

REPORT SUMMARY

REFERENCE NUMBER: (A) 24/504650/REM (B)24/504651/REM

APPLICATION PROPOSAL:

(A) Section 73 Application to amend condition 3 (to increase the internal floor areas of the apartment block housing plots 1A & B and 2A & B and provide a communal garden)) pursuant to 20/502081/REM for Amended Reserved Matters of access, appearance, layout and scale of Phase 2 (plots 1A, 1B, 2A, 2B and 3-21 (incl) consisting of 23 dwellings following 17/504144/OUT - for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development (resubmission of 19/504522/REM).

(B) Section 73 Application to amend approved plans condition 3 (to increase the internal floor areas of the apartment block housing plots 1A & B and 2A & B and to provide a communal garden and substitute 5 perpendicular parking spaces, to the west of the apartment block, for 2 parallel spaces to provide additional public, green amenity land) pursuant to 20/502081/REM for Amended Reserved Matters of access, appearance, layout and scale of Phase 2 (plots 1A, 1B, 2A, 2B and 3-21 (incl) consisting of 23 dwellings following 17/504144/OUT - for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development (resubmission of 19/504522/REM).

ADDRESS: 5 Tonbridge Road, Maidstone, ME16 8RL

RECOMMENDATION: (A) and (B) Approve subject to conditions

SUMMARY OF REASONS FOR RECOMMENDATION: (A) and (B)

The changes proposed in both these applications are considered to be acceptable and comply with current Development Plan policies in terms of design, landscaping, residential amenity and parking.

The adopted LPR does introduce new policies relating to residential development that should be considered when determining s73 planning applications. The changes sought to the 4 maisonettes in both applications are solely to comply with current internal space standards and mean a gross internal floorspace increase of only 33.2sqm which is a marginal extra 1.5% of the overall floorspace in phase 2. No additional residential units arise from either application. Application (B) also provides the benefit of additional space for soft landscaping in place of 3 on-site parking spaces proposed to be removed.

Therefore some of the new policies in the LPR would not be reasonable to impose such as BNG, adaptable and accessible dwellings and outdoor amenity space . They would entail a complete redesign of the phase, causing significant delay and/or reduction in housing delivery in a sustainable location.

However, there is considered to be scope for securing renewable energy and water saving by imposing conditions.

REASON FOR REFERRAL TO COMMITTEE:

The applicant for both applications is Maidstone Borough Council.

WARD: Fant And Oakwood	PARISH/TOWN COUNCIL:	APPLICANT: Maidstone Borough Council AGENT: Andrew Wells Planning & Design
CASE OFFICER: Marion Geary	VALIDATION DATE: 04/11/24	DECISION DUE DATE: 03/02/25

ADVERTISED AS A DEPARTURE: No

Relevant Planning History

17/504144/OUT

Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
Approved 18.12.2017

20/502081/REM

Amended Reserved Matters of access, appearance, layout and scale of Phase 2 (plots 1A, 1B, 2A, 2B and 3-21 (incl) consisting of 23 dwellings following 17/504144/OUT - for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development (resubmission of 19/504522/REM).
Approved 25.09.2020

20/504825/REM

Reserved matters of landscaping for plots 1A, 1B, 2A, 2B, 3-21 pursuant to outline application 17/504144/OUT - s73 of 15/510179/OUT (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.
Approved 10.12.2020

MAIN REPORT

1. DESCRIPTION OF SITE (A) and (B)

- 1.01 The application site relates to an area of land located to the south of Tonbridge Road. Outline planning permission subject to a legal agreement for the re-development of the site for up to 65 dwellings was originally approved in 2016, with a variation of this permission approved on 18 December 2017 (17/504144/OUT).
- 1.02 There were s106 contributions agreed towards education, healthcare, open space, libraries and youth services. However, no affordable housing was included in the s106 because MBC accepted a viability argument put forward by the applicant. The contribution tiggers for phase 1 have been exceeded and have been paid. Further contributions will be due when phases 2 and 3 progress through their build programme.
- 1.03 The first phase of the development (11 terraced units along the length of the main access road) was constructed several years ago. Phase 3 is a block of 24 apartments and is under construction at the front of the site.
- 1.04 Both applications relate to phase 2 of the wider development site, accessed from Tonbridge Road to the north of the site. To the west of the site on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice. There are residential properties to the rear in Vine Mews and Rowland Close adjoins the site to the south-western corner. To the east of the site is the recently built 43-unit apartment block at 3 Tonbridge Road. Maidstone West Train Station also adjoins the site to the east and curves around the site to the south and east. The train track sits at a lower level. Due to the siting of the site on land above the level of Maidstone West station, it is visually prominent when viewed from the east and south and parts of the site are also visible from Rowland Close to the west.

