

APPLICATION: MA/10/1478 Date: 23 August 2010 Received: 25 August 2010

APPLICANT: Middlefields Pension Fund

LOCATION: LAND WEST OF ECCLESTON ROAD, MAIDSTONE, KENT, ME15 6QP

PARISH: Maidstone, Tovil

PROPOSAL: Application for the erection of two six storey apartment blocks with associated parking and landscaping as shown on drawing numbers 531:P01, 531:P02, 531:P03, 531:P04, 531:P05, 531:P06, 531:P07, received on 25/8/10 as amended by drawing numbers 531:P01 A, 531:P02 A, 531:P11 and 531:P25 received on the 8/12/10 and 9/2/11.

AGENDA DATE: 24th February 2011

CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:

- Councillor John E Wilson has requested it be reported for the reasons set out in the report
- Councillor Stephen Paine has requested it be reported for the reasons set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV7, H9, T13, CF1  
South East Plan 2009: CC1, CC2, CC4, CC6, H3, H4, H5, T4, NRM1, NRM4, BE1, M1  
Government Policy: PPS1, PPS3, PPG13, PPS23, PPS25
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Kent Design Guide 05/06
- Lockmeadow and Eccleston Road Development Brief Consultation Draft (2001)

## **2. SITE HISTORY**

- MA/05/2256 – Retrospective application for the change of use of the site from class B8 use to Class D1 use as a small independent school – APPROVED WITH CONDITIONS.
- MA/05/0934 – Change of use of former warehouse to class D2 use (indoor children's play centre) – WITHDRAWN.

- MA/81/1306 – Change of use from class X warehouse to class (iii) Light Industry – WITHDRAWN.

### 3. **CONSULTATIONS**

**Tovil Parish Council** have commented on the application stating:-

“Tovil Parish Council wished to see a reduction in the overall height of the blocks. However, if MBC is minded to approve the application, Tovil Parish Council asks to be consulted on matters of materials, colour palettes, colour of render, hard and soft landscaping and details of design.

Consideration should also be made about the overlooking of the school.”

**Kent Highway Services** raise no objections to the development. The submitted transport assessment has been examined and the increase in traffic movements from the existing use is not significant. The visibility splays onto Eccleston Road would provide adequate visibility for traffic entering and leaving the development. The 44 parking spaces proposed for the 35 flats is an acceptable level of provision. A contribution towards parking restrictions to deal with existing parking problems and ensure that the development is available at all times. (**Officer Comment:** This request can be dealt with by Kent Highways through a Section 278 agreement under their own legislation).

**The Environment Agency** have been consulted as the site is identified as with an area liable to flooding, however there are no objections raised to the proposed development subject to the imposition of conditions that relate to new foul drainage and surface water drainage as the site is on the boundary of the Hythe Beds principal aquifer and the underlying impermeable Atherfield Clay and the submission of a contamination report with details of any attenuation measures required.

**EDF Energy** raise no objections to the proposed development.

**Southern Gas Networks** raise no objections to the proposed development.

**Southern Water (Atkins)** raise no objections to the development, however, they note that there would need to be improvements undertaken to the existing sewage system as there is currently inadequate capacity to serve the development. A condition requiring the submission of foul sewage details is requested.

**Kent County Council (Mouchel)** have commented and confirmed that there are sufficient capacity locally for primary and secondary school places. However they do request the following contributions:-

- Libraries – £2,017.11 total for bookstock at the new Library and History Centre required by the demand created by the proposed development.

- Adult Education – £180 per dwelling to provide additional space and capacity at the new Library and History Centre required by the demand created by the proposed development.
- Youth & Community – £2789.06 total for the provision of a detached youth worker to provide for the additional demand on youth requirements.

**West Kent PCT** request contributions towards the provision of healthcare of £25,200. These contributions would be used to fund improvements at the Holland Road Surgery, which is approximately 1 mile from the application site. This surgery is under pressure and will be improved/extended to accommodate additional demand.

**MBC Housing Enabling Officer** has commented on the application in accordance with the Affordable Housing DPD and states that a minimum of 40% of the units should be affordable in accordance with the Council's Affordable Housing DPD, which equates to 14 dwellings. Of these 14 units 24% of the 40% (8 units) should be for affordable rent with 6 units available for shared ownership or an alternative form of intermediate tenure. (**Officer Comment:** The Housing Officer is aware of the number of affordable housing units in the vicinity but this in no way factors into the above).

