

REPORT SUMMARY

REFERENCE NO - 17/504632			
APPLICATION PROPOSAL – Proposed demolition of all existing buildings and introduction of a new 33 space public car park, together with 24 flats in a four storey block fronting Upper Stone St. A row of 6 houses constructed over 3 storeys fronting Orchard St. 2 rows of 4 houses each constructed over 3 storeys fronting Brunswick St, and George St and 9 flats in a stepped block overlooking the new pay and display car park. The development will include allocated parking and soft landscaping.			
ADDRESS – Land at Brunswick Street, Maidstone			
RECOMMENDATION – Approved subject to completion of S106 and planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies. The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent. The buildings are considered to be well-designed, appropriate to their context and the street scene and subject to conditions will assimilate within the area without harm to nearby properties. The scheme will provide a mix of 2-4 bedrooms flats and houses which will provide a good standard of accommodation which exceeds national standards. Whilst the status of the site as a public car park is noted and there will be loss of some on-street parking, the scheme will retain a public car park and on-street parking provision that is commensurate with recorded demand. Further information has been provided in respect of air quality to demonstrate there are no impacts on off-site receptors and the scheme has been revised to deal with air quality to ensure the future occupants are protected from air quality effects. This includes sealed balconies, mechanical ventilation and other measures. The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is recommended planning permission is granted subject to planning conditions and legal agreement			
REASON FOR REFERRAL TO COMMITTEE – Land owned by MBC			
WARD MS- High Street	PARISH/TOWN COUNCIL n/a	APPLICANT MBC AGENT Calford Seaden LLP	
DECISION DUE DATE 6.12.2017	PUBLICITY EXPIRY DATE 13.10.2017	OFFICER SITE VISIT DATE 4.11.17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
12/0285	Advertisement consent	PER	
96/0389	Change of use of part of car park for use by adjoining premises in Upper Stone St	PER	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a rectangular site contained by Upper Stone Street to the east, George Street to the south, Orchard Street to the west and Brunswick Street to the north. The eastern part of the site contains a number of buildings including a commercial car dealer and a private function hall, which fronts onto Upper Stone Street with the

remainder of the site laid out as car parking. The northern part of the site is a pay and display public car park with 71 spaces and the southern part is laid out as unmarked parking area which is currently closed. The levels fall across the site with the northern part of the site being lower than the southern part with a central retaining wall running east to west across the site. The commercial buildings to the frontage are 2 storeys in nature with a parking court to the boundary with Upper Stone Street.

- 1.02 The street scene in Upper Stone Street is varied in nature, with two storey blocks to the north and south of the application site with larger scale development further north. Opposite the site to the east are a car repair premises and more traditional two storey buildings with commercial uses on the ground floor. The area itself is mix of uses, with Upper Stone Street have a variety of uses including Class A uses, residential and industrial uses with the area to the west being more residential in nature. Brunswick Street and Orchard Street have a close knit 19th Century street pattern with two storey dwellings tightly fronting onto the footpath edge, whereas to the south it consists of more modern development of 2/3 storeys which are set back with small front gardens. Whilst this part of the area is a traditional close knit urban form, more recent developments have taken place with 4 storey modern flatted blocks to the north west and south west of the application site which introduces additional height to the otherwise traditional street scene.

2.0 PROPOSAL

- 2.1 The application relates to the demolition of all existing buildings and redevelopment to include a new 33 space public car park together with the construction of 47 dwellings, associated garden space, parking and landscaping. The new dwellings will be constructed in five blocks which will include the following;
- A 4 storey block fronting onto Upper Stone Street which will contain 24 flats (Block 1)
 - 6 houses fronting Orchard St (Block 2),
 - A block containing 9 flats in a stepped block overlooking the new pay and display car park (Block 3)
 - 8 x 3 storey houses fronting Brunswick St, and George St (Blocks 4 and 5)
- 2.2 The scheme will deliver 24 flats for private market rent, 9 affordable flats for rent, 4 x 3 bedroom houses for shared ownership with the remaining 10 dwellings being market sale properties.
- 2.3 The scheme includes the use of SUDS, renewable energy, electric charging points and native landscaping. The scheme will also involve the relocation of existing parking bays from the southern side of Brunswick Street to the northern side and from the northern side of George Street to the southern side to create space for access for the new site and maximise on-street parking provision for existing residents.
- 2.4 The application was supported by assessments in respect of air quality, transport, energy, planning and design and access statements and the application seeks to integrate the recommendations of those reports within the scheme.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF): Section 1, 2, 4, 6, 7 8 and 10
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Affordable Housing DPD, Open Space DPD
Adopted Maidstone Local Plan (2011-2031): SP1, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM5, DM6, DM12, DM19, DM21, DM23.
Draft Air Quality Planning Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 35 representations were received from local residents raising the following (summarised) issues:

- Loss of parking – not enough parking – wider adverse impacts on highway
- Loss of light to surrounding properties
- Infrastructure at breaking point
- Congestion
- Overlooking
- Noise and disturbance
- No recreational space
- Height and scale of development
- Gardens should be instead used for parking
- Impacts of Wrens Cross development on parking demand
- Ruining of views
- Congestions

5.0 CONSULTATIONS

5.01 **KCC Highways:** No objections subject to conditions relating to revisions to on-street parking, construction management plan and cycle parking

5.02 **KCC Drainage :** Awaiting formal response. Will be provided as an update to committee

5.03 **Southern Water** No objections on foul sewerage but cannot accommodate surface water flows

5.04 **Environment Agency** No objections subject to condition relating contamination and piling

5.05 **Natural England** No comments

5.06 **Kent NHS** No objections subject to contribution to local surgeries

5.07 **KCC Economics** No objections subject to primary, secondary and library contributions

5.08 **MBC Housing** No objections

5.09 **MBC Parks and Leisure** No objection subject to contributions for off-site provision

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Brownfield status and existing uses
 - Highway issues including parking
 - Design and street view issues
 - Amenity impacts
 - Air quality

Brownfield status and existing uses

- 6.02 The site represents a brownfield site in a sustainable location which fully accords with the strategic objectives of the Local Plan and its policies, notably DM5. It is noted there are existing uses on site, namely that of a car sales business and a private community hall which is used by the Jubilee Church, which occupies the site to the south, on Upper Stone Street. Whilst it is recognised the car sales business generates employment for a number of staff and Policy SP21 sets out a general policy strategy for retaining economic development premises although it does allow release of these sites where the location is not appropriate. Furthermore, whilst the loss of the employment weighs against the scheme, the existing car sales use is a sui generis which is a use not strictly protected by the policy. It could also be argued that the location of the use, adjacent to existing residential properties in a close knit urban area is not ideal for such use. Therefore, it is not considered the loss of the employment represents a factor that could justify the refusal of the application.
- 6.03 It is also recognised to the west of the car sales building is a private hall which is used periodically by the Jubilee Church which is located to the south. It is understood this is not open to the public and only to the private members of the church and is used irregularly and infrequently. The church would remain in use to the south and is unaffected by this application. Due to this private access and lack of regular use, it is not this building would classify as a community facility as set out by Policy DM20 and thus its loss would not be contrary to this policy.
- 6.04 The site is not of high environmental value and the development will reflect the density parameters set out in DM12 and will respect the character of its surroundings. On this basis it is not considered the loss of the existing uses would represent matters on their own which would justify the refusal of the application or would be directly contrary to any policy of the Local Plan. The scheme would accord with Policy DM5 in supporting the reuse of brownfield land.

Highways issues and the car park

- 6.05 The existing site is a public and private car park with commercial units to the Upper Stone Street frontage and thus provides a service in terms of parking for shoppers, visitors and workers alike. The public car park currently provides 71 spaces and the private car park, known as the Jubilee car park, provides 70 car parking spaces although it is understood this private car park is no longer in use. Surrounding the site is on-street parking which provides parking in designated parking bays to the southern side of Brunswick Street and to the north of George Street. The site lies within the urban area of Maidstone whereby there is a demand for parking from a variety of users, including residents.

