

APPLICATION: MA/11/1078 Date: 27 June 2011 Received: 29 June 2011

APPLICANT: Assura Medical Centres Ltd

LOCATION: 13, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8HG

PARISH: Maidstone

PROPOSAL: Planning application for the erection of a three storey medical centre and 10 dwellings together with associated landscaping and access in accordance with plans numbered 1110/19; 1110/20; 1110/09; 1110/18; 1110/02; 1110/21; 1110/04; 1110/01; 1110/03; 1110/17; 1110/22; 1110/08; 1110/06; 1110/15; 110/14; 1110/13; 6917se-01; 1110/07; 1110/12; 1110/05; 2137/01, site location plan, design and access statement, sustainability statement, and planning statement received on the 29 June 2011 and amended plan 1110/20 received on the 15 August 2011.

AGENDA DATE: 13th October 2011

CASE OFFICER: Chris Hawkins

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

- It is a departure from the Development Plan.
- The Council own the application site.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2(xxiii), T13, ENV6, CF1, CF2
- Maidstone Borough Council Draft Core Strategy 2011
- Local Development Framework Affordable Housing DPD (2006)
- Local Development Framework Open Space DPD (2006)
- Government Policy: PPS1, PPS3, PPS4, PPS5, PPG13, PPS23, PPG24
- National Planning Policy Framework Draft 2011.

2. HISTORY

MA/05/2276 - 13 Tonbridge Road. Outline application for residential development with all matters reserved for future consideration. Withdrawn.

MA/10/1231 - 13 Tonbridge Road. Outline application for the erection of a residential care home with all matters for future consideration. Resolution to grant – awaiting the submission of an appropriate S106 agreement.

MA/10/1232 - 13 Tonbridge Road. Outline application for residential development with all matters reserved for future consideration. Resolution to grant – awaiting the submission of an appropriate S106 agreement.

MA/10/1233 - 13 Tonbridge Road. Outline application for the erection of a mass storage warehouse with all matters reserved for future consideration. Withdrawn.

- 2.1 Three outline planning applications were submitted last year, with two obtaining a resolution to grant, with the other withdrawn. These applications agreed the principle for alternative uses within the application site contrary to the policy designation of policy. Although these applications have not received permission (as the Council have been unable to enter into a S106 agreement with themselves as they own the land, and they have not sought to pursue these approvals), these Council resolutions are a strong material consideration in the determination of this application. It should be noted that at Planning Committee, there was a strong desire to see an exemplar development upon the application site.

3. CONSULTATIONS

- 3.1 **Kent County Council Highway Services** were consulted and are satisfied with the level of parking proposed in this location and consider the proposed access to meet the required standard. They therefore raise no objections to the proposal subject to the following matters being addressed by condition and informative:

- Parking for operatives vehicles;
- Disposal of surface water from the site – so that it does not run onto the highway;
- Disposal of mud onto the road from operatives vehicles;
- Removal of pd rights for the parking spaces and loading areas;
- Sufficient cycle parking to be provided prior to occupation;
- The access shall be provided prior to any other works on site;
- Suitable pedestrian splays are to be provided; and
- The existing access onto Tonbridge Road shall be closed up prior to the first occupation.

3.2 **Maidstone Parks and Open Space Officer** was consulted and requested that a financial contribution of £1575 x 10 be made towards the improvement of parks and open space within the locality as per the open space DPD. The sites have been identified as those set out below:

- Whatman Park – The Skate Area in this park is very well used and a very popular site for young people. The skate ramps are in poor repair to the point where they are now having to be removed. It is the closest play area to the development which is showing as requiring improvements on our play scoring matrix. The area has also been highlighted by the Police as an area which draws young people away from anti-social behaviour if it's in good working order.
- Buckland Hill Allotments – This site is less than 0.5 miles away from the development and only half of it is in use. The half not in use is currently scrubland and a site for anti-social behaviour, by improving the site and improving the scrubland into allotments it would aim to reduce anti-social behaviour in this area and provide more allotment space to local residents of which there is already a considerable waiting list.

3.3 **Maidstone Borough Council Landscape Officer** was consulted and raised no objections. The comments are set out below:

'The proposal will result in the loss of several small trees of up to 6m in height on the western boundary. I consider that these trees are of medium to low value in terms of their contribution to public amenity and character of the area. I therefore raise no objection to their loss on arboricultural grounds.

