

APPLICATION: MA/10/1230 Date: 14 July 2010 Received: 15 July 2010

APPLICANT: Maidstone Borough Council

LOCATION: 26, TONBRIDGE ROAD, MAIDSTONE, MAIDSTONE, KENT, ME16 8RT

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a medical centre (Use Class D1) and 4no. dwellings and parking with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and 24 August 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- The Council is the applicant.
- It is a departure from the Development Plan.

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2 (xxiii), ENV6, T13, CF2
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS4, PPS5, PPG13, PPS23, PPG24
Circulars: 11/95

2.0 HISTORY

MA/08/1789 22-26 Tonbridge Road, Maidstone. Demolition of existing buildings and erection of 96 bedroom budget hotel with associated bar/restaurant and on-site parking. Approved with conditions (11 Dec 2008).

The following planning history relates to this site, although is not considered of significant relevance to this planning application: -

MA/02/1830 1) Construction of concrete ramp with hand rail and kerb to enable disabled persons to access offices at 26 Tonbridge Road. 2) Provide

disabled parking space and dropped kerb in adjoining car park. 3) Remove existing concrete bollards. 4) Landscape forecourt with suitable low growing ground cover shrubs, as described in application MA/02/1830G. – APPROVED.

- MA/97/0640 Erection of automatic car park barrier and new fencing to provide limited access to car parking – WITHDRAWN.
- MA/90/0354 Outline application for the demolition of existing buildings and erection of new offices with associated car parking – WITHDRAWN.
- MA/79/0126 Three Storey Office Block, Demolition of No. 11 Tonbridge Road for 2 Storey Extension, conversion of Block F and Demolition of 22-24 Tonbridge Road, use of site for car parking – APPROVED WITH CONDITIONS.
- MA/75/0744 Change of use to offices – APPROVED WITH CONDITIONS.
- MA/74/0729 Change of use from dental surgery, offices and 3 flats to offices – REFUSED.
- 74/0011/MK1 Outline Application for the demolition of existing building and the erection of office block – REFUSED.
- 73/0112/MK1 Outline Application for the demolition of existing partial office premises and erection of new offices with car parking – REFUSED.
- 71/0481/MK1 Change of use of 1st floor flat from residential to dental surgery waiting room – APPROVED.
- 49/0276/MK1 Change of use of first and second floors of No 22 from offices to living accommodation; and alterations to convert first and second floors into two flats – APPROVED.

3.0 CONSULTATIONS

- 3.1 **Maidstone Borough Council Environmental Health Officer** was consulted and (on 21 July 2010) and has raised no objection to this application subject to the imposition of the following informative: -
- 3.1.1 The issues of traffic noise and air quality will be required to be dealt with by the submission of the relevant assessment in due course; they will be required prior to the determination of the reserved matters.

3.2 Maidstone Borough Council Conservation Officer was consulted (on 21 July 2010) due to the proximity of the Rocky Hill Conservation Area, and has raised no objections to the application. His comments are as follows: -

'All matters are reserved, but the illustrative block plan shows a form and layout which would appear to be appropriate to its context. Development of the site within these parameters would be unlikely to adversely affect the setting of nearby listed buildings or the Rocky Hill Conservation Area.

In addition to the normal conditions regarding submission of details it would also be appropriate to impose one restricting the development to no more than 3 storeys in height (in accordance with the Design and Access Statement).'

3.3 Maidstone Borough Council Economic Development Officer was consulted (on 21 July 2010) and no comments have been received to date.

3.4 Maidstone Borough Council Property Services were consulted (on 21 July 2010) and no comments have been received to date.

3.5 Kent Highway Services were consulted (on 21 July 2010) and raise no objections to this proposal subject to the imposition of suitable safeguarding conditions and informatives. These are set out at the end of the report.

3.6 KCC Archaeology were consulted and raised no objections to the proposal subject to the imposition of a conditions requiring a watching brief to be undertaken.

3.6 Southern Water were consulted and have raised no objections to this proposal subject to the imposition of a suitable condition regarding the connection to the existing sewers.