- 6.06 Turning firstly to the redevelopment of the public car park, the development will provide a new public car park of 33 spaces but it is acknowledged this will result in the loss of 38 spaces. However, having regard to parking beats surveys undertaken in 2014, it is clear the car park was not being used to its full capacity, with an average demand being 24 spaces. Indeed at the time of the officer's site visit, the car park was around half full. On request of the officer, the MBC team undertook a review of the number of tickets sold in October 2017 per day and the average number of tickets brought per day was 27 which add further support to the reduction in parking provision. On this basis, the reduction of the car park to 33 spaces is not considered to have an adverse impact on town centre parking or wider highway considerations. In terms of the standard of the new car park the parking spaces turning and access are considered to be acceptable and have been reviewed by KCC Highways. The current 70 space Jubilee car park is closed and is only used periodically. KCC Highways have reviewed the impacts on the reduction of car parking on the site and have no objections on highway grounds.
- 6.07 Turning to the impacts on the on-street parking, the Transport Assessment calculates there is currently 42 on-street parking bays contained within three parking bays, which border the site, in Brunswick Street, Orchard Street and George Street. Due to the need to access the southern and northern parts of the application site for parking and access, there will be a loss of 14 spaces in the Brunswick and George Street Parking bays. The 10 space parking bay in Orchard Street will be unaffected by the application. The applicant refers to a parking survey by Maidstone BC which recorded a demand for parking within these bays of around 26-27 spaces during AM and PM at peak time. A personal account of one of the residents recorded 28 cars parked around the three roads and indeed one of the days of the parking beat recorded 35 cars parked. The original scheme as submitted retained 28 spaces within the on-street parking bays and this was considered to be adequate to deal with the likely demand by KCC Highways. Notwithstanding this, following comments from KCC Highways suggesting enhancements to the road layout in this location to minimise parking loss, the application is now proposing amendments to the layout of the parking bays.
- 6.08 The applicant undertook a review of the implications on parking capacity of the creation of a one way system and also the part relocation of some of the existing parking bays from the southern side of Brunswick Street to its north side and vice versa in George Street where the bays could be relocated from the northern to the southern side of George Street. These options had the potential to increase the on street parking provision to 35 spaces. KCC Highways have reviewed these options and consider the one way system to be disproportionate to the scale of the project but consider the proposal to relocate the parking bays to opposite sides of the road at Brunswick Road and George Street to be reasonable and would create improvements to existing residents. As a result of these amendments to the application, the development will retain 35 on street spaces and limit the loss to 7 spaces rather than the original loss of 14 spaces. Having regard to the demand set out above and the maximum recorded number of cars parked, it is considered these amendments are necessary and deal with any fluctuations in terms of demand. These changes to the highway would be secured by a Section 278 agreement which would be subject of a planning condition.
- 6.09 In terms of the overall parking provision to serve the residential development, there will be 45 parking spaces within the site which is set out as follows;
- 1 space for each 4 bedroom unit fronting onto Orchard Street (6 spaces)- Block 2
 - 1 space each for the 3 bedroom units fronting onto Brunswick Street and Orchard Street (8 spaces). Block 4 and 5.

- 6 spaces to serve the block of 9 flats (Block 3)
- 25 spaces within an undercroft parking area to serve the Upper Stone Street (Block 1)

- 6.10 This level of provision would accord with the Council's parking standards where there is a maximum suggested parking level of 1 space per unit with the advice stating reduced provision is encouraged in support of the efficient use of land. The proximity of the site to the town centre and its proximity within walking distance of three mainline railway stations and bus routes justify a lower provision. DM23 states the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. It is considered when having regard to the type of units, the sustainable location and the balance between the constraints of the site and making efficient use of land, it is considered the parking provision is adequate. Furthermore, the use of undercroft parking, on-plot parking in a landscaped context, complies with part 1(ii) of the policy. KCC Highways have reviewed the parking provision and have no objections to this. The scheme will also include cycle parking as per the standards and it is recommended planning conditions are imposed to secure both vehicular and cycle parking post development.
- 6.11 Having regard to the trip rates associated with the development, there will a minor increase of 7 trips in the AM peak and 9 trips as opposed to the existing vehicles sales use. There is also the potential for a reduction in overall trips when one takes account of the larger car park use and other uses which have not been taken into account by the applicant to ensure a robust assessment of the traffic impacts. On this basis it is considered the application has been properly assessed as to the traffic impacts of the scheme, in accordance with Policy DM21, and there are no highway grounds to weigh against the development.

Design and Street View matters

- 6.12 The application follows the pre-application process with officers and members which has refined the design and layout of the scheme to its current form. The scheme was originally proposed with a building located more centrally within the site. However, it was advised that due to the close knit nature of the area that it was preferable that the development addressed the street to replicate the enclosure of the existing street pattern. The development is broken into 5 blocks, which vary from single dwellinghouses along the Brunswick, Orchard and George Streets to flatted development on Upper Stone Street. The two flatted blocks will be located either side of the public car park which itself will be reduced to 33 spaces.
- 6.13 The principle part of the scheme is a 4 storey block (Block 1) which will front onto Upper Stone Street. The building will be set back by around 8 metres to create a landscaped frontage and to align this with the building line of adjacent buildings to the north and south. This will extend to 3/4 storeys which will step down with 4 storeys to the north of the site and 3 storeys to the southern elevation which is consistent with the existing levels on the site. The residential development will be laid out over the upper three floors with parking on the ground floor which will be partly dug into the slope of the site. This will have an overall height of between 12 and 14 metres from the natural ground levels and will site comfortably in the street scene, with the two storey block to north and 4 storey block to the north west and south west and the large block of the jubilee centre to the south.
- 6.14 As the building will utilise the levels of the site, the building will be 3 storeys adjacent to the Jubilee Building, which has a lower profile, and at its northern elevation where the

