

## REPORT SUMMARY

**Members should note that this report introduces two applications: (A) the application for planning permission and (B) the application for the associated listed building consent works.**

**REFERENCE Nos** - (A) 20/501029/FULL and (B) 20/501030/LBC

### APPLICATION PROPOSALS

- (A)** Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace (A1/A2/A3/A4/A5/B1a/D1/D2) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) Construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, earthworks including demolition of hardstanding and structures, and new boardwalk to north side, and re-utilisation existing vehicular access points from Mill Street and Palace Avenue.
- (B)** Listed Building Consent for restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide 3,612 sqm (GIA) flexible commercial floorspace (A1/A2/A3/A4/A5/B1a/D1/D2) at ground floor, 18 No. residential apartments (C3) at first floor level, together with ancillary car parking. (ii) Erection of part rear first floor and two storey roof extension to provide 62 No. new residential apartments, with rooftop amenity space. (iii) new boardwalk to north side.

**ADDRESS** Former Rootes Site, Len House, Mill Street / Palace Avenue, Maidstone

**RECOMMENDATION** That (A) planning permission and (B) listed building consent be granted, subject to conditions.

### SUMMARY OF REASONS FOR RECOMMENDATION

The scheme involves the refurbishment and extension of a significant heritage asset and redevelopment of under-utilised land within a prominent town centre location.

The site is not allocated for development within the Local Plan, but is one of five town centre sites that have been the subject of the preparation and adoption of an Opportunity Site Brief that has been approved by the Council's SPI Committee.

The proposals have been the subject of detailed pre-application discussions with Officers at MBC, KCC and Historic England.

This is considered to be a highly sustainable town centre location and, subject to detailed tests, an appropriate location for mixed-use development.

The proposed refurbishment works to the listed building are sensitive to its history and fabric and the proposed alterations and new build elements are of a high quality. Whilst some harm is identified in terms of, for example, the change of use from the building's original function and removing the original roof, such works are considered to be the

minimum necessary in order for a viable refurbishment scheme to be brought forward.

These impacts are considered to result in less than significant harm to the heritage asset, but are considered to be outweighed by the significant heritage benefits of bringing the building as a whole back into use in a manner that can be appreciated by the public and the benefits that this will offer in terms of enhancing the vitality and viability of the town centre. In addition, significant public benefits arise through the construction of a significant number of high quality new housing within a highly sustainable town centre location.

**REASON FOR REFERRAL TO COMMITTEE**

It is a significant town centre scheme that merits Committee consideration.

<b>WARD</b> High Street	<b>APPLICANT</b> Len House (Maidstone Ltd) Part Of Classicus Estates <b>AGENT</b> Esquire Developments
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<b>DECISION DUE DATE</b> 15/07/20	<b>PUBLICITY EXPIRY DATE</b> 07/03/2019	<b>OFFICER SITE VISIT DATE</b> Various
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**RELEVANT PLANNING HISTORY:**

The site has an extensive planning history relating mainly to commercial activities associated with its previous motor trade use, none of which is relevant to the present application.

**MAIN REPORT**

**1.0 SITE DESCRIPTION**

1.01 The application site comprises Len House, the former Rootes motor dealership, which is Grade II listed. The site is prominently located along one of the main traffic routes through the town centre and on the busy junction of Mill Street / Palace Avenue / Bishops Way. As a consequence Len House is a prominent feature within the local townscape. Having regard to the building’s scale, architectural quality and history, it is considered to be a highly significant building.



- 1.02 The site lies towards the southern side of Maidstone town centre's main commercial area, with frontages and access points to both the Mill Street and Palace Avenue frontages. The River Len is culverted under the eastern part of the site, with the Mill Pond defining the Palace Avenue setting of the main building, before re-joining the culvert into the Medway.



- 1.03 The application site, which includes the Mill Pond, represents a large single plot size for the town centre, comprising circa 1.38 hectares. The principal access into the building is from the lower end of Mill Street, where the original showroom, offices and vehicular entrance are sited. The existing building is broadly L-shaped with a shorter frontage to Mill Street and a long prominent frontage to Palace Avenue. To the east and rear of the building are large open areas of hard surfacing previously used for the storage and display of cars.
- 1.04 The site levels rise towards the northern boundary, where the site abuts the rear of established development along Bank Street. Properties in Bank Street principally comprise commercial units with some residential accommodation on upper floors or to the rear. To the east, the site adjoins areas to the rear of commercial properties within Gabriel's Hill, which have a generally low grade appearance and detract from the character and appearance of the surrounding area, including the conservation area. The relationship of the proposed development to existing neighbouring uses, both commercial and residential, is set out in Section 6.1 of the 'Appraisal' section below.
- 1.05 The site lies within the Maidstone Town Conservation Area. A significant number of other heritage assets, both listed buildings and scheduled monuments are located within the surrounding area including; The Archbishop's Palace (Grade 1 and a scheduled monument) and All Saints Church (Grade 1). The All Saints Conservation Area lies to the south west.

### **SITE HISTORY**

- 1.06 A unique characteristic of the site is that until vacated in 2019, when the motor dealership relocated to a site outside of the town centre, it had been in continuous

use by the Rootes Group since the early 20<sup>th</sup> Century, with the recent motor trade operation being continuous since the building's construction in the late 1930's.

1.07 The site and surrounding area represent a significant element in the development of Maidstone. Located adjacent to the 14<sup>th</sup> Century river bridge (parts of which remain and are designated as a scheduled ancient monument), what is now Mill Street formed part of the early medieval grid development of the town centre, with long narrow Burbage plots extending south from Bank Street. These characteristic plots remain evident today when viewing the rear of the Bank Street properties. The Mill Pond, also of medieval origin was constructed to serve the corn mills adjacent to the application site.



1.08 By the mid to late 19<sup>th</sup> Century a tannery was built on the application site, covering the area now occupied by Len House itself. The tannery continued in operation until the First World War when it was acquired by the Rootes Group and converted into an engineering works. During WW1 the company repaired aircraft engines on behalf of the Government.

1.09 After WW1 the Rootes company manufactured vehicles at the site until relocating its manufacturing base out of the town in the 1930's. At this time Rootes commissioned *Howard and Souster* to design a new flagship dealership. The resulting building was built in three phases around the tannery, with the first phase comprising a showroom on the Mill Street frontage, phase 2 the main workshops fronting the Mill Pond, completed by the frontage and forecourt in 1941.

1.10 Designed in a streamline modernist style, key features of the new building that were typical of the architectural style and approach of the architects included:

- A simple restrained approach to the facades
- Application of clean smooth curves on corner features
- Long strips of metal windows
- Use of towers and neon lighting to emphasise branding



1.11 Having been in continuous use as a motor dealership, with the same functions of sales, repair, service, parts and administration, many of the building's internal spaces and functions have remained unchanged throughout its operation.

*Showroom Fronting Mill Street*



*Main Workshops*



1.12 Over its lifetime the building has been the subject of numerous unsympathetic alterations, including internal office divisions and a mezzanine, but in the main the principal large internal voids remain. One notable features, which remains intact today and contributes to the building's heritage significance, is the large scale concrete vehicular ramp that allows vehicles to move between the two large workshop floors.



## 2 THE PROPOSAL

- 2.01 The Applicant is understood to have acquired the building in 2019. Both prior to purchase and during the evolution of the scheme, a series of pre-application discussions have taken place between the applicant, MBC, KCC and Historic England, which have informed the design team's approach to the scheme, in both in terms of the works to the listed building and the scale and form of the new-build elements.
- 2.02 The proposals, whilst designed to present a single cohesive scheme, can be broken down into a number of elements:
- 2.03 Len House Ground Floor

Restoration and conversion into commercial uses comprising 2,612 sq.m.