4.0 REPRESENTATIONS

4.1 Neighbouring properties were notified and no letters of objection have been received.

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located upon the northern side of Tonbridge Road (A26), close to the junction with Terrace Road (A20). Both roads are one-way, running to the west along Tonbridge Road and to the north along Terrace Road.

- 5.1.2 The application site relates to an unused surface-level car park and two-storey office building that was previously in use as the former Council offices and staff car parking at 22-26 Tonbridge Road.
- 5.1.3 There is no vehicular access to the site directly from the A26 Tonbridge Road with access to the site via an existing vehicular access off Terrace Road. This access road also serves other premises in Rocky Hill/London Road and Tonbridge Road. The site is within the urban area of Maidstone approximately 170m west of Maidstone West railway station. There are no Listed Buildings in the vicinity and the site is not within a Conservation Area, although is close to the Rocky Hill Conservation Area.
- 5.1.4 The site is within an area designated as a B1 employment retention area by Policy ED2 of the Maidstone Borough-Wide Local Plan (2000).
- 5.1.5 The site, approximately 0.2 hectares in area, is currently covered by an existing office building in the western part of the site extending from the Tonbridge Road frontage northwards, it comprises just over 4000m² of floorspace. The majority of the remainder of the site is covered by tarmac and was in use as a car parking area. There is a small area of landscaping to the front of the site adjoining Tonbridge Road, approximately 100m². Within this section of land is an area of grass, shrubs and seven trees with hardstanding for pedestrian access to the car park area and office building. This element of soft landscaping provision gives a higher quality road frontage than at 13 Tonbridge Road. The site slopes upwards from east to west with a difference in levels of approximately 1.4 metres.
- 5.1.6 The property to the west, 28-30 Tonbridge Road is in use as an Osteopathy Clinic, with the property to the other side, number 20, in use as offices. The property at number 18 Tonbridge Road has no planning history and appears to be in residential use, the properties at 14-16 Tonbridge Road have been converted into six one-bedroom flats.
- 5.1.7 To the rear of the site is the London House office block – which is five storeys in height (including the undercroft car parking). This is a mid 20th Century building, of little merit.
- 5.1.8 To the south of the site, beyond Tonbridge Road is the former Council Offices of Maidstone Borough Council – now demolished, and also the student accommodation, which is located behind a screen of substantial trees.

5.2 Proposal

- 5.2.1 This application is for outline planning permission, with all matters reserved for future consideration. The outline planning permission seeks the demolition of the

existing buildings, and the erection of a medical centre, and four dwellings, together with associated parking areas.

- 5.2.2 This is an outline application, with all matters reserved for future consideration, however, illustrative plans have been submitted with the application, which give an indication of potential heights and massing of the proposed buildings. These plans show four terraced residential properties located along the frontage of Tonbridge Road, following the building line of the existing properties. These properties would also be of a similar width to the existing properties, being shown as 6.5metres. These illustrative plans also show that these properties could be three storeys in height, again, reflecting the character and appearance of the properties on either side of the application site.
- 5.2.3 The proposed medical centre is shown to be located to the rear of the application site. Again, as this is outline, this is illustrative only. This plan does show however, that the medical centre could be constructed up to two storeys in height, in a U-shape.
- 5.2.4 Car parking is shown as being located within the centre of the application site, with a total of 15 spaces within the car park, with one space per unit for each dwelling, giving a total of 19 (plus one emergency bay).
- 5.2.5 Both hard and soft landscaping has been shown to be provided to the front of the application site, as the buildings are set some 5-6metres from the highway. All properties are shown to have a good sized rear garden measuring some 11.5metres in depth. All existing trees would be lost as a result of this development.

5.3 Principle of Development

- 5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

- 5.3.2 The applicant has therefore submitted supporting information which demonstrates that a public decision was made to sell the land in October 2006.

Following this agreement, the land was marketed through a combination of the property press and the Kent Messenger over a five week period (in June 2007). This included advertising within the 'Estates Gazette' (national) and within a local newspaper. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site.