scheme will extend to 4 storeys, the building will be seen within the backdrop of the 4 storey apartment building to the north west. The building is considered to represent good design having regard to its proportions and palette of materials. The scheme adopts a consistent approach across the site using a range of compatible materials to articulate its elevations including red stock brick, seamed metal panels and timber cladding with glazed balconies to serve each flat. Block 1 will overlook the new public car park to the west with areas for amenity and tree planting being located along the western boundary with the car park. The car park itself is split into two parts, with access from Brunswick Street and George Street respectively. This division allow additional planting to be undertaken within the central part of the car park and also to its boundaries and between some parking spaces. Internally, the building will provide 24 flats over the 1st-3rd floors of the building with 8 x 2 bedroom units per floor. The units will exceed the National Space Standards and are considered to provide a good internal environment for new residents. Each flat will also be served by an external enclosed glazed balcony.

- 6.15 The second block of flats, Block 3, contains 9 units and will be located to the west of the car park and will incorporate a stepped roof line and will extend to 3 storeys which will be a maximum of 10 metres in height, thus providing a stepped reduction from the larger block to the east. The building will follow the design approach of the frontage block with red stock brick, timber cladding and grey aluminium glazing. Each floor of the building will contain 3 x 2 bedroom flats, each with an external balcony, all of which will exceed the National Space Standards.
- 6.16 The central part of the site will be laid out with lower density to reflect its traditional surroundings. There will be four attached dwellinghouses fronting onto Brunswick Street and to George Street, which will be laid out back to back. The units will be three storeys consisting with red stock brick and with the upper floor recessed and being clad with grey seamed metal. The scale of these dwellings is 7 metres to its parapet wall, with the recessed third floor extending the building to 9 metres but set further into the site. This recessed third storey and the modest nature of the main element part of the dwellings, will provide an acceptable relationship with the more traditional properties on Brunswick Street and George Street. The units will have undercroft parking and will address Brunswick Street in a manner consistent with the original urban grain of the area. These units will have rear gardens which will back onto the properties fronting onto George Street. These units to George Street will be identical in design.
- 6.17 The western end of the site will consist of a terrace of 6 dwellings which will again have a stepped roof line to take account of the levels of the site. The dwellings will be set over 3 storey which will be 9 metres high with the upper floor recessed to create a balcony area. The dwelling will be set into the site by over 10 metres to create a front garden and parking area to these properties along with a new footpath to the street. The building would consist of stock brick, timber cladding and grey aluminium glazing with the upper floors consisting of grey standing seam metal cladding. These units would each have private rear gardens to the east of the units.
- 6.18 The site is considered to be well considered scheme with the higher scale flatted development located to the eastern part of the site where this fronts onto Upper Stone Street and where the site adjoins similar built form such as the existing 4 storey apartment blocks on Brunswick Street and corner of Salem Street/George Street. The landscaped frontage to Upper Stone Street with new street tree planting, including small leafed lime trees and hedging and ragstone walling to the road frontage will secure a significant enhancement over the existing parking court. As the site extends westwards, the area takes on a more traditional residential street pattern and the

design takes account of this with a lower flatted block with the remainder of the site laid out as residential dwellings.

- 6.19 In terms of density, the scheme would represent 97dph which would accord with the parameters set out in Policy DM13 of the local plans which considered a range between 45 and 170 dph to be acceptable at this type of location. The scale, massing and approach to the design is considered to have taken account of the site context, site levels and the character and scale of the surrounding built form.
- 6.20 Therefore, it is considered the scheme represents good quality design which takes account of its context and would accord with policy DM1 of the Local Plan and Section 7 of the NPPF.

