

REPORT SUMMARY

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| REFERENCE NO - 16/501604/FULL | | |
| APPLICATION PROPOSAL Change of use and extensions to mixed commercial premises of 3-5 Brewer Street buildings into C1 use (Spa Hotel) together with partial demolition of No126a and expansion into land and buildings of St Francis of Assisi. Erection of a single storey extension to St Francis Church School. | | |
| ADDRESS 3 - 5 Brewer Street And St Francis Church School Maidstone Kent ME14 1RU | | |
| RECOMMENDATION - APPROVE | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to the conditions stated, is considered to comply with the policies of the adopted and submitted version of the Development Plan and there are no overriding material considerations to indicate a refusal of this planning application. | | |
| REASON FOR REFERRAL TO COMMITTEE - It is contrary to views expressed by Historic England | | |
| WARD East Ward | PARISH COUNCIL N/A | APPLICANT Mr O'Quigley AGENT Judd Architecture Ltd. |
| DECISION DUE DATE | PUBLICITY EXPIRY DATE 01/07/16 | OFFICER SITE VISIT DATE 17/03/16 |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | |

MA/11/0995 - Change of use from A1 to mixed use of B1 and D2 (dance academy) - Approved

MA/08/0405 - Redevelopment of existing retail/residential use to provide A1/A2/B1 uses, 14 flats with associated parking (Resub of MA/07/2070) - Refused (allowed on appeal)

MA/07/2070 - Redevelopment of existing retail/residential use to provide A1/A2/B1 uses, 14 flats with associated parking – Refused

MA/06/1966 - Redevelopment of existing retail/residential use to provide A1/A2/B1 uses and 14 flats with associated parking (Resub of MA/06/0832 which was withdrawn) – Refused (appeal dismissed)

MA/95/1610 - Change of use of storage area with retail counter to retail shop together with installation of shopfront - Approved

MA/95/1585 - Advert consent to display 1 internally illuminated fascia sign 1 externally illuminated fascia sign and one projecting sign – Approved

MA/95/1584 - Change of use of offices to two flats - Approved

MAIN REPORT

1.0 Site description

1.01 The proposal site relates to 3-5 Brewer Street and in part to the land to the rear that is in the ownership of St Francis of Assisi Church.

1.02 3-5 Brewer Street consists of a modern, single storey building that is set back from the road with a car park area in front and a 3-storey frontage building that whilst altered, originally dates from the late 1830's. To the rear of 3-5 Brewer Street are a number of industrial buildings which were still in use as a brass foundry in 1958. This part of the proposal site is now believed to be vacant and its last use was as a dance studio and separately operated business offices.

1.03 To the rear (north) of 3-5 Brewer Street is the Grade II* listed Grove House (Presbytery building, 126 Week Street), which is part of the St Francis of Assisi

Church. There are 2 buildings attached to this listed building, one being a 2-storey, twentieth century (flat roofed) church hall which projects eastwards away from Grove House; and the other being a smaller, 1930's 2-storey extension that is sited in front of the church hall. There is a single storey school building that dates from around 1863 which is attached to the southern flank of the 1930's building. There is also a smaller, detached and ancillary building within the site.

- 1.04 The Holy Trinity Church Conservation Area is found some 30m to the east of the proposal site; the rear boundary of 108 Week Street (a GII listed building) abuts the western boundary of the site; and the surrounding area is very much a mix of different commercial and residential uses in buildings of differing scale, style and age.
- 1.05 For the purposes of the adopted Development Plan, the proposal site is within the defined urban area and within the 'Tertiary Town Centre Area' of Maidstone.