- 5.3.3 Of the bids submitted, none were for solely B1 use on the site (nor on 13 Tonbridge Road), but rather for a mix of B1 and residential, and for a hotel use. Following negotiations, a hotel operator placed an offer for the site, and obtained planning permission for a budget hotel – this permission was granted in late 2008. Following the granting of planning permission the applicant withdrew their offer, citing changes in the economy for their reasoning. There have been no further bids for this plot of land. I consider the granting of the previous planning permission a material consideration in the determination of this application. This proposal was also a departure from the Local Plan policy, and was considered acceptable as it would provide an alternative employment use for the site. Therefore the principle of deviating from the Development Plan, albeit with a use that would provide employment, has previously been accepted on this site.
- 5.3.4 Following the withdrawal of this offer from the hotel operator (and no further bids on the land), the applicant decided to withdraw the site from the market in 2009, and submit planning applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed this application in with the Local Planning Authority. I consider this background sufficient to demonstrate that reasonable attempts have been made to dispose of the land prior to the submission of this application.
- 5.3.6 Clearly, the proposal to erect a medical centre and dwellings would be a departure from the Development Plan – being D1 and C3 uses. However, since the formulation (and adoption) of the Local Plan, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. Evidence indicates that there is an over-provision of office space within the town centre, with most being of a relatively poor quality.
- 5.3.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10 years in since it was first researched and drafted, and as a result central government guidance and advice has changed in this intervening period. Furthermore, the way in which businesses operate is also likely to have changed within this period. As such, in determining this application, I consider it important to give weight to the more recent information available, central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.7 In 2009 the Council commissioned GVA Grimley to complete an Employment Land Review, to identify where there was a surplus and shortfall of employment land, and to look at future trends, to help formulate future policy. This document demonstrates that there is an over-provision of office accommodation within the town, and that much of this is of a lower quality than that required by the market. This correlates with the information provided within the viability assessment. This, together with the fact that the site was marketed for office accommodation, with no interest shown, further demonstrates that this use is no longer considered viable at this location. From this evidence base, it has been indicated that this site is unlikely to be retained as an office (B1) employment site within future LDF plans.

5.3.7 Of particular relevance to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), which was released in 2009. This sets out the governments objectives for sustainable growth within the UK. Within this document, 'economic development' is recognised as achieving one of the following objectives: -

- Providing employment opportunities;
- Generates wealth; or
- Produces or generates an economic output or product.

I am satisfied that the provision of a medical centre would generate employment opportunities, and as such is identified as a form of economic development.

5.3.8 Policy EC1 of PPS4 requires for Local Planning Authorities to use evidence to plan positively. At present Maidstone Borough Council (MBC) have not adopted their core strategy, although background research has been undertaken to ascertain the level of employment land needed within the Borough, both now, and in the future. This complies with the requirement of this policy, in that it assesses the overall need for land or floor space for economic development. This will inform the policy which is then forthcoming. Work carried out to date, by GVA Grimley on behalf of the Council (September 2009) provides an assessment of the existing employment stock. I therefore consider that this study is a material consideration in the determination of this planning application.

5.3.9 Policy EC10 of PPS4 requires Local Planning Authorities (LPA) to adopt a positive approach towards planning applications for economic development, and to treat favourably planning applications that secure sustainable economic growth.

5.3.10 Of most relevance to this planning application is policy EC11 of PPS4, which relates to the determination of planning applications for economic development not in accordance with an up to date Development Plan. This policy states that when determining such a planning application, LPA's should: -

- Weigh market and other economic information alongside environmental and social information;
- Take full account of any longer term benefits, as well as the costs, of any development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- Consider whether those proposals help to meet the wider objectives of the Development Plan.

5.3.11 As such, this proposal should be assessed in accordance with these requirements. In terms of the first point, I consider that there is an evidence base that suggests that there is an over-provision of office accommodation within the town centre – this is identified within the GVA Grimley Employment Land Review. Furthermore, the Council’s Economic Development Strategy (EDS) sets an overall target for 10,000 new jobs within the Borough by 2026 (within the B and non B classes), and also for the existing office stock within the town centre to be improved. It states that this should be done on a sequential basis, with offices located within the town centre first provided or enhanced, and then any new additional provision to be located on edge of town centre sites, with good access.

5.3.12 What can be seen from the Employment Land Review is that there was (in Sept 2009) in excess of 50,000m² of vacant office space within the Borough of Maidstone, 3,268m² of which was within the London Road area. In total 23 units, comprising of 14,283m² were vacant within the town centre, and in accordance with the EDS is considered more suitable for upgrading.

