

REPORT SUMMARY

REFERENCE NUMBER: 23/505731/FULL		
APPLICATION PROPOSAL: Section 73 - Application for minor material amendment to approved plans condition 2 (to allow revision to residential mix whilst retaining 172no. units; revision of location and quantum of commercial use; internal reconfiguration to cores of block A and B to account for fire safety; reduction in height of block B by 1no. Storey; removal of basement to block B; reconfiguration of refuse and cycle storage; fenestration alterations to block A and B with associated amendments to landscaping and parking) pursuant to 20/505707/FULL for - Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1169sqm commercial space, public realm and landscaping, new access and 47no. parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works.		
ADDRESS: Mote Road Car Park Mote Road Maidstone Kent		
RECOMMENDATION: The Committee delegate approval to Officers to grant conditional planning permission subject to the conditions listed below.		
SUMMARY OF REASONS FOR RECOMMENDATION: The Application Site is allocated for residential-led mixed-use development in the adopted Maidstone Borough Local Plan 2017 under Policy RMX1(6) and is identified as one of five key Town Centre Opportunity Sites. The overall site has been under-utilised for a number of years and the mix of uses proposed will contribute positively towards the vitality of the town centre and make a significant contribution to housing needs on a highly sustainable brownfield site that has good access to public transport and a wide range of local services. The proposed application has been formulated through a planning performance agreement comprising of pre-application meetings and was subject to a constructive Member briefing in January 2024. The scale of the proposed buildings are considered to respond to the wider townscape setting. The minor material amendment reduces the height of the development, whilst also increasing the use of vernacular materials. The changes would have a positive impact on the setting of the listed terraced buildings to the north. The detailed design and the proposed materials are considered to be of a high quality and appropriate for what will be a prominent town centre development.		
REASON FOR REFERRAL TO COMMITTEE: Revision of a scheme previously presented to Planning Committee.		
WARD: High Street	PARISH/TOWN COUNCIL:	APPLICANT: Strawberry Star SL2 Ltd AGENT: Robinson Escott Planning
CASE OFFICER: Sean Scott	VALIDATION DATE: 22/12/23	DECISION DUE DATE: 22/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

20/505707/FULL - Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1169sqm commercial space, public realm and landscaping, new access and 47no.

parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works - Approved 22.07.2022

20/505293/ENVSCR - EIA Screening Opinion for scheme comprising the residential led development of 170 no. units, plus commercial floor space, landscaping/public realm and car parking - Environmental Impact Assessment Not Required 24.11.2020

23/504530/SUB - Submission of details pursuant to condition 26 (Demolition & Construction Environmental Management Plan) of application 20/505707/FULL - Pending Consideration

23/504907/SUB - Submission of details pursuant to condition 4 (Remediation Method Statement) in relation to planning permission 20/505707/FULL - Pending Consideration

23/504908/SUB - Submission of details pursuant to condition 3 (Written Scheme of Investigation for an Archaeological Evaluation) in relation to planning permission 20/505707/FULL - Pending Consideration

23/505531/SUB - Submission of detail to discharge condition 17 - Car Park Management Plan, Subject to 20/505707/FULL - Pending Consideration

24/500240/SUB - Submission of details to discharge condition 24 - Sustainable Surface Water Drainage Scheme, subject to 20/505707/FULL - Pending Consideration

The Council is in receipt of a Non-Material Amendment application to amend the description of development as detailed under this application and permission ref. 20/505707/FULL. The change seeks to remove the reference to quantum of floorspace for the commercial use and instead proposed reduced area as set out in the Proposal section of this report – the revised quantum would be secured by condition. Should the committee resolution be to approve, then the NMA would be decided prior to issuing a final decision for this application.