2.0 Proposal

- 2.01 The proposal is for the creation of a hotel/spa facility with associated A3 and A1 uses at ground floor level. This would include the extension of the industrial buildings to the rear, both in terms of footprint and so that the buildings would largely become 3-storey; the demolition of the 1930's building and the 2 single storey school buildings to the rear of the site which belong to the church; and the refurbishment and the erection of a single storey extension to the northern elevation of the 2-storey church hall that is to remain.
- 2.02 The main hotel facility would have 35 rooms on the 1st and 2nd floors of the building; and at ground floor level there would be a swimming pool, treatment rooms and private dining area for guests. The ground floor would also have a hair salon/beauty business and a brasserie open to all members of the public.
- 2.03 Externally, the proposal will retain the town house at 5 Brewer Street and the elder structures behind with the additional extension and floors erected above. The mansard type roof will be clad in man-made slate material (with a section of sedum roof); a 'green wall' will cover the western flank of the town house; and the building's appearance will be a mix of render and painted brickwork.
- 2.04 In terms of access, patrons will use the main entrance on Brewer Street and the land to the rear of site will be used as staff and (pre-booked) visitor parking by way of a valet service (with access from Week Street). There will be 20 spaces (15 for pre-booked guests and 5 for staff and visitor parking).
- 2.05 The applicant has also provided details of how the front (western) elevation of the 2 storey church hall and the southern flank of the Grade II* Grove House will be 'made-good' once the 1930's building and the 2 single storey buildings are removed.

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: T13, ED17, ED18, R9, ENV6
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted version of Local Plan: SP4, DM1, DM3, DM4, DM17, DM20, DM27
- Maidstone Destination Management Plan for MBC (July 2015)

4.0 Consultations

- 4.01 **Councillor English and Councillor Naghi:** Both Councillors have withdrawn their 'call-in' to planning committee given the case officer's recommendation for approval.
- 4.02 **Conservation Officer:** Raises objection (see report for details).
- 4.03 **MBC Culture and Leisure:** Supports the application.
- 4.04 **Historic England:** Raises objections (see report for details).
- 4.05 **Environmental Health Officer:** Raises no objection.
- 4.06 **KCC Biodiversity Officer:** Raises no objection.
- 4.07 **KCC Highways Officer:** Raises no objection.
- 4.08 **KCC Archaeology Officer:** Raises no objection.
- 4.09 **KCC Sustainable Drainage Officer:** Raises no objection.
- 4.10 **Southern Water:** Raise no objections.
- 4.11 **Scottish Gas:** Raises no objection.
- 4.12 **Upper Medway IDB:** Raises no objection.
- 4.13 **Kent Police:** Raises no objection and is satisfied that all crime prevention measures have been discussed and will be addressed if planning approval is given.
- 4.14 **Representations in support of application have been made by;**
- Parish of St Francis
 - C.P Hart (bathroom specialists)
 - Trash or Treasure, 112a Week Street
 - One Maidstone
 - 29 Brewer Street (except for concerns over traffic congestion)

5.0 Background information

- 5.01 There are 2 appeal decisions that should be noted which both included a 3-storey building abutting up to the rear boundary of the Grade II listed building at 108 Week Street. These were under MA/06/1966 and MA/08/0405 that were both for the redevelopment of the site to provide A1/A2/B1 uses and 14 flats.
- 5.02 Under MA/06/1966, the Planning Inspector dismissed the appeal (amongst other reasons) because the flank wall of the 3-storey element of the proposal would *"....be an over dominant feature which would have an unacceptable effect on the appearance of the streetscene and the setting of the listed building at 108 Week Street."*
- 5.03 Under MA/08/0405, the Planning Inspector allowed the appeal as the changes in design of the 3-storey element (setting the third storey away from the boundary and curving the roof) would *".....significantly reduce the impact of the proposed development on 108 Week Street."*

6.0 Relevant policy/guidance background

- 6.01 Saved policy ED18 of the adopted Development Plan supports the development of one or more town centre hotels and saved policy ED17 states:

WITHIN URBAN AREA AND VILLAGE BOUNDARIES AS DEFINED ON PROPOSALS MAP, A NEW HOTEL, GUEST HOUSE OR OTHER SERVICED ACCOMMODATION AND SELF-CATERING ACCOMMODATION FOR VISITORS, EXTENSION OR UPGRADING OF SUCH ACCOMMODATION OR CHANGE OF USE OF A BUILDING TO PROVIDE SUCH ACCOMMODATION WILL BE PERMITTED IF ALL FOLLOWING CRITERIA ARE MET:

