

## REPORT SUMMARY

<b>REFERENCE NO - 16/501766/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Minor material amendment - to 14/503755/FULL - Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision - amendments for the removal of the split level dwellings and slight reduction in scale of some of the dwellings.		
<b>ADDRESS</b> Land To The Rear Of Milton Street And Hartnup Street Maidstone Kent ME16 8LL		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>		
The proposals constitute minor material amendments to the previously approved scheme on this site for 22 residential units and the changes proposed are not considered to result in significant planning harm.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Councillor Paul Harper has requested the application be reported to Committee for the reasons set out below.		
<b>WARD</b> Fant Ward	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Hyde Homes C/O Mr K Clark At Skillcrown Homes <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 08/06/16	<b>PUBLICITY EXPIRY DATE</b> 08/06/16	<b>OFFICER SITE VISIT DATE</b> 01/04/16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
14/503755/FULL - Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision – Approved at planning committee on 30.07.2015. Decision issued 23.11.2015.		
16/502300/SUB - Submission of Details pursuant to Condition 7 - Crossover of 14/503755/FULL – Permitted		
16/502303/SUB - Submission of Details pursuant to Condition 11 - Contamination and Condition 12 - Methodology Report of 14/503755/FULL – Permitted		
16/502641/SUB - Submission of details for planning permission 14/503755/FULL to discharge condition 3 – materials – Permitted		
16/502827/SUB - Submission of details for planning permission 14/503755/FULL to discharge Condition 4- Landscaping and Condition 6 - Boundary Treatments – Permitted		

### 1.0 DESCRIPTION OF SITE

- 1.1 The application site is situated between Milton Street and Hartnup Street and comprises 0.44ha of land with previous lawful industrial use known as Acorn Business Centre. The site has recently been cleared of the industrial units following the approval of planning application 14/503755/FULL. The existing vehicle access is from Milton Street. The character of the surrounding area is mainly residential in the form of terraced housing or flats.

- 1.2 The rear gardens of 84-104 Milton Street adjoin the application site on its southern side and the rear gardens of 1-6 Bazalgette Rise and 27-45 Hartnup Street to the west and north-west.

## 2.0 PROPOSAL

- 2.1 Minor material amendment - to 14/503755/FULL - Demolition of the existing commercial buildings and the change of use and erection of 22 residential units, together with new access from Hartnup street, and associated landscaping and car parking provision - amendments for the removal of the split level dwellings and slight reduction in scale of some of the dwellings.
- 2.2 Erect 22 dwellings comprising a block of 6 x2 bed flats (3 storey) served by the existing access from Milton Street and 16x3 bed town houses (2 storey) served by a new access from Hartnup Street. 34 parking spaces are proposed within the site.
- 2.3 The following minor material amendments are proposed:
- Reduction in height of plots 12 to 16.
  - Insertion of dormer windows in the front roof slope of plots 12 to 16
  - Removal of the split level houses and regrading of the site. Plots 12 to 16.
- 2.4 The above changes are considered to constitute minor material amendments and can be considered under the Section 73 application.

## 3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan 2000: H1, ED2, CF1, T21, ENV6
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Borough Local Plan Publication (Regulation 19) February 2016

## 4.0 LOCAL REPRESENTATIONS

- 4.1 **Cllr Paul Harper:** *'I would like to call in planning application 16/501766/FULL Former Acorn Business Centre to be discussed at the planning committee.*

*The issue of the development of the former Acorn Business Centre is still very sensitive in the Milton and Hartnup Street neighbourhoods, with people concerned on the impact locally, including significant impact on the local environment and residents, road movement, problems of car parking and also loss of employment land with no provision for replacement jobs. Residents have contacted me on this issue and therefore I would like it called in to have a full public discussion'.*

- 4.2 **Local Residents:** One letter of objection has been received. Comments are summarised as follows:
- Parking pressure in surrounding streets.

## 5.0 CONSULTATIONS

- 5.1 **KCC Highways:** No objection to this application. Should this application be approved I would be grateful for retention of condition 7 of the approval to 14/503755/FULL regarding redesign of the Hartnup Street access to a vehicle crossover type.
- 5.2 **Environment Agency:** No comments to make
- 5.3 **Southern Water:** No comments to make.
- 5.4 **Kent Police:** The proposal falls outside Kent Police remit for commenting.
- 5.5 **KCC Lead Local Flood Authority:** No objection to the minor material amendment application
- 5.6 **UK Power Network:** Note the location of a sub station which will be retained within the site and advise that access to the sub station should be retained.
- 5.7 **Landscape:** The site landscaping was approved under a condition application on 18.04.2016.

## 6.0 APPRAISAL

- 6.1 The applicant has applied to vary the approved drawings (condition 2) of planning permission 14/503755/FULL to include the above changes. Under the terms of the Section 73 application only the above proposed changes will be assessed. The principle of the housing development, including (inter alia) the highways impacts, landscaping, drainage and planning obligations, will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such I consider the key considerations to be design and amenity impacts.