**MBC Parks and Open Space Manager** has requested £1575 per dwelling that would be spent on the nearby Bridge Mill Way open space and play area and the riverside walk between the application site and the town centre.

**MBC Environmental Health Manager** has commented and raised no objections to the proposal and recommends conditions that relate to contamination and methods to reduce air pollution.

**MBC Waste Collection Manager** has commented and stated that bin stores should provide residents with the ability to recycle and dispose of their waste at a single location.

#### **4. REPRESENTATIONS**

**Cllr John E Wilson (Councillor for South Ward)** has called the application to Planning Committee if officers are minded to recommend approval stating:-

"This application in spite of the height reduction from the original design and size, will have a significant affect when combined neighbouring developments i.e. The Point/Arundel Square/Stafford Gardens.

Significant traffic movements and road safety for pedestrians particularly at school times.

Building on the flood plain."

**Cllr Stephen Paine (Cllr for Fant Ward)** has called the application to Planning Committee if officers are minded to recommend approval stating:-

“(Reasons given) Potential public interest, the prominence of this site for certain residents living in Fant Ward, and - most importantly - a desire to ensure we have a development (if an appropriate location) of a high quality design with exemplary landscaping to enhance the character of the River Medway (one of our Council's key objectives).

I would like to see the applicant making a S106 contribution towards improving the riverside environment; I anticipate the money could mitigate the lack of private amenity space on the site by improving the towpath leading from Tovil Bridge to the Millennium Bridge. I also see the potential of using S106 monies for the creation of a 'gateway' (perhaps by use of architecture, art or landscaping - I am open to suggestions) to create a defined visual border before the tow path at Tovil bridge, where most people consider urban Maidstone ends and the "wild" riverside environment begins. I think it is important for us to have a clear end to the urban riverside in order to safeguard the beautiful character of the Medway Valley from urban creep. This is a wonderful opportunity to enable such a buffer zone to be properly defined and preserved.”

**Two letters of objection** has been received from a nearby resident raising the following objections:-

- Overlooking and loss of privacy
- Loss of light
- Noise and dust during construction
- Parking problems

**CPRE Maidstone** raise concerns with regard to the proposed development on the following grounds:-

- The proposed height of the blocks of flats is excessive
- There should be a mix of flat sizes including three and four bedrooms instead of just two bedroom dwellings
- Concern with regard to overlooking of the school
- Adequate car parking is required

## **5. BACKGROUND**

5.1 The scheme has been the result of pre-application discussions between the agents and Planning Officers where the height of the proposed blocks was reduced. Through the course of the application further negotiations have occurred that have resulted in a number of improvements to the scheme and these are set out below.

- An increased set back of the front block from Eccleston Road was requested and this has been incorporated into the scheme increasing from a minimum of 8m to a minimum of 10m between the front block and Eccleston Road.
- Projecting windows were sought on the flank elevation but the architects stated this was not possible due to the rain screen construction system proposed;

instead, a band has been introduced around the windows on the flank elevation in order to provide greater visual interest.

- Integral planters were sought as part of the balconies. However, due to their lightweight construction the balconies cannot support the high loadings that the integrated planters would exert. As an alternative, substantial planting troughs are proposed on the balcony to provide greenery for the private amenity spaces.
- Improvements were sought to the landscaping scheme and these have been made, including the introduction of hornbeam trees along the frontage.
- A suitable boundary treatment was requested adjacent to the access road in order to prevent overflow car parking on the landscaped frontage and a low level brick wall has been included within the scheme.
- A green roof was suggested and the architect states that the use of a Green roof has been explored, however, it has not been included within the scheme as the design concept for the building is a thin, elegant roof and the architects feel that the inclusion of this aspect would not be possible.
- A heavier material was suggested for the base of the building such as stone or an engineering brick. On this aspect, the architects felt that the use of these materials would undermine the design intention for the building, which intends to reverse the balance of massing found in classical compositions in order to draw the visual focus upwards.

5.2 Many of the requested changes have either been included or alternatives provided and now form part of the scheme to be considered by Members of the Planning Committee.

## **6. CONSIDERATIONS**

### **6.1 Site Description**

6.1.1 The application site relates to an area of land, approximately 0.23 hectares in area located on the west side of Eccleston Road. The site contains a vacant industrial style building, which is single storey in height and covers approximately two thirds of the site with the remainder covered in hardstanding some of which is car parking. There is an existing vehicular access onto Eccleston Road at the northern end of the site.

