

APPLICATION: MA/13/1385 Date: 6 August 2013 Received: 6 August 2013

APPLICANT: HSW Holding Ltd.

LOCATION: 2-8, BRUNSWICK STREET, MAIDSTONE, KENT, ME15 6NP

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a four storey building comprising eight 1-bedroom flats with access, layout, scale and appearance to be determined and landscaping reserved for subsequent approval as shown on site location plan and drawing nos. 2037/1revD and 2037/2revD, Design and Access Statement and Acoustic Assessment received 06/08/2013.

AGENDA DATE: 27th February 2014

CASE OFFICER: Steve Clarke

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

- Councillor Mrs Wilson has requested it be reported for the reason set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
- Government Policy: NPPF 2012

## **2. HISTORY**

MA/13/2095: An application for minor material amendments to permission MA/10/2004 (Construction of a block of eight, one bedroom residential apartments), including a reduction to six, one bedroom apartments: APPROVED 12/02/2014

MA/11/0443: Outline application for demolition of existing building and construction of nine flats with access, appearance, layout and scale to be considered at this stage and landscaping reserved for future consideration: REFUSED 07/07/2011

MA/10/2004: Application to extend the time limit for implementing permission MA/07/2060 being construction of a block of eight, one bedroom residential apartments: APPROVED 06/01/2011

MA/10/1955: An outline application for the demolition of existing buildings and construction of nine flats with landscaping to be considered at this stage and access, appearance, layout and scale reserved for future consideration (Resubmission of MA/10/0608): REFUSED 24/01/2011

MA/10/0608: An outline application for the demolition of existing buildings and the construction of 10 no. one bedroom flats with access, appearance, layout and scale to be considered at this stage and with landscaping reserved for future consideration: WITHDRAWN 15/10/2010

MA/07/2060: Construction of a block of eight, one bedroom residential apartments: APPROVED 27/11/2007

MA/07/1249: Construction of a block of three apartments with parking: APPROVED 09/08/2007

### **3. CONSULTATIONS**

#### **3.1 Kent Highway Services:** No objections

'The application proposes 8 one bedroom flats with nil parking provision for cars and 8 cycle spaces. The Kent Design Guide Interim Guidance Note 3 recommends a maximum of 1 car parking space per dwelling in town centre/edge of centre locations.

The site is in a sustainable location within close walking distance of the town centre facilities, in close proximity to public transport and off street public car parking is available nearby.

In view of this I have no objections to the proposal in respect of highway matters.'

#### **3.2 Southern Water Services:** Have advised that they require a formal application for any connection to the public sewer to be made, and request that the applicant be advised of this and that they are where/how to make the application.

#### **3.3 UK Power Networks:** No objections

#### **3.4 MBC Environmental Health:** No objections

'The previous application for this site, MA/11/0443 (for the construction of nine flats) was withdrawn on the grounds of height & scale, but earlier applications MA/07/2060 and MA/07/1249 were granted with various conditions including those recommended by Environmental Health. This application appears to differ only slightly to the earlier ones in that it involves permission for one less flat.

Previously I had noted that the site is in a mixed residential area and that there is a detached building to the east of the site which is in full commercial use; so there is potential for noise impact on future residents plus the added possibility of noise from traffic in Upper Stone Street. A noise acoustic assessment by Practical Acoustics, dated Nov 2010 entitled PPG24 Assessment, ref 4628.PPG24.01, appears to have been submitted with this latest application. This assessment concluded that the site would be classified as Noise Exposure Category C under the now defunct PPG24, so mitigation will be required for any building at 2 to 8 Brunswick St for which this report was originally written.

With regard to the previously approved applications MA/07/2060 & MA/07/1249, I note that Environmental Health previously recommended air quality, noise and contaminated land conditions; but the planners chose only to apply conditions regarding the latter two subjects. No Air Quality or Contaminated land reports appear to have been received so I can only reiterate the relevant parts of my previous comments:

*The site is also close to, but not in, a known air quality hotspot, and an air quality assessment should be required in this particular case. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect. The buildings to be demolished should be checked for the presence of asbestos and any found must only be removed by a licensed contractor.*

*As the proposed redevelopment is on the site of a former works it may have suffered from a past contaminative use; therefore a contaminated land assessment of the site should also be carried out.*

*Rooms with similar uses should be situated above each other to minimise noise disturbance to occupants. If this is not possible, additional sound insulation works should be carried out between areas of the dwellings where there are conflicting uses. This applies to the first floor living rooms being located above the ground floor bedrooms.*

It should also be noted that Section 54 of the Clean Neighbourhoods & Environment requires developers to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local Authority at any time.'

Suggested conditions relate to land contamination and air quality. Informatives relate to conduct and hours of operation on site during construction.