For clarity, the extant planning permission under ref. 20/505707/FULL will be referred to hereafter as the Original Permission.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies on the southern fringe of the town centre. It is irregular in shape and measures a circa 0.4 hectares (ha). The principal Road frontage is to Wat Tyler Way and the junction with Mote Road. The site lies very close to the heart of the town centre which has a wide range of retail and service uses and has very good accessibility to a range of public transport options.
- 1.02 The majority of the site is laid out as a private car parking. It was previously let to occupiers of adjacent office buildings but has had limited use in recent years due to the buildings being converted into residential uses. The eastern-most part of the site is occupied by Shandon House, a small office building fronting Padsole Lane. Generally, the site in its current form is considered to detract from the character and appearance of the area.
- 1.03 The surrounding area contains a mix of uses, although with the conversion of the former office buildings through permitted development rights, the balance has recently shifted towards residential.
- 1.04 There are no heritage assets on the site, although immediately to the north lie 1-10 and 11-14 Romney Place; two terraces of offices that are Grade II listed. The site is not within a conservation area, although the Town Centre Conservation Area lies

circa 55 metres to the east. The relationship of the proposal to these and other heritage assets is assessed later in the report.

- 1.05 Further north beyond Romney Place lies the bus station with multi-storey car park above and the large surface car park for the Sainsbury store. A low-rise depot building abuts the application site to the north-east.
- 1.06 To the east and west of the site lie a cluster of tall buildings, including Miller House (12 storey), Kent and Medvale House (8) and Midhurst Court (14).
- 1.07 Moet Road marks a change in both land use and scale/grain between the former commercial areas of the town centre to the North and the residential hinterland to the South, where buildings are typically 3 storeys in height.
- 1.08 Due to the wide nature of Wat Tyler Way, where it widens to 5-6 lanes adjacent to the site, the closest buildings facing across it have separation distances of between circa 30-50 metres.
- 1.09 The existing site frontage is currently screened by a blank expanse of fencing that detracts from the character and appearance of the area and results in a poor quality environment for pedestrian movement.

2. BACKGROUND & PROPOSAL

- 2.01 The Original Permission to which this application relates (ref. 20/505707/FULL, dated 22 July 2022) was for:

"Demolition of Shandon House and redevelopment of the site and adjacent private car park with two buildings comprising of 172no. residential apartments and 1169sqm commercial space, public realm and landscaping, new access and 47no. parking spaces, drop off bays, service/delivery bay and cycle parking with associated ground works".

- 2.02 This application seeks to make minor material amendments under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 (approved plans). The following amendments are proposed:
 1. Reduction to quantum of commercial space by 500SQM (1169 SQM to 669 SQM).
 2. Removed 1 storey of height from Block B (approximately a 3 metre reduction)
 3. Change to residential unit mix, noting that the number of units will remain at 172 – the following changes are proposed:
 - reduce the number of 1 bed (1 Person) units from 8 to 5;
 - increase in 1 Bed (2 Person) units from 70 to 77; and
 - reduction in 2 Bed units from 84 to 80.
 4. Removal of the basement from under block B: this means that bin stores would be sited in the Basement of Block A and cycle parking would be moved to the Ground Floor of Block A.
 5. External substation added to facilitate statutory requirements for access
 6. Various changes to the façade and internal layout to include:
 - A. Change in materials on ground floor to ragstone, with first floor being changed to brick to match the remainder of blocks A and B.
 - B. Improvements to the tops of the building to include metal balustrades on roof terraced and additional brick course features with revised coping.
 - C. Balcony mesh changed to matching colour metal rail balustrade

- D. Metal spandrel panels replaced with clear glazing
- E. Glazing added for ground floor commercial unit and louvre doors added to the northern elevation of Block B – with some louvres being omitted from Block A.
- F. Ground level access revised to Blocks A and B – more prominent entrance and located opposite each other from the landscaped gardens.
- G. Vehicle opening reduced in size and replaced with brickwork on the northern elevation.
- H. General changes to windows for the following reasons:
 - Some sizes revised due to fire regulations
 - some windows replaced with metal cladding due to overlooking issue.
 - Windows added to suit revised layout
 - Window mesh changed to matching colour glazing panel
- I. Cycle store relocated from the lower ground level of blocks A & B and relocated to the Ground Floor of Block A.
- J. Core layout revised: this includes rearranging the corridor of Block A to give residents access to two stair cores, to align with Building Regulations.

