683)

Reason: In the interests of proper planning and to ensure the quality of the development is maintained.

- 3) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority: The construction management plan shall be in place prior to work commencing, followed for the duration of the works and shall include the following (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Temporary traffic management / signage (e) Provision of measures to prevent the discharge of surface water onto the highway.

Reason In the interests of amenity.

- 4) No development shall take place until an Arboricultural Method Statement prepared in accordance with the current edition of BS 5837:2012 has been submitted to and approved in writing by the local planning authority. The method statement shall include procedures for 'reduce-dig' new surfacing and construction of bin storage platform within the Root Protection Areas of trees T1, G1, T14 and G3 and the phasing of arboricultural works. The development will proceed in accordance with the approved method statement.

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

- 5) The Arboricultural Method Statement shall include the locations and specifications for tree protection barriers and ground protection on a Tree Protection Plan, with all trees to be retained protected by barriers and/or ground protection. The Tree Protection Plan must take account of any works that have the potential to harm trees, including excavation of service runs, demolition operations, the location of site huts, waste and materials storage and access for construction vehicles such as skip lorries. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 6) No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of the approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 7) No development shall take place until a bat survey has been undertaken with the results submitted to and approved in writing by the Local Planning authority, the survey shall be undertaken in suitable weather conditions between May and August

Reason: To ensure that bat species are protected, and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981.

- 8) In the event that evidence of bats is found on the site, prior to the commencement of development details of the provisions to be made for appropriate mitigation measures including potential for artificial bat roosting sites/boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full before first occupation of any part of the development.

Reason: To ensure that bat species are protected, and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981.

- 9) Within the 2 months following the commencement of development a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan and shall include suitable trees for the replacement of those that are due to be removed (with an advanced nursery

stock specimen) and wildlife-friendly planting as set out in the Preliminary Ecological Appraisal.

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

- 10) The approved landscaping shall be in place at the end of the first planting and seeding season following first occupation of the residential development hereby approved. Any trees or plants, which, within a period of 5 years from the occupation 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.

Reason: In the interest of visual amenity of the area.

- 11) Prior to end of the first planting season following first occupation of the development hereby approved the ecological enhancements set out in section 6 of the Preliminary Ecological Appraisal (April 2019 Greenspace Ecological Solutions Ltd Report Number J20683) shall be in place, with the measures retained for the lifetime of the development

Reason: In the interest of ecology and biodiversity.

- 12) Prior to first occupation of the proposed dwellings a minimum of two electric vehicle charging points shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

- 13) Prior to occupation of the proposed dwellings the parking/turning areas shown on the approved plans shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 14) Prior to first occupation of the accommodation hereby approved the cycle parking in the rear pavilion building and the and all agreed measures to allow convenient access to the building shall be installed and ready for use with the cycle parking and the access arrangements maintained for the lifetime of the development.

Reason: To promote sustainable travel choices.

- 15) Prior to first occupation of the approved accommodation a bin storage enclosure shall be in place that has been designed to avoid ground compaction and is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and retained for the lifetime of the development.

Reason: To safeguard the appearance of the development and the visual amenities of the area

- 16) Prior to first occupation of the approved accommodation means of enclosure (gates, walls, fences etc) shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved means of enclosure retained for the lifetime of the development.

Reason: To safeguard the appearance of the development and the visual amenities of the area.

- 17) Prior to first occupation of the development hereby approved crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.

Reason: In the interests of amenity.

- 18) Prior to first occupation of the development hereby approved measures to encourage sustainable travel choices by future occupiers shall have been submitted to and approved in writing by the Local Planning Authority, the measures shall be in place prior to first occupation and maintained for the lifetime of the development.

Reason: In the interests of sustainable travel and pollution prevention.

- 19) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and demonstrate how the lighting meets Bat Conservation Trust guidelines. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

- 20) Any works within the root protection area of trees shown as retained on the site including the bin enclosure, and the extension to the parking area shall be carried out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and shall include procedures for 'reduce-dig' new surfacing and construction of bin storage platform.

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

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 2) The applicant is advised to comply with the Mid Kent Environmental Code of development Practice.
- 3) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties.
- 4) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant

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Case Officer: Tony Ryan