The Landscape Masterplan by Lloydbore proposes a good depth of planting to the site frontage, with a line of Small Leaf Lime trees. I consider the general principles set out on the Landscape Masterplan and the design and access statement to be acceptable and therefore raise no objection to the proposal, subject to standard pre-commencement conditions requiring the submission and approval of detailed landscaping plans and long term management of landscaping, and a standard landscape implementation condition that specifies when the approved planting is to be carried out, but modified to ensure that failed plants are replaced and the scheme is retained for a minimum of 10 years following planting.'

3.4 **Maidstone Borough Council Environmental Health Officer** was consulted and raised no objections to the proposal. The comments are set out below:

'This would seem to be a more suitable use for this site, rather than a solely residential scheme. Whilst not having any major concerns, there are nevertheless some issues remaining. The sustainability report attached to the

application considered the options for powering and heating the proposed medical centre discussed and ruled some of the alternatives out for economic or suitability criteria. It was pleasing to see that the issue of noise affecting existing nearby residential properties was considered for each scheme. The favoured option at the moment would seem to be a ground heat source pump arrangement. However, there could be a noise element to this and other options, especially if a plant room is required. Therefore a noise assessment should be carried out to quantify the noise levels that would be experienced for the preferred option at the nearest residential properties. Also, a land contamination assessment should likewise be carried out, due to the previous use of this site and taking into account the proximity of other industrial land use.'

- 3.5 **West Kent Primary Care Trust (PCT)** was consulted and requested that a contribution of £11,088.00 be provided by the applicants to meet the additional demand of the additional 10 dwellings. This money would contribute towards the provision of the medical centre/surgery at the front of the application site.
- 3.6 **Kent County Council (Mouchel)** were consulted and requested that contributions be made for additional primary school places and for contributions to be made for improved book stock within local libraries and for adult social services. The contributions sought are as follows:
- £20,516.56 towards primary school places;
 - £2348.00 for libraries, youth and community learning; and
 - £774.85 for adult social services.

The matter of contributions is dealt with in the main body of the report.

- 3.7 **The Environment Agency** were consulted and raised no objection subject to the imposition of a condition ensuring that suitable investigation and mitigation is provided to ensure that any contamination is properly addressed.
- 3.8 **Southern Gas** were consulted and raised no objections to the proposal.
- 3.9 **UK Power Networks** were consulted and raised no objections to the proposal.

4. REPRESENTATIONS

- 4.1 Neighbouring occupiers were notified and 2 letters of objection have been received. The main concerns raised within these letters are:
- The impact that the proposal would have upon the existing highway network;
 - There should be no residential on the site due to its allocation within the Local Plan;

- There should be no gardens adjoining the nearby commercial land;
- There should be suitable boundary treatments to prevent the transmission of air borne noise.

4.2 There have been no further representations made.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is the former Maidstone Borough Council offices on the south side of the A26, Tonbridge Road. The 2-3 storey buildings previously at the site have been demolished and the site has been cleared, with boards erected to the road frontage. There is no vegetation of any significance remaining within the site, and the frontage trees no longer exist. The site has a road frontage width of 44m and depth of some 95m with an existing access off Tonbridge Road roughly in the centre of the frontage. Tonbridge Road is a two lane, one way road in a westward direction at this point past the site. The site slopes gradually to the south from Tonbridge Road. Internally, the site is relatively flat (although there was a pronounced 'dip' in the land as the access road run under the offices to the front of the site).
- 5.1.2 This area has a mix of residential, retail and business uses. The site itself is surrounded by buildings with nos. 5-9 Tonbridge Road to the east being single and two storey retail units. The Corben's Business Centre is to the rear of these properties and extends from the east edge of the site around the south. This centre has a mix of single and two storey buildings with a range of uses including a building plant hire and repair company and warehousing. To the southwest of the site are terraced houses at Rowland Close and to the west fronting Tonbridge Road is the large 3 storey Westree Court building which provides student accommodation. Opposite the site are two storey semi-detached houses and offices and a car parking area.
- 5.1.3 The site and land to the south and east extending to the railway line is designated under policy ED2 of the Local Plan for economic use for class B1 (office and light industry) uses. Land opposite on the north side of Tonbridge Road is also designated for such use.
- 5.1.4 The site is located within a particularly sustainable location, in that it is within walking distance of the town centre (approximately 500metres from the Town Hall) and only 100metres from Maidstone West (which serves the Medway Valley Line) railway station, and the bus stops located outside (that serve buses to Barming, Teston, Tonbridge, Tunbridge Wells and Paddock Wood). The site is also approximately 500metres from the existing surgery, 'The Vines' that this medical centre would replace in its entirety. No plans for what will happen to the existing building that houses the surgery have been submitted to date.