- (1) IT IS COMPATIBLE WITH ITS SURROUNDINGS IN SITING, SCALE, DESIGN, MATERIALS AND LANDSCAPING; AND*
- (2) IT WILL NOT HARM AMENITIES OF PEOPLE LIVING NEARBY; AND*
- (3) IT WILL NOT HARM BUILDINGS OR AREAS OF HISTORIC OR ARCHITECTURAL INTEREST; AND*
- (4) IT WILL NOT IMPAIR ROAD SAFETY OR FREE FLOW OF TRAFFIC; AND*
- (5) IT WILL HAVE ENOUGH VEHICLE PARKING IN CURTILAGE OF PROPERTY; AND*
- (6) IT WILL NOT CAUSE LOSS OF RESIDENTIAL ACCOMMODATION IN A TOWN CENTRE COMMERCIAL AREA; AND*
- (7) ACCESS IS AVAILABLE BY A CHOICE OF MEANS OF TRANSPORT.*

- 6.02 Saved policy R9 of the adopted Development Plan allows for a variety of uses within the 'Tertiary Town Centre Area' (which includes Class C1), provided the vitality of the area is unharmed; there are no adverse residential amenity issues; and there is no loss of residential accommodation.

- 6.03 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. The report will go on to assess the application in terms of the 3 dimensions to sustainable development.

- 6.04 Paragraph 131 of the NPPF states:

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

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

- 6.05 Paragraph 134 of the NPPF states that;

"Where a development proposal will lead to less than substantial harm to significance of a designated heritage asset, this harm should be weighed against public benefits of proposal, including securing its optimum viable use."

- 6.06 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.

- 6.07 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November. This Plan is considered to hold significant weight and there is

policy support for this type of development in the town centre subject to the detail of the proposal which the report will go on to address.

- 6.08 The Maidstone Destination Management Plan (July 2015) is 3-year Plan for the Borough of Maidstone as a visitor destination. This proposal would help achieve the targets set out in this report, in terms of encouraging tourism investment in the borough.
- 6.09 So the provision of a hotel at this location is supported by policy subject to the main issues of its visual impact; heritage; economic/community benefits; biodiversity; residential amenity and highway safety.

7.0 Design, siting and appearance

- 7.01 The proposal would largely retain the town house, which is considered an attractive building that has its frontage onto Brewer Street. The 2-storey element of the extension to the rear of this building allows for a cohesive junction between the existing building and the extension, whilst setting the taller section of the proposal a good distance from this highway. The removal of the single storey building to the front is welcomed, and the creation of a more attractive and softened forecourt area that will then become an 'active' area rather than the dead space it is at the moment will only improve the appearance and vibrancy of the area. The addition of the large 'green-wall' is also considered a benefit, and views of this from Brewer Street and Week Street will enhance the character of the area.
- 7.02 From Week Street, the proposal will be largely screened by existing buildings that are of varying heights; and the change in material at 3rd floor level, the slight inset of the upper floor, the modelling of the brickwork to the flank elevation facing Week Street, the insertion of real and false window openings along this flank would add interest and reduce the bulk of the proposal. In addition, the 2-storey set back from the town house would further reduce views of the extension from Week Street; the single storey section towards the rear would also provide a break in the flank wall adjacent to Week Street; and the external finishes of reclaimed brick (which is to be painted) at the first 2 levels and the use of man-made slate for the mansard type roof is considered acceptable. The painting of the reclaimed brick work would help give the sense of one building and the proportions of the proposed fenestration detail would reflect the frontage of the existing townhouse. I am therefore of the view that this proposal is of an acceptable scale and design that would be seen in the context of the densely built environment from any public vantage point; and it should be noted that 3-storey buildings in this area are not unusual and there is a mix of differing materials palettes and styles of buildings.
- 7.03 Except for some shrubs to the rear of the site, there is no soft landscaping on the site. To further enhance the scheme, a condition will be imposed to secure appropriate native planting on the forecourt area of the Brewer Street frontage, and for the mix of the 'green wall' and sedum roof proposed. With this considered, the proposal will clearly bring a landscaping betterment to the site and the surrounding area. To further ensure the quality of the proposal, appropriate conditions will be imposed requesting details of external materials and surfacing.
- 7.04 I am therefore satisfied that this proposal would be of good quality and would not cause unacceptable harm to the character and appearance of the existing town house or the surrounding area. In this respect, the proposal is considered to be in accordance with policy ED17 of the adopted Local Plan.

