

## REPORT SUMMARY

15 June 2017

<b>REFERENCE NO - 16/507491/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of the existing building and erection of 20 no. apartments		
<b>ADDRESS</b> 3 Tonbridge Road, Maidstone, Kent, ME16 8RL		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"><li>• Call in from Councillor Paul Harper and Councillor Keith Adkinson on the grounds that the proposal will result in the loss of employment land, that the proposal represents overdevelopment of the site and in relation to the associated issues traffic movement onto Tonbridge road outside of office hours.</li><li>• The proposal represents a departure from the adopted development plan.</li></ul>		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Tonbridge Rd Development Ltd <b>AGENT</b> Go Planning Ltd
<b>DECISION DUE DATE</b> 01/02/17	<b>PUBLICITY EXPIRY DATE</b> 30/01/14	<b>OFFICER SITE VISIT DATE</b> 28/11/2016

## MAIN REPORT

### 1.0 BACKGROUND

- 1.01 The consideration of this planning application was deferred after the case was discussed at the committee meeting on the 16 March 2017.
- 1.02 The meeting minutes record that consideration of this application be deferred to:
- (a) Obtain an air quality assessment; and
  - (b) Reconsider the design and layout in the light of the air quality assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 1.03 Following the decision to defer, a meeting took place on the 11 April 2017 with the developer, councillors and the case officer. An air quality assessment report was also submitted in support of the application.
- 1.04 The revised plans that were submitted in response to the comments from members and the air quality assessment were subject to further public consultation between 27 April and the 11 May 2017.

### 2.0 LOCAL REPRESENTATIONS

- 2.1 The consultation responses that were received as a result of the original public consultation are included in the original report that is copied as an appendix below.
- 2.2 As a result of the additional consultation one further objection has been received from the neighbouring landowner (sole objector from the previous consultation). The

objection restates previously reported comments and makes the following additional comments:

- The plan with the application site edged red on the amended Design and Access Statement cover is part of the Corbens Place site not the 3 Tonbridge Road site;
- Tree planting along the western and southern boundaries of the 3 Tonbridge Road site is shown spreading across site boundaries which demonstrates overdevelopment.
- The overhanging trees would obstruct the passage of traffic along this road;
- The growth and future health of the trees could be affected by constraints such as interference with underground services or heave to the surface of its access road which would nullify their amenity value;
- The proposed tree and other planting on the 3 Tonbridge Road frontage has the potential to obstruct vision splays at the existing vehicular access to the Corbens Place site.

### **3.0 CONSULTATION**

#### Environmental Health

- 3.1 The air quality assessment which was provided in support of the application is considered satisfactory and no objection is raised.

#### KCC Highways

- 3.2 No further comment to make on the revised plans.

### **4.0 FURTHER INFORMATION FROM THE APPLICANT**

- 4.01 In response to the views expressed by members of the planning committee further information in the form of the air quality assessment and revised plans have been submitted in support of the planning application.

- 4.02 The amendments to the plans previously considered by members include
- One additional residential unit at fourth floor level with a revised total of 20 apartments;
  - Alterations to the colouring of the elevations;
  - Increased landscaping and tree planting including along the site boundaries

- 4.03 In response to the comments received as a result of the further public consultation further revisions have been made to the plans with the submission of an amended site plan – showing the trees fully within the site and an amended Design and Access Statement showing the correct red line boundary.

### **5.0 BACKGROUND PAPERS AND PLANS**

- 5.01 The development proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002D (Site Plan coloured) rec 12.05.2017; 15-671-010C (Ground floor plan) rec. 21.04.2017; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Roof plan) rec. 21.04.2017; 15-671-013C (Third floor plan) rec. 21.04.2017; 15-671-015D (All elevations) rec 24.04.2017; and 15-671-019 Section 2 rec 06.02.2017.

- 5.02 The application is supported by a Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02 and Air Quality Assessment (rec. 28.04.2017).

### **6.0 APPRAISAL**

- 6.01 This application was considered at the committee meeting on the 16 March 2017 and the reasons for deferring a decision were (a) to obtain an air quality assessment; and (b) to reconsider the design and layout in the light of the air quality assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 6.02 In response to the comments from members the applicants commissioned an air quality assessment which was guided by advice from the council's environmental health officer.
- 6.03 The completed assessment concluded that "The assessment has indicated that air quality would be expected to meet all relevant air quality objectives at all locations throughout the development. As such the proposed development would not be introducing new residential development into a location of poor air quality". The assessment goes on to say "The need to provide mitigation measures to protect residents from poor air quality has not been identified. Furthermore it is considered appropriate that the development includes openable windows throughout the development and balconies can be provided as designed on the north facing and western facades" (Page 16).
- 6.04 The methodology and conclusions of the assessment have been considered by the council's environmental health officer and there is no objection raised. In this context it is considered that there is no requirement for the previously recommended planning condition that sought air quality mitigation measures and this has been removed from the recommendation below.
- 6.05 The development previously considered by members was four storeys high at the front of the site, stepping down to three storeys at the extreme rear of the building. In response to further discussions on the design and appearance of the development, the revised design includes an additional residential unit increasing the total number of apartments to 20. This additional unit increases the height of the three storey building section, with the whole building now four storeys in height.

Table 1: Flat sizes and location

<b>Floor / no bedrooms</b>	<b>Units</b>	<b>One bedroom</b>	<b>Two bedroom</b>	<b>Total</b>
Ground floor	1,2	2		2
First Floor	3,4,5,12,13,18	3	3	6
Second Floor	6,7,8,14,15,19	3	3	6
Third Floor	9,10,11,16,17, 20	3 (was 2)	3	6 (was 5)
<b>Total</b>		11 (was 10)	9	20 (Was 19)

- 6.06 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The draft housing seeks 'a high density scheme' that reflects this town centre location specifying a "...development of approximately 10 dwellings at an average density of 67 dwellings per hectare".

- 6.07 The application site covers an area of 0.12 hectares with the proposal providing 20 (previously 19) residential dwellings which amounts to a residential density of 166 (previously 158) dwellings per hectare.
- 6.08 It is accepted that the proposed residential density is higher than the precise density figure specified in the draft housing allocation; however it is in line with the aspiration for a high density development within the allocation, and is within the density range set out in policy DM12. Maidstone West Railway Station entrance is 60 metres from the application site and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.
- 6.09 In terms of design and appearance, the increase in height at the rear of the building is considered a positive change as it improves the scale and building proportions in this prominent location. With the whole building now four storeys in height it is considered that the building is also now more coherent in the appearance of the side elevations. There is no change proposed to the bulk and massing of the front elevation of the building.
- 6.10 The amended site plan shows areas of landscaping in the open areas of the site. This landscaping includes small leaved Lime trees and a hedge to the front of the building, ornamental Crab Apple and Hornbeam Hedging in the area next to the boundary with 5 Tonbridge Road, cherry trees along the rear boundary and trellis and ivy on the retaining wall adjacent to Maidstone West Railway Station. The submitted details are considered acceptable, however a recommended condition (no 22) require further details and the replacement of planting should it fail within a period of 5 years.
- 6.11 With the provision of an additional residential unit, the financial viability of the development has been reconsidered in relation to the provision of affordable housing and other planning obligations. Whilst the additional residential unit will assist the viability of the development, the value of the additional unit will not improve viability sufficiently to enable the provision of affordable housing or other planning obligations as part of the development.

## **7.0 CONCLUSION**

- 7.1 The minutes from the committee meeting on the 16 March 2017 record that consideration of this application be deferred to: (a) Obtain an air quality assessment; and (b) Reconsider the design and layout in the light of the air quality assessment; this to be landscape-led, including trees and planting on the Tonbridge Road frontage, and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 7.2 The air quality assessment submitted by the applicant has concluded that the design of the proposed development is acceptable in relation to the amenity of future residents and that no air quality mitigation is necessary. The applicant has in addition submitted revised plans showing the landscaping of the open areas of the site including the Tonbridge Road frontage. The submitted details are considered acceptable and the recommendation is to grant planning permission.