5.3.13 The information given above, is a clear indication that there is an over-provision of office accommodation within the Borough, and whilst much of this is brought about by virtue of its quality, there is a large proportion of town centre sites that are more suitable for upgrading prior to the application site. I am therefore satisfied that there is up-to-date economic information which would support an alternative use on this site.

5.3.14 The second point within Policy EC11 (b) requires the LPA to assess the longer term benefits of the proposal, and in particular look at job creation. As no interest has been shown recently (back to 2008) in utilising the site for office accommodation, there is little indication that this form of economic growth will be forthcoming. I therefore consider it appropriate to assess the potential viability for the development to provide employment within other sectors.

5.3.15 The provision of a medical centre within this site would give rise to employment opportunities, in particular skilled employment. It would also generate employment in the wider area through the requirements for medicine to the

provided etc...I am therefore satisfied that this proposal meets with this requirement of the policy.

5.3.16 Finally, one has to assess whether the proposal would meet with the wider objectives of the Development Plan. The Development Plan does provide support for employment opportunities, in particular within town centre sites. I am therefore satisfied that the proposal would meet with the wider objectives of the Development Plan.

5.3.17 However, PPS4 specifically identifies housing development as not being *economic development*. As such, justification is required as to why this is a suitable location for such a use. However, as stated above, policy EC1 does require Local Policies to be informed by relevant and up to date information. Part of the wider understanding is to acknowledge where there are deficiencies in supply for all types of development in town centres. It is with this in mind that I refer to the Maidstone Town Centre Study, which was completed in February 2010 (undertaken by consultants, Urban Practitioners on behalf of Maidstone Borough Council). This report forms part of the published evidence base for the production of the Local Development Framework (LDF) documents, and although not part of the Development Plan at present, is a material consideration in the determination of planning applications.

5.3.18 The recommendations of this report include definition of a town centre boundary. The recommended boundary would run along the railway line at the nearby Maidstone West station and would exclude this site from the town centre area. The site is included in the designated 'Neighbourhood Quarter', the study states its rationale for this quarter in paragraph 11.222:-

"The potential exists to create a sustainable neighbourhood surrounding Maidstone West Station. This area is partly within the town centre and partly outside of the boundary. It is some distance from the core town centre and is currently dominated by business and residential uses, with the latter becoming more prevalent over recent years. The opportunity exists to support this area as a neighbourhood in its own right through focusing residential development on key sites and ensuring a mix of local retail / A3, community uses and small businesses on key streets."

5.3.19 The assessment of the area continues with paragraph 11.227 stating that the area lacks a clearly defined commercial identity or specialism. The land use strategy for this area (para 11.248) indicates that the principal future land uses for this area would be predominantly residential uses, but including mixed retail and office uses where appropriate. Paragraph 11.250 of the Town Centre Study expands further on this point stating that residential development should be steered towards *houses and family accommodation with private outdoor space*.

As stated, however, this is not policy, but rather guidance for the formulation of proposed future policy. I do not consider that this in itself is sufficient to warrant a departure from the Development Plan, but it does indicate support for this proposed use.

5.3.20 However, in addition to this guidance, there is a clear indication (Through the GVA Grimley Report) that there is an over-provision of office accommodation within the town centre, and the fact that the site was marketed for B1 use, and no offers have been submitted for this use (indeed a planning permission has already be granted to depart from this policy) I am content that there is a clear indication that the site is unlikely to be retained for B1 based employment use. I consider that there has been sufficient evidence submitted to permit a deviation from the Development Plan as a result, and I see no reason why residential use, as part of a mixed use scheme (which also provides employment) would be inappropriate. Indeed, central government policy encourages mixed use developments.

5.3.21 It should be noted that Policy CF2 of the Maidstone Borough Wide Local Plan (2000) refers to the loss of 'publicly owned land.' As this site is owned by the Council, I consider it appropriate to apply this Policy. However, the policy states that the Local Planning Authority needs to be satisfied that 'an identified need for community facilities that could be met on this site does not exist.' I am satisfied that there is no need on this site for such a facility, and as such, the proposal does comply with this Policy.