8.0 Heritage implications

8.01 After receipt of amended plans, both the Conservation Officer and Historic England have maintained objections to the proposal. In summary, their comments/objections are as follows;

Grove House (GII*)

- The demolition of the school building would cause harm to the significance of the Grade II* listed Grove House, by removing important feature of the overall interest of the site as a complex of a Roman Catholic Church. Less than substantial harm would be caused to significance of Grove House. In accordance with NPPF, this harm must be weighed against any potential public benefit deriving from scheme and this harm should weigh heavily in the balance.
- No objection is raised by the Conservation Officer and Historic England in terms of the proposed 'making-good' of the original flank to Grove House.
- 1930s building is of no particular merit in its own right and has slightly awkward relationship with Grove House. However, current situation would be preferable to that proposed which would result in an even less happy relationship with the Grove House.

108 Week Street (GII)

- Proposal would adversely affect setting of GII listed 108 Week Street and have unacceptable effect on streetscene along Week Street due to its height.

3-5 Brewer Street (non-designated heritage assets)

- Buildings at 3-5 Brewer Street (townhouse and industrial buildings) should be considered non-designated heritage assets both for their architectural qualities and their local historical interest. Their significance would be almost entirely destroyed by the addition of 2 floors. Although the Conservation Officer comments that the proposed reduction of the southernmost section of rear extension to 3-5 Brewer Street to 2-storeys goes some way towards overcoming objections in terms of its impact upon the townhouse.

8.02 Historic England have also consider that there has not been enough detail to describe the significance of the school buildings to be lost; that the proposal would not make a positive contribution to local character and distinctiveness; and that the public benefits do not outweigh the harm caused by the loss of the school buildings.

8.03 The report will now set out the economic/public benefits of this proposal and section 10.0 will weigh up these heritage issues against those benefits in accordance with the NPPF.

9.0 Economic/public benefits

9.01 The applicant has set out what economic and community benefits this proposal would bring to the area and these are summarised as follows:

- It would provide more employment and training opportunities than previous uses of site. Indeed, previously, dance studios and separate office together had around 3 full-time and 4 part-time staff. The proposal would employ in the region of 25 full-time staff and 17 part-time staff.
- 2-storey school hall, which is dilapidated and rendered unsafe, will be brought back into use for church (who cannot afford to undertake repairs themselves). Proposal will bring building back into use for church and community, which can be secured by way of condition.

- Would increase numbers of visitors to town centre who would then contribute to both day and night time economies of Maidstone.
- 'High-end' nature of proposal will attract new target and affluent audiences to town centre.
- Local businesses will service/supply the proposal and there will be employment opportunities at construction phase.
- 2015 Maidstone Destination Management Plan for MBC states key growth market segments are of tourism business type and this proposal can promote these commitments.

9.02 The applicant has also submitted a supplementary planning statement with regards to the economic benefits of the proposed development. In summary, it states;

Construction phase -

- Project is expected to cost in region of £3 million.
- Tendering would go out to local building companies.
- Expected 2yr construction timeframe - estimated that 45 persons per year would be employed.
- Notional GVA (Gross Value added) of £55,075pa created for every construction job which is then filtered out, benefiting local businesses/organisations. Suggests over £2.4 million will circulate local economy for each year of expected 2yr period.