6.1.2 To the north and west of the site are industrial buildings, which are the former K E F Audio site and the River Medway beyond. On the opposite side of Eccleston Road is the recently completed residential development, 'The Point'. To the south is the former British Telecom Engineering Centre, former vacant commercial premises where Kent County Council have granted planning permission for a new

primary school, both outline and detailed permission. Eccleston Road slopes from south down towards the river at its northern end.

- 6.1.3 The site is within the urban area of Maidstone and within South Ward, although it is close to the boundary with two other Wards. The boundary with High Street is Eccleston Road (so the east side of Eccleston Road is in High Street Ward) and the boundary with Fant Ward runs along the River Medway so the north side of the river is located within Fant Ward.
- 6.1.4 In the recent past Eccleston Road has seen a significant amount of residential development with development recently completed on the east side of Eccleston Road (The Point), the CARTEM site on Beaconsfield Road and Tovil boatyard on Wharf Road. All of these developments are predominantly apartments and much of these are managed by Registered Social Landlords. In addition, planning permission has been granted by Kent County Council for a new primary school (Archbishop Courtney School) to the south of the site.
- 6.1.5 The site is identified as land liable to flood on the Environment Agency maps. It is also within an area designated under saved policy H9 of the Maidstone Borough-Wide Local Plan (2000). This policy states that housing development will be permitted on land at Beaconsfield Road/Eccleston Road/Wharf Road, Tovil provided that any phasing which may be necessary does not prejudice:
  - (1) The provision of any off-site highway works which may be required; nor
  - (1) The residential amenities of people living on the site before the development is complete; nor
  - (2) The provision of affordable housing.
- 6.1.6 The site also forms part of the Riverside Zone of Special Townscape Importance, which is defined by saved policy ENV7 of the Maidstone Borough-Wide Local Plan (2000). The policy requires development of a high quality that pays regard to their relationship with the river and other riverside developments.
- 6.1.7 The site was included within the Lockmeadow and Eccleston Road Development Brief Consultation Draft (2001). This document required a high standard of design for proposed development and was used, successfully, in the appeal into MA/03/0012 on the opposite side of the road (prior to the approval of the development at 'The Point'.

## **6.2 Proposal**

- 6.2.1 The application is for residential development on the site in the form of two blocks that would contain 35 two bedroom flats. The blocks would be six storeys in height with a flat roof and would have an elliptical shaped floor plan. The height of the blocks would be a maximum of 18.5m and each would have a frontage at ground floor level of 27.5m. The building would be designed in a way to reverse the balance of massing found in classical compositions in order to

draw the visual focus upwards. In this regard the rendered walls have been designed as 'battered' fins with the widest point at the fifth floor and the narrowest point at the base. The front building would address the street frontage of Eccleston Road and provide a presence as opposed to the vacant commercial premises that currently exist on the site.

- 6.2.2 The ground floor would incorporate car parking with living accommodation above on floors 1 to 5. One block would front Eccleston Road set approximately 10m back from the boundary with Eccleston Road. The second block of flats would be set further into the site with a separation distance of approximately 17m from the front block.
- 6.2.3 The flats would all have two bedrooms and each unit would have a private balcony to provide amenity space for the future occupants. There would be a communal garden area located between the blocks of flats on the southern side of the site.
- 6.2.4 The proposal would incorporate an access onto Eccleston Road close to its northern boundary, in a similar location to the existing vehicular access. There would be undercroft car parking with a total of 49 car parking spaces provided under and between the two blocks of flats. The bin storage area and a turning circle for a refuse lorry would be located within the site.
- 6.2.5 The proposal would include a significant amount of landscaping including a considerable buffer to the boundary with Eccleston Road, which would supplement the existing landscaping on the front boundary that would be retained and along the southern boundary with the future school.
- 6.2.6 The nearest residential properties would be those at 'The Point' on the opposite side of Eccleston Road and these would be a distance of approximately 25m from the closest proposed building.

### **6.3 Principle of Development**

- 6.3.1 The application site is previously developed land located within the urban area of Maidstone. It is designated for housing development under policy H9 of the Maidstone Borough-Wide Local Plan (2000). It forms part of a wider area of former employment sites and the area has been the subject of regeneration through high quality residential developments. There are nearby amenities in terms of shops and associated facilities within Tovil and the site is within walking distance of the town centre and the wide range of facilities and modes of transport available.
- 6.3.2 The fact that the site is previously developed land and located in a sustainable location within the urban confines of Maidstone means that the principle of residential development conforms to the guidance set out at national level in both PPS1 and PPS3.