## **8.0 RECOMMENDATION**

### **GRANT PLANNING PERMISSION subject to planning 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 proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002D (Site Plan coloured) rec 12.05.2017; 15-671-010C (Ground floor plan) rec. 21.04.2017; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Roof plan) rec. 21.04.2017; 15-671-013C (Third floor plan) rec. 21.04.2017; 15-671-015D (All elevations) rec 24.04.2017; and 15-671-019 Section 2 rec 06.02.2017. Reason For the avoidance of doubt and in the interests of proper planning.
- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls.  
Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (4) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall 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. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (5) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.  
Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.
- (6) Prior to the commencement of development written evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02 (dated May 2016)) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.  
Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (7) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site and dealing with dust that is generated through a dust management plan; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works. The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.  
Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.
- (8) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.  
Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.
- (9) Prior to the commencement of development details of the proposed means of foul and surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.  
Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.
- (10) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals

prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (11) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (12) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and to facilitate local ecological networks.

- (13) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.

- (14) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) 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. 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.

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 in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (15) If during construction/demolition works evidence of potential contamination is encountered, all 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 in accordance with the agreed plan.

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.

- (16) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass with the obscured glass retained permanently thereafter.

Reason: In order to prevent amenity and prevent overlooking and loss of privacy.

- (17) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.

Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.

- (18) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (19) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- (20) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.



Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (21) Prior to first occupation of any of the residential dwellings hereby approved the vehicle access from Tonbridge Road (A26) shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable driver visibility splays and measures to ensure their retention, and confirmation of the position of the electronically operated gates (require a minimum set back of 7 metres from back edge of the pavement); with the approved measures retained permanently thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- (22) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity, an appropriate standard of accommodation.

- (23) Prior to first occupation of any of the residential dwellings hereby approved details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show 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, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- (24) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter. Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

## **INFORMATIVES**

- (1) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- (2) The applicant is advised that 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.
- (3) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (4) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (5) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (6) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (7) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (8) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- (9) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- (10) The applicant is advised that adequate and suitable measures should be in place to minimise release 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.
- (11) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (12) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

Case Officer: Tony Ryan

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. Case Officer: Tony Ryan

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## **APPENDIX: REPORT TO THE PLANNING COMMITTEE ON THE 16.03.2017**

### **REPORT SUMMARY**

16 March 2017

<b>REFERENCE NO - 16/507491/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of the existing building and erection of 19 no. apartments		
<b>ADDRESS</b> 3 Tonbridge Road, Maidstone, Kent, ME16 8RL		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"><li>• Call in from Councillor Paul Harper and Councillor Keith Adkinson on the grounds that the proposal will result in the loss of employment land, that the proposal represents overdevelopment of the site and in relation to the associated issues traffic movement onto Tonbridge road outside of office hours.</li><li>• The proposal represents a departure from the adopted development plan.</li></ul>		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Tonbridge Rd Development Ltd <b>AGENT</b> Go Planning Ltd
<b>DECISION DUE DATE</b> 01/02/17	<b>PUBLICITY EXPIRY DATE</b> 30/01/14	<b>OFFICER SITE VISIT DATE</b> 28/11/2016

### **RELEVANT PLANNING HISTORY (Inc. relevant history on adjoining sites):**

#### Application site at 3 Tonbridge Road

- 16/508704/PNOCLA Prior approval given on the 10 February 2017 for the change of use of an office to 7 no. residential units after considering transport and highways impacts; contamination risks; flooding risks and impact of noise from commercial premises on the intended occupiers of the development.
- 16/505584/FULL Application withdrawn on the 4 October 2016 following advice from officers for the demolition of the existing building and erection of 21 no. apartments.
- 16/501842/PNOCLA Determination that prior approval was not required on the 23 June 2016 for the change of use of a building from office use to provide 9 No. apartments after considering transport and highways impacts of the development, contamination risks on the site and flooding risks on the site. (This decision relates to the semi-detached building that is not part of the current application site).
- 16/501674/FULL Permission granted on the 9 May 2016 for proposed external changes consisting of, additional dormer to rear elevation, additional dormer to side

elevation, removal of front door at ground and basement level to front elevation. (This decision relates to the semi-detached building that is not part of the current application site).

- MA/PN/14/0001 Determined that prior approval not required on the 18 February 2014 in respect of the change of use office building to up to 9 self-contained flats
- 09/1827 Permission refused on the 28 January 2001 for the demolition of existing office block and erection of part five storey part six storey building comprising 14 no. two-bedroom apartments with associated parking. Permission refused for the following reasons:
  - 1) *The proposed development lies within an area designated as being for B1 uses only. As such, the proposal for the provision of housing, with no clear demonstration that the viability of the continued use of the site has been fully explored, and is proved to be unsuitable for this purpose, fails to comply with Policy ED2 (xxvi) of the Maidstone Borough Wide Local Plan 2000.*
  - 2) *The proposed building, by virtue of its scale, and exacerbated by its poor quality and unarticulated design would fail to respond positively to the existing form of development within the locality, and would be a dominant and obtrusive feature within the context of the site (which is an elevated site, and highly visible from long distance views) and the wider area. Furthermore the layout of the proposed development would include a significant level of open hardstanding for car parking provision, and an insufficient level of landscaping which would fail to provide a decent outlook to the future occupiers of the units, and would provide an inadequate setting for a building of this scale, thereby proving contrary to PPS1: Design, the Kent Design Guide and Policy BE1 of the South East Plan 2009.*
  - 3) *In the absence of any proposed contributions towards the provision of off-site public open space (in-lieu of provision on-site) and community and primary health care facilities to offset the additional demand and need likely to be generated by the development, to permit the development would be contrary to the provisions of Policy OS1 of the Council's adopted Open Space DPD December 2006, Policy CF1 of the Maidstone Wide Borough Plan 2000, and Policy S6 of the South East Plan 2009.*
- 93/1395 Permission granted on the 18 November 1993 for the change of use from offices to premises for education provision within use class D1 as amended and validated by drawing received 22 October 1993.

Units 4 & 5, Corbens Business Centre, 3A Tonbridge Road (to the south east and rear of the application site). (NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road below)

- 15/510179/OUT Outline planning permission (all matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking
- 04/0267 Permission refused 6 April 2004 for the extension of existing warehouse building for use for purpose within class B8. *The proposed development, due to its size and proximity to the site boundary, would result in overshadowing of the adjacent*

*residential property 16 Rowland Close and its rear garden area and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.*

- 03/1774 Permission refused 7 January 2004 for a change of use to storage and servicing of taxis and passenger carrying vehicles with ancillary offices and the installation of a second new window. Permission refused for the following reasons: *The proposed change of use to the storage and servicing of taxis and passenger carrying vehicles would be likely to generate an unacceptable level of noise and lead to a worsening of air quality to the detriment of occupiers of surrounding residential properties. As such the proposal is contrary to policy ENV15 of the Kent Structure Plan 1996, policies QL1 and FP5 of the Kent and Medway Structure Plan: Deposit Plan Sept 2003 and policies ENV1, ENV2 and ENV4 of the Maidstone Borough-Wide Local Plan 2000*
- 02/1298 Permission granted 10 December 2002 for the demolition of existing buildings (3 no.) and the erection of 2 no. industrial units for use class B1c/B8 of 234 square metres each (units 1 and 2); use of unit 3 (existing) for use class B1c/B8 use; use of area to east of access drive for open storage in association with adjoining plant hire premises.