Operational phase -

- Projected that 25 full-time staff and 17 part-time staff employed.
- Notional GVA of £20,637pa is created for every position, equating to £598,473 per year circulated in local economy.
- Suggested proposal would generate 16 jobs in terms of outer-employment (i.e. suppliers/servicers)

Visitor impact -

- Hotel would have maximum capacity of 70 persons each night staying overnight; and research carried out by South West Research Company Ltd states that for Maidstone, overnight visitors spend an average of £50.64 per night. With this considered and an estimated hotel occupancy level of 100% for 266 days of the year, it is suggested that around £1 million additional spend into local economy would be had.

9.03 The Council's Economic Development and Regeneration Manager is satisfied that the report seems sound and the sources well respected and does support this application.

9.04 The Council's Culture and Leisure Team are also in full support of the application and are of the view that this proposal will provide a valuable addition to the offering in the town centre which is especially desirable located so close to the towns major businesses. Their comments are attached for review (appendix C).

10.0 Balancing heritage objections against economic/public benefits

10.01 In accordance with paragraph 134 of the NPPF, the less than substantial harm caused to the GII* Grove House needs to be weighed against any public benefits arising from the scheme. With the evidence before me, I accept the argument that a hotel of this scale and type in this location would provide employment opportunities at both the construction and operational stage, on a level that the current situation could not achieve for this length of time; and the potential additional income that would filter

into the local economy would benefit a number of businesses/services. In addition, there is an opportunity to bring back into use a church building for community use which is unlikely to happen without this development. In my view, the proposal would provide a significant level of economic and public benefits that would override the desire to retain the church buildings proposed for demolition that are largely screened from public view, have been in disrepair for a number of years, and have no foreseeable future in terms of being re-used.

- 10.02 The applicant has also provided details of two suggested methods of how the flank of Grove House would be 'made-good' and notwithstanding their objections, English Heritage and the Conservation Officer consider these works to be acceptable in general terms subject to specific details of reinstatement works to the flank elevation of Grove House. This will be duly secured by way of condition to safeguard the integrity and setting of Grove House and the other surrounding historic buildings.
- 10.03 Whilst the proposed 3-storey element of the proposal would have a certain level of harm upon the setting of the Grade II listed building at 108 Week Street, I do not consider this so harmful to warrant refusal of the application given the public benefits already set out. I am also of the view that whilst the appeal decisions previously mentioned are relevant, these were taken more than 7 years ago; the scheme under consideration is different in terms of detail and each application must be considered on its own merits; and there are clear public benefits from this proposal that outweigh any harm caused.
- 10.04 With regards to the heritage objections upon the impact to the buildings at 3-5 Brewer Street, which have been considered as non-designated heritage assets, the effect of the application on their significance has been taken into account in accordance with paragraph 135 of the NPPF. The buildings to the rear are partially dismantled, in poor condition and not in use; and the reduction in size of the proposed rear extension to 5 Brewer Street to 2-storeys does go some way towards overcoming the Conservation Officer's objections, resulting in a more cohesive junction between the existing building and the extension. Given the wider public benefits of the proposal, it is considered on balance that the harm to these non-designated buildings is not considered reason enough to warrant refusal.
- 10.05 In summary, the Conservation Officer is satisfied that sufficient information has been provided in order to progress this application and that the heritage issues have been appropriately considered. My assessment has concluded that the proposal would enhance the character and appearance of the area and that the significant public benefits outweigh the harm caused by the loss of the school buildings.

11.0 Residential Amenity

- 11.01 There are residential properties within the vicinity of the proposal site, but given the existing commercial use of the building; its town centre location where there are a number of businesses that operate for the night time economy and pedestrian movements in to the early hours of the morning, I am satisfied that the proposed use would not have a further significant impact upon the living conditions of any local resident. I am also satisfied that the building works would be far enough from any residential unit to not cause significant harm in terms of loss of privacy and being overbearing.