- 1.05 The site is outside any conservation area, with the nearest listed buildings being approximately 100m from the site. There are no protected trees or landscape designations on the site.

2. PROPOSAL

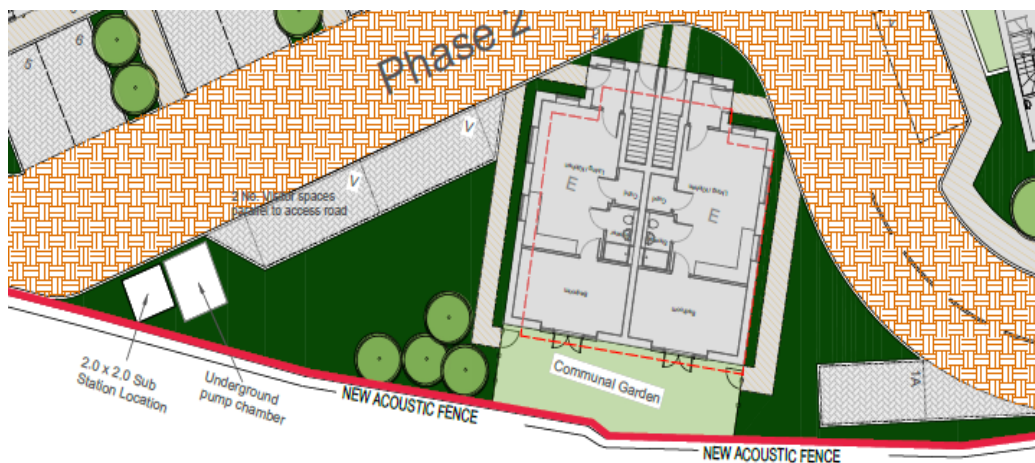
Application (A)

- 2.01 Phase 2 has Reserved Matters approval for 17 terraced, 2 semi-detached houses and 4 maisonettes. This application seeks a different scheme only in regard of the maisonette block (units 1A, 1B, 2A, 2B) which lies on the southeastern boundary with the train station.
- 2.02 This application proposes a slight repositioning forward of the block and slightly enlarged maisonettes (net gain of 33.3 sqm) so that internally it complies with nationally described space standards (NDSS). The footprint of the main building would increase by 1.1m in width and by 0.45m depth. The front gable includes porch lobbies which also need to be larger internally to meet NDSS. The overall result is that the gable increases marginally in size by 0.7m width and 0.4m depth. The overall impact on the maisonette block of these changes is a 0.3m increase in ridge height.
- 2.03 Due to the larger footprint, it also proposes a change in providing a shared garden area for the 4 maisonettes instead of 4 small private gardens. This will allow more publicly visible green amenity areas able to be created around the block.
- 2.04 An acoustic fence to the railway land will be installed on the boundary.



Application (B)

- 2.05 This application makes identical changes to the maisonette block as described above. It also proposes to replace 5 perpendicular parking spaces next to the block with 2 parallel parking spaces. This will allow more soft landscaping and green amenity areas to be created around the apartment block.
- 2.06 An acoustic fence to the railway land will be installed on the boundary.



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024: LPRTRA4, LPRSP14(A), LPRSP14(C), LPRSP15, LPRQD1, LPRQD6, LPRQD7.

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Building for Life 12 (2018)

The Local Plan Review was adopted in March 2024 and s38(6) of the Act requires decisions to be made in accordance with the Development Plan unless material circumstances indicate otherwise. The new NPPF was published in December 2024 and is also a material consideration.

4. LOCAL REPRESENTATIONS

Councillor Harper: Supports both applications (A) and (B).

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

Application (A)

n/a

Application (B)

Kent Highways and Transportation

5.01 No objection to the reduction in parking by 3 spaces as consider it to is a sustainable location due to the access to public transport options.

6. APPRAISAL (A) and (B)

6.01 The key issues are:

- Highways
- Character and Appearance
- Residential Amenity
- Landscaping

- Biodiversity Net Gain

Highway/Parking

- 6.02 Policy LPRTRA4 relates to parking and says car parking standards for new residential developments will be as per KCC's Interim Guidance Note 3 (IGN3) to the Kent Design Guide. This site is 20m outside the town centre boundary as allocated in the LPR and so is defined as "edge of centre". Parking standards for this location are maximum levels not minimum levels
- 6.03 The approved scheme overall for 58 units in for 3 phases had a maximum standard of 69 parking spaces. It was approved at 62 parking spaces, which was under the maximum by 7 spaces.
- 6.04 Application (A) retains a maximum standard of 69 parking spaces. It proposes 62 parking spaces for 58 units, which is under the maximum by 7 spaces.
- 6.05 Application (B) retains a maximum standard of 69 parking spaces. It proposes 59 parking spaces for 58 units, which is under the maximum by 10 spaces.
- 6.06 KCC Highways have no objections as they regard the location as sustainable due to the proximity of public transport.
- 6.07 Notwithstanding the reduction in parking spaces for application (B), the level of parking for both schemes is considered to be acceptable for this sustainable "edge of centre" location adjacent to Maidstone West station, on bus routes with frequent services and within a walkable distance to Maidstone East, the main town bus station and services in the town centre.