#### 5 Tonbridge Road

- 15/510179/OUT Outline planning permission (All matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking.
- 15/503951/DEMREQ Determined that prior approval was required 16 June 2015 in respect of the application for prior notification of proposed demolition of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings. *The decision reason was "The application is lacking in a satisfactory scheme of restoration, with the proposed stockpiling of crushed materials to a potential height of 7m causing particular concern for the visual amenities of the locality. In the absence of any certainty as to how long the site would remain in this condition, the Local Planning Authority is of the opinion that prior approval for this element of the works is required".*
- 11/0648 Permission granted 27 June 2011 for alterations to elevations and change of use of vacant storage building to A1 retail associated with use of 5 Tonbridge Road and external works including cladding and replacement windows.
- 01/1641 Permission refused 11 December 2001 for the conversion of first floor from offices to 1 no. flat. Permission was refused for the following reasons (1) The proposed change of use would result in the loss of commercial floorspace in a designated area of existing economic activity, contrary to Policy ED2 of the Maidstone Borough-Wide Local Plan 2000 and Policy ED1 of the Kent Structure Plan 1996. (2) Due to the close proximity of the proposed habitable rooms to the main road, the proposed accommodation would not provide a satisfactory standard of residential amenity, contrary to Policies ENV2, ENV4 and H23 of the Maidstone Borough-Wide Local Plan 2000 and Policy H2 of the Kent Structure Plan 1996.

5A Tonbridge Road (Solicitors office at first floor above fireplace shop)

(NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road above)

- 87/0252 Permission granted 10 July 1987 for the change of use from first floor residential flat to office accommodation.

5, 7 & 9 Tonbridge Road

(NB: This land is included within the red line application site boundary for the approval under 15/510179/OUT – see history for 5 Tonbridge Road above)

- 15/510179/OUT Outline planning permission (All matters reserved) granted on the 23 December 2016 (committee resolution 4 August 2016) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
- 07/1637 Permission granted 1 October 2007 for the demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking.
- 87/1195 Permission granted 1 December 1987 for the erection of building to provide a builders merchants showroom with associated wholesale and retail use.
- 81/0403 Outline permission granted 10 May 1981 for the erection of storage and warehouse buildings and admin offices. Existing site and buildings used as building merchants, storage and showrooms.
- 75/0398 Permission granted 18/06/75 for a fireplace slabbing shop, toilet and office.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.05 The application site is located on the south side of Tonbridge Road covering an area of 0.77 hectares. The site is located on the gyratory section of Tonbridge Road with two lanes of one way traffic travelling past the site frontage (east to west). This section of road forms part of the A20 with the A26 (Tonbridge Road) starting further to the west. A pelican pedestrian crossing is located 20 metres to the east of the site.
- 1.06 The site lies to the west of Maidstone West Railway Station. The front part of the site is separated from the railway station by a pair of semi-detached Victorian properties, with the rear part of the application site directly adjoining the railway station. The ground level on the application site is significantly higher than the railway station, with this rise in ground level continuing to the west of the application site along Tonbridge Road.
- 1.07 The area surrounding the application site is mixed in terms of the character and scale of existing buildings and the range of land uses. A semi-detached pair of Victorian buildings to the east of the site has floor space on five levels, including roof space and semi basement. Beyond the entrance to the railway station is a six storey building providing retail use at ground floor with residential on the upper floors (Broadway Heights – 58 flats 05/1719).
- 1.08 To west of the site, 5 to 9 Tonbridge Road has an existing vehicular access adjoining the boundary with the application site with this site occupied by a mixture of retail and

other commercial uses. Buildings fronting Tonbridge Road on this adjoining site are in retail use, including a fireplace shop (two storey) and a golf shop. A taxi firm uses the centre of this adjoining site for storage and repairs with a distribution company on the lower section and the extreme south of the site in use as a vehicle garage.

- 1.09 The site at 5 to 9 Tonbridge Road benefits from outline permission for development with up to 65 dwellings (committee resolution at 4 August 2016 meeting). Further to the east is the Vines Medical Practice (three storey) with residential properties to the rear. On the opposite side of Tonbridge Road is an office building with a substantial mansard roof (Vaughan Chambers) providing four floors (including roof space) with an adjoining single storey building on the corner providing a cycle shop.
- 1.10 The application site is currently occupied by a three storey red brick building with a part flat, part sloping tiled roof. The building on the application site and the attached semi-detached Victorian building are currently both known as 3 Tonbridge Road, however the adjoining semi-detached building is now in separate ownership and it does not form part of the current planning application.
- 1.11 The vacant brick building on the application site was previously in office use (planning use class B1/A2). The building was previously occupied by Berry and Berry Solicitors who it appears vacated the building following a merger in 2012 (now Berry and Lamberts Solicitors). At ground floor level the building has a covered vehicular access from Tonbridge Road to a rear parking area with a reception area and office area of 65 square metres. The first and second floors of the building provide a further 290 square metres of office space. The site is not located in a conservation area, and the nearest listed buildings are approximately 100 metres from the site. There are no protected trees or landscape designations either on, or adjacent to the application site.

## 2.0 PROPOSAL

- 2.1 The proposal is for the demolition of the existing office building and the construction of a part three, part four storey residential building. The proposed building has a linear footprint with a block fronting Tonbridge Road and then extending towards the rear of the site.
- 2.2 The ground floor of the building provides two residential flats at the front of the site set behind areas of amenity space. At the rear of the site the ground floor provides integral refuse storage and cycle parking space (19 spaces) and 13 covered car parking spaces. A further 5 open car parking spaces (total of 18 off street car parking spaces) are located adjacent to the rear site boundary. The building retains and reuses the existing vehicular access on to Tonbridge Road located next to the eastern boundary.

Table 1: Flat sizes and location

<b>Floor / no</b>	<b>Units</b>	<b>One bedroom</b>	<b>Two bedroom</b>	<b>Total</b>
Ground floor	1,2	2		2
First Floor	3,4,5,12,13,18	3	3	6
Second Floor	6,7,8,14,15,19	3	3	6
Third Floor	9,10,11,16,17	2	3	5
<b>Total</b>		<b>10</b>	<b>9</b>	<b>19</b>

- 2.3 The building is arranged around three staircase cores providing access to the accommodation on the upper floors of the building. The development provides 19 flats with the location of these flats set out in the above table. All of the proposed flats (mix

of one and two bedroom units) are dual aspect as a minimum, with units to the front and rear elevations provided with balconies.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

#### **3.01 Maidstone Borough-Wide Local Plan 2000:**

Policy ENV6: Landscaping, Surfacing and Boundary Treatment

Policy ENV7: Riverside Zone of Special Townscape Importance (Adjacent to, eastern boundary)

Policy T1: Transport strategy

Policy T2: Public Transport Preference Measures

Policy T3: Public Transport for Substantial Developments

Policy T7: Safeguarding Railway Lines

Policy T13: Parking Standards

Policy T23: Need for Highway/Public Transport Improvements

ED2 (xxiii): Retention of Employment sites

Policy CF1: Seeking New Community Facilities

#### **3.02 Supplementary Planning Documents:**

- Affordable Housing Development Plan Document (2006),
- Open Space Development Plan Document (2006)
- Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

#### **3.03 The National Planning Policy Framework (NPPF)**

The National Planning Policy Framework is a key material consideration, particularly with regard to housing land supply.

#### **3.04 *Paragraph 47 of the NPPF states that Councils should: “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.***

#### **3.05 *Furthermore, paragraph 49 of the NPPF is clear that relevant policies for the supply of housing “should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.***

#### **3.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.**

#### **3.07 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in**



the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.

- 3.08 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has 5.12 years' worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 3.09 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 3.10 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 3.11 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 3.12 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.

- 3.13 In this context the council can demonstrate five year land supply and when assessed against paragraph 49 of the NPPF relevant policies for the supply of housing are considered up to date and should be given full weight in decision making.

3.14 National Planning Practice Guidance (NPPG)

Advice on the following is relevant air quality; climate change; community infrastructure levy; design; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions and viability

3.15 Maidstone Borough Council draft Local Plan (Submission Version):

Policy H1: Housing allocations –  
H1 (16) Slencrest House, 3 Tonbridge Road,  
Policy DM1: Principles of good design  
Policy DM2: Sustainable design  
Policy DM4: Development of brownfield land  
Policy DM5: Air quality  
Policy DM11: Housing mix  
Policy DM12: Density of housing development  
Policy DM13: Affordable housing  
Policy DM22: Open space and recreation  
Policy DM23: Community facilities  
Policy DM24: Sustainable transport  
Policy DM25: Public transport  
Policy DM27: Parking standards  
Policy ID1: Infrastructure Delivery

#### **4.0 LOCAL REPRESENTATIONS**

- 4.04 The submitted planning application was publicised by means of a site notice, a press notice ('major' development) and individual consultation letters sent to neighbouring addresses.

