

REFERENCE NO: 22/502019/FULL		
APPLICATION PROPOSAL: Change of use from offices to form 7(no) residential units, including demolition of temporary cycle cover and erection of single storey side extension.		
ADDRESS: 17 Albion Place Maidstone Kent ME14 5EQ		
RECOMMENDATION: REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development would not create a high standard of amenity for the future occupants of the building, contrary to policy DM1 of the Maidstone Local Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).		
REASON FOR REFERRAL TO COMMITTEE: Councillor English has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in the local representations section below.		
WARD: High Street	PARISH: N/A	APPLICANT Mr J Mills AGENT EP Architects Ltd
OFFICER: Kate Altieri	VALIDATION DATE: 25.04.22	DECISION DATE: 30.08.22
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 22/502021 - Listed Building Consent for internal works and erection of single storey rear extension to facilitate conversion of offices to form 7 residential units – Approved (APPENDIX A)

1.0 DESCRIPTION OF SITE

1.01 17 Albion Place is a semi-detached, Grade II listed, property on the western side of Albion Place and opposite the junction with Andrew Broughton Way. The former dwelling dates from c.1830s; and until recently it had been used for office accommodation but is now redundant. The properties either side of the site are also offices and there is an access to the side of the property. The adjoining property (15 Albion Place), is Grade II listed and there are other listed properties within the locality. For the purposes of the Local Plan the proposal site is within Maidstone town centre.

2.0 PROPOSAL

- 2.01 The proposal is described as: *Change of use from offices to form 7(no) residential units, including demolition of temporary cycle cover and erection of single storey side extension.*
- 2.02 Full details of the proposed works are detailed in the delegated report for the already approved listed building consent associated to this proposal (22/502021). This report is attached (APPENDIX A).

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP4, SP18, SP19, SP21, SP22, DM1, DM2, DM4, DM5, DM6, DM8, DM9, DM12, DM21, DM23
- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Regulation 22 Local Plan
- Government's Technical Housing Standards: Nationally Described Space Standards (March 2015)

Local Plan

- 3.01 Town centre locations are sustainable in terms of access to basic amenities/facilities and public transport links. This said, new residential development will not be permitted unless: It is acceptable in terms of its impact upon the character and appearance of the area; the amenity of existing and future residents is respected; it is acceptable in heritage terms; highway safety, flood risk and biodiversity matters have been considered.

3.02 Furthermore, Local Plan policy SP21 seeks to enhance the vitality and viability of Maidstone town centre; and Local Plan policy SP22 seeks to support the redevelopment and expansion of existing employment premises (Use Class B) in the Maidstone urban area that falls outside an Economic Development Area. Notwithstanding this, Local Plan policy SP4 seeks for the retention of the best quality office stock whilst allowing for the redevelopment of lower quality offices within the town centre; and there is opportunity for residential development.

3.03 The proposal building is also Grade II listed and in the proximity of other listed properties, and Local Plan policies seek to conserve, and where possible enhance, the significance of heritage assets and where appropriate their setting.

NPPF (2021)

3.04 The NPPF is clear that good design is a key aspect of sustainable development; and section 12 of the NPPF refers to achieving well-designed places. Section 16 of the NPPF sets out what should be considered in terms of conserving and enhancing the historic environment.

Regulation 22 Local Plan

3.05 The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

5yr housing supply

3.06 The Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (April 1st 2021). This is not to say that appropriate residential windfall development cannot be approved, as there is an ongoing need in the borough to supply new housing, which is of significant benefit.

4.0 LOCAL REPRESENTATIONS

4.01 **Councillor English:** Wishes to call application to committee if officers are minded to recommended refusal as in his view the application would be capable of providing a reasonable standard of design and habitability.

4.02 **Local Residents:** No representations received.

5.0 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)

5.01 **Conservation Officer:** Raises no objection in heritage terms (see APPENDIX A).

5.02 **Historic England:** It is their view they did not need notifying of this application.

5.03 **Environmental Protection Team:** Raises no objection (see main report).

6.0 APPRAISAL

6.01 The key issues are:

- Loss of office use;
- Residential amenity;
- Heritage/visual impact; and
- Other matters.

Loss of office use

6.01 The lawful use of the site is as office accommodation and Local Plan policy SP4 states (inter alia):

Regeneration of town centre, as defined on policies map, is a priority. This will be achieved by: Retention of best quality office stock whilst allowing for the redevelopment of lower quality offices.