5.2 Proposal

- 5.2.1 This is a full planning application for the erection of a three storey medical centre to the front of the site (with associated car parking and landscaping), and the erection of ten dwellings within the rear element of the site. The properties would be in the form of a pair of semi-detached dwellings, a detached property and a row of seven terraced dwellings (that would be to the rear of the site). The medical centre is proposed to replace the existing Vines surgery within Tonbridge Road.
- 5.2.2 The medical centre would be set back from the edge of the highway by a distance of 7.5 metres. It would have a maximum height of 12 metres, and a maximum depth of 27metres. The centre would be constructed of brick, with rendered elements, and some panelling. The top floor (second floor) would be set back from the front elevation by approximately 1.2metres.
- 5.2.3 The front elevation of the building would have a single storey, flat roof projection (which would form the pharmacy). This would be constructed of brick, with rendered elements, and a parapet wall. A full height living wall has also been incorporated along the western elevation of this element.
- 5.2.4 The medical centre would have a low pitched roof (constructed of slate effect tiles) and would also have an overhang of approximately 350mm. Photovoltaic cells are proposed to be incorporated west, east and southern elevations of the building. It is proposed that the medical centre achieve a minimum of a 'very good' BREEAM rating, with the applicants stating an aspiration to achieve 'excellent' if possible.
- 5.2.5 Internally, the building would contain a pharmacy, eight consulting rooms, three nurse treatment rooms, a minor operations room, counselling facilities, training room and office space.
- 5.2.6 To the rear of the medical centre would be a car parking area, that would allow for the parking of 34 cars (including 3 disabled spaces). These would be set out along the western boundary of the site, and immediately to the rear of the building. The applicant has indicated that this would be constructed of asphalt, along it has been requested that the individual parking spaces be identified through the use of a different surface, either through the use of a different colour, or material. Soft landscaping is proposed around the parking area, including hedge and tree planting, as well as low level (but hard wearing) planting immediately adjacent to the spaces.
- 5.2.7 To the rear of the car parking area, would be a landscaped strip, and a 1.8metre high brick wall, that would demarcate the change to a residential use. Within the highway, granite sets would identify this change in use.

- 5.2.8 The residential units would be set out as a pair of semi-detached properties, facing westwards, with car parking to the front. These properties would be two storey with a room within the roof (pitched roof dormer within the front elevation – rooflights to the rear). These buildings would have a maximum height of 9.3metres, a width of 10.3metres, and a depth of 9metres.
- 5.2.9 On the western side of the access would be a detached dwelling, which would face southwards. This would be of a similar design to the semi-detached properties, with PV cells on the southern (front) roofslope. The dwellings are all to achieve a minimum of level 4 of the Code for Sustainable Homes (CSH).
- 5.2.10 The terraced properties to the rear of the application site would be both two and three storey (rising to three storey within the centre of the terrace). These would again be of brick construction at ground floor, with timber cladding at first and second floors. The three storey elements would have projecting bay windows at first and second floor windows (clad in different colour timber). The three storey dwellings would have an integral garage.
- 5.2.11 The central dwellings would have a maximum height of 12metres, with the properties closest to the student accommodation having a maximum height of 9.2metres. Each property would be approximately 9metres in depth.
- 5.2.12 All residential properties would be provided with rear gardens, that would have a depth of approximately 9metres (although plot 10 has a L-shaped rear garden, and as such is less deep). The proposed density of this part of the development (not taking into account the medical centre to the front, or car parking) is approximately 60 dwellings per hectare.

5.3 Principle of Development

- 5.3.1 The site lies within an area designated for employment purposes (B2) by virtue of policy ED2 (xxiii) within the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

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

- 5.3.2 As Members will see, there has been significant recent planning history on this application site, which has seen resolution to grant planning permissions for residential use, and a care home (resolution granted in 2010). This is clearly a strong material consideration when determining this planning application.