- 4.05 As a result of this consultation a single objection has been received from the owner of the adjacent site at 5 Tonbridge Road (15/510179/OUT outline approval for 65 dwellings) the objection made in three letters is on the following grounds:

- The proposal is an overdevelopment of the site due to the number of residential units (9 units above the draft allocation) and the scale of the building;
- The main access road is less than 4 metres wide in places and the car parking layout is cramped;
- The refuse storage area is too far away from the main collection point on Tonbridge Road;
- The bay window on the western ground floor elevation is less than a metre from the boundary;
- The development does not provide the 7 metre setback that was required for the development of the neighbouring site at 5 Tonbridge Road.
- The proposed building located close to the western site boundary will have an adverse impact on a proposed new development on the adjoining site (outline 15/510179/OUT) in terms of daylight and sunlight;
- The use of 'directional windows' is noted, however there will still be overlooking from stairwells and the "...the apartments (living room and bedroom windows) on the Tonbridge Road frontage."
- The development at 3 Tonbridge Road (19 units) will have a significant adverse impact on the future residents of the proposed flatted block (38 flats) that is part of the outline approval at 5 Tonbridge Road (this approval that includes houses at the rear is for a total of up to 65 units);

- The current proposal is considered an overdevelopment of 3 Tonbridge Road and if approved this will result in the underdevelopment of 5 Tonbridge Road (draft allocation of up to 60 dwellings) as part of a future reserved matters application.
- A daylight and sunlight has not been carried out for this development and this is required to fully assess impact.

## 5.0 CONSULTATION

### Kent County Council Community Services

- 5.1 No objection subject to planning obligations to mitigate the additional pressure on local services.
- 5.2 The County Council has assessed the potential impact of this proposal on the delivery of its community services. The County Council is of the opinion that the development will place additional demand on the delivery of its services and this will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Potential obligations have been considered against the Community Infrastructure Levy (CIL) Regulations part 122 and 123.

- **Primary Education**

Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect primary contributions from every development, only those creating the largest amount of demand.

- **Secondary School Provision**

Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect secondary contributions from every development, only those creating the largest amount of demand.

- **Libraries**

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives. Bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively.

To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings. The County Council therefore requests £48.02 per household (Appendix 1) to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

- **Superfast Fibre Optic Broadband**

A planning condition is recommended that seeks the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations.

### NHS (West Kent Clinical Commissioning Group)

- 5.3 No objection subject to a planning obligation to mitigate the additional pressure on local services.

Kent County Council Local Highway Authority

- 5.4 No objection subject to conditions relating to submission and approval of construction phase arrangements (including construction management plan relating to loading and unloading, parking, discharge of water on to the highway and wheel washing) and provision and retention of facilities for the completed development (car parking, cycle parking, servicing and turning areas) and an informative providing advice on separate highways approvals.

KCC Archaeology

- 5.5 No objection subject to a planning condition attached to any approval securing the implementation of field evaluations works in accordance with a specification and written timetable and any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.

Maidstone Borough Council Environmental Health

- 5.6 No objection subject to planning conditions and informatives relating to a contaminated land watching brief, implementation of the recommendations of the noise exposure assessment, hours of working, details of any proposed air conditioning/ventilation equipment, an air quality assessment and mitigation, promotion of sustainable travel options, control of noise and asbestos and storage of oils and chemicals.

Maidstone Borough Council Landscape Officer

- 5.7 No objection subject to planning conditions attached to any approval requiring the submission of details of detailed landscape proposals (including implementation details, a long term management plan and new planting on the Tonbridge Road frontage).

Maidstone Borough Council Housing Services

- 5.8 The original viability appraisal indicated that providing any affordable units would not be possible but this contradicted the fact that MHS were looking to do 11 shared ownership units on the site (52% of the total) but no affordable rent provision.
- 5.9 Housing Services would struggle to support such a scheme as the need for 1 and 2 bed affordable rented properties in the town centre remains high and a scheme providing no affordable rented units would go against the Councils adopted and emerging policies.
- 5.10 The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. This would equate to a scheme of 8 units with 5 for affordable rent and 3 for shared ownership. Therefore, we would ideally be looking at this site providing a minimum of 5 affordable units.

UK Power Networks

- 5.11 No objection

Crime Prevention Design Advisor

- 5.12 The applicant is advised to contact the Crime Prevention Design Advisor to discuss measures to that can be incorporated within the development to minimise the risk of crime.

Scotia Gas Networks

- 5.13 No objection. The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of the Scotia Gas Network.

#### Southern Water

- 5.14 No objection subject to planning conditions and informatives attached to any planning approval requiring details of a sustainable urban drainage system to be submitted (including long term management), details of the proposed means of foul and surface water sewerage disposal and highlighting the requirement for a formal application to connect to the public sewerage system; that 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 and for the applicant to contact Southern Water to discuss the location of new trees and soakaways and protection of existing infrastructure.

### **6.0 BACKGROUND PAPERS AND PLANS**

- 6.12 The development proposals are shown on drawing numbers 15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017.
- 6.13 The application is supported by a Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02

### **7.0 APPRAISAL**

- 7.01 The main planning considerations include assessing the loss of the existing building and commercial use, the design and appearance of the proposed building; assessing the potential impact of the proposed building on the amenities of neighbouring occupiers including loss of daylight, sunlight, outlook and privacy, assessing the standard of the proposed residential accommodation and assessing the potential impact on the local highway network.

#### Loss of the existing employment use and existing building on the application site.

- 7.02 Policy ED2 of the adopted Local Plan recommends the retention of Class B1 (office) uses on sites located on the south side of Tonbridge Road (xxiii) that include the application site. Policy ED2 advises *"Planning permission will not be granted to redevelop or use vacant business... sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success"*.
- 7.03 Policy ED2 applies to land to the west of Maidstone West Railway Station including 1 to 5 Tonbridge Road and the former Maidstone BC Council Offices at 13 Tonbridge Road). Since the adoption of the Local Plan in 2000 the site at 13 Tonbridge Road has been redeveloped to provide a health use (Use Class D1 - Vine Medical Centre) fronting Tonbridge Road and 10 dwellings to the south of the site (11/1078). In August 2016 members gave outline approval for the redevelopment of the site at 5 Tonbridge Road that currently provide commercial uses to provide residential accommodation (15/510179/OUT).
- 7.04 Although it has been vacant for some time, the existing building on the application site previously provided an office use which was linked to the adjoining semi-detached Victorian property. This adjoining building is not on the application site and is now in separate ownership. This adjoining property benefits from an extant permission for the

conversion of the office floor space to residential (9 flats) through the prior approval system (16/501842/PNOCLA).

- 7.05 After considering the limited matters that legislation allows to be assessed (transport and highways impacts; contamination risks; flooding risks and impact of noise from commercial premises on the intended occupiers of the development) prior approval was given on the 10 February 2017 for the conversion of the office floor space to provide 7 residential units (16/508704/PNOCLA).
- 7.06 It is highlighted that the loss of the existing building at 3 Tonbridge Road and the office land use has also been considered and accepted as part of the emerging local plan process. As a result the application site and the adjoining land at 5 Tonbridge Road are both allocated sites for housing within the draft Local Plan (Submission version) that was considered at the recent examination in public.
- 7.07 The existing building on the application site constructed of red brick and a tiled roof is considered to be of no particular architectural merit or historical significance. There is no objection raised to the loss of the existing building with the current application providing an opportunity to replace 'poor design with better design' (NPPF para 9).
- 7.08 The NPPF core principles set out that the development of brownfield land should be encouraged; with the guidance encouraging the *"...effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value"*. Policy DM4 of the emerging Local Plan states that *"Proposals for development on previously developed land (brownfield land) in Maidstone urban area....that make effective and efficient use of land and which meet the following criteria will be permitted: The site is not of high environmental value; ...and the density of new housing proposals reflects the character and appearance of individual localities...."*.
- 7.09 In conclusion the protection sought by policy ED2 of the adopted plan has been significantly undermined in this town centre location by changes in demand, expectations and legislation changes with the introduction of the prior approval system. The prevailing character of the application site and its surroundings have significantly altered since the local plan was adopted in 2000.
- 7.10 The emerging Local Plan having been through the examination in public now carries significant weight in decision making. The council's future aspirations for the application site (and 5 and 6 Tonbridge Road) are set out in the specific site allocations within the emerging Local Plan. The application site is on brownfield land; it is not of high environmental value and is in a sustainable location. The allocation for housing on the application site and the background set out above represent a significant material consideration that justifies the loss of this vacant office building and a departure from policy ED2 of the Local Plan.