The application seeks permission for a flexible range of uses within use classes A1/A2/A3/A4/A5/B1a/D1/D2, but importantly, the application seeks to limit uses within the main part of the building to classes A3/A4, principally food and drink.

The commercial spaces at ground floor will retain the principally open and defining characteristic of the existing building interior.

The former forecourt facing Mill Street is to be converted to an active food and/or beverage area that would take the form of a modern interpretation of the now lost petrol kiosk. The details of the new kiosk will be sought through a subsequent application, but the submission is accompanied by a series of illustrations to demonstrate how this could work.



This new area of public realm will connect to the remainder of the site to the east via a boardwalk that sits over the building's frontage to the Mill Pond. The boardwalk has been designed to be minimal in nature so as not to interrupt the building's visual / reflective relationship to the water body. The boardwalk will not only allow food and drink uses within the building to have a some external seating area, but also allow pedestrians to pass east – west away from the traffic intense environment of Palace Avenue.



#### 2.04 Len House First Floor & Extensions

Together with a small rear infill extension of the Mill Street element, the first floor of the building will be converted to residential use, which, with a two level roof extension, will provide 62 residential apartments.

The first floor apartments fronting Palace Avenue will be set back behind winter gardens that will ensure that the existing character of the long unbroken string of windows is not interrupted by internal divisions.



The innovative retention of the vehicular ramp for its original function will provide access to residential parking within the deep internal floorplates of the building that would not suit residential or other commercial uses.

The new upper floors will have a lightweight appearance and have been set back a significant distance from the main building frontage and set down below the front parapet in order to minimise their overall visual impact.



## 2.05 New Build

The new build on the former parking areas will comprise two distinct elements. Fronting Palace Avenue will be a 4 storey building, the design of which represents a contemporary, but subordinate interpretation of Len House.



Members should note that following the submission of the application, the application has been amended for reasons of viability and deliverability to exclude the de-culverting of the River Len to the east of the site (as shown in image above), together with some minor remodelling of the massing of elements on the eastern part of the site to avoid sewer alignments. Whilst the de-culverting of the Len would have been welcomed, its exclusion does not undermine the overall design approach of the scheme and the priority is to secure a viable scheme of restoration for Len House.



The new build element to the rear of the site will possess a very different character that will respond to the town centre to the north. Pitched roofs and a vertical emphasis are informed by the character of the historic burbage plots. The buildings range from 2 to 5 storeys in height and utilise the site slope to create a varied roofscape, typical of the area immediately to the north. These residential units are set around a podium courtyard, beneath which is ground level car parking.



Building heights are modulated to reflect the organic character of the wider 'Town' conservation area, as well as allowing views of the historic building pattern to be achieved. Together with the upper elements being set in from the rear boundary, the a section is intentionally lowered in height elements to allow natural light into residential properties to the rear of Bank Street. In total the new build elements will provide 79 apartments.

2.06 The overall schedule of residential accommodation proposed is therefore:

Len House	New Build	Total
80	79	159

The unit mix, which reflects the site's central location, comprises:

1-bed - 42	2-bed - 108	3-bed - 9
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2.07 Car parking will be provided in the form of:

- 21 spaces within the first floor of Len House accessed via the existing Mill Street access
- 89 spaces below the new build element accessed off Palace Avenue
- 24 spaces for the commercial uses, also accessed off Palace Avenue

2.08 Residential parking is provided at a ratio of 70%, with 5% disabled parking.

2.09 168 cycle spaces will be provided for residents, a ratio of over 1 p/unit. Surface cycle parking will be provided for visitors to the commercial uses.

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

3.01 The following Maidstone Borough Local Plan policies are considered to be relevant to this application:

- SS1 Spatial strategy
- SP1 Maidstone urban area
- SP4 Maidstone town centre
- SP18 Historic environment
- SP19 Housing mix
- SP20 Affordable housing
- SP21 Economic development
- SP23 Sustainable transport
- DM1 Design Quality
- DM2 Sustainable design
- DM4 Development affecting heritage assets
- DM5 Brownfield land
- DM6 Air quality
- DM12 Density
- DM16 Town centre uses
- DM19 Open space
- DM20 Community facilities
- DM21 Transport impacts
- DM23 Parking standards

3.02 Supplementary guidance is provided in the form of the Len House Planning Guidelines, which were approved by SPI in 2019 and published in January 2020. Whilst not formal SPG, they are a material planning consideration.

3.03 The National Planning Policy Framework (NPPF) introduces a number of relevant considerations, including:

- An overarching objective of delivering sustainable development (7-11)
- Weight on the local plan (47)
- Housing supply / meeting housing needs (59-76)
- Promoting sustainable transport (102+/108+)
- Parking standards (105-106)
- Effective use of land (117+)
- Density of development (122-123)
- Design Quality (124-132)
- Climate change (149+)
- Historic environment (184+)

National Planning Practice Guidance (NPPG) supplements the NPPF and relevant guidance is assessed below.

### **4.0 LOCAL REPRESENTATIONS**

4.01 Representations have been received from 4 local residents occupying flats within a building in Bank Street, raising the following (summarised) issues

- Overshadowing and loss of natural light
- Potential loss of trees
- Increased traffic pollution / air quality impacts
- Inadequate parking
- Increased traffic impacts
- Impact on listed status of building
- Overbearing massing and density
- Increased flood risk
- Overlooking and loss of privacy
- The noise impact from entertainment venues on existing residents is unacceptable and it is not appropriate to build more in such close proximity
- The new buildings will also rebound noise from commercial premises increasing the existing impacts.

Non-planning consideration raised include:

- There are legal restrictions affecting building on the application site
- Construction impacts on night workers
- Loss of property value
- Loss of security
- Loss of outlook.

4.02 In addition, a number of representations have been received from owners / operators of commercial, mainly food/drink, establishments located adjacent to or nearby the site.

The operators that have expressed concerns are:

- The Bierkeller / Fever Bar complex has operated on their site since the 1970's and has capacity for 1,150 persons with a license to operate until 0200 daily. It employs a significant number of staff both directly and indirectly.
- Brenchley's has an active curtilage, with open areas serving food and drinks which is open to 0100 and lies immediately adjoining the site boundary close to the proposed dwellings.
- Harry's bar is open to 0200 and has an outside terrace with capacity for 150.
- Madisons in Gabriel's Hill has a rooftop bar and license to 0300.
- Banks Nightclub is open to 0300 on some nights and hosts both recorded and live music events and DJ's

Matters raised by these businesses focus upon:

- The introduction of new dwellings in close proximity to proposed residential dwellings may lead to increased complaints and threaten the viability of the business and their operating license.
- The NPPF seeks to avoid unreasonable restrictions being placed upon existing businesses – reference is made to the 'agent of change' principle – see 'Appraisal - 6.1' below.
- The Council need to have regard to whether the occupiers of the proposed new dwelling will experience adequate amenity.

- There is a need to assess whether occupiers of a heritage asset can be adequately mitigated from external noise.
- The NPPF recognises the role of bars and restaurants within town centre and their contribution to vitality.
- The loss of an established business could have material economic and social impacts.
- The submitted noise impact assessment is considered to be inadequate.
- Balconies should be removed from the proposed scheme as they are vulnerable to noise.
- Overlooking and / or overshadowing of the external areas by new residents could affect the enjoyment of patrons.
- There will be overlooking of the new homes and visa versa of the commercial outdoor areas leading to a respective loss of privacy.
- Inadequate parking within the development may lead to increased parking stress and together with increased traffic in the town centre could disrupt deliveries.
- The development will place increased pressure on local infrastructure.
- Bin storage areas are adjacent to the boundary and can involve staff emptying glass waste between 0200 and 0300.