2.03 When the Original Permission was presented to Planning Committee there was an expectation that the top and the base of the buildings would be further enhanced as per the Committee resolution. However, this was not progressed prior to the decision being issued rather a condition was attached. Therefore, officers have engaged positively with the applicant through a planning performance agreement to further progress the design of the building including this issue and the changes are reflected in this amended proposal.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan (2017) (MBLP): Policies SS1, SP4, SP19, SP20, SP21, RMX1(6), DM1, DM2, DM4, DM5, DM6, DM12, DM16, DM19, DM21, DM23

Kent Waste and Minerals Plan (amended 2020)

Maidstone Local Plan Review (Regulation 22): LPRSS1, LPRSP7(D), LPRSP11, LPRSP11(B), LPRSP12, LPRSP13, LPRTRA2, LPRSAEmp1

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound have been put out to public consultation so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

3.01 Supplementary Planning Documents:

- Mote Road Planning Guidelines, which were approved by the SPI Committee in 2019 and published in January 2020.

- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards
- Maidstone Building for Life 12 (2018)

4. LOCAL REPRESENTATIONS

4.01 No representations have been received from local residents and the site does not sit within a Parish Council boundary.

5. CONSULTATIONS

Kent County Council – Flood and Water Management

5.01 No objection

Kent County Council – Highways and Transportation

5.03 No objection

Environmental Protection EP

5.04 No objections have been raised subject to inclusion of planning conditions:

- It is the case that the previously recommended conditions from the Original Permission will be carried over. In addition there is an update to a noise condition and a new condition for details of extraction. Two informatives have also been recommended.

KCC Ecology

5.05 No objection.

Kent Police – Designing Out Crime Officer (DOCO)

5.06 No objection subject to conditions for Secure by Design.

5.07 MBC Heritage Officer

5.08 No objection

6. APPRAISAL

6.01 The key issues are:

- The Principle of Development
 - Commercial
 - Residential
 - Affordable Housing
- Townscape / Landscape / Open Space
- Heritage
- Parking
- Other Matters

The Principle of Development

6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning

system is plan-led. The Maidstone Borough Local Plan 2017 (MBLP) is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.

- 6.03 The core focus of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.04 The site is located within the designated Maidstone urban area. Maidstone Borough Local Plan 2017 (MBLP) Policy SS1 states "*...Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area*".
- 6.05 The NPPF also places an 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.
- 6.06 Policy SS1 of the Local Plan sets out the broad sustainable development strategy for the Borough 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 town centre as defined under policy SP4.)
- 6.07 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, where relevant:
- protection of the Borough's built assets, including heritage assets
 - creating an enhanced and exceptional urban environment
 - securing high quality sustainable design and construction
 - ensuring that development is of a high quality design and makes a positive contribution to the area.
- 6.08 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 the provision of enhanced public realm and ensuring that development is of a high quality design and makes a positive contribution to the character and function of an area.
- 6.09 The site is located within a highly sustainable location with pedestrian and cycle access to a wide range of services and amenities. The location also offers access to a range of public transport options, with the Bus Station in particular being in very close proximity and all three rail stations within a reasonable walking distance.
- 6.10 As an under-utilised brownfield site, the Application Site is a priority for regeneration, as reflected in both the site allocation policy RMX1(6) and the Council's 'Opportunity' site brief. The principle of a development that follows the site allocation policy and respects the above principles is therefore in accordance with the development plan and the NPPF.

Commercial Uses

- 6.11 The proposed use of the commercial space would be for offices falling within Use Class E(g)(i) and this is unchanged from the original permission. Compared with the original permission, the quantum of office space would be reduced from 1169 sqm to 726 sqm (a loss of 443 sqm / 47%).

- 6.12 It is acknowledged that the quality of the office stock in Maidstone town centre has been in decline for a number of years and that there is very limited availability of modern, sustainable, good quality premises; particularly those suited to smaller enterprises. As per MBLP Policy RMX1(6), both the site allocation policy and the site brief seek to target a minimum of 2,000 sqm of office space (Use Class E(g)(i)), but in doing so recognise that this may be subject to site specific and deliverability constraints.
- 6.13 The proposal incorporates commercial floorspace in blocks A and B on the ground floor. The accommodation is designed to have a strong visible presence to Mote Road / Wat Tyler Way and with associated public realm enhancements.
- 6.14 In total there are 3 units of similar sizes and they appear to have a flexible configuration that is likely to meet the requirements of small to medium sized businesses.
- 6.15 It is the case that the site would fall significantly short of the indicative figures in the site allocation. However, the viability of the proposed scheme is an issue, and the office market remains challenging. The LPR draft policy refers to the "aspiration" of the stated commercial floorspace quantum and flags up viability as an issue. This Council accepted there was a significant viability problem when it resolved to grant planning permission with the provision of zero affordable units despite this being a top priority and so, implicitly, the Council accepted a very fine profit margin and construction costs have continued to increase. Therefore, officers remain satisfied that despite the smaller commercial footprint, the reduction is acceptable. An appropriately worded condition which would secure the use and quantum of floorspace has been suggested.