Design, layout, appearance and density

- 7.11 Policy DM 1 of the emerging plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 7.12 The housing site allocation H1(16) in the emerging plan states that the council will seek the following: The brick Victorian building at 3 Tonbridge Road will be retained to maintain its relationship with no 1 Tonbridge Road and to preserve the street scene.

The design of any development will reflect the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre and will be subject to the results and recommendations of a visual impact assessment that addresses the potential impact of any development from College Road and the All Saints area including the Lockmeadow footbridge. The eastern/south eastern elevation shall be well articulated given the exposed location of the site. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials. A high density scheme will be developed reflecting that the site is in a town centre location. As set out below it is considered that the development is in accordance with the merging plan.

- 7.13 In line with the draft allocation in the emerging local plan for the application site and the adjacent site at 5 Tonbridge Road both land owners have been encouraged by officers to collaborate with ideally one development proposal coming forward for both 3 and 5 Tonbridge Road. The suggestion of a single access road to access both developments has also been explored. Unfortunately this collaboration has not been possible and the council is required to consider the current application on individual merits.
- 7.14 The character and appearance of Tonbridge Road varies significantly as you travel away from the town centre and Maidstone West Railway Station. Recent development such as the Vine Medical Centre has changed the character of the area and planned development and the housing allocations are likely to change this character further. Development in the immediate vicinity of the site is between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights.
- 7.15 The design and appearance of the proposed building has been guided by advice provided as part of the earlier withdrawn planning application, including consideration of the earlier proposal by the council's design surgery. The housing allocation in the emerging plan includes, and seeks the retention of the adjacent semi-detached Victorian property and this has been achieved. The proposed removal of the existing link at first floor will improve the appearance of this retained building located outside the current application site. At the front of the site the proposed building will have a similar bulk and scale to the existing building on the site.
- 7.16 The front block of the revised proposal includes references to the adjacent Victorian property; including the two bays to the front elevation and the proposed fenestration design and proportions. In relation to building scale, whilst there are taller existing and proposed buildings (potentially a 6 storey building at 5 Tonbridge Road) in the locality, the building proposed has sought to reflect the roof eaves and ridge height of the adjacent retained Victorian building.
- 7.17 There are a variety of different building facing materials in the local area including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge Road). The new building will be constructed with a buff facing brick, with vertical cladding at third floor level. At the rear of the building the ground floor and the front staircase core will be in a blue/grey facing brick, with the other two staircase cores in vertical cladding to match the third floor. This choice of facing materials is considered appropriate in this location, reflecting the modern design approach and in accordance with the housing allocation.
- 7.18 Following the views expressed by members during the consideration of the outline proposal for the adjacent site at 5 Tonbridge Road, the main front elevation of the revised proposal has been set back by 7 metres from the front Tonbridge Road boundary. The two bays to the front elevation are set back 5 metres from the front

boundary (as highlighted in the consultation response from the owner of 5 Tonbridge Road). This layout is considered acceptable in terms of the site context providing a step forward to the adjacent semi-detached Victorian property that is set back 3.5 metres from the Tonbridge Road pavement.

- 7.19 The design of the proposed development has considered the exposed location of the application site on the slopes of the Medway Valley in this prominent position overlooking the town centre (plan allocation point 2). In support of the planning application context photographs have been provided from the B&Q car park in Hart Street and three locations on the opposite side of the Medway Valley in College Road. The proposed building, that is the same height as the adjacent building steps down (from four storey to three storey) at the rear of the site, will be seen in the context of taller buildings on higher land to the north. The design, scale and appearance of the building is considered acceptable in these views.
- 7.20 The footprint and extent of the proposed building reflects the linear shape of the application site. The proposed design has provided interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the three staircase cores. It is considered that the building meets the aspirations set out in the draft housing allocation (point 3).
- 7.21 Policy DM 12 of the emerging plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The draft housing seeks 'a high density scheme' that reflects this town centre location specifying a "...development of approximately 10 dwellings at an average density of 67 dwellings per hectare".
- 7.22 The application site covers an area of 0.12 hectares with the proposal providing 19 residential dwellings which amounts to a residential density of 158 dwellings per hectare.
- 7.23 It is accepted that the proposed residential density is higher than the precise density figure specified in the draft housing allocation; however it is in line with the aspiration for a high density development within the allocation, and is within the density range set out in policy DM12. Maidstone West Railway Station entrance is 60 metres from the application site and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.
- 7.24 The density of the proposal has been raised in the objection received from the owner of the adjacent site. The objection states that the 'overdevelopment, of the application site will lead to an 'underdevelopment' of the site at 5 Tonbridge Road. The draft allocation of the adjacent site at 5 Tonbridge Road in the emerging plan is for up to 60 dwellings. The original outline application for this adjacent site sought 83 dwellings; however this was reduced following negotiation to up to 65 dwellings (5 units above the draft allocation).
- 7.25 As advised in the officer's committee report, the submitted indicative plans for 5 Tonbridge Road show a flatted block at the front of the neighbouring site which is 6 storeys high and provides 41 flats. Whilst it is highlighted that the current application site is narrower, by comparison the currently proposed building is four storeys and provides 19 flats. It is considered that both proposed buildings are compatible in terms



of design and appearance and as discussed can provide a good standard of accommodation.

- 7.26 It is not considered that the proposed development represents an overdevelopment of the application site and the following sections of the site consider other relevant matters such as daylight, sunlight and privacy.

Impact of the proposed building on the amenities of neighbouring occupiers

- 7.27 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. The core principles set out in the NPPF state that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*
- 7.28 The semi-detached building to the east of the site (also 3 Tonbridge Road) is currently vacant office floor space but it benefits from prior approval to convert to residential (16/501842/PNOCLA). With the south facing orientation of the rear elevation and the separation distance of 4 metres increasing to 5 metres towards the rear it is considered that the new building is acceptable in relation to the impact on sunlight and daylight provision to this building.
- 7.29 At the rear of this neighbouring property is a small external area at ground level which is 2 metres below ground level on the application site. The immediately adjacent windows on the proposed building serve a staircase core and with the retaining wall and the separation from the boundary the proposed building is considered acceptable in relation to privacy and overlooking.
- 7.30 The land to the west of the application site at 5 Tonbridge Road is currently occupied by a mixture of commercial uses, including a fireplace shop and offices on the Tonbridge Road frontage. A rear vehicular access to the rear currently runs along the boundary with the application site. This neighbouring site is on higher ground reflecting the general change in ground level when travelling west away from the town centre.
- 7.31 Outline permission has been approved for the redevelopment of this neighbouring site (15/510179/OUT committee resolution in August 2016) with redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development. The lower ground floor (level 1) of the neighbouring building is likely to provide servicing and access functions with habitable room windows (single aspect units) and balconies provided at levels 2-6 (ground to fourth floor) facing towards the current application site.
- 7.32 A distance of 8 metres currently separates the side elevation of the building on the application site (that benefits from prior approval to convert to residential) from the side elevation of the existing commercial building on the neighbouring site at 5 Tonbridge Road. A distance of between 10 and 12.6 metres will separate the two proposed new buildings. The two proposed and opposing side elevations look over a new street formed by a two lane, vehicular access road on the site at 5 Tonbridge Road. As part of the current application, the design of the building provides dual aspect residential units. This layout has allowed the majority of main habitable room windows to be located on the east and south building elevations facing away from 5 Tonbridge Road.