Residential Amenity

- 6.21 There have been a number of responses in respect of the impacts on surrounding residential properties in terms of overlooking and loss of outlook. Having regard to the close knit urban grain of the area, there is a balance between creating an appropriate street scene and context to the development and protecting amenity. In this case the design approach sought to replicate the close knit character of the area with properties addressing the street scene and creating a built form that reflects the scale and layout of the existing area, albeit in a modern format. Thus as a consequence this has brought properties closer to the boundaries with the site and that of the adjoining properties.
- 6.22 However, it is considered the scheme will maintain the amenity of the adjoining properties. Firstly taking account of the properties facing onto Orchard Street, due to the position of the dwellings some distance into the site, this will create separation distances of around 16m, which includes the width of Orchard Street. Whilst, the upper floor contains a smaller terrace, the separation distance and its position on the front elevation will avoid any significant impacts to privacy. The development is separated from the existing properties on Brunswick Street, by the highway and parking bays and on this basis, the potential loss of privacy from ground floor windows is obscured by the presence of parked cars and general activity. Whilst there will be facing windows at 1st and 2nd floor, the separation distances range from around 12-14 metres. These distances are considered acceptable in such an urban environment, indeed similar relationships exist further along Brunswick Street. Furthermore, the 1st floor windows will serve bedrooms to the proposed dwellings, which are likely to be in use at night, or used with curtains closed and thus will in practical terms will present limited likely impacts in terms of overlooking. To the south, the dwellings are located a similar distance from properties in George Street but for the same reasons as above, it is not considered the scheme will create any significant loss of privacy to these units. Whilst the upper floors of blocks 4 and 5 would have a balcony area at 2nd floor these areas will be contained by privacy screens to avoid any overlooking. Whilst these units also have a small balcony area to the front elevation, due to the views onto an active street and the minor nature of these areas, it is not considered these areas will have any significant impact on amenity of surrounding properties. The development is considered to be set back sufficiently to avoid any adverse impacts on the outlook of any existing property.
- 6.23 Turning to the relationship between the proposed units within the development itself, the housing units on George and Brunswick Street will achieve back to back distances of around 18 metres which is considered acceptable in this location and will ensure a good standard of amenity. The units facing onto Orchard Street, will be approximately

15m from the private area of the nearest unit fronting onto George/Brunswick Street which is considered sufficient in an urban area. The relationship of Block 3 and the gardens of the dwellinghouses to the west is also considered acceptable as the facing windows will be to stairwells and to bedrooms, which themselves be obscure glazed to their lower pane in order to prevent overlooking. Whilst Block 3 will have windows facing those of Caroline Court, which will be around 13 metres between the facades, these windows will be narrow windows, serving kitchen areas and this together with the distance will ensure no significant impact will be caused to the amenity of the nearest flats.

- 6.24 The application is also supported by a daylight/sunlight report which assessed the impact of the development on the neighbouring properties in terms of levels of sunlight/daylight. The report concluded that of the 130 windows assessed only 3 windows of habitable rooms to adjacent properties would fail the BRE Daylight test. These would serve kitchens and bedrooms and following further investigation it has been calculated the two kitchens would retain 95% of their existing daylight and the bedroom 84% of its existing daylight. Whilst there would be some minor impact, this is lessened by the type of rooms that these will serve which are largely either used at in the evening or periodically when cooking. However, whilst this impact is limited by the scale of the reduction in daylight and the type of room, it is a matter that will weigh against the scheme in the overall planning balance.
- 6.25 In terms of the proposed units, they will be served by sufficient daylight as per the BRE guidelines and will have floorspaces in excess of the national space standards. All units will have access to some form of amenity space despite their urban location with is considered a benefit to the scheme. Furthermore, it is considered necessary to impose higher standards of glazing to deal with traffic noise associated with that of Upper Stone Street. This will be secured by condition and will require standards based upon a noise assessment to be carried out.
- 6.26 Due to the distance from the adjoining properties and the close knit nature of the area, whereby similar relationships are already present in the area and the layout and design of the development, it is considered the development would maintain the amenity of the surrounding properties in accordance with policy DM1 and Paragraph 17 of the NPPF.

Air Quality

- 6.27 The application has been supported by an Air Quality Assessment (AQA) which has been reviewed by the council's Environmental Health department who drew attention to the monitored levels of pollutants in the monitoring points in Upper Stone Street. The nearest points are measured on Upper Stone Street, both north and south of the application which amount to 94 µg/m³ (north of the site) to 71 µg/m³ (south of the site). The site lies with the Maidstone Air Quality Management Area with the UK Air Quality Objectives requiring Nitrogen Dioxide to not exceed 40 µg/m³. Thus it can be clearly seen the site lies within an exceedance area of the AQMA.
- 6.28 The Environmental Health department raised an initial objection to the application on the grounds of impacts against human health of the occupants on the development, potential impacts off-site by reason of canyoning effects and inadequacies of the original AQA. The applicant has responded to these concerns by revising the methodology of the assessment by taking into account of the gradient of the road and the potential canyon affect in its revised methodology. The applicant has then undertaken a further assessment using this revised methodology and assessed the

impacts upon on-site and off-site receptors which have been agreed with Environment Health. This shows that there are negligible impacts on off-site receptors as a result of canyoning or overall air quality impacts. Therefore in summary, it can be concluded that there will not be a negative impact on the AQMA or the other off-site receptors as a result of the development.