6.02 Local Plan policy SP21 also states (inter alia):

Council is committed to supporting and improving the economy of the borough and providing for needs of businesses. This will be achieved through allocation of specific sites and through: Retention, intensification, regeneration and expansion of the existing economic development premises in Maidstone urban area.....provided the site is in an appropriate location and suited to the economic development use in terms of scale, impacts and economic viability.

6.03 The context for this policy highlights Maidstone’s role as the County town, with a strong base of administration and professional services. It also highlights that whilst there is a need to provide for significant levels of housing growth, this needs to be matched by growth in employment opportunities for a growing population and which can assist in reducing the need for outward migration to work. It highlights that the focus for new office space should be the town centre, but again reiterates that a great deal of stock is not suited to future requirements.

6.04 The proposal will see the loss of office accommodation. However, the site does not fall within an Economic Development Area and it is not an employment site allocation, so its loss would not impact the Council’s employment land figures. Furthermore, the site is not considered to be of best quality office stock, but of lower quality, where redevelopment is acceptable. On this basis, the loss of the office use is considered to be justified and the principle for residential development is acceptable here, subject to all other material planning considerations.

Residential amenity

6.05 Local Plan policy DM1 seeks new development to respect the amenity of occupiers of neighbouring properties and uses, and provide adequate residential amenity for future occupiers.

6.06 Paragraph 130 of the NPPF states (inter alia):

*Planning policies and decisions should ensure that developments:
(a) function well & add to overall quality of area not just for short term but over lifetime of development;
and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

6.07 The proposal would provide the following internal floor space for each 1-bedroom (1-person) unit:

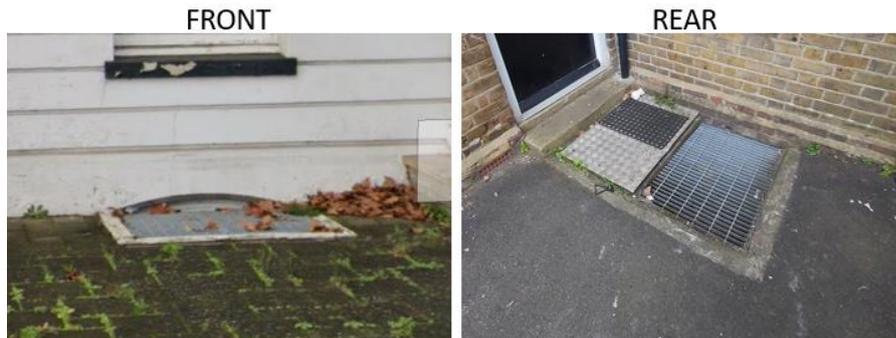
	Internal floor area (m²)
UNIT 1	34
UNIT 2	17
UNIT 3	23
UNIT 4	41
UNIT 5	13.5
UNIT 6	39
UNIT 7	38

6.08 Whilst the internal floor space for proposed units 4, 6 and 7, and on balance proposed unit 1, is not considered to be objectionable, the internal floor area for units 2, 3 and 5 are considered to be wholly inadequate, and would provide future occupants with cramped living conditions that would not promote well-being. On this basis, the development would not provide a high standard of amenity for future occupants of the units, contrary to Local Plan policy DM1 and paragraph 130 of the NPPF.

6.09 Supporting the argument that the level of living accommodation for units 2, 3 and 5 would be inadequate, it is noted that the floor space for these units would fall well below the Government’s national space standards for the internal floor space for a 1-bedroom (1-person) unit, which is 37m² (where there is a shower room instead of a bathroom). This shortfall can be seen below:

	Shortfall (m²)
UNIT 2	20
UNIT 3	14
UNIT 5	23.5

- 6.10 Whilst these standards are not currently adopted by the Council, they provide a good steer as to what level of accommodation is considered necessary to provide future occupants with adequate living space. It should also be noted that the Council's emerging Local Plan is a material consideration and emerging policy *LPRQ&D 6: Technical Standards*, does follow the national space standards, and so it is evident that the overwhelming policy direction is towards these national technical standards; and as the draft Local Plan progresses, the weight attached to this policy will increase. It is also worth noting that prior approval proposals also have to meet the national space standards in order to be permitted development.
- 6.11 Furthermore, future occupants of basement unit 7, would only have a front and rear lightwell below ground level (see below), and therefore would have no outlook and limited natural light. This again fails to create a high standard of amenity for the future occupants of this basement unit, contrary to policy DM1 of the Maidstone Local Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).



- 6.12 Proposed units 1 to 6 would benefit from acceptable levels of privacy, light and outlook. Furthermore, the proposal would not have an adverse impact upon the living conditions of any local resident when they are trying to enjoy their own property, in terms of privacy, light, outlook, being over bearing, and in terms of general noise and disturbance.