5.3.22 I am therefore of the opinion that this proposal would comply with the requirements of Policy EC11 of PPS4, and this, together with the information being collated by the LPA at present, indicates that alternative uses are acceptable on this allocated site. I am therefore satisfied that it is appropriate in this instance to depart from the existing Development Plan and give greater weight to the more recent guidance provided by Central Government.

5.4 Visual Impact

5.4.1 This is an outline planning application, with all matters reserved. As such, the matter of visual impact relates to the principle of erecting buildings within the parameters indicated within the application. These parameters propose that the properties fronting Tonbridge Road would be no more than three storeys in height, and in line with the existing properties, and the medical centre would be to the rear of the site, with a height of no more than three storeys.

5.4.2 I consider that the erection of three storey dwellings fronting Tonbridge Road could be acceptable, subject to the buildings being of a good architectural standard. The properties upon either side of the site are of this form, and this would ensure that the rhythm of the street is maintained. I do consider it

necessary to suggest that conditions be imposed to limit the level of development along the frontage, to ensure that no development be more than three storeys in height, in order that the character and appearance of the area be maintained. Whilst it is acknowledged that the hotel previously approved was four storeys in height, I consider that the fact that dwellings are now being provided requires the height to be reduced. These dwellings would be read as individual units, with, as a result, a greater vertical emphasis, with an additional fourth floor exacerbating this.

I therefore recommend that conditions be imposed that address the following: -

- Landscaping to the front (this is covered in more detail later in the report);
- The buildings should not exceed three storeys in height;
- The buildings should be set back from the edge of the pedestrian footpath by at least 5metres;
- Details of materials to be submitted, and agreed in writing prior to the commencement of works on site.

I am also suggesting the following informatives: -

- Any building should be well articulated, and should respect the pattern and rhythm of the development within the locality;
- The applicant should consider the use of projecting and recessed elements, both in terms of fenestration, and with the way in which the roof is designed;
- The areas designated for vehicular movements and parking should be kept to a minimum.

5.4.3 I consider that the imposition of these conditions and informatives would guide any future developer to provide a good quality of design, at the reserved matters stage.

5.4.3 With regard to any development to the rear, I consider that there is greater flexibility with regards to the positioning of the buildings as there would be less impact upon the existing development – i.e. it is more isolated. The illustrative plans show a three story building, in a U-shape. I consider that this has the potential to be a high quality contemporary building that could enhance what is at present a relatively untidy site.

5.4.4 I consider that the layout shown is broadly acceptable, subject to the reduction of the amount of hardstanding. I consider that they demonstrate that a suitably sized medical centre together with housing could be accommodated within the parameters of the site, whilst also providing a good level of soft landscaping provision, and car parking. As set out above, the development should be set back a suitable amount from the edge of the highway (I have suggested 5metres) with landscaping, including street trees to the front. I am therefore

satisfied that a suitable layout, and building design could be brought forward, subject to the adherence to the conditions and informatives set out above.

5.5 Residential Amenity

- 5.5.1 The proposal, would incorporate the erection of four dwellings within the application site. From the illustrative plans submitted it is demonstrated that the proposed, four residential properties could be located in line with the existing properties within Tonbridge Road. As these could be built in line, I consider that these would be unlikely to lead to any significant overlooking of the neighbouring properties, or the creation of a sense of enclosure, or overshadowing. I therefore consider that this element of the outline permission, could be accommodated within the application site, without impacting upon the amenities of the neighbouring occupiers.
- 5.5.2 The proposal would also see the erection of a medical centre within the application site. Illustratively shown as being to the rear of the application site, this would not be in close proximity to any residential dwelling. I do not consider that this building would give rise to any overlooking, overshadowing, or the creation of a sense of enclosure to the neighbouring occupiers, and as such is acceptable in this respect.
- 5.5.3 I do not consider that the vehicular movements into and out of the site would generate an unacceptable level of noise and disturbance. The previous use of the site was for a car park, and I consider that this use would result in less vehicular movements into and out of the site – thus reducing the impact upon the neighbouring residents.
- 5.5.4 Concern has been raised by the Council's Environmental Health Officer with regards to the road noise created by traffic along Tonbridge Road. It has been agreed however, that this matter should be fully considered at the point of the submission of the detailed application, in order that the design of the buildings incorporate sound proof materials, and means of ventilation.
- 5.5.5 I am of the opinion that this proposal would have less impact upon the amenities of the neighbouring occupiers than the previously approved hotel. The hotel was proposed to include a large three storey element that run to the rear of the site, that would have had a number of windows with views down the hill, and over some of the gardens of the properties within Tonbridge Road.
- 5.5.4 I am therefore satisfied that this proposal would not give rise to any concern in terms of the impact upon residential amenity.