- 6.29 It is also clear that the air quality levels on the site and at the façade of the buildings on the frontage of the site will be excess of the national air quality objectives and thus the design of the scheme will have to include mitigation in order to safeguard the health of occupants in the development. The scheme originally contained 24 balconies to Block 1 and these have been removed and replaced with sealed glazed balconies which will be mechanically ventilated along with the remainder of this block to ensure the occupants are not exposed to any harmful pollutants. Furthermore, the inclusion of hedging and trees on the site frontage and general measures such as electric charging points for the car park and parking for the residential unit as per the Council's draft Air Quality Guidance document. It is suggested that planning conditions are imposed to require this mitigation to be secured over the lifetime of the development.
- 6.30 On this basis it is considered the scheme will not have negative effects on air quality and that the future occupants will not be exposed to air quality impacts subject to the imposition of the suggested conditions. Thus the scheme will accord with Policy DM6.

Other matters

- 6.31 The Site is located within Flood Zone 1 which is at the lowest risk of flooding and thus following the hierarchical approach to directing development to areas at the lowest risk of flooding. The scheme will accord with the national policy requiring major development to incorporate Sustainable Development Urban Systems (SUDS) as an integral part of development. The applicant plans to deal with surface water by way of attenuation or infiltration which is a betterment compared to the existing brownfield site which is almost fully impermeable. Thus, the inclusion of soft landscaped areas and the SUDS network within the site, there will be benefits to reducing surface water flooding in the area at times of heavy rainfall and taking account of climate change. At the time of writing the report KCC Drainage had not responded and this will be provided as an update to the committee.
- 6.32 In terms of ecology, the site at present offers a very low value in terms of biodiversity. In line with Policy DM3 and Paragraph 118 of the NPPF, the application will seek to incorporate bird boxes and swift bricks within the buildings, with swift bricks to be used in the higher 4 storey blocks and sparrow terraces to be inserted within the elevations of the other units to take account of the urban environment and likely species that could be attracted. The landscaping will include native trees, such as small leaf lime, and shrubs and where flower beds are provided, plants which are good pollinators will be required. Further detail in respect of these ecological enhancements and landscaping will be secured by planning condition.
- 6.33 The site is supported by a contamination report which highlights the potential contamination risks facing the site particularly having regard to the history of the site having a range of uses including a petrol filling station. The report confirms the use of the site is not prohibitive to the proposed use but recommends a Phase 2 contamination report to cover all risks and require remedial works if required. This will be secured by planning condition.

- 6.34 The application also proposes the use of renewable energy in the form of Solar PV panels which are shown indicatively on the roofs of the units. Together with passive design features and renewables, the applicant anticipates a 33% reduction in carbon emissions can be achieved by the inclusion of such features. A planning condition is recommended to secure the use of the renewable energy provision and further detail of the proposed energy efficiency measures to be employed in the scheme.

Infrastructure and Housing

- 6.35 In line with policy ID1 and DM20 major residential development will put pressure on existing services and there will be a requirement to contribute to improving infrastructure to mitigate impacts primary and secondary education, libraries, healthcare public open space as requested by (see consultation section above). KCC have requested Primary Education contributions of £73,959.00 which will go towards an additional classroom at South Borough Primary School, Secondary Education contributions of £52,505.55 towards Phase 1 of Maidstone Grammar School expansion and Library contributions of £2,256.74 towards new bookstock. NHS has requested 28,872 towards the improvement to the primary care infrastructure at the Albion Place, Allington Clinic, Bower Mount, Brewer Street Surgery, College Road Surgery and Mote Medical Practice. I have assessed these requests and consider them to be necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services, and consider them to pass the legal tests for securing financial contributions. MBC Parks and Leisure have requested a contribution of 74,025 which will go towards the Amphitheatre, River Lee Corridor and Square Rose Garden.
- 6.36 Affordable housing would be provided at 28% with 9 units to be provided as affordable rent units and 4 units to be provided for shared ownership. Furthermore, 24 units will be retained for private rental units which will assist in meeting housing need within the area. Whilst this is slightly under the SP20 target of 30%, the provision of market rent and the wider mix, including 2-4 bedroom units, mitigated for this very minor shortfall. The affordable units and the private rental units will be secured by legal agreement. The housing section has raised no objection stating to this provision, and I consider this to be acceptable.
- 6.37 As the Council is the applicant the KCC contributions would be provided via a unilateral undertaking to KCC. As the public open space, NHS monies, and affordable housing would be dealt with by the Council (and the Council owns the site) it is not possible to secure these under a Section 106 Agreement under the Town & Country Planning Act. The mechanism to secure this is a Memorandum of Understanding between the Directors of Housing and Planning to provide the necessary monies and affordable housing and private rent.