Residential

- 6.16 The delivery of new homes to meet local needs is both an MBC and Government priority. The site allocation forms part of the adopted Local Plan's housing delivery strategy.
- 6.17 The principle of residential development and the optimisation of the site therefore accords with policy SS1 and will make a valuable contribution to the Council's sustainable spatial strategy. The town centre is identified as a location that is suited to smaller household sizes.
- 6.18 The proposed unit mix is (B= no of bedrooms / P= persons):

Residential Accommodation Comparison					
Approved Residential Accommodation			Proposed Residential Accommodation		
1B 1P	8	5%	1B 1P	5	3%
1B 2P	70	41%	1B2P	77	45%
2B 3/4P	84	49%	2B3/4P	80	47%
3B 5P	10	6%	3B5P	10	6%
Total	172	100%	Total	172	100%

- 6.19 It is important to note that the number of residential units remains unchanged from the Original Permission. The loss of one storey to Block B and a reduction to commercial space allows for larger units to be accommodated as well as improvements in compliance to Building Regulations. The proposal shows an increase in the number of larger 1 bed units and reduces the number of smaller 1 bed units. MBLP Policy SP19 clearly seeks to achieve sustainable mixed

communities and this change is considered to be a minor benefit to the scheme. Smaller 1 bed units do not support the long-term accommodation needs of most people and can therefore lead to more transient populations. Therefore, the proposed mix is considered to be more supportive of stable communities.

- 6.20 Maidstone's SHMA indicates that in the town centre there is more demand for one and two bedroom properties. It is noted that demand for family accommodation in the central area of the town is lower than the wider urban area and villages, it is considered that the overall mix proposed is appropriate for this location.

Extant Planning precedent

- 6.21 The site benefits from an extant permission, (20/505707/FULL) as approved on 24 November 2020. With the exception of the reduced height and some facade changes, the remainder of the site, is remarkably similar to the approved when viewed externally. Officers recognise that the proposed use and the parameters of the existing development give support to the proposal in regard to the principle of development. It is also considered that the premise of a minor material amendment under Section 73 is appropriate. However, a procedural point is being addressed in regards to the description of development to capture the reduction in office space. As the planning history shows this is being dealt with under a Non-Material Amendment application under Section 96A.

- 6.22 Therefore, the proposed residential mix is considered to be acceptable.

- 6.23 Overall, it is considered that the principle of development is acceptable, this is subject to a condition to secure the office use and the quantum of floorspace.

Townscape / Landscape / Open Space

- 6.24 Policy DM1 of the MBLP requires high quality design, responding positively to, and where possible enhancing, the local or historic character of the area with particular regard to vernacular materials.
- 6.25 NPPF paragraph 135 states that LPAs should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Townscape (character and appearance)

- 6.26 Since the approval of the Original Permission, the ownership of the site has changed. The applicant is seeking to respond to changes in building regulations as well as reducing the commercial element of the proposal. As a result, there is a reduction in the height of Block B by one storey, (approximately 3 metres).

- 6.27 Due to these changes, the opportunity has arisen to make further refinements to the design of the buildings. The most notable changes are summarised in turn below:

- The top:
 - For both buildings the top contains additional brick coursing, strengthening the appearance of the building. In addition, the lower roof terraces incorporate metal balustrading. It is understood that this can be finished in an aged copper finish. Should the proposal be minded for approval, a condition is recommended to further progress and refine the tops and material finishes to achieve a high quality finish, this will include specific reference to copper rather than a 'copper finish' which is both vague and weak. The metal copper is required here because of its high quality for what is a development of significant scale.

