

REPORT SUMMARY

5 July 2018

REFERENCE NO - 18/500160/FULL		
APPLICATION PROPOSAL Demolition of Existing Office Building and Erection of 43 No. apartments and associated vehicular and pedestrian access		
ADDRESS 3 Tonbridge Road Maidstone Kent ME16 8RL		
RECOMMENDATION Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application shows a 7m set back from Tonbridge Road and an articulated front elevation. The scheme therefore meets all relevant policies in terms of visual impact, design, highway impact and residential amenity. It has demonstrated that a contribution to affordable housing would make the scheme unviable.		
REASON FOR REFERRAL TO COMMITTEE Called into Committee by Cllr Boughton		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Tonbridge Road Development Ltd AGENT Go Planning Ltd
DECISION DUE DATE 12.07.2018	PUBLICITY EXPIRY DATE 18.05.2018	OFFICER SITE VISIT DATE 23.01.2018
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

3 Tonbridge Road

16/501674/FULL

Proposed external changes consisting of, additional dormer to rear elevation, additional dormer to side elevation, removal of front door at ground and basement level to front elevation

Approved Decision date: 09.05.2016

16/501842/PNOCLA

Prior notification for the change of use of a building from office use to a 9 No. apartments.

For its prior approval to.

Transport and Highways impacts of the development.

Contamination risks on the site.

Flooding risks on the site.

Prior Approval Not Required

Decision date: 23.06.2016

16/507491/FULL

Demolition of existing buildings and erection of 20 No. Apartments

Approved

Decision date: 16.06.2017

16/508704/PNOCLA

Prior notification for the change of use of an office to 7 no. residential units. For its prior approval to Transport and Highways impacts of the development.

Contamination risks on the site. Flooding risks on the site. Impacts of noise from commercial premises on the intended occupiers of the development.

Prior Approval Granted

Decision date: 10.02.2017

MA/PN/14/0001

Prior Notification application for the change of use office building to up to 9 self contained flats as shown on details received 07/01/14 & 23/01/14.

Prior Approval Not Required

Decision date: 18.02.2014

09/1827

Planning permission for demolition of existing office block and erection of part five storey part six storey building comprising 14no. two-bedroom apartments with associated parking. Plans submitted are as follows: 0916/D/101; 0916D/400; 0916/D/401; 0916/D/200; 0916/D/102 received on 8 October 2009.

Refused

Decision date: 28.01.2011

5 Tonbridge Road

15/510179/OUT Outline application (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.

PER - Application Permitted 22.12.2016

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.

PER - Application Permitted 18.12.2017

18/500229/REM

Reserved matters of scale, appearance and layout to application 17/504144/OUT for erection of 51 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.

Approved

Decision date: 27.04.2018

18/500718/REM

Reserved matters application for access (conditions 1, 2 and 4) and phase 1 landscaping (conditions 1 and 3) of 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

Decision date: 27.04.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.1 The site is located on the gyratory section of Tonbridge Road with two lanes of one way traffic travelling past the site frontage (east to west). This section of road forms part of the A20 with the A26 (Tonbridge Road) starting further to the west. A signalised pedestrian crossing is located 20m to the east of the site.
- 1.2 The site is approx. 0.12 ha with dimensions of 13-17m wide and a depth of 76m. It lies to the west of Maidstone West Railway Station. The front part of the site is separated from the railway station by a pair of semi-detached Victorian properties which have been converted to residential use. The rear part of the application site directly adjoins the railway station. The ground level on the application site is significantly higher than the railway station, with this rise in ground level continuing to the west of the application site along Tonbridge Road.
- 1.3 The area surrounding the application site is mixed in terms of the character and scale of existing buildings and the range of land uses. Beyond the entrance to the railway station is a 6-storey building providing retail use at ground floor with residential on the upper floors (Broadway Heights - 58 flats 05/1719). To west of the site, 5-9 Tonbridge Road has an existing vehicular access adjoining the boundary with the application site. That site is occupied by a mixture of retail and other commercial uses but with a recent planning permission for residential redevelopment of a 4-storey block of flats and terraced houses. Further to the east is the Vines Medical Practice (3-storey) with residential properties to the rear. On the opposite side of Tonbridge Road is an office building with a substantial mansard roof (Vaughan Chambers) providing four floors (including roof space) with an adjoining single storey building on the corner providing a cycle shop.
- 1.4 The application site is currently occupied by a 3-storey red brick building with a part flat, part sloping tiled roof last in office use (planning use class B1/A2). At ground floor level the building has an undercroft vehicular access from Tonbridge Road to a rear parking area. The site is not located in a Conservation Area and the nearest listed buildings are approximately

100m away. There are no protected trees or landscape designations either on or adjacent to the application site.