Character and Appearance

- 6.08 The maisonette block lies in a visually prominent location, both in being viewed on approach along the access road and by reason of its elevated position and being on the boundary to Maidstone West Railway Station.
- 6.09 The changes to the elevations and form of the building in both applications are relatively minor in the context of the overall scheme and are concluded to be acceptable and comply with policy LPRSP15 (design) of the adopted Local Plan Review. The changes are being made to comply with national internal space standards and thus has an objective of complying with new policy LPRQD6.
- 6.10 Of the 2 schemes, Application (B) is preferable in terms of having less car parking and consequently more green space close to the maisonette building which can be soft landscaped and thus can enhance the immediate environment within this phase of the development.

Residential Amenity

- 6.11 The changes to the scheme do not impact on residential amenity due to the significant distance between the maisonette block and other dwellings within the phase. There is no breach of LPRSP15 in that regard.

Landscaping

- 6.12 The Reserved Matters in this application do not include landscaping as that was separately approved under 20/504825/REM. This will need to be re-applied for by the applicant in the event that approval for the revisions is given. In both applications, because of the change from 4 private gardens to 1 smaller communal garden, there will be more publicly visible green open space that can be landscaped and so there will be scope for improvements to the quantity and public visibility of soft landscaping, consistent with policy LPRSP15.

Biodiversity Net Gain

- 6.13 Statutory Biodiversity Net Gain (BNG) does not apply to either reserved matters applications nor s73 applications in that there is no requirement to submit a BNG Matrix or submit a Biodiversity Gain Plan. However, LPRSP14(A) (does require all new residential developments to show a net gain of 20% (unless, together with other policy costs, that is not financially viable,))
- 6.14 The existing site has limited existing habitat. The site is predominantly occupied by buildings or hard surfacing used for open storage related to the commercial uses. There is some overgrown planting at the southern tip and southwestern boundary but no hedgerows as such.
- 6.15 The landscaping approved for the scheme under 20/504825/REM includes new native hedgerows along the boundaries and retention of trees on the SW boundary. Other landscaping is mostly to private front gardens and between some of the parking bays.
- 6.16 The applicant considers that BNG cannot be achieved on site due to the extent of development originally approved in 2020 and that making off site contributions in lieu would be financially prohibitive.
- 6.17 Notwithstanding, it is my view that BNG should not reasonably be sought for these minor material amendments. Neither application adds new residential units to an existing planning permission as the main objective is to update the consent in terms of internal room sizes of 4 units to comply with current national space standards which only adds a marginal 1.5% extra floorspace to the development already permitted several years ago.

Other Matters

- 6.18 Compliance with Policy LPRQD6 (internal space standards) is the reason for this application.
- 6.19 In terms of compliance with technical standards in Policy LPRQD6 for adaptable and accessible dwellings [ie M4(2) and M4(3)], the applicant states they cannot achieve this because the envelopes of the buildings were effectively set when the relevant Reserved Matters for the development was originally approved in 2020. To amend the units within this phase to comply at this juncture would mean a significant redesign of the scheme, potentially reduce the number of units and delay housing delivery.
- 6.20 Policy LPRQD7 requires new build dwellings to have external access to private space which ideally should be next to the dwelling and for houses should be the rear garden is at least equal to the ground floor footprint. Where balconies or terraces are not provided to flats, the policy requires occupants to have access to a quality private communal space.
- 6.21 The 4 maisonettes do not have external balconies. Whilst the communal space for the maisonettes within these applications is relatively small at 3.7m by 11.7m sqm (42sqm), the maisonettes are 1 bedroom properties and it is concluded that the policy is complied with in regard of the maisonettes which are the units specifically being amended in this application.
- 6.22 All of the 19 houses in the rest of phase 2 have private gardens but the majority do not have private gardens equal to the house footprint. To amend the units within this phase to all comply at this juncture with LPRQD7 would mean a significant redesign of the scheme, potentially reduce the number of units and delay housing delivery.