12.0 Highway safety implications

12.01 The key details in terms of access and highway safety are as follows:

- Land to rear of site will be used as staff and (pre-booked) visitor parking by way of a valet service. Here, there will be 20 spaces (15 for pre-booked guests and 5 for staff and visitor parking). This access to the rear from Week Street is existing.
- Patrons using hotel and spa facilities will generally be pre-booked guests. For those that have driven, they will either utilise existing forecourt from Brewer Street where valet staff will then move cars to private parking area or to near-by public car parks, or use public car parks themselves (which there are several in close proximity).
- For guests not driving, site is easily accessible from number of public transport links.
- Rear parking area will provide access for servicing spa plant area; and necessary goods and materials required to run proposed development will be provided by extension to existing deliveries for Mu Mus restaurant on Week Street (reducing need for additional delivery traffic).
- Deliveries to service proposal will be broadly in accordance with Maidstone's existing traffic restrictions which are dictated at this location.

12.02 The Highways Officer has reviewed the application and has confirmed that there have been no injury crashes on Week Street between Station Road and Brewer Street for at least the last 10 years; and that the larger delivery needs for this proposal will clearly be limited and there is no evidence to indicate that a limited extension of the current regime will be detrimental or have a severe or significant impact upon highway safety. No objection is raised in terms of parking provision, given the site's town centre location within walking distance of a number of public transport links. On the basis that Highways considers that the application should be approved, I am satisfied that this proposal would not cause a highway safety issue and raise no objection in this respect.

12.03 In terms of requesting a construction management plan, I do not consider this reasonable given the location and scale of the proposal, and take the view this is outside the remit of what is considered to be a material planning consideration.

13.0 Biodiversity implications

13.01 The application has included the submission of an Extended Phase 1 Habitat Survey, and a bat Emergence/Scoping Survey. On review, the Biodiversity Officer is satisfied the likelihood of protected and notable species to occur within the site is considered to be negligible and no further species specific surveys are required in this instance. The site has been used for foraging bats and so as recommended by the Biodiversity Officer, details of a lighting scheme will also be requested to minimise the impact upon bats.

13.02 One of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The ecological reports have made recommendations for bird nesting features to be incorporated in to the site and the Biodiversity Officer recommends such enhancements are secured by condition which will be duly imposed. Furthermore, the introduction of the 'green wall' and

wildlife friendly planting will further enhance the site in ecological terms with the incorporation of native species.

14.0 Other considerations

- 14.01 The applicant has confirmed that surface water disposal and sewage disposal will be through the main sewers. The KCC Sustainable Drainage Officer raises no objection and Southern Water is satisfied that they can provide foul sewage disposal to service the proposed development, subject to a condition requesting details of a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable. Details of foul and surface water sewerage disposal will also be requested by way of condition.
- 14.02 I do not consider it necessary or reasonable to impose conditions relating to hours of construction work; noise levels; air quality; and construction practice. Given the level of excavation and the historical use of the Maidstone area for industrial activities, I do consider it reasonable to impose a precautionary contaminated land condition.
- 14.03 The application does refer to the installation of plant equipment and machinery and ventilation and extract systems, although no details of type and levels of noise have been specified. I therefore consider it reasonable to impose a condition requesting such details prior to the first use of the development, in the interests of amenity.
- 14.04 The KCC Archaeology Officer has requested archaeological field evaluation works to be secured by condition. This is considered reasonable will be duly imposed.
- 14.05 The applicant has confirmed that rain water collection and solar panels can be incorporated into the scheme and I will seek to secure these elements by way of condition.