### Visual impact

- 6.2 The proposed amendments would not affect the three properties fronting onto Hartnup Street. Plot 12 to 16 would be set back from the streetscene within the site and would not be visually prominent within the context of the Hartnup Street. The introduction of the five dormer windows and slight reduction in the overall height of plots 12 to 16 would have a limited visual impact on the streetscape and in terms of the overall design and appearance, these amendments are considered to be acceptable. The dormer windows would be subordinate to the roof slope and would have a uniform appearance.

### Residential Amenity

- 6.3 The terrace houses at plot 12 to 16 would be slightly reduced in height compared to the approved scheme and the proposed ridge height would now be comparable to the ridge height of the flatted block. The reduction in height and introduction of five dormer windows is not considered to result in any unacceptable amenity impacts over or above the approved scheme. The proposed dormer windows would not result in any direct overlooking into neighbouring residential windows or private outdoor amenity areas due to the location of the houses, separation distances and oblique viewing angles.

### Highways

- 6.4 The proposals do not alter the approved parking, access and turning areas. Details have been submitted in relation to condition 7 demonstrating a vehicle crossover from the site onto the site from Hartnup Street. These details have been agreed by KCC Highways.

6.5 34 parking spaces are proposed for 22 dwellings, as per the approved scheme, which is considered to be acceptable and in accordance with KCC parking standards. The concerns about parking which have been raised by a local resident relate mainly to the lack of on-street parking in the surrounding streets. There is considered to be a satisfactory level of parking provision within the site which is unlikely to exacerbate the situation in the surrounding area.

6.6 The proposal would not result in any unacceptable highway safety issues compared to the approved scheme. KCC Highways has been consulted and do not raise any objections on highways safety or parking grounds.

## **7.0 CONCLUSION**

7.1 The principle of the residential development at this site has been accepted previously and it is considered that the minor material amendments as proposed are acceptable and it is recommended subject to completion of a section 106 agreement (Deed of Variation and Supplemental Deed) planning permission be granted. The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions / obligations.

7.2 Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it. In this instance a number of the conditions for the original application have been approved by the council and the wording of the new conditions has been worded to reflect this.

**8.0 RECOMMENDATION – GRANT** Subject to the following conditions and Deed of Variation and Supplemental Deed linking the varied agreement to the Section 73 Application.

## CONDITIONS

(1) The development hereby permitted shall be begun before 23 November 2018.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

(2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

DHA/11278/02, DHA/11278/14 Rev A, DHA/11289/06 Rev A, DHA/11278/01, DHA/11278/09 Rev A, DHA/11289/04 Rev A, DHA/11289/08 Rev A; received 15 March 2016 and DHA/11278/11 B, DHA/11278/13 B, DHA/11278/07 B, DHA/11278/08 B, DHA/11278/12 B, DHA/11278/05 B, DHA/11278/10 B; received 30 March 2016.

Reason: to ensure a satisfactory form of development.

(3) The development shall be constructed in accordance with the materials details as approved under application 16/502641/SUB.

Reason: To ensure a satisfactory appearance

- (4) All hard and soft landscape works shall be carried out in accordance with the details approved under application 16/502827/SUB. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: In the interests of visual amenity

- (5) Details of the means of refuse collection from the 6 flats (Plots 17-22) via the proposed access from Hartnup Street shall be submitted to and approved by the LPA before development commences. The approved details shall be implemented before the dwellings are first occupied.

Reason: To ensure that satisfactory arrangements are made for the effective collection of waste due to the narrow width of the existing access from Milton Street.

- (6) The development shall be carried out in accordance with the boundary details approved under application 16/502827/SUB. The boundary treatment shall be completed before the dwellings are occupied.

Reason: In the interests of visual and residential amenity

- (7) The details of the crossover from Hartnup Street as approved under application 16/502300/SUB shall be implemented before the dwellings are first occupied.

Reason: in the interests of highway safety.

- (8) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details

Reason: In the interests of visual amenity

- (9) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of environmental protection

- (10) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the relevant conditions; have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (11) The development shall be carried out in accordance with the contamination investigation and risk assessment, detailed remediation scheme and Methodology Report as approved under application 16/502203/SUB

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (12) The approved remediation scheme (16/502303/SUB) must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The investigation and risk assessment must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health
  - o property (existing or proposed) including buildings, crops,
  - o livestock, pets, woodland and service lines and pipes.
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12;.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN1 of the Local Plan.

- (14) Prior to first occupation of the dwelling hereby approved, details of the size, design and siting of 'swift' bricks shall be submitted for prior approval in writing by the Local Planning Authority. The bricks shall be installed before the dwellings are first occupied and retained at all times thereafter in accordance with the approved details.

Reason: In the interests of nature conservation.

## INFORMATIVES

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Andrew Jolly

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.