4.03 These issues are considered in further detail within the Appraisal section below.

## **5.0 CONSULTATIONS**

The following (summarised/extract) comments have been received, full copies of which can be viewed on the Council's website.

### **5.01 MBC Conservation Officer:**

- The building and associated site occupies a large area within the Maidstone Town Centre Conservation Area, at the historic heart of the town. There are a large number of listed buildings to the north and east of the site primarily facing High Street, Bank Street, Gabriel's Hill and Lower Stone Street. The space north of the River Len was historically the burgage plots of the High Street/Bank Street properties, formed from the 12th century onwards.
- The site is close to the All Saints Conservation Area, and within the setting of the Archbishop's Palace (Grade I), Stables (GI and scheduled monument), Gatehouse (Grade II and SM), Dungeons (GII\*), Len Bridge (GII and SM) and All Saints Church (GI), and was historically the site of mill buildings associated with the palace, of which the mill pond is a remnant. Along with the College these assets form a highly significant group of medieval buildings considered of national importance. The road system has degraded the physical connections with the site, but the visual relationship remains, with extensive inter-visibility.
- The Conservation Officer's assessment of impacts is incorporated in the following 'Appraisal' at 6.2.

### 5.02 Historic England:

- The building is most recognisable for its distinctive Art Deco design and prominent location
- Its significance can be broadly summarised in two ways. Firstly, it has architectural interest as a fine example of the Art Deco style, a bold movement which was characterised by streamlined forms and geometric designs and decoration. This is best expressed on its two principal elevations (Mill Street and the elevation addressing the mill pond). Evidence of its original interior e.g. the staircases, also contributes to its significance.
- Secondly, the building has historical value as a rare example of a commercial garage and show room from an early phase of motoring. The building's internal layout including large volume workshops and particularly the ramp for vehicular access to a first floor workshop illustrate its historic function and continued use for the motor industry and thus also make an important contribution to the significance of the building.
- In some areas later 20th century alterations have detracted from an appreciation of the significance of the building particularly where either evidence of internal decoration or the layout of the building has been changed.
- The entire site is within the Maidstone Town Centre conservation area which is principally significant as a good example of a medieval market town with an intact street pattern and a large number of medieval and post medieval buildings. Of note is the high survival of narrow burgage plots and early buildings on Bank Street (at the rear of the site) most of which are no more than three storeys and form the immediate setting of the grade II garage and showroom. While the grade II listed building contributes positively to the conservation area as it illustrates its later development, the wider site of largely undeveloped open ground used mainly for parking is a largely unattractive space and its contribution to the significance of the conservation is much more limited.
- Harm to the significance of the Former Rootes Garage will arise in several ways. Firstly, the significance of the grade II building is intimately connected to its continued use as a garage for which it was designed and converting it to a residential use would harm an understanding of this aspect of significance. The loss of its original roof, which was designed to provide overhead light for first floor workspaces, and thus alludes to the functional use of the building, also causes harm as does the loss of internal features which contribute to significance including a staircase. The proposed two storey roof top extension is also capable of causing harm to the architectural qualities and thus also to the significance of the building which relies on its simplicity of form and repetitive detailing, e.g. window size and pattern for architectural effect. We think the harm arises chiefly from the appearance of the two storey addition which because of its dark cladding detracts from an appreciation of the simplicity of the form and detailing, particularly on the principal elevation of the building.
- We acknowledge that the design of the proposed blocks of development responds to historic roof forms and references the historic streetscape, for example with repetitive gables. However, the scale and massing of the proposed development and especially that to the rear of the site is inevitably greater in bulk and height than some of the surrounding historic townscape

and this has the potential to cause harm to the significance of the conservation area, depending on how the development and historic townscape are appreciated together in key views.

- We think great effort has been made to avoid or minimise harm to heritage significance, most notably in the retention and use of the car ramp for the use it was designed for. Harm to an appreciation of some large open volumes, e.g. the ground floor workshop, has been minimised by uses which require large open volumes. However, it may be worth exploring whether harm to the building's architectural qualities could be minimised by using a lighter coloured cladding for the rooftop extension in order to help reduce the visual impact of the extension.
- Historic England recommends that your Council should consider whether the harm to the architectural qualities of the grade II listed building is capable of being minimised by amending the cladding or perhaps the modulation of the rooftop extension to help you decide whether NPPF requirements to avoid or minimise harm and justify remaining harm are met.

### 5.03 **Kent County Council Archaeology:**

(Officer Note: in response to the following comments the applicant has since submitted an updated archaeological assessment that seeks addresses the points raised. Any further responses from the consultee will be reported within a UU.)

- The Archbishops Palace and Church are considered to have been the core of the Early Medieval settlement. There is high potential for associated remains, such as Early Medieval structural, industrial and trading activity remains, to survive in the surrounding area, including on the development site itself.
- The development site has been subject to several phases of Post Medieval use, including Tannery and the prestigious car sales complex itself. Len House is situated over much of this activity but there are other areas within the site, particularly to the north east, which may contain early Post Medieval remains. The southern part of the site is still occupied by the mill pond. This mill pond may have Medieval origins, serving a medieval mill complex, but much of the current asset is Post Medieval or later. Part of the mill pond is visible but the eastern part and associated water channels are buried beneath the current surface.
- There is potential for this site to contain significant remains associated with the Scheduled Monuments of Medieval and earlier date. As such this proposed development may have a major impact on significant heritage assets and the assessment of heritage needs to be very robust and comprehensive, to ensure informed decisions are made and there is appropriate and proportionate consideration of the heritage of the site and the town itself.
- I recommend that the assessment of heritage and archaeology needs to be far more detailed. Both heritage reports need to be revised and, in accordance with paragraph 189, NPPF, I recommend some preliminary fieldwork would be extremely helpful to clarify potential for as yet unknown significant archaeology, including modern structural remains associated directly with Len House.
- I recommend that prior to determination of this application, further more detailed heritage assessment would be appropriate.

#### 5.04 Kent County Council Highways:

- The residual difference between trips generated by the existing (prior) use and the proposed uses presented in the Transport Statement represent a robust forecast of the potential vehicle trip impact of this proposal.
- The proposals are projected to generate a net reduction in terms of trip generation in the AM peak. Potential PM peak net vehicle trip impact is varied between the potential scenarios. These impacts range from a net reduction of 8 trips in the PM peak up to an increase of 56 trips. However, it is concluded that the additional 56 vehicle movements this proposed development would add to the network in the PM peak, under the “worst case scenario”, would represent a low increase that is likely to fall within the day-to-day variations in traffic using this road.
- It cannot be reasonably concluded that the impact of the proposal would be severe or significant in terms of vehicle trip generation.
- In terms of the primary Palace Avenue access, due to the minimal net trip generation of this proposal, the availability of suitable visibility lines and vehicle tracking and the collision record, it can be concluded that the proposal for this access junction would not have any significant impact on highway safety.
- In terms of the Mill Street access in the context of a likely reduction in vehicle movements at this junction compared to the existing use, the proposal for this junction is not considered to represent any potential significant negative highway impacts.
- Due to the nature of the site and the surrounding roads, where there is very limited opportunity to park without residents permits (which residents of this site would not qualify for), it is not considered likely that any parking overspill would occur. The applicant has confirmed that spaces within the site will be allocated and that residents will be fully aware before moving into to the flats whether they will be able to park a car or not. As this level of parking provision is supported by Travel Plan initiatives to minimise car dependency, this is considered a suitable approach to residential parking for this location. Visitors driving to the site are expected to use the nearby publicly available car parks, which is an appropriate strategy in this location given the high levels of public car park provision in the nearby area.
- It is noted that twelve disabled parking bays are proposed for the residential parking element, which is a suitable provision based on SPG4 guidance.
- The proposed “boardwalk” along the front of the Len House building has the potential to offer a benefit to pedestrian permeability, so long it is available as a through route, as it would offer a more attractive walking route than along Palace Avenue (A229).
- The site has access via continuous pavements into the town centre and key pedestrian trip attractors. The pavement widths available on Mill Street are acceptable for the likely increase in pedestrian footfall that this proposal would likely generate.
- The site benefits from access to a large number of different bus services available in close proximity. The nearby bus stops have suitable pedestrian access and generally have a good level of infrastructure, however the stop nearest to the entrance to the site on Mill Street is without a shelter. In order