- 5.3.3 Within the previous planning application MA/10/1232 (for residential units) the applicant submitted the marketing details of the site, and a viability report for the provision of office units within the application site. This demonstrated that there was little demand for office units within this location, indicated both through the marketing information submitted (and the subsequent responses received) and also within the viability report submitted. Whilst no marketing information, or viability appraisal has been submitted with this application, I am satisfied that due to the very recent planning history (these permissions are still awaiting approval subject to the submission of a S106 agreement), the matters considered only last year are still relevant. Whilst no market update has been submitted with the application, I am satisfied that there has not been a significant change in the market circumstances of Maidstone Town Centre, with no increase in demand for office accommodation within this locality (and indeed within this specific site), with no proposals for office accommodation on this site being brought forward. It should also be noted that the policies within the Maidstone Borough Wide Local Plan were adopted in excess of 11 years ago – and circumstances have changed significantly in that period.
- 5.3.4 Furthermore, a significant portion of the site would be given over to a medical centre, which (in accordance with PPS4) is classified as a 'town centre use.' The use of the site for this purpose, within a highly sustainable location can therefore be supported by the significantly more recent government guidance. As approximately two thirds of the application site would be given over for this town centre, employment use, I consider that the inclusion of residential properties to the rear, to not have a significant impact upon the level of employment land utilised for employment purposes within the locality (approximately 0.16 hectares is proposed to be given over for residential use). It should also be noted that the general thrust of central government guidance and policy in recent years has been to support mixed use developments within sustainable locations. The provision of a new community facility such as this is something that I consider to have an overall positive impact upon the wider community, due to the additional services and facilities that it will provide, over and above the existing services provided within the locality.
- 5.3.5 I am therefore satisfied that due to the recent resolution to grant a full residential use for the site (which can still be implemented subject to the receipt of a suitable S106 agreement), and due to the fact that the majority of the site is to be given over to a public use (that generates/retains employment), it is acceptable to depart from the Development Plan in this instance, subject to all other material considerations being met.

5.4 Visual Impact

- 5.4.1 The proposal is for the erection of a three storey medical centre to the front of the application site. Following pre-application discussions, the applicant was

made aware of the importance to ensure a good landscaped area, to replace those lost at the front, is provided to the front of the site, due to the proposed height of the building – to ensure that the building did not appear overly dominant from the highway. I am satisfied that the provision of a three storey building within the location would not appear out of character with the surrounding development. It would be of a similar scale to the neighbouring student accommodation, with a ridge height that would be lower than this wider block. I do not consider that a building of this height and bulk would appear out of keeping with the context of the area.

- 5.4.2 The front elevation of the building is considered to be of a good standard of design, subject to the use of high quality materials. The building would be constructed predominantly of brick, with small elements of render and panelling. I consider the use of brick to relate to the positive elements of the locality, in particular the semi-detached properties on the northern side of Tonbridge Road. The use of render, within the projecting element gives the building a sense of layering, and also articulates the elevation, providing some relief. The top floor of the building (second floor) would be set back and would be provided with a good level of glazing, with render between – which would provide a more lightweight appearance, thereby reducing the perceived bulk of the building.
- 5.4.3 I am satisfied that the proposed medical centre would be of a good standard of design that would respond positively to the character of the area. The scale of the building is considered to be appropriate, as it would not appear as too squat within the site, yet, due to the set back at the second floor level, would not dominate the street – aided by the landscaped buffer to the front of the site that includes tree planting and low level shrubs. Whilst predominantly constructed of brick, I consider there to be sufficient detailing, and the use of render, a living wall upon the side elevation and panelling to ensure that the building would not appear as stark. There would be projections and set backs that would ensure that the building would be layered, providing some articulation.
- 5.4.4 The building has a relatively strong horizontal emphasis, which responds to the character of the nearby buildings, in particular the form of the student block adjacent to the site, and the detailing on the semi-detached properties opposite the site. However, the tree planting to the front of the site would provide some vertical emphasis that would provide a good balance to this important front elevation.
- 5.4.5 I consider that the use of a green wall upon the eastern elevation of the pharmacy would also soften the appearance of the building, which is important at this point, as the access road, and path into the site runs adjacent to the wall. This green wall provides a soft buffer, and ensures that the development does not appear as too harsh at this point (and this would be a particularly visible aspect of the development).