- 6.23 In terms of Policies LPRSP14(C) (climate change) and Policy LPRQD1 (Sustainable design, it is considered that a planning condition could reasonably be imposed at this stage of the development project to seek 10% on-site renewable or low carbon energy production to all the units in phase 2, eg solar PV roof panels.
- 6.24 Policy LPRQD1 also encourages water saving and it is considered that a planning condition could reasonably be imposed at this stage to secure water saving measures to all the units in phase 2, eg flow restrictors on the incoming water supply. It is suggested that a figure of 105 lpppd is necessary for major development, bearing in mind Maidstone is in an area of water supply stress.

PUBLIC SECTOR EQUALITY DUTY (A) and (B)

- 6.25 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 (A) and (B)

- 6.26 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 (A) and (B)

- 7.01 The changes proposed in both these applications are considered to be acceptable and comply with current Development Plan policies in terms of design, landscaping, residential amenity and parking.
- 7.02 The adopted LPR does introduce new policies relating to residential development that should be considered when determining s73 planning applications, along with other changes in policy such as the new NPPF or amendments to the national planning policy guidance.
- 7.03 The changes sought to the 4 maisonettes in both applications are solely to comply with current internal space standards as per LPRQD6 and mean a gross internal floorspace increase of only 33.2sqm which is a marginal extra 1.5% of the overall floorspace in phase 2. No additional residential units arise from either application. Application (B) also provides the benefit of additional space for soft landscaping in place of 3 on-site parking spaces proposed to be removed.
- 7.04 Therefore some of the new policies in the LPR would not be reasonable to impose such as BNG, adaptable and accessible dwellings and outdoor amenity space. They would entail a complete redesign of the phase, causing significant delay and/or reduction in housing delivery in a sustainable location.
- 7.05 However, there is considered to be scope for securing renewable energy and water saving by imposing conditions as suggested below.
- 7.06 The consequent revisions to the landscaping will need to be the subject of a separate s73 application and this will be advised to the applicant in an informative.

EIA Screening

EIA Development	No
Comments	Original planning application was not EIA development.

8. RECOMMENDATION

Application (A)

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) No part of the area shown for vehicle turning related to plot 3 as shown in tracking drawing 712 hereby approved shall be privately demised.

Reason: To accord with the proposed vehicle tracking layout.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

712 Vehicle Tracking - Family Car

4213 PL 0001 Rev B Site Location Plan/Existing Block Plan

PL 786 02 Overall Site Plan and Phasing

PL 786 01 Site Layout Plan and Materials Schedule

PL/469/17 Rev C House Type A Floor Plans and Elevations

PL/469/18 Rev C House Type A Floor Plans and Elevations

PL/469/19 Rev C House Type D Floor Plans and Elevations

PL/469/21 Rev B House Type D Floor Plans and Elevations

PL 786 10 Materials Type E Plans and Elevations Phase 2

Reason: For the avoidance of doubt.

- 3) The dwelling(s) hereby approved shall meet the higher level of water efficiency of 105 litres per person per day as set out under the building regulations Part G2 or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development in accordance with Policy LPRQD1 of the Maidstone Borough Local Plan Review 2024.

- 4) No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from renewable and/or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable and thereafter retained in operation.

Reason: In the interests of securing low carbon energy and policy LPRQD1 of the Maidstone Borough Local Plan Review 2024.

Informatives

- 1) You are advised that conditions 3 and 4 relate to all the 23 units in Phase 2.
- 2) You are advised that a s73 application is needed to amend 20/504825/REM which approved the landscaping reserved matter for phase 2.

Application (B)

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:

- 1) No part of the area shown for vehicle turning related to plot 3 as shown in tracking drawing 712 hereby approved shall be privately demised.
Reason: To accord with the proposed vehicle tracking layout.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

712 Vehicle Tracking - Family Car

4213 PL 0001 Rev B Site Location Plan/Existing Block Plan

PL 786 06 Overall Site Plan and Phasing

PL 786 05 Site Layout Plan and Materials Schedule

PL/469/17 Rev C House Type A Floor Plans and Elevations

PL/469/18 Rev C House Type A Floor Plans and Elevations

PL/469/19 Rev C House Type D Floor Plans and Elevations

PL/469/21 Rev B House Type D Floor Plans and Elevations

PL 786 10 Materials Type E Plans and Elevations Phase 2

Reason: For the avoidance of doubt.

- 3) The dwelling(s) hereby approved shall meet the higher level of water efficiency of 105 litres per person per day as set out under the building regulations Part G2 or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development in accordance with Policy LPRQD1 of the Maidstone Borough Local Plan Review 2024.

- 4) No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from renewable and/or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable and thereafter retained in operation.

Reason: In the interests of securing low carbon energy and policy LPRQD1 of the Maidstone Borough Local Plan Review 2024.

Informatives

- 1) You are advised that conditions 3 and 4 relate to all the 23 units in Phase 2.
- 2) You are advised that a s73 application is needed to amend 20/504825/REM which approved the landscaping reserved matter for phase 2.

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