5.6 Highways

- 5.6.1 Kent Highway Services have raised no objection to this proposal. The illustrative plans submitted show that the medical centre and dwellings could both be served from the existing access which is served from Terrace Road, to the west. This existing access serves a number of the businesses and residential properties, and was also the access point for Council car park, when operating from within 13 Tonbridge Road and London Road. As such, I do not consider that this proposed use would be likely to generate significant additional traffic at this junction.
- 5.6.2 The site is located within a sustainable location, being well served by public transport, and close to a number of amenities within the town centre. As such, I do not consider it appropriate to seek maximum levels of car parking within the site. As the plans are illustrative only, the parking provision has not been set. The plans demonstrate that a building of over 400metres² could be provided to the rear, which falls below the threshold of PPG13's parking standards (set out in Annex D). The plans indicate the provision of 15 car parking spaces for the medical centre (equating to 1 space per 30metres² which is relatively high for such a sustainable location. However, I am of the opinion that this would be further reduced by the requirement to provide additional soft landscaping within the site, which I consider to be acceptable.
- 5.6.3 Each residential property would be provided with one space, served from a private drive (should residents park within this private drive, it would not impede the free flow of traffic), which I consider to be acceptable, due to the sustainable location of the site.
- 5.6.4 Whilst I do not consider that the illustrative layout represents a high quality layout, it does demonstrate that suitable access, and parking area can be provided. I am of the opinion that any detailed scheme brought forward should significantly reduce the amount of hardstanding proposed, but irrespective of this, the applicants would have a sufficient space to ensure that there would be no overspill onto the busy Tonbridge Road and Terrace Road, to the detriment of highway safety.
- 5.6.5 I am conscious that as this is in outline form, the numbers of spaces provided at the reserved matters stage may well vary. As such, I recommend that an informative be placed upon any permission granted, requiring the applicant to be mindful of the sustainable location of the site, and the need to keep parking numbers to a minimum whilst ensuring that the provision does not have a detrimental impact upon highway safety.
- 5.6.6 I am satisfied therefore that a detailed proposal could be provided that would not impact upon highway safety, and as such would comply with PPG13.

5.7 Landscaping

5.7.1 Landscaping is a matter reserved for consideration at the detailed design stage. However, from the illustrative plans submitted it is demonstrated that the development could achieve a good level of planting, in particular fronting Tonbridge Road. It is noted however, that the existing trees along the road frontage would be removed as a result of this proposal. These trees do soften this part of the Tonbridge Road, but I consider are individually of limited merit. However, I do consider it appropriate that should these trees be removed, suitable replacements be provided. I therefore propose that a prescriptive condition be imposed upon any planning permission that ensures that the following landscaping be delivered at the reserved matters stage: -

- The planting of at least four street trees along the road frontage;
- The provision of an area of soft landscaping of at least 3.5metres in depth along the Tonbridge Road frontage;
- The erection of a dwarf ragstone wall along the road frontage;
- A landscape buffer of at least 2metres in depth between the medical use and the residential properties; and
- A landscaped buffer of at least 1.5metres in depth to run along the boundary with number 20 Tonbridge Road, and also along the boundary with 28 Tonbridge Road.

5.7.2 In addition, I would suggest that the following informatives be placed upon any planning application: -

- The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;
- Should any front boundary wall be required, this should be constructed of ragstone;

5.7.3 This is not to suggest that this is the *only* landscaping that would be required within this development, however, I do not consider it appropriate to be more prescriptive at present, as this would reduce the flexibility of any future land owners/developers.