- 5.4.6 It is noted that there would be a significant level of car parking within the application site, and at pre-application stage the applicant was advised of the need to keep this to a minimum, but ensuring that there would be sufficient parking to ensure that the site was accessible to all. It was requested that the areas of car parking were well landscaped, and provided with hedge and tree planting. The applicant has provided some tree planting within the development, in particular along the western boundary, but also within the central car parking area. Whilst not as much as perhaps requested at pre-application stage, it should be noted that there are significant size constraints within the site, and the applicant has reduced parking numbers where possible. I am satisfied that the layout, as shown would be acceptable, and that from views outside of the site, there would be a significant enhancements to the existing views into and across the site (it should be noted that there is not significant soft landscaping at present).
- 5.4.7 With regards to the properties to the rear of the site, I am satisfied that these are of a suitable standard of design. It is noted that they are of a significant height, being over 9metres to ridge, however, these would not appear as out of context, due to the variety of building types (with varying heights and masses) within the locality, for example the three storey student block to the west, and the lower slung commercial units to the east. These dwellings would also be set far enough back into the site, and with sufficient space to the boundary to ensure that they have sufficient 'breathing space' and not appear as cramped within the site, irrespective of the relatively high density of over 60 dwellings per hectare.
- 5.4.8 Whilst the semi-detached and detached properties do not actively front the public element of the development, I consider that this makes sense in terms of urban design. This addresses that this is a different, residential area away from the publicly used medical centre. The applicant has amended the elevations of these properties to ensure that there are windows on each elevation, and the use of timber cladding with also further soften their appearance. I am therefore satisfied that the residential element of the proposal would be well designed.
- 5.4.9 As the residential dwellings would achieve level 4 of the code for sustainable homes, the applicant is suggesting the use of PV cells within the roof slopes of all properties. I do not consider that this would have an adverse impact upon the design of the properties.
- 5.4.10 I consider that the proposal would be well designed. Each element would sit comfortably within the site, without appearance as dominant or overbearing. The medical centre would respond positively to the overall character and appearance of the locality, being of a suitable scale and mass that would not appear as incongruous. The design of the medical centre is good, and the dwellings of a

sufficient standard to warrant an approval. The detailed design would respond to the positive aspects of the surrounding development, taking cues from the attractive buildings opposite. The site has been laid out in such a way as to maximise its use, but also to improve views into and across, with the provision of enhanced soft landscaping. Furthermore, the development is proposed to achieve a very high sustainability rating in terms of CSH and BREEAM. I am therefore satisfied that the development does constitute good design, and complies with PPS1: Design, and BE1 of the South East Plan.

5.5 Residential Amenity

- 5.5.1 The medical centre to the front of the application site would be a significant distance away from any existing residential units – the closest being the student accommodation to the west of the site. There would be a separation of approximately 22metres from the side of the medical centre to the side of the residential block, which I consider sufficient to ensure that there is no overlooking, overshadowing or the creation of any sense of enclosure.
- 5.5.2 With regards to the noise generated by vehicular traffic, I am mindful of the previous use of the application site, which was the former Council Offices. This would have resulted in significant vehicle movements, with little or no soft landscaping along the western boundary. Nonetheless, A buffer is proposed of a minimum of 2.5metres which would reduce the impact significantly. I therefore do not consider that the noise generated by vehicle movements to be sufficient to warrant a refusal of the planning application.
- 5.5.3 Plots 9 and 10 of the proposed residential units would be the closet to the existing residential units to the west. The distance from the existing three storey flats within Roland Close (rear elevation) and the proposed unit 9 (side elevation) would be 8metres. However, again, it should be noted that the previous (and recent) use of the application site has buildings erected up to the boundary of the application site, and this would be an improvement upon that previous situation. In any event, as this lies to the east (and not to the south) I am satisfied that there would not be any significant overbearing impact as a result of this development.
- 5.5.4 I consider that there is sufficient distance between the rear of the proposed properties and the rear gardens of the residential dwellings within Rowland Close (to the south-west of the site) to ensure that there would be no significant overlooking of private amenity space.
- 5.5.5 The Council's Environmental Health Officer has requested that an acoustic report be submitted to ensure that the design of the properties fully addresses the potential noise and disturbance from the neighbouring commercial uses. I have therefore recommended the imposition of a condition to this effect.

5.5.6 I therefore consider that the use of the site for a medical centre, and for residential units would not have any adverse impact upon the amenities of the neighbouring occupiers.

5.6 Highways

5.6.1 Kent Highway Services were consulted and raised no objections to this proposal. The proposal would incorporate a total of 34 parking spaces for the medical centre, including 3 disabled spaces. Kent Highway Services have commented that this is lower than the maximum number as set out within PPG13. However, as this is a sustainable location, close to the town centre, and well served by public transport (there are bus stops within close proximity, as well as Maidstone West Station), I consider it appropriate to seek a lesser number of car parking spaces in this instance. Kent Highway Services do not consider the number to be so low as to be likely to cause a detrimental impact upon highway safety – indeed, I consider it unlikely that any parking would take place upon Tonbridge Road due to the existing restrictions in place, and the volume of traffic that utilise the highway.