- 6.3.3 The site is covered by policy H9 of the Maidstone Borough-Wide Local Plan (2000), which identifies the site as acceptable for the provision of new residential development and also policy ENV7 of the Maidstone Borough-Wide Local Plan (2000) that requires development of a high quality that pays regard to their relationship with the river and other riverside developments. There is other relevant supplementary guidance such as the Kent Design Guide that echoes the theme of a high quality design to development.
- 6.3.4 The site area is 0.23 hectares and the proposal is for 35 flats. This equates to a density of 152 dwellings per hectare. This density is relatively high, however, is not uncommon when considering flatted development in urban areas as smaller units will result in higher densities.
- 6.3.5 National guidance in PPS3 and Development Plan policies, in particular ENV7 and H9 of the Maidstone Borough-Wide Local Plan (2000) identify this site as appropriate for a high quality residential development and I consider that the principle of such development is acceptable. Given the sites location in the Riverside Zone of Special Townscape Importance the quality of the design including architecture and landscaping is critical to an acceptable scheme.

## **6.4 Visual Impact and Design**

- 6.4.1 The area surrounding the site has been the subject of significant levels of development in recent times with more planned, such as the new primary school on the adjacent site to the south. The development at 'The Point' on the east side of Eccleston Road incorporates varied buildings of between two and six storeys in height. The largest of these buildings are located towards the river frontage whereas towards the southern end of the site, near Tovil Road there is more of a traditional residential streetscape. Design has been guided in this area by the Zone of Special Townscape Importance policy (ENV7), the Kent Design Guide and National Guidance.
- 6.4.2 The proposed block that would front the road, at six storeys, would be a substantial building. However, the character of the surrounding area, in particular the recent development at 'The Point', is of large bold buildings of substantial height. The site is in a valley with Eccleston Road rising considerably along its length from the river to the junction with Tovil Road. The key consideration in determining whether the scale of the building is acceptable is the space that remains around the building. The development is set a significant distance back from Eccleston Road (10m) with a separation distance of 17m between the blocks. These distances would result in a significant space around the buildings and would create an adequate setting. The space around the buildings combined would be enhanced and soften the setting of the buildings by the proposed landscaping. The main vista in the area is looking down Eccleston Road towards the River Medway. The set back of the proposed building from the boundary with Eccleston Road would ensure that this vista is maintained and the

building would not compete with Riverside views and would not have an enclosing impact, which would occur if a building of this side was located close to Eccleston Road.

- 6.4.3 The location of the car parking underneath the buildings and between the two blocks would ensure that the frontage to Eccleston Road would be characterised by a spacious set back and significant levels of landscaping. The hardstanding would be limited to a vehicular access in a similar position to the existing access and a pedestrian path into the site.
- 6.4.4 Turning to the matter of the design of the building, this is a key consideration in the determination of this application. Policies ENV7 and H9 of the Maidstone Borough-Wide Local Plan (2000) require residential development in this area to be of a high quality.
- 6.4.5 The result is a scheme that would address Eccleston Road and achieve the aim of a street building within the Riverside Zone of Special Townscape Importance without appearing dominating in the street scene. The materials, including the contrast of the light coloured render and the dark bonded resin would provide a high quality finish to the development. The architects have stated the buildings were designed in a way to reverse the balance of massing found in classical compositions in order to draw the visual focus upwards. In this regard the rendered walls have been designed as 'battered' fins with the widest point at the fifth floor and the narrowest point at the base. The result is that the building itself would be well designed and the elliptical shape of the footprint offers a curved frontage that maximises its visual presence along Eccleston Road. This curved frontage to the building and the balconies stretching the width of the block would ensure that the development would have a presence onto Eccleston Road that would enhance the street scene.
- 6.4.6 Although the frontage would offer a significant enhancement to the Eccleston Road street scene the flank elevations of the blocks would also be visible, particularly when approaching from the south where the road rises. The flank elevation themselves would not be without visual interest, there would be a projecting white rendered 'frame' that would surround the elevation with a dark wood finished resin bonded cladding with recessed windows. These aspects would provide a significant level of visual interest to the elevation and this combined with the fact that the balcony areas on the top floor and the curved nature of the buildings would ensure that the views of the site from the south along Eccleston Road would be enhanced by the development.
- 6.4.7 The proposed landscaping would be an integral part of the scheme. The increased set back from the road that has been negotiated with the applicant has increased the landscape buffer zone between the development and Eccleston Road. This buffer would create a soft setting for the development and provide important 'greening' of the street with the inclusion of hornbeam trees in this area.