#### **4. REPRESENTATIONS**

4.1 **Cllr Mrs Wilson** has requested that if the application is recommend for approval the application be considered by the Planning Committee for the following reasons.

'By virtue of the strength of local feeling and issues to do with design, amenity space and parking issues, the three High Street Ward Councillors consider this application should be heard in public by the Planning Committee.'

4.2 **Two** letters of objection from nearby residents have been received. Objections are raised on the grounds that the lack of car parking for the scheme will cause more problems in the area.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The site is within the urban area of Maidstone close to the town centre. It is located on the north side of Brunswick Street, to the west of Upper Stone Street. The site amounts to approximately 0.023 hectares in area.

5.1.2 Opposite the site are car hire/sales premises, immediately to the east is a two-storey flat roofed building in use as a car repair centre and offices. To the north the site is bounded by vacant land fronting Foster Street (at a lower land level) and to the west it is bounded by a recently erected block of residential apartments (Caroline Court).

5.1.3 The previously existing single-storey industrial building has now been demolished and the site is currently vacant, in a rather untidy condition and appears to be in use as a temporary car-park/car storage area.

5.1.4 The site has no specific designation in the Maidstone Borough-wide Local Plan 2000.

### **5.2 Proposal**

5.2.1 This is an outline planning application for the erection of a four-storey block of eight 1-bedroom flats.

5.2.2 Approval is sought for access, layout, scale and appearance. Landscaping is reserved for subsequent approval.

5.2.3 The proposed building is shown to have a red-brick ground floor with render above under a flat roof, which has a small lantern above the central staircase. There would be projecting bay windows at first and second floor level to the front elevation; to the rear each apartment would have a 'juliette' balcony to the kitchen/dining room. The two ground floor flats would each have an outdoor private amenity area.

5.2.4 The two ground floor flats would be accessed from the western and eastern sides of the building and access to the rear outdoor drying, bin store and cycle parking area would also be possible down either side of the building. The upper floor flats would be accessed from the Brunswick Street elevation.

5.2.5 The building is proposed to be set some 1m in from either side boundary of the site and would be 10.8m to the cornice at eaves level and 11.2m to the roof. The building would be set back some 1.8m from the back edge of the footway along Brunswick Street and be set between 9m and 7.5m from the tapering rear boundary of the site. It is shown to be approximately 8m in width and 12.6m in length.

### **5.3 Principle of Development**

5.3.1 The site comprises previously developed land within the urban area of Maidstone on a sustainable site close on the edge of Maidstone Town Centre. There is also an extant permission for the redevelopment of the site for residential purposes. No objections are therefore raised to the principle of development.

### **5.4 Design and visual impact**

5.4.1 Planning permission MA/11/0443 was refused on the following ground.  
'1. The proposed development by reason of its likely height and scale relative to the narrowness of the site and its resultant relationship to the existing buildings to the east and west would result in a form of development that would appear out of character with and cause harm to the appearance of the area. To permit the development would be contrary to policies CC6 and BE1 of the South East Plan 2009 and the advice in PPS1 and PPS3.'

5.4.2 The previous building was a five-storey building comprising 9 flats (8x 1-bed 1 x 2-bed) and included a lower ground floor lit by a light well. The building would have been 10.8m to eaves (at ground level) and 11.4m high overall measured from ground level. From the basement level it would have been approximately 13.6m to eaves and 14.2m approximately in height overall.

5.4.3 The removal of the lower ground floor has in my view lessened the mass and apparent height of the development to an acceptable degree. The relationship between the taller block to the west and the commercial building to the east is now considered acceptable. The proposed transition between the buildings at this end of Brunswick Street will be better in streetscape terms than that which existed previously with the single-storey industrial building.

5.4.4 The provision of the bays to the front elevation has introduced layering and interest to the elevation, details of the fenestration, cills and window heads can be secure by condition. The rear elevation is also considered to be appropriately designed and details of the balustrades can be secure by condition. The projecting eaves and cornice detail is also considered to provide an appropriate relationship with the taller block to the west.

- 5.4.5 The extant permission (MA/102004 as now varied by MA/13/2095) indicates the erection of a three storey building with a pitched roof with the ridge running east to west. The external measurements of the building as approved are approx. 12m 'deep', 8.5m in width, 7.7m to eaves level and 10.4m to the ridge with a gap of 1m to the side boundaries. Six one-bedroom flats are proposed with an internal arrangement similar to the current application, with the ground floor flats being accessed from either side of the building and the upper floors from the Brunswick Street frontage. I consider that the currently proposed design sits better with the adjacent buildings given its flat roof construction and the slightly increased overall height that gives a better transition between Caroline Court, the application site and the commercial buildings to the east.
- 5.4.6 The indicated materials of the current proposals, brick and render, are considered to be appropriate in principle subject to details being agreed.
- 5.4.7 No objections are raised to the development on the grounds of design or adverse visual impact.