- 7.33 The design of the west elevation currently proposed has considered the building proposed as part of the outline approval and the subsequent request for pre application advice. The majority of windows on the elevation facing 5 Tonbridge Road are to non-habitable floor space and will be fitted with obscured glass. A planning condition is recommended to ensure that these non-habitable room windows, the staircase windows and the secondary bedroom windows in units 18 and 19 on this west elevation are fitted with obscured glass.
- 7.34 Where main bedroom windows are proposed (9 flats) on the rear section of this west elevation, the building has been designed with angled directional windows. These windows will continue to provide outlook for future occupants but will also restrict views to a 45 degree angle and as a result restrict any overlooking of the adjacent building.
- 7.35 The consultation response from the neighbouring land owner has highlighted the bay windows linked to the units at the front of the site and to the west facing elevation (units 1, 3, 6 and 9). These windows to bedrooms and secondary living room windows look towards bedrooms and balconies on the proposed neighbouring building. With the separation distance and the semi-public nature of the road between the buildings this relationship is considered acceptable.
- 7.36 The objection from the neighbouring land owner has stated that a full BRE sunlight and daylight assessment should have been submitted with the current application. A full BRE daylight and sunlight was not necessary as part of the current planning application. This assessment was based on the commercial land uses present on adjoining sites.
- 7.37 Outline approval has been given with all matters reserved for the development of 5 Tonbridge Road. Using the indicative outline plans and draft detailed plans supplied by the adjoining landowner (and whilst less detailed than a full BRE assessment) the applicant has assessed the potential impact of the currently proposed development on sunlight and daylight. This assessment has considered the layout of the proposed building on the adjoining site including non-habitable servicing areas at lower ground floor level and two units on the relevant side of the building at ground floor level. This shows the relationship will be acceptable having regard to daylight and sunlight matters. Overall it is considered that the relationship between the buildings is acceptable and there would be acceptable amenity for occupants of both developments.
- 7.38 In summary it is considered that the proposed development with suitable planning conditions will respect the amenities of occupiers of existing neighbouring buildings and occupiers of the building proposed as part of the outline approval. The development will not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion, and will not result in an unacceptable loss of privacy or light enjoyed by current or future occupiers of nearby buildings and land.

#### Standard of accommodation

- 7.39 Policy DM1 advises that development should provide adequate residential amenities for future occupiers by ensuring that development does not result in excessive noise, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposed layout of the development provides as a minimum dual aspect units and a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision to all of the proposed flats.

#### Air quality

7.40 Paragraph 124 of the NPPF states *'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'* Policy DM5 of the emerging local plan sets out that *'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance'* The housing site allocation H1 (16) in the emerging plan states that the council will seek appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

7.41 The application site is within an Air Quality Management Area (AQMA) that covers the whole of Maidstone town centre. This area that has been identified as having poor air quality due to the nature of road networks and traffic movements.

7.42 The environmental health team have considered the application in relation to the potential impact on air quality and not raised any objection subject to a number of planning conditions. These conditions require an air quality assessment to be carried out along with measures to secure air quality emissions reductions. The air quality assessment should address the possible "canyon" effects on air pollution, particularly in conjunction with the steep gradient of the hill and the gyratory one way system. Further planning conditions should require the preparation of a Travel Plan and the installation of electric vehicle charging points on the site to promote sustainable travel options.

#### Noise

7.43 Paragraph 123 of the NPPF sets out *'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...'* The housing site allocation H1 (16) in the emerging plan states that the development will be subject to a noise survey to determine any necessary attenuation measures in respect of its town centre location and the adjacent railway.

7.44 The location of the development on a busy road and the proximity of the railway line both have the potential to cause nuisance to future occupiers. A noise exposure assessment by Clement Acoustics ref 11182-NEA-02 (dated May 2016) was submitted in support of the planning application. A planning condition is recommended to secure all of the mitigation that is outlined in this report. In order to protect future residents of the apartment blocks from internally generated noise, an informative is recommended highlighting approved document E of the Building Regulations 2010.

7.45 Informatives are recommended that seek to minimise disturbance to adjoining buildings during the demolition and construction phase. An informative is recommended to highlight the need to comply with separate legislation covering the surveying and removal of any asbestos that is found by a licensed contractor.

#### Flooding and drainage

7.46 The site is not in a location recorded by the Environment Agency as being prone to fluvial flooding, and no objection is raised on the grounds of fluvial flood risk. In relation to surface water flooding pre-commencement conditions are recommended seeking the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details.

7.47 Southern Water raise no objection subject to planning conditions and informatives attached to any planning approval. The conditions requiring details of a sustainable

urban drainage system to be submitted (including long term management) for approval. Details of the proposed means of foul and surface water sewerage disposal would also be required.

- 7.48 Informatives are recommended highlighting the requirement for a formal application to connect to the public sewerage system; and that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system. The applicant is advised to contact Southern Water to discuss the location of new trees and soakaways and the protection of existing infrastructure.

Ground contamination

- 7.49 The housing site allocation H1 (16) in the emerging plan states that development will be subject to the results and recommendations of a land contamination survey. Whilst the application site land is not known to be contaminated, there may be contamination present due to the previous commercial land use and ground works could disturb any contamination that is present. In these circumstances the environmental health team recommend a planning condition, be attached to any planning permission that will require a contaminated land watching brief.

Impact on the local highway network including traffic and parking.

- 7.50 The application site is in a sustainable location. The site is in close proximity to Maidstone West Train station, with a footpath link along Tonbridge Road. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance of the site. Bus stops are located along Tonbridge Road and these provide access to the town centre, local hospital, and other nearby towns. In order to promote sustainable transport choices planning conditions are recommended seeking various measures including a travel plan and electric vehicle charging points
- 7.51 The proposal will utilise the existing vehicular access in to Tonbridge Road with the function of this access improved by the proposed increase in the set back of the building. The application satisfactorily demonstrates that safe access can be provided onto Tonbridge Road. A planning condition is recommended to confirm the position of the electronically operated gates; with the pedestrian footfall these gates require a set back of at least 7 metres from the edge of the carriageway. The proposed access to and within the site has been considered by the local highways authority and no objection has been raised.
- 7.52 A Transport Assessment has been submitted in support of the planning application. After assessment of the application the highways officer has concluded that trip generation resulting from the proposal would not result in a severe impact in the context of the NPPF.
- 7.53 The site currently has car parking to the rear and previously operated as a solicitors office. The proposal includes car parking (18 spaces) which is appropriate for this central location where other forms of transport are readily available. The proposal also includes 19 cycle parking spaces in an appropriate location on the site. The proposed car parking provision and layout has been considered by the local highways authority and no objection has been raised.
- 7.54 The proposed servicing arrangements for the development including the size and location of the refuse storage area are considered acceptable. The refuse storage and collection arrangements have been considered by the local highways authority and no objection has been raised.

- 7.55 With the nature of this location the applicant is advised to give careful thought to construction phase arrangements including vehicle unloading/loading, measures to prevent surface water discharge, operative parking and wheel washing. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.

Trees, landscaping, and ecology

- 7.56 The housing site allocation H1(16) in the emerging plan states that *development proposals should be designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.*
- 7.57 The existing site has limited existing tree planting, landscaping or ecology capability with the site predominantly occupied by buildings or hard surfacing. There is some overgrown planting along the southwest boundary with other trees on the boundary to the west of site with 5 Tonbridge Road.
- 7.58 The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology. The submitted proposal has been considered by the council's landscape officer who has no objection to the development subject to planning conditions requiring the submission and implementation of a landscaping scheme. It is recommended that planning conditions secure swift bricks and bat boxes, tubes or tiles within the new building.