- 6.4.8 Within the site there would be significant landscaping, in particular along the boundaries and also to provide a communal garden area for the residents of the development.
- 6.4.9 There are no protected trees on the site or close to its boundaries and as such the development would have no impact on protected trees. The development would achieve level 3 on the Code for Sustainable Homes and a condition will be imposed ensure this is achieved.
- 6.4.10 The design of the development would be high quality and would enhance the street scene of Eccleston Road. The design is acceptable in terms of the requirement of Development Plan policies ENV7 and H9 and the proposed materials would create a high quality finish to the development that would improve the character of the area.

## **6.5 Residential Amenity**

- 6.5.1 The nearest residential occupiers are those in the properties in 'The Point' development on the east side of Eccleston Road. These properties would be a minimum of approximately 25m away from the proposed flats and across the public highway of Eccleston Road. This distance would be sufficient to ensure that there would be no significant loss of light to the neighbouring occupiers.
- 6.5.2 There is a separation distance of 25m between the existing properties and proposed flats, a public highway is between the developments and the proposed landscaping buffer between the block of flats and Eccleston Road would provide a screen. These factors would ensure that there would not be significant overlooking from the proposed flats and the levels of privacy of existing occupiers would be maintained.
- 6.5.3 The distance between the proposed block of flats and the existing occupiers is sufficient to ensure that there would be no loss of amenity in terms of an overwhelming impact on the occupiers.

## **6.6 Highways**

- 6.6.1 The proposal would include a vehicular access onto Eccleston Road at the northern end of the site, furthest from the boundary with the proposed primary school. The access would provide adequate visibility splays to allow the safe egress from the site without compromising the safety of users of Eccleston Road.
- 6.6.2 Within the site there would be 49 car parking spaces for the 35 flats. This would represent a ratio of 1.4 spaces for each flat. The proposed parking level in excess of a one for one ratio would represent an adequate level of provision that would provide for the occupants of the flats without creating significant additional pressure on the on street car parking. In addition to the car parking

provision there would also be 35 cycle spaces proposed, therefore representing one for each flat. Kent Highways have requested a contribution towards parking restrictions to deal with existing parking problems and ensure that the development is available at all times. This would not be possible to secure under a Section 106 agreement but Kent Highways themselves could secure the contribution through a Section 278 agreement.

6.6.3 There have been no requests for contributions towards public transport from KCC Highway e.g. 'live information' at the nearby bus stops. I consider the public transport facilities here to be more than adequate to cope with any demand generated by this development.

6.6.4 The vehicular access would be sufficiently wide for a refuse lorry to enter the site and there would be adequate space within the site for the refuse lorry to turn within the site and leave in a forward gear. The swept paths have been submitted as part of the block plan.

## **6.7 Flood Risk**

6.7.1 The application site is within an area identified as liable to flooding from fluvial flooding of the River Medway. The applicant has submitted a Flood Risk Assessment as part of the planning application. The Flood Risk Assessment examines the site and concludes that whilst the site falls within an area with a high probability of flooding it does not fall within the functional floodplain. There is a clear distinction between these two categories with regard to PPS25, which states that development other than essential transport and utilities infrastructure should not be located within the functional floodplain.

6.7.2 It is clear from the design of the buildings that flood risk has been a major consideration in the design concept. The use of the ground floor for car parking and the first to fifth floors for the living accommodation means that the residential accommodation would be protected from any flood incidents.

6.7.3 In order for the occupants of the flats to have a safe passage out of the buildings at times of a flood event an escape path is proposed. This path would be raised to 7.85mOD, which is approximately 100mm above the existing ground level and this would provide a safe route to Eccleston Road, where the road itself is in excess of 9mOD and safe dry access can be achieved. It will be essential to ensure that the occupants of the flats are included on the Environment Agency's floodline warning system.

6.7.4 The Environment Agency has been consulted on the application and considers the proposed development acceptable subject to the imposition of conditions with regard to foul drainage and surface water drainage as the site is on the boundary of the Hythe Beds principal aquifer and the underlying impermeable Atherfield Clay. The applicant has agreed to these conditions and as such I do

not consider that the development would have an unacceptable flood risk that would warrant refusal.