- The Middle:
 - Balconies:
 - the balustrades have been redesigned to include railings rather than mesh. The reasoning for this is for durability and ease of maintenance/cleaning. The applicant has indicated contrasting finishes for each building, giving more visual interest, with balustrading in an 'aged copper' or grey finish.
 - The applicant has confirmed that the undersides of the balconies would be capped off with flush panelling, this was not originally proposed and is an important feature given their projection and the height of the buildings. Overall, this gives a higher quality and seamless finish.
 - Should the application be approved, a condition is proposed to secure the appropriate finishes.
 - Window panelling: The new proposal reduces the expanse of blank panelling, with glazing which makes the appearance of the buildings less solid. It is also noted that some glazing or panelling has been omitted and has been replaced with 'tax windows', which appear as recessed bricked up windows. Officers consider the approach to glazing as acceptable and it does not detract from the originally conceived design concept for the development.
- The base:
 - The ground and first floor elevations of the Original Permission comprised mostly grey brick, with a stone plinth. The ground floor level would be clad in ragstone, with a smooth finish. The resulting effect is that there would be a higher quality treatment to the base of the building and also a contemporary nod to the vernacular materials.
 - Fenestration amended on the ground floor:
 - Window bars have been included to allow for the proportions of the windows to echo those on the floors above, which have a more vertical emphasis.
 - The entrances to the residential accommodation are larger and have greater prominence, resulting in a more legible and welcoming development. The entrances for both blocks are aligned to be opposite one another across the landscaped gardens clearly defining the residential zones.
 - The cycle store has been moved from basement locations to the ground floor. While this space is located only in Block A, this appears to be a more accessible location overall and gives cycling more prominence in this sustainable location.
 - Expanses of louvered doors have been removed from more prominent areas and shifted to the north, the least visible location. There appears to be a greater level of glazing and the overall effect is that the development would have a more active frontage, forming a better relationship with the street.

- The double height vehicular entrance on the Lower Ground level of block A has been reduced in height and width, with the void being replaced by brickwork.
- 6.28 For access requirements, the substation would be located to the north-eastern extent of the site. This is an area set back off the road and the landscaping plan shows that soft landscaping and trees in front, where the site meets the road. The substation is relatively modest in size, being just [2.55m (H) x 3m (W) x 3m (D) set in in a clear 5x4m area] and the drawings indicate that there would be a timber surround. Officers have some concerns about the execution of the substation surround and should the application be minded for approval recommend a condition for details of the design.
- 6.29 Overall, it is considered that the proposed design changes would have a positive impact when compared with the Original Permission. Officers are satisfied that the new proposal would result in a higher quality finish to the development and would better reflect the surrounding townscape, largely due to the reduction in height and more prominent inclusion of vernacular materials.
- 6.30 As is often the case with major developments, it is necessary to apply conditions to allow for the evolution of the design and to ensure a quality finish is secured and maintained. Should permission be granted, the following conditions are suggested:
- Material Details
 - Detailed design (including details of balconies)
 - Bay Studies
 - No rainwater pipes, vents, flues or grills other than those shown on the approved plans
 - Details of substation enclosure

Landscape/Open Space

- 6.31 It is the case that the same area of open space would be available, as per the Original Permission.
- 6.32 The proposal shows that there are some changes to the location of trees within the ground floor landscaping and it is noted that the number of trees would remain the same. This is understood to be a consequence of the new architect undertaking a technical review of the scheme, so the trees are now proposed in locations that work for planting and where they can grow properly.
- 6.33 KCC Ecology provided representations for the proposal which suggested that the area of landscaping has been reduced. On review of the plans this does not appear to be the case. However, this proposal does differ slightly from the approved Landscape Masterplan in the Original Permission. The overall concept is still in general alignment with that document. Given the discrepancies, it would be prudent to impose a condition for details of hard and soft landscaping, should the application be minded for approval.