## **5.5 Residential Amenity**

- 5.5.1 No significant loss of privacy to adjacent properties will result, nor would there be any significant loss of light or outlook. I note that windows in the flank wall of the residential development to the west (Caroline Court) would be likely to be affected but they appear to be secondary windows rather than windows serving primary accommodation.
- 5.5.2 The amount of garden space is adequate, noting that there would be a significant fall in levels beyond the rear garden boundary which would presumably need to be dealt with by some kind of retaining wall.

## **5.6 Highways**

- 5.6.1 There are no highway objections to the proposals from the KCC Highways Officer. Although there is no off street car parking proposed and there has been none in the previous permissions that have been granted on the site, this edge of town centre site is within walking distance of the town centre and public transport facilities. A 'nil provision' continues to be acceptable here.

## **5.7 Landscaping**

- 5.7.1 This is a reserved matter for subsequent approval. The submitted plans show the provision of a hedgerow and railings to the Brunswick Street elevation and

window boxes for the ground floor flats. Indicative tree and shrub planting is shown to the rear of the building.

5.7.2 I consider that it will be possible to provide some appropriate landscaping to the site, subject to the necessary reserved matters application being submitted.

## **5.8 Other Matters**

5.8.1 The application was accompanied by an acoustic assessment. This has shown that it is possible to provide appropriate mitigation against external noise sources. It would be appropriate to ensure that these measures are secured by means of an appropriate condition.

5.8.2 Although the previously existing building has now been demolished I still consider it appropriate to ensure any contamination is appropriately remediated.

5.8.3 An air quality assessment has also been requested by the Environmental Health team. I do consider that this is appropriate given that the Air Quality Management Area has been extended since the original permissions were granted when the site fell outside the designated area.

5.8.4 The applicant has indicated that they are in agreement to the development achieving Code for Sustainable Homes Level 4. This can be conditioned

5.8.5 The applicant has also indicated that they are content for a condition relating to the provision of bat/swift bricks to be imposed. The provision of these would be an appropriate enhancement. There are no other ecological implications arising from the development.

5.8.6 Given that only eight flats are proposed, no s106 contributions are required as the development is below the relevant thresholds used to seek contributions to development schemes.

## **6. CONCLUSION**

6.1 Residential development on this sustainably located, previously developed, edge of Town Centre site is acceptable in principle.

6.2 The proposed design is now considered to have overcome the previous grounds of refusal. An appropriate relationship between the proposed development and the adjacent buildings has been secured.

6.3 I consider that appropriate landscaping can be provided at reserved matters stage.

- 6.4 The concerns regarding the lack of car parking are noted. However the proposals do accord with the majority of the previous approvals which have not provided any car parking on the site. The site is in a sustainable location on the edge of the town centre and with good access to public transport facilities and services. Kent Highway Services have raised no objections to the lack of car parking provision or on highway safety grounds.
- 6.5 Subject to appropriate conditions, the scheme is considered acceptable and the following recommendation is appropriate.

## **7. 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. 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. Notwithstanding the details shown on drawing 2037/1revD, the details of the reserved matters of landscaping submitted pursuant to condition 1 above shall show, inter-alia,
  - i) The provision of a privet hedge (*Ligustrum vulgare*) to the frontage of the site to Brunswick Street.
  - ii) The provision of bat and/or swift bricks on the building in appropriate locations.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

3. 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 building



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.

4. 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. The submitted details shall include the provision of metal railings of between 1.0m and 1.2m in height to the Brunswick Street frontage of the site set to the front of the hedge required by condition 2 above.

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

5. The development shall not commence until, details of the proposed slab levels of the building and the existing and proposed 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.

6. The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment.

7. The development shall not commence until details, in the form of large scale drawings as appropriate, of the following have been submitted to and approved in writing by the local planning authority:
- i) Details of fenestration
  - ii) Details of the glazed balustrades to the rear elevation
  - iii) Details of the eaves and cornice

The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure a satisfactory appearance to the development.

8. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for them certifying that at least Code Level 4 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

9. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter

Reason: To prevent harm to human health.

10. The development shall not commence until details of the acoustic mitigation measures recommended in the acoustic assessment prepared by Practical Acoustics ref 4628.PPG24.01 dated November 2010 have been submitted to and approved by the local planning authority. The subsequently approved mitigation measures shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: In the interests of the amenities of future occupiers.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:  
2037/1revD and 2037/2/revD;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

### **Informatives set out below**

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.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles in connection with the construction of the development may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The developer should 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.

A formal application for connection of the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, the developer is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688)

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.