- to encourage higher levels of sustainable trips to and from this site, it is recommended that the applicant should be required to provide a bus shelter.
- The proposal includes passive provision for all residential spaces with full charging provision in the 1st floor of Len House, a further 35 spaces with passive provision in the main residential car parking and passive provision for all commercial parking spaces.
  - While it would be preferable to have the greatest level of active EV charging provision possible in any new development, providing at least a high level of passive provision serves to reduce barriers to greater levels of EV adoption in the future. The amended proposals for EV charging provision on this site do represent an improvement.
  - It is noted that a total of 168 cycle parking spaces for the residential element and 16 for the commercial element of the on-site parking are proposed. This is consistent with SPG4 requirements.
  - It is noted that a framework Travel Plan has been provided with this application. The Travel Plan sets out suitable initiatives and objectives in order to maintain and enhance a sustainable modal share amongst residents, visitors and businesses on this site.
  - The framework Travel Plan submitted with the application states an overall target of the Travel Plan to “target a reduction of car-based trips by 5% over a 3 or 5 year period, with an aspiration of up to 10%.” These targets are a suitable starting point however it is recommended that the targets used in the final version of the Travel Plan should be agreed with the Local Planning Authority and Local Highways authority so that the most suitable targets can be agreed.

#### **5.05 Kent County Council Flood and Water Management:**

(Officer Note: in response to the following comments the applicant has submitted an updated flood risk assessment that seeks to address the points raised. Any further responses from the consultee will be reported within a UU.)

- The drainage strategy proposes utilisation of green roof, permeable pavement at ground level and attenuation at podium deck level. It is acknowledged in retaining the existing building and the high ground water levels encountered that there are limited design approaches to reduced surface water discharged from the site. The drainage strategy proposed may result in a reduction of discharge rates from the site from pre-developed conditions, from between 70% to 68.5% dependent upon the storm event.
- In general we do not disagree with the approach taken but there is a degree of uncertainty as to the sizing and location of elements of the drainage strategy proposed and whether this proposal is sufficient to provide the appropriate control of surface water generated from the site.
- The level of information is insufficient to provide detailed response to the Full application which has been submitted and we would recommend a holding objection until further information is provided to respond to the issues raised above.

#### **5.06 Kent County Council Ecology:**



- Advise that the proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out.
- We have taken this view because the site is largely hardstanding and the building on site does not provide optimum habitat for bats (as it is flat roofed, in reasonably good condition and is well lit to due to the large numbers of windows).
- Recommend conditions seeking biodiversity enhancements

5.07 **Kent County Council Economic Development:** Identify the range of infrastructure contributions that should be sought from CIL funding. Also recommend conditions relating to broadband and accessible housing.

5.08 **Kent Police:** Recommend that the applicant engage with regard to secure by design principles.

5.09 **Southern Water:** Identify potential conflicts between the development and sewer. (Officer Note – the applicant has responded with on-site surveys and has adjusted the footprint of relevant buildings).

5.10 **Mid-Kent Environmental Health:**

Noise: A number of queries are raised and recommendations made with regard to noise management. A condition requiring a further noise assessment is recommended.

Air Quality: Our own modelling appears to confirm that there will be no exceedances of any air quality objectives. However, request that additional modelling is undertaken.

The Air Quality Assessment includes a damage cost calculation which yields £196,366. However, there is no costed mitigation scheme showing how the money is to be spent. We would like to see such a scheme, and would suggest that it would include EV charging in a minimum of 20% of the parking spaces and ducting to allow EV charging to be installed at a later date in the remainder of the spaces. We would also like to see at least 2 EV charging bays in the publicly accessible spaces. The damage cost could also be spent on, for example, cycle storage and low NOx boilers.

Land Contamination: Owing to the previous uses of the building, a contaminated land condition should be attached to any permission given for this development.

## 6.0 APPRAISAL

6.01 The appraisal of these applications adopts the following structure:

6.1 Principle of Development

- Commercial
- Residential

6.2 Heritage

- Len House
- Other heritage assets
- Archaeology

- 6.3 Design and Visual Impact
  - Design Response
  - Townscape Assessment
  - Sustainable Design
- 6.4 Living Conditions
  - Neighbouring residents
  - Future occupiers
- 6.5 Highways and Sustainable Travel
  - Trip Generation
  - Access
  - Parking
  - Sustainable Transport
- 6.6 Ecology and Biodiversity Enhancement
- 6.7 Air Quality
- 6.8 Affordable Housing and Infrastructure

## **6.1 Principle of Development**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle of Government policy that the planning system must be plan-led. The MBLP 2017 is the principal Development Plan Document for the District. It is up-to-date and must be afforded significant weight.
- 6.1.2 The National Planning Policy Framework (NPPF) provides the national policy context and is a material consideration in the determination of the application. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan. Members should note that the NPPF also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 6.1.3 In addition, it should be noted that despite the NPPF's presumption in favour of sustainable development and the emphasis upon the use of brownfield land, it also states that .... "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities* " It is therefore clear that good design is an essential requirement of any scheme that seeks to deliver sustainable development.
- 6.1.4 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the District and states that the Maidstone urban area will be the principle focus for development, with the best use made of available sites. It also states

that the town centre will be the focus for regeneration. The site falls within the defined town centre boundary as defined under policy SP4

- 6.1.5 Members should note that Policy SP1 seeks to respect and deliver the 'Spatial Vision' set out in the Local Plan. The Spatial Vision states that sustainable growth should be delivered alongside:
- protection of the Borough's built assets
  - creating an enhanced and exceptional urban environment
  - enhancement of heritage assets
  - securing high quality sustainable design and construction
  - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.1.6 The Local Plan's vision for the town centre, which is reinforced through Policy SP4 sets out a number of objectives to which the proposed scheme responds positively, including:
- retaining its best environmental features
  - providing enhanced public realm
  - providing a diverse retail and leisure offer
  - ensuring that development is of a high quality design and makes a positive contribution to the area.

#### Commercial Uses

- 6.1.7 The application incorporates a number of commercial elements, namely:
- flexible commercial uses within the former car showroom fronting Mill Street
  - a food and drink related use within the
  - a large space within the former ground floor workshop that is proposed to be used for food and drink uses, namely A3 and A4

As Mill Street lies outside of the defined primary retail area, the flexible range of uses sought within the former showroom are considered to be appropriate.