5.6.2 With regards to the residential units to the rear, these are to be provided with one space per unit. Whilst the dwellings proposed are 'family' properties, due to the sustainable location of the site, I consider that this is an appropriate level of car parking provision. In any event, the internal layout of the development would also allow for some on street parking to take place to the front of the properties for visitors, or additional vehicles.

5.6.3 The access point into the site is considered to be of a satisfactory design, that would allow for safe access and egress into and out of the application site. I concur with the Highways Officer in that the access is required to be provide at the first stage, to allow for construction vehicles to safely enter and leave the site.

5.6.4 I am satisfied that the proposal would therefore have a sufficient level of car parking, whilst not discouraging the use of more sustainable modes of transport. Access can be achieved into and out of the application site satisfactorily, and as such, I see no reason to object to this application on highway safety grounds.

5.7 Landscaping

5.7.1 The applicant has submitted a landscape master plan alongside the application, which shows both the proposed level of planting provision within the site, as well as the species proposed. This plan shows that there would be the provision of a landscaped area of 5metres x 28metres along the road frontage, behind which the building would sit. This landscaped area would contain four small leaf lime

trees (*Tilia cordata* 'Rancho'), with low level planting beneath. An additional small leaf lime tree would be provided on the western side of the access road (again, with low level planting beneath), to complete the 'avenue' of formal planting. I suggest it appropriate to impose a condition requiring heavy duty standard trees to be planted, to ensure that they have an immediate effect, and have a good chance of survival within this sensitive location. I am satisfied that this meets the requirements set out within the previous outline planning applications, and would provide a high quality setting to this public building.

- 5.7.2 Internally, it is proposed that tree planting be provided along the western boundary of the site, with low level planting beneath. In total, five trees are proposed, in regular intervals, adjacent to the car parking area. In addition, tree planting is proposed within the main car park area, to break up the areas of hard standing, and also to provide some vertical emphasis. Whilst the applicant was advised at pre-application stage to incorporate as much planting as possible (as this is an urban site, with significant hard standing) a balance was sought to ensure that sufficient car parking provision was made. As set out above, I am satisfied that there would be a sufficient level of landscaping within the car park area, particular along the western boundary.
- 5.7.3 The landscaping within the residential area is shown as being most low level planting. However, I consider it would be appropriate to request that a tree be planting along the driveway for each property, providing some vertical emphasis, at this point. I will therefore recommend that a condition be imposed that requires these to be provided. Should these be provided, I would consider that it is appropriate to allow for future residents to determine the planting within their front and rear gardens.
- 5.7.4 Overall, I consider that the proposed landscaping (and amended by the conditions set out above) would ensure a good quality finish to the development, and would enhance the character and appearance of the locality.

5.8 S106 Agreement

- 5.8.1 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: -

It is:

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

- 5.8.2 Contributions have been sought by the Primary Care Trust (PCT) by virtue of the extra demand created by the new dwellings that are proposed. Whilst the proposal also seeks to provide a medical centre (and the contributions from the dwellings would go towards the new centre), I consider it appropriate to make this request, as there would be an additional demand upon the health facilities, irrespective of the new provision, and there would be a direct link between the new residential units and the doctors. I also consider that the request is of a reasonable level. Whilst this is to be a better facility than the existing 'Vines' surgery, this improvement is required to meet existing demand, rather than to address future increases in demand. I therefore consider the request for money appropriate.
- 5.8.3 Contributions have also been sought from Maidstone Borough Council Parks and Open Space. The contribution sought is £15,750 which would be spent upon improvements to Whatman Park and Buckland Hill allotments. I consider that the works proposed to these sites is related to the development, in that they are both within close proximity of the site, and that there is a clear indication as to how the money would be spent. There is no space within the site to provide any on-site open space, although all properties have rear gardens. Whilst Whatman Park is slightly less accessible than the allotments Maidstone Borough Council has an adopted Development Plan Document (DPD) that requires applicants to provide open space on site. When open space is not provided on site, off-site contributions are sought, to improve the facilities within the locality, that will ensure that the additional strain placed upon the open spaces is addressed.
- 5.8.4 Kent County Council (Mouchel) have also responded, and requested that a contribution of £20,516.56 towards primary school places. Having questioned Kent County Council on this matter, this request is made on the basis of existing and future development within the urban area of Maidstone, and the impact that it is having/will have upon school places. However, Kent County Council have not identified that this proposal would result in a demand that could not already be met within the locality, and as such, I am not satisfied that this request for contributions would be necessary to make this development acceptable. It therefore fails the first test of Regulation 122, and cannot therefore be requested at this stage.
- 5.8.5 A request for £2348 for libraries, youth and community learning, which will be spent within the locality of the applicant site. This will be spent on the improvements to the book stock within the library within the town centre (which is within proximity of the application site) and to improvements to the youth and community services provided. I am satisfied that this contribution would meet the tests of Regulation 122, in that it would be necessary, directly related and of a suitable scale. A request of £748.50 for adult social services has also been made by Kent County Council, to assist with the provision of additional services within the Maidstone Urban Area.