7.0 CONCLUSION

- 7.01 The site is located within the urban area of Maidstone, within a predominately residential area to where redevelopment of a brownfield site is acceptable in principle. The existing uses of a car sales and private hall and public car park are not considered to be constraints to the redevelopment of the site subject to the provision of a replacement public car park. The development will result in the loss of some on-street parking but through changes to the existing street layout, the new layout will retain sufficient parking

to meet demand. The existing public car park is under utilised and the replacement car park will meet the measured demand in order sufficient parking provision is retained.

- 7.02 The scheme will provide a mix of housing, including flats and 3 and 4 bedroom houses each which are served by amenity space. The scheme is considered to be well designed and the landscaping of the frontage will create enhancements to the wider street scene and the scheme will incorporate measures such as renewable energy and ecological enhancements. The scheme has been assessed in relation to air quality and contamination and the scheme has been amended and suitable planning conditions are suggested to ensure a good living environment for future occupants. The scheme will also be served by sustainable urban drainage systems and there is foul water capacity to serve the development.
- 7.03 Whilst the loss of employment and minor impact on amenity will weigh against the scheme the many benefits of the development including the delivery of housing and efficient use of the brownfield site will outweigh these matters. In summary, the scheme is considered to be acceptable in planning terms and will meet the policies of the development plan subject to the imposition of planning conditions and the legal agreement. There are no other material considerations which indicate planning permission should be withheld.

8.0 **RECOMMENDATION**

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Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

- 1 **Primary Education** £73,959.00 towards additional classroom at South Borough Primary School.
- 2 **Secondary Education** £52,505.55 towards Phase 1 of Maidstone Grammar School expansion.
- 3 **Library** £2,256.74 towards additional bookstock required to mitigate the impact of the new borrowers from this development.
- 4 **Open Space** a contribution of 74,025 which will go towards the Amphitheatre, River Lee Corridor and Square Rose Garden.
- 5 **NHS/Healthcare** £28,872 towards improvement to the primary care infrastructure at the Albion Place, Allington Clinic, Bower Mount, Brewer Street Surgery, College Road Surgery and Mote Medical Practice
- 6 28% Affordable Housing (9 affordable rent units and 4 shared ownership units).

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 approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement shall include measures to prevent dust and air quality impacts, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

- (3) The development hereby approved shall not commence above slab level until, details of satisfactory cycle storage facilities on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- (4) No development (excluding the car park development) shall take place until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site

- (5) No development above slab level shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution, illuminance contour plots covering sensitive neighbouring receptors, and lighting of the car park area. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity and safety.

- (6) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- (i) A site investigation scheme based upon the recommendations of the submitted Phase 1 Desk Study report ref. 1625\CW\11-2016\577, dated December 2016 prepared by Lustre Consulting Ltd to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (ii) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

- (7) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment in with paragraph 109 of the National Planning Policy Framework.

- (8) Prior to the commencement of any works above damp proof course level, written details and samples of the materials, to be used in the construction of the external surfaces of any buildings and surfacing of, parking and turning areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. This shall include shall include red stock brick, timber cladding, standing metal seam cladding, grey aluminium windows and doors. Once approved, the development shall be constructed using the approved materials.

The details and samples of the materials submitted shall include details of swift and sparrow bricks incorporated into the proposed building;

Reason: To ensure a satisfactory appearance to the development

- (9) Prior to the commencement of any works above damp proof course level details of the PV panels as set out in the submitted Energy Report shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details;

Reason: In the interests of promoting renewable energy and securing a high standard of design.

- (10) Prior to the commencement of any works above damp proof course level details of a maintenance programme for maintaining the external appearance of the new building and the communal areas of the site, including the landscaped areas of the development, shall be submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area

- (11) Prior to the commencement of any works above damp proof course level details a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management shall be submitted and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines

- (12) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: In the interests of highway safety

- (13) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority and connection to the public sewer agreed with Southern Water. The detailed drainage scheme shall demonstrate that the surface water generated by this proposal can be accommodated and disposed of on-site without any increase to the on/off-site flood risk (during any rainfall events up to and including the climate change adjusted 100yr critical storm) and ground investigation demonstrates that the use of infiltration does not present an unacceptable risk of ground movement.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions

- (14) No development above slab level shall take place until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of amenity.