With regard to the main commercial space fronting the Mill Pond, in response to Officers requests to ensure that this large space principally retains its historic scale and allows public appreciation of its character and history, the proposal limits the uses to those akin to a food and drink court/market. The applicant has referred to precedents such as Macnades and The Goods Yard Canterbury. Officers consider that such a use would respond positively to the Local Plan objective of enhancing the range of retail and leisure uses available within the town centre. In addition to the listed A3/A4 uses, an element of related A1 sales would be supported, but subject to A1 not being the predominant use and challenging the primary shopping area.

The proposal to activate the public realm in front of the buildings is again a positive response to the Local Plan's town centre vision and a proposal that should also enhance the appreciation of the site's heritage.

In summary it is considered that the commercial elements within the proposal respond positively to both NPPF and Local Plan policies. They will assist in

enhancing the economic and social sustainability of the town centre and enhancing its vitality and viability.

6.1.8 There are further commercial considerations that arise from the proposal, principally the potential to impact upon existing businesses within the town centre. This consideration is currently heightened by the economic impacts of the Covid Lockdown, during which the Government has asked local authorities to not place additional burdens upon local business sectors.

6.1.9 Competition between commercial and leisure uses is not a relevant consideration within the context of the site's town centre location, indeed, it is considered that diversity and choice are a positive benefit. However, the principle of 'agent of change' must be considered carefully. This consideration was born from a number of prominent cases where the introduction of new residential units within the vicinity of established entertainment venues impacted upon their potential to continue in the manner that they had previously. This is a concern raised by a number of established food and drink establishments within the proximity of the application site. The matter was highlighted by the (then) Chief Planner in April 2016, when he wrote to all LPA's highlighting:

*"We would like to re-emphasise that updated planning guidance on noise (supporting the National Planning Policy Framework) was published in December 2014. It makes clear that the potential effect of a new residential development being located close to an existing business giving rise to noise, for example a live music venue, should be carefully considered. The guidance also underlines planning's contribution to avoiding future complaints and risks to local business from resulting enforcement action".*

6.1.10 The principle is now enshrined within the NPPF, which at paragraph 182 states:

*"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

This is further elaborated in the PPG, which states:

*"The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business, even if intermittent (for example, a live music venue), may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such*

*instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope."*

- 6.1.11 The requirement is that the LPA should give sufficient consideration to the potential impact of, for example, noise and disturbance on future residents within the proposed scheme. As highlighted above (4.02), there are a number of existing entertainment establishments within close proximity to the application site, some immediately bordering the site boundary. In the main these benefit from licenses that allow opening until 0100 to 0300 on one or more days per week. A number also have outdoor entertainment licenses and outdoor areas with significant capacity for large numbers of patrons.
- 6.1.12 At 4.01 above, we highlight the comments from flats within a nearby building, who identify that they experience a degree of noise and disturbance. Inevitably within a town centre, particularly one with such a tight urban grain, the juxtaposition of residential and commercial uses may lead to occasional conflict. Equally, the operators above indicate that they do, where possible engage with the local community to address issues that arise.
- 6.1.13 The creation of sustainable mixed use communities is highly sustainable and the provision of residential accommodation is a key element of the Council's strategy for the town centre. One might expect purchasers of town centre apartments to see the immediate area's vitality as a positive aspect. However, having regard to the number of nearby venues, Officers consider that the potential impacts require careful consideration. The principal impacts are likely to arise from noise generated by patrons and music, which could cover extended periods into the evening / early morning. In addition, there may be other operational noise impacts such as refuse disposal and servicing.
- 6.1.14 Within the new build elements, both the additional floors to Len House and the new buildings to the rear, a significant number of the units face away from the adjacent entertainment uses. Terraces or balconies within exposed locations are relatively limited. However, those facing may require additional mitigation above what may normally be required. As new build elements, there is considerable flexibility to use new building fabric with increased performance levels and this could be secured through a condition.
- 6.1.15 One objector refers to case law relating to the need to adequately consider the potential limitations of heritage buildings in being able to secure adequate noise mitigation. Within Len House the proposed residential accommodation that will be converted within the existing fabric at first floor level will already be required to mitigate noise impacts from road traffic and also transmission from the commercial uses at ground floor level – to be addressed through conditions. In part the design addresses this, with the use of winter gardens on the frontage. With regard to other rear facing apartments, the character of Len House is that of a robust concrete frame with brick panelling. To the rear elements of the walls are to be upgraded or re-built and where necessary windows that are not capable of restoration replaced. Officers consider that with the improvements to the fabric that are necessary and / or with additional measures such as

secondary glazing, these could be secured by condition without prejudice the sensitivity or significance of the listed building.

6.1.16 In response to objections, the Applicant responds:

*In respect of noise it is proposed that detailed façade calculations and assessments are to be conditioned to be undertaken at a later stage to establish which specific windows may require greater forms of mitigation such as triple glazing and acoustic attenuation ventilation. Triple glazing and acoustic attenuating ventilation is likely to be sufficient in this location based on the noise assessment model already undertaken. The Condition will allow specific measures to be delivered to individual properties where appropriate and go hand in hand with the Condition detailing the replacement windows. It is further considered that this would address the 'agent of change' principle as the details of the Condition could potentially highlight any further or additional mitigation measures necessary to be applied to specific individual dwellings.*

6.1.16 Officers consider that an appropriate condition could secure the further assessment required, with additional acoustic surveys to focus on entertainment based noise, secure the implementation of a scheme of mitigation and require its retention in perpetuity. It is not considered that a s106 agreement is necessary in order to secure such a scheme. As the venues are currently closed, it has not been possible to carry out surveys at the present time, but a conditioned approach is considered acceptable.

#### Residential Uses

6.1.17 The site does not form part of a site allocation, but being within the town centre is a broad location for housing growth as defined under Policy H2(1). The site comprises previously developed land within the defined urban area of Maidstone. In principle the application will make a significant contribution to the provision of high quality housing within a sustainable town centre location. As such, the principle of residential development is acceptable and in general accordance with the provisions of the Development Plan and the NPPF, subject to the assessment of the scheme against the wider policies of the development plan as a whole.

6.1.18 The supporting text to Policy DM5 lists further considerations that will inform as to the acceptability of brownfield development, including:

- Any harm to the character and appearance of an area
- That densities are appropriate
- Impacts on residential amenity
- The scope for sustainable travel modes
- What traffic the present or past use has generated; and
- The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.

These, together with other relevant considerations are appraised below.

## 6.2 Heritage

6.2.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.2.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which may impact upon a conservation area, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

Similar requirements apply to the assessment of scheduled ancient monuments.

6.2.3 The National Planning Policy Framework indicates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It also states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It states that local planning authorities should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The application is accompanied by a heritage assessment, which identifies the wide range of heritage assets within the vicinity, including a range of listed buildings, conservation areas and scheduled monuments.

6.2.4 The NPPF requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be.

6.2.5 The NPPF advises that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ...*" This requirement is echoed by policy DM4 of the MBLP. The NPPG sets out that public benefits should be of a scale and nature that benefit the public at large. They may involve direct heritage benefits or wider considerations such as the delivery of housing to meet local needs or other economic or social benefits.