Archaeology

- 7.59 The housing site allocation H1(16) in the emerging plan states that *development proposals are designed to take into account the results of a detailed Heritage Impact Assessment that addresses the archaeological implications arising from the development and in particular the adjacent Roman cemetery site.*
- 7.60 The site of the application lies close to, or contains, a Roman cemetery and there is potential for Roman remains. In view of this, there have been some targeted archaeological investigations and some specialist assessment of the archaeological potential and the extent of previous works on site but it seems that details of existing ground disturbance is still not clear. After considering the submitted proposal KCC archaeology have not raised any objection to the proposal subject to a planning condition requiring *archaeological field evaluation works in accordance with a specification and written timetable.*

**Planning obligations**

Kent County Council

- 7.61 Kent County Council has assessed the potential impact of this proposal on the delivery of its community services and has provided the following assessment:
- Primary Education
- 7.62 Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, however due to pooling restrictions contributions towards a specific infrastructure project or type of infrastructure are restricted to up to four different planning applications.
- Secondary School Provision
- 7.63 Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, however due to pooling restrictions contributions

towards a specific infrastructure project or type of infrastructure are restricted to up to four different planning applications.

- Libraries

7.64 Kent County Council is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires Kent County Council to take proper care of its libraries and archives. Bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively.

7.65 To mitigate the impact of this development, Kent County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in the proposed development. Kent County Council therefore requests £48.02 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

- Provision of broadband

7.66 Kent County Council have requested that a planning condition be attached to an approval requiring broadband infrastructure. It is considered that this condition would not meet the relevant planning condition tests.

NHS West Kent Clinical Commissioning Group

7.67 As of 1 April 2016, NHS West Kent Clinical Commissioning Group (CCG) took on responsibility for the delegated co-commissioning of primary care services in West Kent. We are now the body which will requests Section 106 and Community Infrastructure Levy health care contributions on behalf of NHS England South (South East).

7.68 Inevitably any increase in the local population has an impact on provision of health care and NHS West Kent CCG would seek to apply this s106 contribution to meet theses extra demands placed upon primary and community health service and to meet the needs of this population. In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Primary Care Development Strategy and Estates Framework. These improvements to the primary care and out of hospital infrastructure will enable support for the registrations of the new population with a local practice, in addition to the commissioning and delivery of health services to all.

7.69 The proposed development noted above is expected to result in a need to invest in the primary care premises at The Vine Medical Centre (0.1mile). This contribution will be directly related to supporting improvements within primary care by way of extension, refurbishment and/or upgrade to services in order to provide the required additional capacity through the delivery of the primary care hub and cluster model as set out in the primary care development strategy.

7.70 NHS West Kent CCG will continue to use the same NHS WEST Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. Where the application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person the following predicted occupancy rates will be used: 1 bed unit @ 1.4 persons and 2 bed unit @ 2 persons.

7.71 NHS West Kent CCG will not apply for contributions if the units are identified for affordable/social housing. NHS West Kent CCG therefore seeks a healthcare

contribution of £11,520, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

Community Infrastructure Levy Regulations and planning policy

- 7.72 Policy ID1 of the emerging Local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the Council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 7.73 Policy CF1 of the adopted Local Plan states: *'Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.'*
- 7.74 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: The requests must be 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.
- 7.75 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 7.76 The CIL 122 and 123 tests have been applied in the context of this planning application and the above planning obligations were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122). The planning obligations in the context of this planning application have been assessed against and were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 123). With the proposed obligations also in line with adopted and emerging the provision of these contributions by way of an appropriate legal mechanism is considered acceptable.

Affordable housing and development viability

- 7.77 The NPPF (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing. This requirement relates to housing sites or mixed-use development sites of either 15 units or more, or 0.5 hectare or greater. The current adopted policy is for 40% of the units to be for affordable housing with a 60/40% split between affordable rent / shared ownership tenure. In the context of the current proposal this would equate to 8 affordable units with 5 for affordable rent and 3 for shared ownership.
- 7.78 Paragraph 2.14 of the DPD sets out 'the Council is aware that there may be circumstances whereby 40% affordable housing will not be viable if the Councils is expecting a full range of other planning obligations, such as contributions towards open space, highways, education, health, public art, etc.

- 7.79 In such cases, the Council will priorities requirements, but the onus will lie with the developer to prove to the Borough council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing'. Policy AH1 states 'The Council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, unless the council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided'.
- 7.80 The current planning application is accompanied by viability report that concludes that the submitted development cannot support any affordable housing provision or other planning obligations whilst remaining financially viable. This viability report has been independently reviewed by a third party on behalf of the council.
- 7.81 The review has agreed with the applicant's assessment and has concluded that it would not be possible for the viable development of the application site whilst providing affordable housing or other planning obligations. In order to allow the site to come forward as part of a financially viable development it is not recommended that any planning obligations or affordable housing

## **8.0 CONCLUSION**

- 8.01 The proposal would result in the loss of land currently designated in the adopted local plan for employment use (Use Class B1 office), however the council have approved a number of residential developments in similar locations. In addition the council's aspiration for the site set out in the draft Local Plan is for the site to provide residential use and is a draft allocation under Policy H1(16). In this context the loss of the office use on the site and the provision of residential accommodation is acceptable.
- 8.02 The existing vacant building makes little contribution to the character of the area and the removal of this building and the first floor link to the adjoining is supported. The current application provides an opportunity to bring this site back into beneficial use and to make more efficient use of the land that is available in this highly sustainable location.
- 8.03 In line with the draft allocation for the application site and the adjacent site at 5 Tonbridge Road both land owners have been encouraged by officers to collaborate with ideally one development proposal coming forward for both 3 and 5 Tonbridge Road. The suggestion of a single access road to access both developments has also been explored. Unfortunately this collaboration has not been possible and the council is required to consider the current application on its own individual merits.
- 8.04 The design, appearance, scale and proportions of the proposed building satisfactorily address the Tonbridge Road streetscene and both existing and proposed adjacent development. The proposed building is acceptable in terms of impact on the amenities of existing and future neighbouring occupiers including loss of daylight, sunlight, outlook and privacy. The proposal will provide a good standard of the residential accommodation including in relation to noise and air quality. The development utilising the existing access and with adequate car parking and serving arrangements is acceptable in relation to the local highway network.

## **6.0 RECOMMENDATION**

**GRANT PLANNING PERMISSION SUBJECT TO PLANNING 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 hereby permitted shall be carried out in accordance with the following approved plans: 15-671-001 (Location plan); 15-671-002B (Site Plan) rec 06.02.2017; 15-671-010B (Ground floor plan) rec 16.12.2016; 15-671-011B (First floor plan) rec 16.12.2016; 15-671-012B (Second floor plan) rec 16.12.2016; 15-671-013B (Third floor plan) rec 16.12.2016; 15-671-015 (Rear and side elevations) rec 06.02.2017; 15-671-016 (East elevation) rec 06.02.2017; 15-671-018A (Sections) rec 06.02.2017 and 15-671-019 Section 2 rec 06.02.2017. Transport Assessment (Journey Transport Planning); Visual impact assessment; Design and Access Statement; Noise Exposure Assessment by Clement Acoustics ref 11182-NEA-02  
Reason: For the avoidance of doubt and in the interests of proper planning.
- (3) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections and retaining walls.  
Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.
- (4) Prior to the commencement of development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall 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. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.
- (5) Prior to the commencement of development the following shall have been submitted to and approved in writing by the Local Planning Authority a) details of archaeological field evaluation works in accordance with a specification and written timetable, b) following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.  
Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.
- (6) Prior to the commencement of development written evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02 (dated May 2016)) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.  
Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (7) Prior to the commencement of development an air quality assessment shall be carried out by a competent person in accordance with current guidelines and best practice with the written assessment report submitted to and approved in writing by the Local Planning Authority. The report shall contain a) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of future occupiers of this development. b) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development. c) Consider the possible “canyon” effects on air pollution, particularly in conjunction with the steep gradient of the hill and gyratory the one way system. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and retained thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development commencing to ensure that the maximum range of mitigation measures are available.