## **6.8 Section 106 Heads of Terms**

6.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

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

6.8.2 The following requests have been made by consultees as a result of the proposed development:-

- Affordable Housing – a minimum of 40% of the development, which equates to 14 units.
- Parks & Open Space – £1575 per unit towards the improvement of existing open spaces.
- Primary Healthcare – a contribution of £25,200 for the development, which equates to £120 per occupant for a 3 year period.
- Libraries – £2,017.11 in total to provide additional bookstock at the new Library and History Centre required by the demand created by the proposed development.
- Adult Education – £180 per dwelling to provide additional space and capacity at the new Library and History Centre required by the demand created by the proposed development.
- Youth & Community – £2789.06 for the provision of a detached youth worker to provide for the additional demand on youth requirements.

6.8.3 This proposal includes the provision of contributions for the Primary Care Trust (PCT), Kent County Council (KCC), and for Maidstone Borough Council Parks and Open Space Department (POS). The applicant has been made aware of these requests, and has agreed, in writing, the heads of terms as set out below.

6.8.4 The applicant has been made aware of the requirement to provide a minimum of 40% affordable housing within the development. This requirement accords with the Development Plan Document (DPD) adopted in 2006. This DPD acknowledges that there is a significant shortfall of affordable properties within the Borough, and as such, has identified this as a requirement of all planning applications of 15 units or more. There has been a significant level of affordable housing constructed in the vicinity, however, the DPD is based on the requirement of the whole Borough and makes no distinction between areas. Furthermore, central government has also highlighted the provision of affordable housing as a priority. I am therefore satisfied that the provision of 40% affordable housing would meet the three tests set out above.

6.8.5 Maidstone Borough Council Parks and Open Space Officer was consulted and has requested that a contribution of £1,575 per dwelling be made to improve the open space provision within the locality. It has been agreed that this money would be spent to improve the play area and open space of Bridge Mill Way, which is within a short walk of the application site and the riverside walk along the towpath between the application site and the town centre. The application proposes the provision of two bedroom units ranging between 67m<sup>2</sup> and 122m<sup>2</sup>, which are capable of being suitable for family accommodation. I therefore am of the opinion that providing these contributions would not only be in accordance with the Councils adopted Development Plan Document (DPD) but the three tests set out above.

6.8.6 The PCT have requested that a contribution of £120 per occupant per dwelling be provided to upgrade the existing facilities within the locality, to ensure that the additional demand placed upon this infrastructure can be accommodated. The PCT have confirmed that the money will be spent upgrading the nearby surgery within Holland Road. Policy CF1 of the Local Plan states that residential development that would generate a need for new community facilities will not be permitted unless the provision of new (or extended) facilities are provided, or unless a contribution towards such provision is made. I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing surgeries, and that the money being requested is not excessive. Whilst the surgery identified at Holland Road is not the closest surgery the PCT have confirmed that the College Practice on College Road is not able to be extended or improved at this time. It is important to offer a range of healthcare facilities so that residents have a choice of surgeries and it is not unreasonable that residents would attend this surgery, which is approximately 1 mile from the site. I am therefore satisfied that this request for contributions complies with the three tests as set out above.

6.8.7 KCC has requested that the following contributions be made:

- £2,017.11 in total for additional bookstock at the new Library and History Centre required by the demand created by the proposed development.;
- £2789.06 for the additional youth and community workers (part thereof) required as a result of this development.
- £180 per unit for adult education to provide additional capacity at the new Library and History Centre required by the demand created by the proposed development.

Again, I am satisfied that this request is in accordance with Policy CF1 of the Maidstone Borough Wide Local Plan (2000). KCC have identified that there would be an additional requirement for bookstock of the assessment of 16 active borrowers to be generated by the new development. In order to meet this additional demand, KCC have assessed the requirement as a total requirement of £2,017.11. I consider this request to meet the tests set out above.

6.8.8 With regards to the request for youth and community workers, KCC have identified that the proposal would give rise to additional demand for such a provision. The request is for a contribution towards the provision of a detached youth worker to serve the demand from the development. I consider that this request is justified, and than applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

6.8.9 With regards to the request for adult education, KCC have identified that the proposal would give rise to additional demand for such a provision. The requested monies would be spent on increasing the capacity for adult education at the new Library and History Centre. I consider that this request is justified, and than applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.