### Len House

6.2.6 The significance of Len House is identified in the above comments from both Historic England and the Council's Conservation Officer and includes:

- The principle significance of its main facades

- The large internal voids and the vehicular ramp that are indicative of its historic function.
  - Its relationship to the Mill Pond.
- 6.2.7 The loss of the building's original use is regretted and could be considered harmful to its significance. However, it is clear from discussions with the previous occupier that the building's location and physical constraints are no longer suited to the functions of a modern motor dealership or similar operation. Such a use would also not be capable of maintaining or restoring the sensitive fabric and could lead to continued decline to a stage where any renovation may not be viable.
- 6.2.8 However, there are heritage benefits associated with achieving a sustainable long-term purpose for the building which minimises harm and provides enhancements. For example, the key features that define its significance will be retained and enhanced as part of the proposed works, including the aforementioned elevations, large ground floor void and the ramp. Features that have been lost such as the original kiosk and neon signage will be re-introduced, further enhancing the public's understanding of the site's history. These would represent heritage benefits.
- 6.2.9 The works to the building have been informed by a detailed historic and structural assessment of its fabric and a scheme involving the minimum necessary intervention has been agreed.
- 6.2.10 The loss of the roof, although utilitarian in character and of lesser significance, would diminish the historic character of the workshop by compressing its internal volume and removing overhead daylight. The two storey roof extension would have a significant impact on the appearance of the building due to its height and extent, although the design is considered appropriately simple and has been set down and back from the front elevation in order to minimise its visibility. Likewise, the proposed set-back of the external amenity space is expected to reduce the intrusive appearance of domestic clutter. The material finish of the roof extension cladding/framing will be critical in the ultimate success of the design as it should appear separate yet complimentary to the existing building. It is suggested that a condition should be added to ensure the uses of appropriate finishes and that the curved corner elements are not designed out at a later stage.
- 6.2.11 The potential replacement of original steel-framed windows has been justified on the grounds they are beyond economical repair, which is accepted. The windows are an important feature and account for a substantial proportion of the listed building's elevations. Any replacement windows are intended to be closely matched in terms of design and detail, which should be carefully controlled through a condition to ensure the appearance of the building is not compromised.
- 6.2.12 The retention of the internal ramp, which is a key internal feature of the building, and its proposed continued use as for vehicles, is welcomed. The partitioning of the ramp from the main area is regrettable as it would



compromise the volume of the space, although a satisfactory argument on fire safety and operational grounds has been provided. It recommends the partition's design is conditioned to ensure that public visitors are able to appreciate its historical function.

- 6.2.13 In principle, the reinstatement of the original fuel kiosk as a beverage kiosk; the reinstatement of the original lighting and signage schemes; as well as general repairs to the historic fabric, are considered heritage benefits. A condition is proposed to ensure that the extensive collection of documents stored within the building are deposited in a suitable archive, such as the Kent Archive, in order that they are preserved in appropriate conditions and available to the wider public. This would also be a heritage benefit.

#### Maidstone Centre Conservation Area

- 6.2.14 The current condition of the car park and hard surfaced open space around the building is considered to detract from the character of the Maidstone Town Centre Conservation Area. The proposed new development on this area, together with associated landscaping would, subject to scale and design, represent an overall enhancement to both the setting of Len House and the conservation area, including the various GII listed buildings that lie within its wider setting. It is considered that although some of the rear elevations on Bank Street are intrusive and of little interest, a number are clearly historic rear projections that have an appropriately secondary scale and character to their principal northern facades. While the scale of the proposed new buildings is generally larger than anything else in this part of the Conservation Area, where buildings are of primarily 2-3 storeys, the proposed site sections indicate that their height will descend from the rear of Bank Street/High Street towards Palace Avenue, which is largely acceptable.
- 6.2.15 The rear buildings would have a loosely vernacular form by incorporating pitched roofs, with the Palace Avenue block being more contemporary in character. While Officers do not object to this approach, it is questioned whether the material palette of the buildings could better reflect the historic town centre context in terms of brick choices and roof coverings. The design and detailing could have more references to the conservation area context which is set out in detail in the Maidstone Centre Conservation Area Appraisal. Maintaining the design quality of the new buildings through appropriate conditions is an important factor in preserving the character and appearance of the conservation area.
- 6.2.16 Notwithstanding the positive aspects of the new development, I consider the changes to historic ground levels, urban grain and uplift in height and mass would result in harm to the conservation area and setting of adjacent listed buildings. This harm would, however, be less than substantial and the heritage and other public benefits of the proposals are potential mitigation provided.
- 6.2.17 The extended Len House building would be more prominent in a number of key local views, particularly from the area of the Parish Church and Archbishop's Palace, where there are both listed buildings of high significance and scheduled

ancient monuments. The roof extension would reduce views of Coleman House from this area, which would be beneficial. However, it would also largely obscure the view of Holy Trinity Church spire, which would be harmful due to the loss visual connection between historical landmarks. However, this level of harm is considered to be very limited having regard to the already intervening townscape.

- 6.2.18 The visual impact of the conversion and extension of Len House on the setting of All Saints Conservation Area and its highly graded listed buildings and ancient monuments is likely to be greater at night when the large areas of glazing would provide views into the new uses within the building. The building is expected to have more dominant presence than at present, and therefore be potentially harmful to the setting of heritage assets. However, weight should also be afforded to the existing impact of the intervening highways, their activity and artificial lighting, which represent a significant modern barrier between the two areas, thus diminishing the residual impacts on setting to one that is less than significant.
- 6.2.19 In summary, I consider the proposed works to the listed building would provide a range of heritage benefits alongside works that would cause less than substantial harm to its significance. The rooftop additions to the listed building and new development on the site would also provide benefits by enhancing the appearance of the area, but would also cause a degree of less than substantial harm due to the negative aspects of the scheme outlined above.

#### Archaeology

- 6.2.20 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation. Policy DM4 of the adopted Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, must include an appropriate desk based assessment of the asset. In addition where important or potentially significant archaeological heritage assets may exist, developers may be required to arrange for field evaluations to be carried out in advance of the determination of planning applications.
- 6.2.21 The principles of assessing the heritage significance and potential level of harm to archaeological assets are common to the process for built assets described above.
- 6.2.21 Following the initial comments of KCC's archaeologist, an updated desk top based assessment has been submitted. The DBA identifies the existence of a significant number of sensitive designated heritage assets within the wider vicinity. The updated report recognises the high potential of the area to contain significant remains, but notes that as a result of the history of the site, truncation and contamination of remains is possible.
- 6.2.22 Whilst KCC request pre-determination investigations, Officers consider that a pre-commencement condition would be acceptable.

### **6.3 Design and Visual Impact**

- 6.3.1 Both the NPPF and Local Plan emphasise that good quality design is central to the successful delivery of sustainable growth. In particular the NPPF makes clear it's expectations in respect of design quality:

*"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

It further emphasises that in taking planning decisions the Council will seek to ensure that development:

- a) will function well and add to the overall quality of the area;
- b) is visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) is sympathetic to local character and history, including the surrounding built environment and landscape setting;
- d) establishes a strong sense of place and creates attractive places to live;
- e) in optimising the potential of any site to accommodate development should provide an appropriate scale and mix of development and include necessary green and other public space.

- 6.3.2 The Local Plan is entirely consistent with the NPPF. It's Spatial Vision / Objectives, together with Policies SP1 and SP18 emphasise that sustainable growth should be delivered alongside protection of the built environment and heritage assets.