6.34 **Heritage Considerations**

Built Heritage

- 6.35 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building. Section 72 of the Act also places a duty on

- decision makers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
- 6.36 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and 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.
- 6.37 The NPPF also 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.
- 6.38 As established in the assessment of the Original Permission the proposed development would affect the setting of a number of grade II listed buildings, most directly affected is the listed Georgian and Victorian terraces of 1-10 Romney Place and 11-14 Romney Place. In addition it was considered that the setting of Hunter's Almshouses on Mote Road and 64-70 Mote Road would also be affected. The development would also be seen from various points within Maidstone Centre Conservation Area and Maidstone Ashford Road Conservation Area.
- 6.39 While the Original Permission has assessed the impact on heritage, the proposed changes are a material consideration when considering the impact of heritage.
- 6.40 Of note is the reduction to the height of Block B which would reduce the visibility of the proposal slightly in wider views. There are further changes to the facades to embrace the notion of classical order within the architecture. Therefore, work has been undertaken pay attention to strengthen the top and base of the buildings and this is described in more detail at the Character and Appearance section of this report. The use of vernacular stone at the base of the building also helps to forge a more cohesive relationship with the traditional and historic buildings within the townscape.
- 6.41 While improvements have been made to the appearance of the building, it is concluded that there would still be a low level of 'less than substantial harm' to the setting and significance of 1-10 and 1-14 Romney Place due to the scale and proximity of the proposed development.
- 6.42 However, as assessed in the Original Permission the benefits associated with the development and landscaping which would improve their setting and are likely to mitigate this harm. While the development would be seen in the context of numerous other heritage assets across the town centre, it is not considered there would be any additional harmful impacts.
- 6.43 MBC's Conservation Officer has responded to confirm that there are no objections to this proposal.
- 6.44 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.
- 6.45 Public benefits from the proposal include the creation of new employment opportunities, a material contribution to housing delivery, the regeneration of a key town centre site, public realm enhancements and a highly sustainable form of development. When considered together they are considered to form significant

public benefits that would outweigh the relatively low level of heritage harm identified.

Parking

- 6.46 In total 47 car parking spaces are proposed, and this is unchanged from the original permission.
- 6.47 The proposal maintains the same level of vehicular parking (including blue badge bays) and cycle parking. However, the proposal now adopts the more generous car parking spaces as set out in the Kent Vehicle Parking Standards SPG.
- 6.48 The cycle store for all residential units would be moved to the ground floor of Block A. Whilst cycle parking is no longer contained within Block B, it is considered that the siting of this facility at ground floor level would be more prominent and welcoming for users and the location would benefit from a greater level of passive surveillance.
- 6.49 A reduction in the quantum of cycle parking spaces has been proposed as follows:
- Approved: 200 secure internal residential storage, 10 commercial, 6 external.
 - Proposed: 184 secure internal residential storage.
- 6.50 Officers are not accepting of the reduction in cycle parking provision. Therefore, a condition for cycle parking details has been suggested, to include provision for commercial and external visitor cycle bays to support sustainable transport options across the development.

PUBLIC SECTOR EQUALITY DUTY

- 6.51 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

COMMUNITY INFRASTRUCTURE LEVY

- 6.52 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The proposed changes to the design of the development and notably the reduced scale and improvements to the façade are considered to have a positive impact on the character and appearance of the area. There are some areas where further work will be required (façade design, substation enclosure design, cycle parking provision) and therefore further conditions have been suggested to secure further details to ensure that the development achieves a high-quality design.
- 7.02 The change to the unit mix is considered to be acceptable and officers are supportive of the internal changes which improve compliance with Building Regulations.
- 7.03 Improvements to the design of residential entrances and relocation of cycle parking to the ground floor would create a more welcoming and functional development.

- 7.04 While the loss of office space is disappointing, it is considered that there is still a suitable presence and mix of office provision to integrate with the function of the town centre whilst also meeting the aspirations of the site allocation in the round.
- 7.05 The s73 application is therefore recommended for approval. The parent planning permission was subject to a s106 legal agreement, the terms of which continue to apply to any s73 variation thereof. Conditions need to be re-imposed, updated where applicable.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

1) Time

The development hereby permitted shall be begun before 22 July 2025.