## **6.9 Other Matters**

6.9.1 The issue of noise and dust during construction has been raised by a nearby resident. This is not a planning issue that can be considered, however, I propose imposing an informative to advise the applicants of the need to limit noise and dust creation.

6.9.2 The issue of overlooking of the proposed primary school has been raised by objectors and the Parish Council. The rear building is separated by a distance of at least 8m to the boundary with the school site and there would be significant levels of landscaping along the boundary preventing easy overlooking of the school play areas. The front building would be adjacent to the other school buildings and would not offer any views into the school recreational areas or views into classrooms.

## **7. CONCLUSION**

7.1 This proposal would provide residential development on an existing redundant brownfield site in the urban area that is identified for residential under policy H9 and is within the Riverside Zone of Townscape Importance (ENV7) of the Maidstone Borough-Wide Local Plan (2000). The site and the development responds to the street rather than the river vista. The principle of the development is acceptable and conforms to the policies of Development Plan and national guidance.

7.2 The development would achieve the regeneration of this vacant site through residential development, as has occurred with a number of sites in the vicinity. The proposed flats would result in a high quality designed development within a good setting that would improve the character and appearance of the area and result in the 'greening' of this part of Eccleston Road.

- 7.3 The development has been designed to minimise the risk posed by flooding and would provide a means of escape to Ecclestone Road at times of flooding. The Environment Agency are satisfied with the proposal and do not raise objections to the development.
- 7.4 I recognise that there is concern locally with regard to on street car parking. However, this proposal includes 49 car parking spaces for the development, which equates to 1.4 spaces per unit and is an adequate level of provision for the 35 proposed flats.
- 7.5 The additional demand for services and the provision of affordable housing will be dealt with by way of a legal agreement. I therefore recommend that Members give this application favourable consideration and give delegated powers to the Head of Development Management to approve subject to the submission of a suitable S106 agreement and the conditions and informatives as set out below.

## **8. RECOMMENDATION**

Subject to the submission of a S106 legal agreement addressing the following matters:

- A minimum of 40% affordable housing on site;
- £2,017.11 for additional capacity at the new Library and History Centre required by the demand created by the proposed development;
- £2789.06 for the additional youth and community workers (part thereof) required as a result of this development;
- £180 per unit for adult education to provide additional capacity at the new Library and History Centre required by the demand created by the proposed development;
- A contribution of £25,200 for improving the existing health care facilities within the Holland Road Surgery;
- A contribution of £1,575 per dwelling for the improvement of the open space within Bridge Mill Way and the riverside walk between the application site and the town centre.

## **9. RECOMMENDATION**

The Head of Development Management BE GIVEN DELEGATED POWERS TO APPROVE subject to the conditions set out below:

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. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policies ENV7 and H9 of the Maidstone Borough-Wide Local Plan (2000), BE1 of the South East Plan (2009), the Kent Design Guide and guidance contained in PPS1 and PPS3.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including large planting troughs on the balconies, 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 a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with policies ENV6, ENV7 and H9 of the Maidstone Borough-Wide Local Plan (2000), BE1 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

4. 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 building(s) 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 setting and external appearance to the development in accordance with policies ENV6, ENV7 and H9 of the Maidstone Borough-Wide Local Plan (2000), BE1 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

5. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4, H5 and M1 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

6. No development shall commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment in accordance with guidance contained in PPS23.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 in

accordance with policies T13 of the Maidstone Borough-Wide Local Plan (2000) and T4 of the South East Plan (2009) and PPG13.

8. No occupation of the units hereby permitted shall take place until the bicycle storage facilities hereby permitted have been provided. This facility shall thereafter be maintained.

Reason: To ensure a sustainable form of development in accordance with PPS1.

9. Prior to the commencement of development details of the proposed means of foul sewerage disposal and surface water disposal 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;

Reason: To ensure adequate sewage disposal and drainage in accordance with policy CC4 of the South East Plan (2009).

10. The development hereby permitted shall be carried out in accordance with the following approved plans:  
531:P01 A, 531:P02 A, 531:P03, 531:P04, 531:P05, 531:P06, 531:P07, 531:P11, 531:P25;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with in accordance with policies ENV7 and H9 of the Maidstone Borough-Wide Local Plan (2000), BE1 of the South East Plan (2009), the Kent Design Guide and guidance contained in PPS1 and PPS3.

### **Informatives set out below**

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (telephone number 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas

secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.