- 6.3.3 The Local Plan sets out clear expectations in respect of design quality, stating that "Proposals which fail to take opportunities to secure high quality design will be resisted". Policy DM1 sets out a number of design-led tests including:

- the need to respond to local character, including scale, mass and bulk,
- the creation of high quality public realm
- the need to respect the amenity of neighbours
- delivering high quality design which responds to townscape and heritage settings

### Design

- 6.3.4 The scheme has been designed by Kent-based practice *Holloway* who have considerable experience in delivering town centre regeneration schemes and contemporary design solutions within a heritage context across the County.
- 6.3.5 The brief was to sympathetically restore and adapt Len House in a manner that provides accommodation suited to modern user requirements, whilst ensuring that its heritage can be appreciated to the maximum possible extent. The existing external fabric is principally restored or renewed where necessary, whilst unsympathetic alterations are removed and lost features restored.
- 6.3.6 The intervention of a modern upper element is considered to be sympathetic to the original buildings forms and influenced by its overarching modernist streamline form. It is a significant intervention in the building's fabric and overall form, but one that is considered to be successfully executed.
- 6.3.7 The adjacent new building fronting Palace Avenue adopts the design principles of Len House, but in a more contemporary manner. It is considered that its scale and character compliment, but do not compete with Len House, which remains the prominent building on the site.
- 6.3.8 The new element to the rear adopts a contrasting approach, with a tight urban grain, more organic roof form and modulated heights, informed by the character of the conservation area to the north.
- 6.3.8 The manner in which the refurbished buildings engage with the public realm is positive, with the new public areas fronting Mill Street and the boardwalk re-engaging with the Mill Pond providing public access to the new active uses within the ground floor, adding to the vitality of this area of the town centre. The hard and soft landscaping proposals are of a high quality and as explained below, will incorporate biodiversity enhancement measures.

### Townscape Assessment

- 6.3.9 The application is accompanied by a Townscape and Visual Impact Assessment which assesses the site's context, including topography, surrounding townscape character areas and sensitivity, including the relationship of the site to heritage assets.
- 6.3.10 A visual baseline assessment identified 14 localised viewpoints of the site from surrounding areas of the town centre. The assessment identifies that Len House is a clear landmark building with a high degree of authenticity.
- 6.3.11 The principal view of the site frontage across the approach to River Len bridge from Fairmeadow is of a high sensitivity due to the prominence of the building at this busy open highway junction. The view is framed by other significant urban buildings and the increase in scale is not considered to be harmful. The visual clutter of traffic activity and highway paraphernalia diminishes the sensitivity of the view to some extent. As a result of the sensitive restoration of the building

and public realm fronting it, the impact will be positive and not require any mitigation.



- 6.3.11 The assessment identifies that views from within the All Saints conservation area will change as a result of the increased height of Len House. However, views towards the site from the edge of the conservation area have the distraction of Coleman House behind, which will in-part be screened, which itself will be positive. Views from All saints Church itself are more distant, but the change in massing to Len House is still evident. However, the net impact is significantly mitigated by the lightweight nature of the roof addition.



- 6.3.12 Views from the road network to the south and east represent changing glimpses of the site, with a low level of change, with the viewpoints dominated by traffic conditions.

- 6.3.13 The assessment identifies that the open areas of the site make no positive contribution to the character or quality of the townscape. Whilst the magnitude of change will be significant due to the new build elements, the impact is one of positive change, removing the semi-dereliction of the open area, reinstating the built frontage to Palace Avenue and screening the poor quality buildings to the rear of Gabriel's Hill.



#### Sustainable Design Principles

6.3.14 Whilst heritage buildings often offer limited opportunities for the introduction of sustainable principles, due to its modernist design and linear form, Len House offers a number of opportunities to incorporate measures beyond simply passive fabric first design. These include:

- significantly improving the thermal efficiency and air tightness of the existing listed structures
- installing an extensive solar PV array on the new roof
- extensive areas of green / brown roof combined with the introduction of permeable surfaces across the sites hard and soft landscaped areas
- air sourced heat pumps for the new build element

## **6.4 Living Conditions**

### Existing Residential Neighbours

- 6.4.1 The potential impact of the development on the amenities of the occupiers of adjoining properties is a key planning consideration and an essential element of defining acceptable design. Such impacts may include sunlight and daylight, noise, privacy and overlooking and the general scale and physical relationship of new development to its neighbours. As identified in the NPPF, it is also relevant to consider the amenities of future occupiers of the proposed dwellings.
- 6.4.2 At paragraph 127(f) the NPPF confirms that developments should ensure a high standard of amenity for existing and future users and Policy DM1 (iv) of the MBLP reinforces this requirement.
- 6.4.3 Concerns have been raised by nearby residents regarding, for example, the scale of the development, the impacts upon privacy and loss of daylight and sunlight.
- 6.4.4 At the pre-application stage, the potential for adverse impacts on properties to the rear of Bank Street were identified. No.84, from which the objections have been received, sits within a tight cluster of buildings to the rear of Bank Street. In response the proposed new build element to the rear was pulled away from the boundary and its height to the rear of No. 84 was significantly reduced. Whilst the introduction of built development on land that has sat open for some time will inevitably result in a significant degree of change, by deliberately recognising the adjacency of these properties and cutting out a significant section of the building the proposals ensure that, within the context of a town centre location with a tight urban grain and juxtaposition of buildings and uses, the net impacts on existing neighbours is significantly reduced.
- 6.4.4 Property spacing standards are typically reduced within town centres, particularly having regard to the medieval plot dimensions that define this area's character. Nevertheless, the building is pulled back from the northern boundary and the majority of units are designed to have their primary aspect away from the rear of Bank Street and over the new communal open space. It is therefore not considered that the building would result in an unacceptable loss of privacy and therefore complies with the objectives of the NPPF and policies DM1 and 5 of the MBLP.
- 6.4.5 Officers note that some nearby commercial properties suggest that by being overlooked by new residential apartments, their open spaces, such as terraces, beer gardens, will be less attractive to customers. We do not consider this to be a reason to conclude harm.

### Future Occupiers

- 6.4.6 The assessment above in relation to the 'agent of change' issue considers whether, by virtue of noise unacceptable conditions would be likely to arise. Noise is considered to be a matter that can be managed through conditions. In

terms of other amenity considerations, the majority of residents will have access to a range of private terraces and communal spaces that will serve principal habitable rooms and provide positive outlook conditions with interesting views across the development and the surrounding heritage assets beyond. It is not considered that occupiers will be subject to substandard levels of privacy.

- 6.4.7 Being located within the town centre, residents will have access to a wide range of amenities without the need to travel. Having regard to the high quality of the scheme, we consider that it will provide future occupiers with a very positive environment for urban living.

## **6.5 Highways and Sustainable Travel**

- 6.5.1 The site is highly sustainable, its central location offering good access to amenities, services and employment without the need to travel, but where travel is required, KCC acknowledge that it has good access to a range of public transport options.
- 6.5.2 KCC raise no objections to issues of trip generation (there being a net reduction) and also consider the levels of parking to be appropriate to the town centre, with the proposed vehicular access points being acceptable.
- 6.5.3 KCC also consider that the site has good pedestrian accessibility and that the provision of the boardwalk and new public realm are positive measures.
- 6.5.2 A framework Travel Plan has been provided which KCC consider sets out positive measures to further reduce travel impacts.

## **6.6 Ecology & Biodiversity Enhancement**

- 6.6.1 KCC Ecology advised that the characteristics of the site and buildings would not require an ecological impacts assessment to be carried out due to the lack of habitat. Nevertheless, the applicant has provided a preliminary ecological appraisal, which concludes:
- Low potential to support roosting bats;
  - Moderate potential to support foraging and commuting bats;
  - Moderate potential to support commuting riparian mammals;
  - Low to moderate potential to support notable fish; and
  - High potential to support nesting birds.
- 6.6.2 A number of enhancement measures are recommended, which include:
- • Wildlife friendly landscaping;
  - • Enhanced aquatic habitat;
  - • Biodiverse living roofs;



- Invertebrate habitat features (e.g. bee bricks and log piles);
- Living walls; and
- Bird and bat boxes integrated into the fabric of the building.