5.8.6 I am satisfied that, aside from the request for money for additional school places, the contributions sought meet the specific tests of Regulation 122 of the Act, and as such, should be provided by the applicant. This needs to be agreed through the submission of a suitable S106 agreement, which is required to be provided prior to the formal determination of the planning application. It should be noted that as the Council currently own the application site, the applicant will need to amend the contract entered in to prior to the approval of the application. This is reflected within the wording of the recommendation.

5.9 Other Matters

5.9.1 The applicant has indicated that the residential properties would be constructed to level 4 of the Code for Sustainable Homes. The outline planning permission that was resolved to be granted had a condition placed upon it requiring the dwellings to achieve this standard. At pre-application stage the applicant was advised of the necessity to achieve this level, and the application has been submitted on this basis. I am satisfied that this represents a high quality approach to this design aspect of the proposal.

5.9.2 A pre-assessment has been submitted with regards to the medical centre, which shows that the building achieves a borderline VERY GOOD/EXCELLENT BREEAM rating. This includes the use of a ground source heat pump, and PV cells within the roof slopes. Having discussed this matter with the applicant, I am satisfied that it is appropriate to place a condition on this application that they seek a minimum rating of 'VERY GOOD' and that certain aspects like PV cells are incorporated within this. Again, I consider that this represents good design, and as such, I consider that this element of the proposal complies with the requirements of PPS1.

5.9.3 With regards to ecology, the site has been cleared within the past 18months. There is very little within the site in terms of planting or habitat, and as such, I do not consider it appropriate to request any ecology survey to be completed. However, with the enhanced planting proposed, and the provision of gardens for the residential properties, there is the possibility for enhancements to biodiversity within the immediate vicinity. I consider it appropriate to place an informative upon the application encouraging the applicants to utilise swift bricks and bat boxes within the development, and will also place a condition requiring the submission of eaves details – a good overhang could also potentially provide roosting sites.

6. CONCLUSION

6.1 I consider that the proposal, for the erection of a medical centre would represent a good use for this sustainable site. The proposal would be in keeping with the

surrounding development and is considered to be well designed, and would result in an enhancement of the road frontage along Tonbridge Road. Whilst a departure from the Development Plan, insofar as it would not be a B1 use, I am satisfied that the provision of a medical centre would ensure employment is retained within the site, and there would also be a potential community benefit from improve services/facilities.

- 6.2 The residential development to the rear would be of a good standard of design, and would not have a detrimental impact upon neighbouring occupiers. The principle of residential use has already been accepted on this site, and as such I raise no objections in principle for this use. The proposal would see the provision of family homes, each provided with private garden space.
- 6.3 Finally, I consider that the proposal has been designed in a sustainable manner, not just in terms of its location close to the town centre, but in terms of achieving a minimum of BREEAM 'very good' rating, and with an aspiration to achieve 'excellent.' The dwellings would achieve a minimum of level 4 of the code for sustainable homes – again something that was key in determining the previous residential development. I therefore recommend that Members give this application favourable consideration, and give delegated powers to approve, subject to the receipt of an acceptable S106 agreement, and the imposition of the conditions set out below.

7. RECOMMENDATION

That subject to the applicant amending the contract to purchase the application site from the Council so as to secure the execution of a Section 106 legal agreement upon completion of the purchase to ensure:

- Contributions for the Primary Care Trust. This would consist of a contribution of £11,088 which would be spent at the new surgery within the application site;
- Contributions towards (KCC) of £2348.00 for improvements to the book stock at the new library, and adult education at the new library;
- Contributions of £748.50 towards Adult Social Services that will be provided within the urban area of Maidstone;
- Contributions for Maidstone Borough Council Parks and Open Space of £15,750 to be spent in Buckland Hill Allotments and/or Whatman Park.

The Head of Development Management be delegated powers to GRANT PLANNING PERMISSION subject to the following conditions:

REASON FOR APPROVAL

The proposal would represent a departure from the Development Plan however, it would comply (in part) with more recent Central Government Guidance (PPS4)

in that it would enable the majority of the site to be used for employment purposes. The use of the site for residential purposes has recently been accepted on this site, and this strong material consideration has significant weight in the determination of this planning application. The proposal is therefore considered to be acceptable due to the specific nature of this development.