- (8) Prior to the commencement of development a report shall be submitted to and approved in writing by the Local Planning Authority including a calculation of pollutant emissions costs from the vehicular traffic generated by the development, (utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered). The report should include identification of the additional vehicular trip rates generated by the proposal (from the Transport Assessment); the emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions Factor Toolkit] and the air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB). The result should be totalled for a five year period to enable mitigation implementation. The calculation is summarised as: Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]. The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development commencing to ensure that the maximum range of mitigation measures are available.

- (9) Prior to the commencement of development a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The plan shall include a) details of washing facilities to prevent construction vehicles carrying mud on to the public highway, b) details of arrangements for loading/unloading and turning, c) details of parking facilities for site personnel and site visitors d) Measures to minimise the production of dust on the site; e) Measures to minimise the noise (including vibration) generation; f) Measures to manage the production of waste and to maximise the re-use of materials g) Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway; h) The location and design of the site office and storage compounds and i) arrangements for public consultation and liaison during the construction works The approved facilities and arrangements shall be provided prior to construction work commencing and maintained for the duration of the construction works.

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- (10) Prior to the commencement of development details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the

Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- (11) Prior to the commencement of development details of the proposed means of foul and surface water disposal shall have been submitted to, and approved in writing by, the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- (12) Prior to the commencement of development a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- (13) Prior to the development reaching damp proof course level, written details and samples of all facing materials and external surfacing materials (including undercroft parking) of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (14) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and to facilitate local ecological networks.

- (15) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be maintained as such thereafter.  
Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of future occupiers.
- (16) Prior to first occupation of any residential unit, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include a) details of any post remediation sampling and analysis, b) 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. 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.  
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 in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- (17) If during construction/demolition works evidence of potential contamination is encountered, all 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 in accordance with the agreed plan.  
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.
- (18) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass with the obscured glass retained permanently thereafter.  
Reason: In order to prevent amenity and prevent overlooking and loss of privacy.
- (19) Prior to first occupation of the relevant residential dwellings electric vehicle “rapid charge” points (of 22kW or faster) and charge points for low-emission plug-in vehicles shall be installed and ready for use in accordance with details that have previously been submitted to and approved by the Local Planning Authority with these facilities retained in accordance with these details thereafter.  
Reason: In the interests of sustainability, to support reductions in air pollution, to provide for low emission vehicles and to reduce the carbon footprint.
- (20) Prior to first occupation of any residential dwellings hereby approved a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter. The Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling. c) Promotion of practises/facilities that reduce the need for travel. d) Monitoring and review mechanisms. e) Travel Plan co-ordinators and associated support. f) Details of a welcome pack for all new residents including local travel information, g) Marketing. h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- (21) Prior to first occupation of any residential dwellings hereby approved management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local Planning Authority. With these arrangements retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- (22) Prior to first occupation of any residential dwellings hereby approved the cycle parking, car parking and internal access arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision), shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- (23) Prior to first occupation of any of the residential dwellings hereby approved the vehicle access from Tonbridge Road (A26) shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable driver visibility splays and measures to ensure their retention, and confirmation of the position of the electronically operated gates (require a minimum set back of 7 metres from back edge of the pavement); with the approved measures retained permanently thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- (24) Prior to first occupation of any of the residential dwellings hereby approved landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.an appropriate standard of accommodation.

- (25) Prior to first occupation of any of the residential dwellings hereby approved details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show 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, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- (26) Prior to first occupation of any of the residential dwellings hereby approved details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter. Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

### **INFORMATIVES**

- (13) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- (14) The applicant is advised that 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.
- (15) The applicant is reminded of the requirement for a formal application to connect to the public sewerage system.
- (16) The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (17) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- (18) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (19) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (20) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

- (21) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- (22) The applicant is advised that adequate and suitable measures should be in place to minimise release 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.
- (23) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (24) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers. Bats and Lighting in the UK.

Case Officer: Tony Ryan

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

### **Urgent Updates**

#### **Item 17. Pages 63-93 3 Tonbridge Road, Maidstone Reference number: 16/507491/FULL**

Add additional condition (8a) on page 87 as follows:

Prior to the first occupation of any of the residential units hereby approved and following the conclusions of the emissions report submitted to discharge condition 8 emissions mitigation/compensation shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect air quality and the amenity of future residents.

### **RECOMMENDATION REMAINS UNCHANGED**

#### **Item 17. Pages 63-93 3 Tonbridge Road, Maidstone Reference number: 16/507491/FULL**

Further representations have been received from Councillor Tony Harwood raising the following concerns and from the adjoining land owner:

- There is very little detail in terms of landscaping, materials or design;
- We have conditioned the introduction of good quality planting ('pollution busting' small leaved lime trees are a key landscaping motif) between any new development and Tonbridge Road. In this case there is just a reference to 'amenity space' on the Tonbridge road frontage; indeed there is no indication of planting anywhere in the plans.
- The drawings seem to indicate squat oblong tenement blocks with tiny windows totally filling the site. This approach seems to be at odds with previous permissions on similar sites in the vicinity which have achieved good design.
- The proposal will adversely impact upon the adjoining site in terms of the quality of the accommodation due to the failure to meet the BRE guidelines

The following response is provided to these comments:

- The existing site has limited existing tree planting, landscaping or ecology capability with the land predominantly occupied by buildings or hard surfacing. The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology.

- The proposal has been considered by the landscape officer who has no objection to the development subject to planning conditions requiring the submission and implementation of a landscaping scheme. It is recommended that planning conditions also secure swift bricks and bat boxes, tubes or tiles within the new building.
- There is open space for landscaping along the site boundaries and at the front of the site to provide the setting to the building with details of landscaping requested through condition 24.
- Whilst there are other conditions that consider air pollution, a specific reference to Lime trees can be added to the landscape condition if required.
- The flats are one and two bedroom units with the majority provided with balconies as external amenity space, this arrangement is similar to other buildings in similar locations.
- The proposed design provides interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the three staircase cores.
- Whilst the development provides dual aspect units the main orientation in terms of habitable space and sunlight and daylight is to the east (towards the railway station). The smaller windows facing west towards 5 Tonbridge Road are designed to minimise overlooking and loss of privacy in order and allow the development of the neighbouring site at 5 Tonbridge Road.
- There are a variety of different building facing materials locally including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge Road). The new building will be constructed with a buff facing brick, with vertical cladding at third floor level. At the rear of the building the ground floor and the front staircase core will be in a blue/grey facing brick, with the other two staircase cores in vertical cladding to match the third floor. Following comments from members on the outline proposal at 5 Tonbridge Road, the use of render was replaced with brickwork.
- A 7 metre set back is provided between the main front elevation and Tonbridge Road. This is 2 metres further back than the existing building and behind the neighbouring Victorian building. This set back is also similar to that requested on the neighbouring site.
- In terms of site coverage, density, extent of open space, the proposed layout is similar to the outline proposal that members approved for the adjoining site at 5 Tonbridge Road albeit the proposed block on the adjoining site is 6 storeys.
- The height of the proposed block will have a closer relationship to the adjoining Victorian building and 4 storeys is considered appropriate in this context and to respect the scale of this adjoining building .
- The BRE sunlight and daylight guidelines are non-mandatory and the guidelines advise that they should not be seen as “an instrument of planning policy”; As they are based on a model of two storey detached housing the guidance states that “in an area with modern high rise buildings, a higher degree of obstruction maybe unavoidable if new developments are to match the height and proportions of existing building”.
- The footprint and extent of the proposed building reflects the linear shape of the site (similar to the nearby Broadway Heights site). The proposed layout makes efficient use of land in this highly sustainable location, with the draft housing allocation seeking ‘a high density scheme’.
- As stated in the officer report it is considered that the current proposal and a building on the neighbouring site can adequately co-exist and provide an acceptable standard of accommodation.

## **RECOMMENDATION REMAINS UNCHANGED**