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

2) Approved Drawings

The development shall be carried out in accordance with the following drawings and documents:

- 6755_D1000 Site Location Plan
- 6755_D1100 Existing Site Plan
- 6755_D1101 Shandon House, Existing Plans and Elevations
- 6755_D2500 Section AA Rev 01
- 6755_D2501 Section BB
- 6755_D2502 Section CC Rev 01
- 6262-5PA-PL-ZZ-DR-A-050 - Block A & B - North & South Proposed Elevation
- 6262-5PA-PL-ZZ-DR-A-051 - BLOCK A & B - EAST & WEST PROPOSED ELEVATION
- 6262-5PA-PL-ZZ-DR-A-052 - Block A & B - Proposed Elevation
- 6262-5PA-PL-ZLG-DR-A-001 – Proposed Level LG Plan
- 6262-5PA-PL-Z00-DR-A-002 – Proposed Level 00 Plan
- 6262-5PA-PL-Z01-DR-A-003 – Proposed Level 01 Plan
- 6262-5PA-PL-Z02-DR-A-004 – Proposed Level 02 Plan
- 6262-5PA-PL-Z06-DR-A-008 – Proposed Level 06 Plan
- 6262-5PA-PL-Z07-DR-A-009 – Proposed Level 07 Plan

- 6262-5PA-PL-Z09-DR-A-011 – Proposed Level 09 - 11 Plan
- 6262-5PA-PL-Z12-DR-A-014 – Proposed Level 12/Roof Plan
- Topo Survey Drg 01 June 2019
- HW&Co Landscape Masterplan Issue 9 Nov' 2020
- 0276-20-B-1B LPP Ground Floor Landscaping
- 0276-20-B-2D LPP Roof Landscaping
- Redmore Environmental Air Quality Assessment Reference: 3144r2 23/11/20
- Sharps Redmore Acoustic Planning Report Rev D 25/11/20
- GEA Desk Study & Ground Investigation Report J19176 Issue 2 November 2020
- GTA Civils Flood Risk Assessment & Drainage Strategy v3 06/

Reason: For the avoidance of doubt

3) Archaeology

Prior to the commencement of development the applicant shall secure and implement:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

4) Contamination – Investigation and Remediation Method Statement

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority:

A site investigation, based on the submitted ground investigations report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants

5) Contamination – Closure Report

A Closure Report shall be submitted for approval by the Local Planning Authority upon completion of the approved remediation works. This shall include but not be limited to:

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

6) Commercial Use and Floorspace

Unless the prior written approval of the Local Planning Authority has been obtained pursuant to this condition, the commercial uses at ground floor of the buildings hereby approved shall cover an area of 726 sqm and shall only be used for purposes defined as offices and for no other purpose (including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and reenacting those Orders with or without modification).

Reason: To ensure that the commercial element delivers the specific requirements of the site allocation policy.

7) Elevation Details

Notwithstanding the drawings hereby approved, the construction of the development hereby permitted shall not commence above slab/podium level until further details of the ground floor façade treatment to be finished in smooth coursed ragstone and upper floor levels (the tops) of the buildings to include a metal banding feature finished in copper have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

8) Materials

The construction of the new build apartment blocks shall not commence above slab/podium level until written details and virtual 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 by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development

9) Energy

Prior to the first occupation of the scheme, a verification report shall be submitted to and approved by the LPA confirming the installation of the energy performance measures set out in the Sustainability and Energy Statement, prepared by Bluesky Unlimited, dated 24 November 2020. The report shall confirm the physical details and energy performance of air source heat pumps and building fabric specification and any other measures that minimise energy use. All renewable energy systems shall thereafter be retained and maintained in a working order.

Reason: In the interests of ensuring that the building contributes positively to climate change.

10) EV Charging

EV charging facilities shall be provided in accordance with the following schedule:

- 10 active
- 37 passive

All Electric Vehicle chargers provided for homeowners shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). The electric vehicle charging points as approved shall be installed prior to first occupation of the related buildings hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles

11) Hard Landscaping

The works shall not commence above slab/podium level until details of hard landscape works (where possible virtual samples) have been submitted for approval by the Local Planning Authority which shall include the use of stone paviors. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

12) Soft Landscape Scheme

The development hereby approved shall not commence above slab level until a landscape scheme designed with predominantly native species or species suitable for pollinators has been submitted to and approved by the local planning authority. Newly planted trees shall include mechanically watered tree pits and fastigiate species. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of onsite replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a management plan.

Reason: In the interests of visual amenity of the area and to ensure a satisfactory appearance to the development.

13) Biodiversity

The development hereby approved shall not commence above slab level until further details of the biodiversity enhancement measures outlined in the approved landscaping scheme have been submitted to and approved in writing by the Local

Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure that the ecology and biodiversity details shown in the landscaping scheme are implemented to an acceptable standard.