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 (including bricks, tiles, panelling and render) 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 PPS1.

3. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments (which shall include the retention or rebuilding of the existing ragstone wall along the western boundary, and methods to ensure that airborne noise will not impact the residential occupiers) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1.

5. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided

before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

6. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

8. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

9. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

10. The development shall be carried out in accordance with the submitted Landscape Masterplan, with specific details submitted indicating of all existing trees and hedgerows on the land, and details of any to be retained. Notwithstanding this plan, the development shall also include:-

- 1) The provision of a tree adjacent to each driveway for the residential properties;
- 2) The provision of a indigenous hedge along the northern edge of the residential boundary with the car park.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: In the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

11. Any trees planted along the Tonbridge Road frontage shall be of a Heavy Extra Standard (14-16cm diameter and an overall height of at least 3.5metres) and shall be of the species as shown on the approved plans.

Reason: To ensure that the proposal is appropriately landscaped from the outset, responding to its important and public location, providing a high quality response to the design constraints, in accordance with PPS1 and the Kent Design Guide.

12. The medical centre shall achieve at least a 'very good' BREEAM rating. Within 12 months of the building being occupied a final Code Certificate shall be issued for it certifying that at least 'very good' rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

13. No development approved by this permission shall take place until the applicant has submitted a report containing details of assessment of noise from the industrial activities to be carried out on the application site and of any scheme necessary for the attenuation of audible sound affecting the residential amenity of occupiers of the dwellings nearby. The assessment of noise from the industrial activities should be judged against the guidance in BS 4142:1997 'Method for Rating Industrial Noise in mixed Residential and Industrial Areas'. This would provide a prediction of the expected noise rating levels in order that the likelihood of complaints arising from the proposed industrial use may be assessed. Any necessary attenuation scheme shall ensure that the rating level of noise, at the relevant time, does not exceed the pre-existing background noise level at nearby dwellings. The subsequently approved scheme shall be fully implemented prior to the first use of the premises and maintained thereafter.

Reason: In the interest of the amenity of the occupiers of residential properties in accordance with PPS3.

14. 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: in the interest of the health and safety of future occupiers, in accordance with PPS23.

15. No development shall take place until details of the proposed foul and surface water drainage works including measures to safeguard the existing public foul sewer within the site during the course of development have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of any of the dwellings.

Reason: To ensure adequate drainage arrangements pursuant to PPS25.

16. No development shall take place until precise details of the living wall is submitted to the Local Planning Authority and approved in writing.

Reason: In the interests of the biodiversity of the application site, in accordance with PPS9.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, D, E, F and H, Part 2 Class A and Part 25 Classes A and B to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area. In accordance with policy PPS1.

18. No development shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

19. Other than that already shown, no structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls of any building without the prior approval in writing of the local planning authority;

Reason: To preserve the integrity of the design of the development pursuant to PPS1.

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

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

21. 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 PPG13.

22. No development shall take place until details, in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to, and approved by the local planning authority;

- i) Details of the roof overhangs;
- ii) Details of windows and doors (including garage doors) and recesses/reveals, which shall be a minimum of 100mm;
- iii) Details of the junction of the brickwork and the rendered panels; and
- iv) Details of the 'bull nose' cills to be provided on the corners of the front of the medical centre.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

23. No occupation of the development hereby permitted shall take place until pedestrian visibility splays of 2metre x 2metre with no obstruction of over 600mm has been provided on site. These visibility splays shall thereafter be maintained.

Reason: In the interests of highway safety in accordance with PPG13.

24. The use hereby approved shall not take place until the existing access onto Tonbridge Road has been stopped up and its use permanently abandoned in a manner to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with PPG13.

25. No building/dwelling shall be occupied until space has been provided for bicycles to be parked within the application site.

Reason: To ensure a sustainable form of development in accordance with PPS1 and PPG13.

Informatives set out below

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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

The applicant is advised that a bench should be provided to the front of the application site.

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

The applicant is encouraged to utilise swift bricks and provide bat boxes on the external faces of the buildings hereby proposed.

The applicant is advised that the details submitted to discharge condition 6 of this planning permission will require the parking spaces to be identified by the use of a different material to the main access road, or of tarmac of a differing colour.

Details pursuant to condition 22 (vi) shall see the provision of 'bull nose' cills on both front corners of the approved medical centre.

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.