- (15) The car parks hereby approved shall not be used until details of crime prevention measures such as CCTV surveillance and security measures for the public car park, have been submitted to and approved in writing by the Local Plan Authority, and subsequently installed and thereafter maintained.

Reason: In the interest of public safety.

- (16) No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

- The existing parking bays to the southern side of Brunswick Street have been relocated in accordance with the TPA technical note dated October 2017 and drawing no. PL2
- The existing parking bays to the northern side of George Street have been relocated in accordance with the TPA technical note dated October 2017 and drawing no.PL2
- Modifications to the footpaths to create new vehicle crossover from new access points and car parks.
- New footpath to Orchard Street

Reasons: To ensure the delivery and safeguard the public car park provision.

- (17) Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings have dedicated off-street parking, they should be provided with their own charge points for low-emission plug-in vehicles. The public car park should also provide 3 electric charging points. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

Reason: to promote sustainable travel and reduce vehicle emissions vehicles.

- (18) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. Such details shall include ragstone walling to the eastern frontage area and shall include detail of bond, mortar mix and pointing detail. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (19) The glazing to the windows on the western elevation of Block 3 as shown on approved plan A(3)303 Rev E shall be fitted as obscured glazed and retained thereafter.

Reason: to protect the amenity of the adjacent properties.

- (20) Details of the privacy screens to be installed to the terrace areas on the second floor to Blocks 4 and 5 as shown on drawings shall be submitted for approval by the Local Planning Authority. The approved privacy screens shall be installed prior to first use of the dwellings and retained in place thereafter.

Reason: to protect amenity of adjacent properties

- (21) Prior to the commencement of development above damp proof course, details of the glazed balconies to Block 1 as shown on the approved plan A(1)300 and 301 rev E shall be submitted for approval by the Local Planning Authority. The development shall then be carried out in accordance with these details and retained thereafter.

- (22) Before the development hereby approved commences details of the following shall be submitted in respect of Block 1 as shown on the approved site plan A(0)102 for prior approval in writing by the Local Planning Authority being:

- The proposed ventilation system to demonstrate it is capable of providing acceptable air quality and acoustic attenuation for residents of the proposed flats.
- Any trunking and mechanical parts of the system such as fans and motors to demonstrate they are acceptable in acoustic terms and;
- Long term maintenance of the ventilation system.

The approved sound attenuation and air quality measures shall be installed before first occupation of any part of the development hereby approved and maintained in good order at all times thereafter.

Reason: To secure an acceptable aural and air quality environment in the interests of amenity.

- (23) The development hereby permitted shall be carried out in accordance with the following approved plans:

Block 1 elevation A(1)300 Rev E
Block 1 elevation A(1) 301 Rev E
Block 1 Ground A(1) 200 rev E
Block 1 1st A(1) 220 Rev E
Block 1 2nd A(1) 240 Rev E
Block 1 3rd A(1) 260 Rev E
Block 1 Roof Plan A (1) 280 Rev E
Block 2 Ground A(2) 200 Rev D
Block 2 1st A(2)220 Rev D
Block 2 2nd A(2)240 Rev D
Block 2 Elevations A(2) 300 Rev D

Block 2 Elevations A(2)301 Rev D
Block 3 ground Floor A(3) 200D
Block 3 1st Floor A(3) 220 D
Block 3 2nd Floor A(3) 240 D
Block 3 Roof Plan A(3) 260 D
Block 3 Elevations A(3) 301 Rev E
Block 3 Elevation A(3) 300 Rev D
Block 4 Ground floor A(4) 200 D
Block 4 1st Floor A(4) 220 D
Block 4 2nd floor A (4) 240D
Block 4 Roof Plan A (4) 260D
Block 4 elevations A(4)301 Rev E
Block 4 elevation A(4)300 Rev E
Block 5 Ground floor A(5) 200 C
Block 5 1st Floor A(5) 220 C
Block 5 2nd floor A (5) 240C
Block 5 Roof Plan A (5) 260C
Block 5 elevations A(5)301 Rev D
Block 5 elevation A(5)300 Rev D
Site location plan existing A(0)100
Site existing plan A(0)101
Proposed Site Plan A(0)102 Rev K