14) Internal/External Sound Levels – Residential

Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens and other relevant amenity areas will conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of aural amenity and to ensure that the development does not prejudice the ongoing viability of nearby entertainment and leisure venues.

15) Extraction/Treatment of Fumes/Odours

Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ Publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of amenity.

16) Parking/Turning Implementation

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

Reason: In the interests of road safety.

17) External Lighting Strategy

Any external lighting installed on the site shall be in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the

light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity

18) Plant and Ducting Systems

There shall be no external plant (including ventilation, refrigeration and air conditioning) or ducting system except in accordance with details that have been submitted to and approved by the Local Planning Authority. The details must include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction For Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever operating. The development shall be carried out in accordance with the approved details and no further plant or ducting system shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of aural amenity.

19) Air Quality

Prior to the first occupation, a verification report shall be submitted including a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include:

- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality. Details shall be submitted to show the mitigation measures funded by the DCC, including renewable energy saving, travel plan, non car travel opportunities, EV charging.

Reason: In the interests of ensuring that the development mitigates its impact on local air quality.

20) Travel Plan

Prior to occupation, a Travel Plan and a timetable for its implementation shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall be registered with KCC Jambusters website (www.jambusterstpms.co.uk). The applicant shall implement and monitor the

Travel Plan as approved, Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the Travel Plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period.

Reason: In the interests of environmental sustainability.

21) Car Club

Prior to the first occupation of the development, the proposed car club shall be brought into operation in accordance with details that have been submitted to and approved by the local planning authority. Such details to include, but not limited to:

- location of car club bay
- details of operator (including fallback)
- vehicle/s type
- contract length,
- membership scheme,
- charging structure /discounts, etc

Reason: In the interests of environmental sustainability.

22) Access

No works of construction of the buildings shall take place until the access point has been installed with appropriate visibility splays and the visibility splays shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: An access with adequate tracking, radii and visibility splays is required before commencement of development of the building to ensure highway safety during the construction period.

23) SUDS

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report by GTA Civils (November 2020). The submission will also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

24) SUDS Verification

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

25) Construction Management

Prior to the commencement of development, including site clearance and excavation, a Construction and Pollution Management Plan shall be submitted to and approved by the Local Planning Authority and shall include the following:

- Routing of construction and delivery vehicles to / from site.
- Measures for managing vehicle arrival and avoidance of queuing.
- Parking and turning areas for construction and delivery vehicles and site personnel.
- Provision of wheel washing facilities.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Dust suppression measures
- Noise management measures, including location of construction plant.

Reason: In order to ensure that an acceptable level of mitigation of construction impacts, including potential air quality impacts is secured and to avoid disruption to the local highway network.

26) Detailed Design

Prior to the commencement of facade works, detailed drawings plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:

- i. Typical window (reveal, header, sill);
- ii. Communal entrances;

- iii. Louvre door detailing;
- iv. Typical Balcony/balustrade; and
- v. Parapets.

The development shall be implemented in accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance.

- 27)** The development hereby permitted shall incorporate measures to minimise the risk of crime. No development above slab level shall take place until details of such measures in line with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: To secure crime prevention and safety of the area

28) Substation Enclosure Design

Prior to the occupation of any part of the development full details of the design of the substation enclosure shall be submitted to and approved in writing by the local planning authority and it shall be installed as approved and retained in perpetuity thereafter.

Reason: to ensure a suitable standard of design for the development is achieved.

29) Cycle Parking

Prior to the occupation of the development hereby approved, details of cycle parking to serve residents, commercial occupiers, and visitors of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate safe and secure and accessible storage.

Reason: to support sustainable travel options.

30) Rainwater Pipes, vents, flues and grills

No rainwater pipes, vents, flues or grills other than those shown on the approved plans shall be installed without the consent of the Local Planning Authority and any further details shall be approved in writing by the local planning authority and installed as approved and retained in perpetuity thereafter.

Reason: To ensure a satisfactory standard of external appearance of the development.

INFORMATIVES

- 1) Highway Works Permissions
- 2) Mid Kent Environmental Code of Development Practice
- 3) Noise and Vibration transmission between properties