Heritage/visual impact

- 6.13 In determining such applications, regard must be given to the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, where special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural or historic interest which they possess, must be given.
- 6.14 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 setting. 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.
- 6.15 The NPPF sets out what should be considered in terms of conserving and enhancing the historic environment. Paragraph 197 and 199 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

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.

- 6.16 The associated listed building consent application (22/502021) has assessed the proposal's impact upon the fabric of the listed building (APPENDIX A). This current assessment will consider the proposal's impact upon the character and appearance of the area, including how it impacts upon the setting of other near-by listed buildings.
- 6.17 As established under the associated listed building consent, the Council's Conservation Officer has raised no objections to the development, in terms of its impact upon the fabric and integrity of the listed building (subject to conditions).
- 6.18 The main external alteration is the proposed rear extension. The Conservation Officer has raised no objection to this element of the proposal; and it is considered that its relatively modest scale, its appropriate design, and its location to the rear of the building, would ensure that it would not appear visually harmful or dominant from any public vantage point. To further safeguard the quality of the scheme, a suitable condition would be imposed for details of the external materials to be used for the new extension, if the application were to be approved. For clarification, conditions relating to the proposed works to the internal works and windows of the building have been imposed under 22/502021 (APPENDIX A). In addition to this, the existing frontage is open and entirely laid in hardstanding. There is scope to clearly define the site from public space and to improve the frontage through the use of high quality vertical boundary treatments and landscaping, and if this application was to be approved these details could be secured by way of appropriate condition.
- 6.19 The Conservation Officer is also of the view that the proposal would not cause any harm to the significance or setting of any other listed building. With everything taken into account, it is considered that the proposal would not cause adverse harm to the character and appearance of the area.

Highway safety/parking provision

- 6.20 In accordance with Local Plan policy DM23, the parking standards for this town centre location are maximum standards, with 1 space per unit. The proposal shows nil parking provision and given the very sustainable location of the site, there is no objection to this approach. The submission also shows the provision of cycle storage; and in the interests of sustainable development, a condition would be imposed requiring details of how a minimum of 7 bicycles will be securely stored on the site, if the application were to be approved. The submission also shows adequate space for refuse storage.

Other matters

- 6.21 The site is within the urban area adjacent to the A249 and a busy junction, so traffic noise is potentially significant. On this basis, the Environmental Protection Team has recommended that a noise assessment report should be submitted, if the application were to be approved. In the interests of residential amenity, such a condition is considered reasonable.
- 6.22 The site is also within the Maidstone Town Air Quality Management Area, and the Environmental Protection Team considers an air quality assessment necessary on this basis. In the interests of residential amenity and improving air quality, such a condition is considered reasonable if the application were to be approved.
- 6.23 Foul sewage and surface water will be disposed of via mains sewer and no further information is required on these matters. The Environmental Protection Team has recommended a condition restricting hours of construction work, but in this instance this condition is not considered reasonable or necessary to make the development acceptable in planning terms.
- 6.24 It is accepted that there is unlikely to be any protected species on the site and so no further details are required in this respect, prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that "*...opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*". If the application were to be approved, a

suitable condition could be imposed requesting details of biodiversity enhancements on the site, including through integrated methods into the fabric of the building/extension, for example swift bricks; bat tiles/tubes; and bee bricks.

- 6.25 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 proposal would not undermine the objectives of the Duty. 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 details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 For the reasons set out above, the proposed development would not create a high standard of amenity for the future occupants of this proposal, contrary to Local Plan policy DM1 and paragraph 130 of the NPPF. It is therefore recommended that the application is refused on this basis.

8.0 RECOMMENDATION:

- 8.01 **REFUSE** planning permission for the following reasons:

1. The development, by virtue of the inadequate internal living space for proposed residential units 2, 3 and 5 (as shown on the submitted plans), would not create a high standard of amenity for the future occupants of these units. This would be contrary to policy DM1 of the Maidstone Local Plan (2017); and paragraph 130 of the National Planning Policy Framework (2021).
2. The proposed residential flat in the basement (unit 7 as shown on the submitted plans) would have no outlook and limited natural light by virtue of it only being served by two underground lightwells. This would not create a high standard of amenity for the future occupants of this residential unit, contrary to policy DM1 of the Maidstone Local Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).

Informative(s)

1. For the avoidance of doubt, the following drawings were considered in the assessment of this planning application: 961.P.01D; 1961.P.02C; 961.P.03A; 1961.P.04A; 1961.P.05; and 1961.P.06A.
2. You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk/CIL