2. PROPOSAL

- 2.1 At the Planning Committee meeting of 15 June 2017 under application reference 16/507491/FULL, it was resolved to grant full planning permission for Demolition of the existing building and erection of 20 no. apartments in a 4 storey block and permission was granted on the 16 June 2017. The application had been deferred from the meeting of 16 March 2017 for air quality concerns to be landscape-led with trees and planting on the Tonbridge Road frontage and the treatment of the elevations to be reconsidered to improve amenity for future occupants.
- 2.2 The current revised proposal is for the demolition of the existing office building and the construction of a mainly 5 storey residential building with a part recessed 6th floor. The proposed building has a linear footprint with a block fronting Tonbridge Road and then extending towards the rear of the site. It has a width of approx. 10m and a depth of approx. 57m. A number of PV panels are intended to be sited on the roof.
- 2.3 The ground floor of the building provides 1 x 1st floor flat and 1 duplex flat each accessed from the front of the site set behind areas of amenity space. This is intended to give an active frontage. The ground floor provides integral refuse storage that is within 10m of Tonbridge Road to accord with guideline for efficient refuse collection. It includes an integral cycle store (43 racks) and 2 undercroft visitor car parking spaces with an indication of electric car charging points. The building retains and reuses the existing vehicular access on to Tonbridge Road located next to the eastern boundary for a distance of approx. 30m.
- 2.4 The building is arranged around 4 staircase cores providing access to the accommodation on the upper floors of the building. There is only a lift in the front part of the building accessing 12 units. There are 5 ground floor flats. Hence there are 26 upper floor flats accessed by stairs only. All of the proposed flats (40 x 1-bed and 2 x 2-bed and 1 x 3 bed duplex) are dual aspect as a minimum, with all upper floor flats provided with balconies.
- 2.5 A financial viability assessment has been prepared provided to the Council. Having reviewed the consultations for financial contributions, the applicant would be willing to contribute the Library Contributions as evidenced by KCC and confirms that the development would be provided with Superfast broadband. It is stated that these would not undermine the deliverability of the scheme and are offered on a without prejudice basis.
- 2.6 The fire strategy for the site includes for a BS 8458:2015 mist type sprinkler system to be installed to the apartments. The applicant submits that this would ensure the buildings would meet part B of the building regulations, being an acceptable solution to the access constraints for fire tenders. As to whether a sub station is required for the development, the

applicant states that presently UK Power Networks has not provided a design for the site and as such this cannot be confirmed. Should a sub-station be ultimately needed, then the applicant submits that it could be accommodated within the ground floor undercroft zones.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Local Plan 2017:
SP1 Maidstone urban area
SP19 Housing mix
H1(16), Slencrest House, 3 Tonbridge Road, Maidstone
DM1 Principles of good design
DM2 Sustainable design
DM5 Development on brownfield land
DM6 Air quality
DM12 Density of housing development
DM19 Open space and recreation
DM20 Community facilities
DM21 Assessing the transport impacts of development
DM23 Parking standards
DM24 Renewable and low carbon energy schemes
ID1 Infrastructure Delivery

4. LOCAL REPRESENTATIONS

4.1 Local Residents: Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. One objection has been received from the neighbouring landowner in response:

- Support the height of six storeys.
- Low level of parking provision so pressure on-street parking in nearby residential streets.
- 5- 9 Tonbridge Road site will need to be gated - a significant additional development cost
- Insufficient justification for no parking for residents or visitors.
- No provision for delivery vehicle parking and turning space
- Delivery vans and Refuse collection vehicles on Tonbridge Road reducing the flow of traffic and impacting the visibility of the highway
- A long narrow building that occupies the majority of a long, narrow site which is too close to boundary: inadequate for construction and maintenance of a tall apartment block.