It is recommended that these are secured through conditions.

## **6.7 Air Quality**

6.7.1 The site is located within an area of the town centre that is vulnerable to the impact of vehicular emissions on the quality of air. Both the NPPF and Policy DM6 of the Local Plan require the impact of development upon and its potential vulnerability to air quality to be assessed. The assessment identifies that future occupants would not be exposed to pollutant concentrations above the relevant objective levels.

6.7.2 With regard to the potential impact of the operational phase of the development, the transport assessment models a net reduction in traffic compared to the previous use during the am peak and at work, even on the worst case scenario for future trip generation, a small potential increase in the pm. As such, the impacts of the development upon local air quality are predicted to be low / imperceptible.

6.7.3 An emissions mitigation calculation suggests a target mitigation cost of circ £196,000. Best practice suggests that mitigation measures should be of an equivalent value and where possible, the net benefit of the measures quantified. With regard to soft measures, precise calculations are rarely possible, but the applicant has put forward the following measures, which can be monitored through condition:

- EV charging points to an agreed minimum number of parking spaces and latency across the majority of the remainder
- A travel plan incorporating measures to encourage residents to use sustainable transport modes
- Positive levels of cycle provision
- Enhanced pedestrian routes across the site

Having regard to the highly sustainable location and nature of development and its limited impacts, these are considered to be acceptable measures.

## **6.8 Affordable Housing & Infrastructure**

### Affordable Housing

6.8.1 The NPPF sets out that the Government's aspiration for sustainable development include creating " *strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*".

- 6.8.2 As required by the NPPF, the adopted Local Plan makes clear the type and level of affordable housing that will be expected from development. Policy SP20 identifies that in this location 30% of the scheme should provide for affordable housing. Policy SP20 (6) also notes that *"Where it can be demonstrated that the affordable targets cannot be achieved due to economic viability, the tenure and mix of affordable housing should be examined prior to any variation in the proportion of affordable housing"*.
- 6.8.2 Where there is departure from the affordable policy requirements the onus is therefore on the applicant to demonstrate why the scheme is not policy compliant. At paragraph 57 the NPPF advises that *"It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment (VA) at the application stage"* whilst *"The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case..."*.
- 6.8.4 As clarified by the NPPG, VA is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. The process includes looking at the key elements such as gross development value, development / build costs, land value, landowner premium, and developer return. The aim of the process is to strike a balance between, for example:
- The aspirations of developers in terms of returns against risk
  - The aims of the planning system to secure maximum public benefits through the grant of planning permission
- 6.8.5 In this case, a number of considerations are available to the LPA when considering whether to accept a viability assessment, for example:
- Is the development otherwise compliant with the development plan?
  - Would it contribute positively to achieving sustainable development?
  - Are there other public benefits arising?
- 6.8.6 In the case of this site, having regard to, for example, the costs associated with renovating a listed building and the potential costs of developing a contaminated site, the applicants submitted a VA that sought to demonstrate why affordable housing could not be provided, either on or off site. To assist Members in terms of terminology:

Existing use value - EUV is the value of the land in its existing or lawful use. Existing use value is not the price paid and should disregard hope value.

Benchmark land value - The benchmark land value is established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum

return at which it is considered a reasonable landowner would be willing to sell their land.

Residual land value – Residual land valuation is the process of valuing land with development potential. It seeks to identify the sum of money necessary for the purchase of land and is calculated by in essence estimating the value of the completed development (for example direct sales income) and then subtracting the costs of development (for example, build costs, finance costs, professional fees, planning policy requirements and CIL and profit).

If the residual land value falls below the benchmark land value, then it is unlikely that the developer would be incentivized to deliver the assumed level of affordable housing.

6.8.7 The Applicant's VA identifies a benchmark land value of £3,700,000

For a scheme with 30% affordable housing, it generates a residual land value of (minus) -£5,633,063. This is £9,333,063 (deficit) below the benchmark land value – a loss of 8.8%

If the level of affordable housing is reduced to 0%, it generates a residual land value of (minus) -£2,536,452 which is £6,236,453 (the deficit) below the benchmark land value of £3,700,000 – a loss of 0.65%.

The applicant therefore seeks to demonstrate that in planning terms the scheme cannot viably provide an affordable housing offer.

6.8.8 In order to assess the applicant's VA, the Council appointed independent consultants 'RedLoft' to review the submitted VA. In doing so, they tested the method of calculating the sites existing and benchmark land values. They also tested the inputs to the residual appraisal, such as profit margins, build costs, sales income etc. They have advised the Council that whilst they would tweak some of the applicant's assumptions up and some down, they broadly come to the same conclusion.

6.8.9 It is therefore for the Council to consider whether there are overarching benefits that could be achieved in granting planning permission for a scheme without affordable housing. For the reasons outlined in this report, it is considered that having regard to the exceptional circumstances of this site and the wider benefits arising, this approach is justified.

6.8.10 Officers have considered whether a review mechanism should be imposed. Whilst this would often be best practice, having regard to the significant deficit for even a 0% scheme, this is unlikely to serve any beneficial purpose and may detract from the scheme's funding and timing of delivery.

6.8.11 Having regard to the deficit that the applicant needs to address, Officers are developing a series of planning conditions that seek to ensure that the quality of design and heritage restoration is not dumbed down through costs savings.

Infrastructure

6.8.12 The Council commenced CIL (Community Infrastructure Levy) charging on 1<sup>st</sup> October 2019 and with the exception of affordable housing provision the remaining infrastructure would be funded by CIL.

## **7 CONCLUSIONS**

- 7.1 The principle of a mixed use development within a sustainable town centre location is acceptable. The balance of commercial and residential uses will make significantly positive contributions to the vitality and viability of the town centre and to the aspiration to introduce more high quality housing to the town centre,
- 7.2 Bringing a vacant building and under-utilised site is also considered to be positive and responds to the aspirations of the Council's Opportunity Site Brief.
- 7.3 It is considered that the development can be achieved without adversely affecting the amenity of existing residents and the operational viability of existing commercial uses.
- 7.4 It is considered that the scheme does result in some harm to Len House and to surrounding heritage assets, for example, loss of the original use, removal of the roof, partial subdivision of the internal space. The scheme will also cause a degree of harm to the setting of the two adjacent conservation area and the listed buildings within them. However, it is considered that this harm is less than significant.
- 7.5 The applicant has demonstrated that they have minimised the harm arising through measures such as; designing the new roof to be lightweight, retaining the large ramp and main ground floor void, as well as restoring the facades. These works respect the key defining features of significance and are considered to be heritage benefits. Additional heritage benefits include, for example, restoring the original forecourt and creating an archive of the building's history.
- 7.6 In terms of the new build elements, through their design they have sought to minimise their impact on the setting of nearby heritage assets and it is considered that the character and appearance of the conservation area will be enhanced.
- 7.7 Notwithstanding that the scheme will result in a degree of harm to heritage assets, which is considered to be less than significant, for the reasons set out above, it is considered that this harm will be outweighed by the significant heritage and public benefits that will arise.

## **8 RECOMMENDATION –**

8.01 It is recommended that:

Recommendation (A) Planning permission be granted for the development subject to conditions

Recommendation (B) Listed building consent be granted for the associated works to the listed building

- 8.02 Having regard to the complexity of the scheme, Members should note that a detailed schedule of conditions is being finalised with the applicant and will be submitted as an UU ahead of the meeting