15.0 Conclusion

- 15.01 The recommendation for approval is contrary to the views of Historic England and the Conservation Officer. However, it has been demonstrated that a hotel of this scale and type in this location would provide employment opportunities at both the construction and operational stage, on a level that the current situation could not achieve for this length of time; and the potential additional income that would filter into the local economy would benefit a number of businesses/services. This is considered as a strong economic benefit in line with paragraph 7 of the NPPF, supporting growth for the borough and adding vitality to the town centre. The proposal would also assist in bringing a derelict church hall back into use for the community, playing a social role in terms of sustainability by supporting strong, vibrant communities; and the use of renewable energy resources, rain water harvesting, appropriate landscaping and improving the biodiversity on the site would contribute to enhancing the built environment in terms of an environmental role.
- 15.02 As set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act), special regard to the desirability of preserving the setting of listed buildings has been given. In this instance, the public benefits outlined would outweigh the less than substantial harm caused to the character and setting of the GII* Grove House; the GII listed building at 108 Week Street; and the non-listed buildings at 3-5 Brewer Street in accordance with paragraph 134 of the NPPF.

15.03 In addition, this sustainable proposal would not have an adverse impact upon residential amenity; highway safety; and biodiversity; and it would make a positive contribution to the local character and distinctiveness of the area. On balance, it is therefore considered that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and I therefore recommend conditional approval of the application on this basis.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

- a) New external joinery in the form of large scale drawings;
- b) Details of all window/door recesses/reveals.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the buildings are maintained.

- (4) Prior to the first use of the premises hereby approved, a detailed schedule of works for repairs to the exposed wall of Grove House and the 2 storey school building 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 and maintained thereafter;

Reason: To ensure the appearance and the character of the Grade II* listed building are maintained.

- (5) The approved repairs to Grove House and the 2 storey school building must be completed prior to the first use of the hotel hereby approved;

Reason: To ensure the repairs to these buildings are complete in the interests of public benefits.

- (6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include wildlife friendly plants to benefit invertebrates, birds and bats. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- (i) Location, species and size of all new trees and shrubs to be planted;
- (ii) Native planting on forecourt area on Brewer Street frontage;
- (iii) Native planting mix for green wall on 5 Brewer Street flank and sedum roof;

Reason: To ensure a satisfactory external appearance to the development and in the interests of biodiversity.

- (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 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 external appearance to the development.

- (8) The development shall not commence until details of the installation of a mixture of bird boxes, as recommended within the Greenspace Ecological Solutions Extended Phase 1 Habitat Survey, and bat boxes/tubes have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the buildings and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

- (9) Details of a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To ensure impact upon bats is minimised.

- (10) No development shall take place 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.

- (11) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy and rain water collection will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (12) Development shall not commence above ground level until the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and;
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (13) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To safeguard future occupants of the building.

- (14) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved

details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the amenity of neighbouring properties.

- (15) 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 interest of pollution prevention.

- (16) Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable;

Reason: In the interests of flood risk.

- (17) No development (including demolition works) to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may be subsequently agreed by the local planning authority. Copies of the report(s) produced shall be deposited with the local planning authority and the Kent Historic Environment Record;

Reason: To capture a sense of the building prior to conversion.

- (18) The development hereby permitted shall be carried out in accordance with: PR114, PR115 and PR116 received 29/02/16; PR113 Rev A, PR117 Rev A received 02/03/16; PR100 Rev A, PR101 Rev A, PR102 Rev A, PR103 Rev A, PR104 Rev A, PR109 Rev B, PR112 Rev B and PR118 Rev A received 10/05/16; and PR116 Rev B received 24/06/16;

Reason: To safeguard the character, appearance and setting of the surrounding building and area and to safeguard residential amenity.

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (3) Evidence of breeding birds has been recorded within the site. All nesting birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and the applicant is advised that works are carried out outside of the breeding bird season (March to August); and if that is not possible an ecologist should examine the site prior to works commencing and if any breeding birds are recorded all works should cease until all the young have fledged.
- (4) Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
- (5) 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.
- (6) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (7) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (8) If the swimming pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer, and of the contents of the pool, if these need to be drained to the sewer, would have to be agreed with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.
- (9) The applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
- (10) Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

- (11) Scottish Gas advises that their mains record shows a low/medium/intermediate pressure gas main near the application site, and that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Case Officer: Kathryn Altieri

- 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.