5.7.4 I consider therefore that the proposal demonstrates that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

5.8 Other Matters

- 5.8.1 Because of the nature of the proposal, and the low numbers of residential properties proposed, there would be no requirement for any contributions to be made on this application. Contributions are only required when 10 or more dwellings are proposed, and the Council's Affordable Housing DPD sets the threshold for affordable housing provision at 15 units. As such, there would also be no requirement for any affordable housing to be provided.
- 5.8.2 In terms of ecology, due to the nature of the site, I do not consider that there would be any likelihood of a significant level of biodiversity. As such, no ecological report has been carried out. However, as the existing building (which remained on site at the time of the completion of this report) has been unused for a significant period of time, I recommend that an informative be placed upon any permission relating for the need for the applicant, or any future developers, to be aware of the need to survey the building, prior to demolition for any protected species, and in particular, bats. Should any be found, then works should cease, and suitable mitigation undertaken. In addition, I consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to enhance biodiversity, in accordance with PPS9. I have also suggested informatives requesting that the applicants look at the possibility of providing living/green walls and roofs within the development, to enhance biodiversity and to further soften the appearance of the development, within this urban area.
- 5.8.3 No details have been submitted as to how energy efficient the proposed dwellings would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the residential units be constructed to be rated at least level 3 of the Code for Sustainable Homes. Likewise, I would expect the medical centre to achieve at least a 'very good' BREEAM rating when submitted.

6.0 CONCLUSION

- 6.0.1 To conclude, whilst this proposal is a departure from the policies within the Development Plan, it should be noted that a previous planning permission has been granted on the application site for an alternative business use – i.e. a hotel use. It has been accepted that there is an over-provision of office accommodation within the Town Centre, a fact backed up by a marketing exercise that the applicant has undertaken for this site. The relevant policy was conceived over ten years ago, and I consider that the market for such accommodation has altered in that time. The provision of employment on the site, through the erection of a medical centre would accord with the objectives of PPS4 – Sustainable Economic Development. Whilst the proposal would see the erection of four residential properties, this would be part of a mixed use scheme,

and would also ensure continuation of the pattern of development along Tonbridge Road.

6.0.2 I consider that this development would deliver a new community based facility, within a sustainable location, providing a mixed use scheme. I consider that this meets with the requirements of central government policy and as such, I am satisfied that it is appropriate in this instance to deviate from the Development Plan.

7.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Access e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed 10metres (three storeys) from normal ground level to ridge level as ascertained by external measurement;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

4. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings 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 in accordance with PPS1.

6. The development shall not commence until, details of satisfactory facilities for the storage of refuse 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 buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of a scheme for the insulation of the residential units against the transmission of both airborne and impact sound has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before any residential unit is first occupied and shall be maintained thereafter;

Reason: To mitigate the effects of potential noise nuisance in accordance with PPS23.

8. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to

parking inconvenient to other road users and in the interests of road safety, in accordance with PPG13.

9. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

10. There shall be no vehicular access from Tonbridge Road.

Reason: In the interests of visual amenity in accordance with PPG13.

11. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of four street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 3.5 metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the eastern boundary of the application site, which shall be at least 2 metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 1.5 metres in depth, and should include trees as well as low planting.

Details of the measures for their protection in the course of development, together with a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

13. Construction of the development hereby permitted shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of the amenities of the existing properties, in accordance with PPS3.

14. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are set back a minimum of 5 metres from the edge of the pedestrian footpath;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

15. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

16. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

17. The medical centre shall achieve a 'very good' BREEAM rating. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a very good rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

18. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

No burning shall take place on site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicants, or successors in title are advised to seek to improve biodiversity within the application site. It is suggested that any development incorporate the use of bat boxes, swift bricks, and if appropriate the provision of cordwood.

Any buildings proposed within the site should be well articulated, and should respect the pattern (and in particular the rhythm) of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The areas designated for vehicular movements and parking should be kept to a minimum.

The issues of traffic noise and air quality will be required to be dealt with by the submission of the relevant assessment in due course; they will be required prior to the determination of the reserved matters.

The applicant is requested to consider the use of bat boxes and swift bricks within the development hereby permitted.