- Construction activities very constrained because of the narrowness of the site. Tower cranes would be severely constrained because Network Rail do not allow such cranes to oversail their operational land.
- Cranes impose a risk to other adjoining landowners and occupants.
- No fire engine access to the back of the site.
- electricity sub-station needed
- No affordable housing and no s106 contributions proposed by the applicant on grounds of viability.
- The redevelopment proposals are not viable or deliverable in the market. The ground works will be very expensive and high costs of construction and risk
- Likely the site will be undeveloped or subject to a further application at a later date to reduce the density of development to a viable level.
- Appreciate the maximisation of density at edge of town centre location but the scheme that is not deliverable in the market.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.1 Southern Water: No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer
- 5.2 Kent Police: The applicant/agent has not demonstrated that they have considered crime prevention nor have attempted to apply the seven attributes of CPTED in their submitted on-line plans or in a DAS. To date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and SBD if appropriate. These include: 1. Boundary treatments 2. Access control 3. Lighting 4. Mail delivery 5. Cycle and bin storage
- 5.3 UK Power Networks No objections
- 5.4 Kent County Council Local Highway Authority no objections: the levels of adjacent on road car parking restraint, the nearby opportunities for alternative forms of transport and the level of services available within reasonable walking and cycling distances, two car parking spaces is not an unreasonable approach. No objection subject to conditions on Construction Management; prevent the discharge of surface water onto the highway;

Provision and permanent retention of the vehicle parking spaces and/or garages; cycle

- 5.5 Maidstone Borough Council Client Services: Freighters would not be able to reverse off Tonbridge Road into the site so the bin store needs to be within 10m of Tonbridge Road. They should allow for 6 x 1100 litre refuse bins and 10-15 recycling bins or 5 x 1100 litre for recycling
- 5.6 Maidstone Borough Council Environmental Protection: The railway line and the road as the most significant noise sources. The levels are such that an uprated specification for acoustic glazing is provided. The scheme would only be successful for windows closed and so will need to be combined with alternative means of ventilation. This should be capable of purge ventilation to enable cooling should it be required without needing to open windows.
- 5.7 Land contamination: The former commercial/industrial area has potential to have been affected by land contamination.
- 5.8 Air Quality: The site is within the Council's air quality management area and the application includes an air quality assessment. The assessment is acceptable and concludes that the no further mitigation measures are required to protect future residents from poor air quality.
- 5.9 Kent County Council Community Services : contributions required for libraries of £2064.68 and installation of Superfast Fibre Optic Broadband .Although there is a Primary and Secondary need, due to 5 obligation restriction KCC are unable to pursue against this scheme.
- 5.10 NHS (West Kent Commissioning Group): no contributions sought
- 5.11 Kent County Council (Archaeology) – no response
- 5.12 Network Rail- no response
- 5.13 Kent County Council (drainage)- awaiting response.
- 5.14 Environment Agency- awaiting response.

6. APPRAISAL

- 6.1 The principle of the loss of the existing building and commercial uses accords with the Local Plan designation and has been established by the 20-unit residential redevelopment planning permission from last year.
- 6.2 Policy H1 (16) was an allocation for 10 units. The policy requires consideration of the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre with visual impact assessment of the potential impact from College Road and the All Saints area including the Lockmeadow footbridge; the eastern/south eastern elevation shall be well articulated given the exposed location of the site; assess archaeological implications arising from the development and in particular the adjacent Roman cemetery site; include appropriate air quality

mitigation measures; ideally a joint development with the immediately adjacent American Golf site allocated under policy H1(14) to ensure a comprehensive and inclusive design approach.

6.3 The remaining main planning considerations include:

- Air quality
- Design, layout, appearance and density
- Standard of accommodation
- Highways
- Trees, landscaping, and ecology
- Planning Obligations/Viability.

Air quality

6.4 Paragraph 124 of the NPPF states 'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'

6.5 Policy DM5 of the local plan sets out that 'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance' The housing site allocation H 1 (16) in the local plan states that the council will seek to approve air quality mitigation measures to be implemented as part of the development.

6.6 The application site is within an Air Quality Management Area (AQMA) that covers the whole of Maidstone town centre. This area that has been identified as having poor air quality due to the nature of road networks and traffic movements. The environmental protection team has not raised any objection to the submitted AQ report in the light of the Maidstone Borough Council Air Quality Planning Guidance.

6.7 Reflecting the adjacent site at 5 Tonbridge Road, the main front elevation of the revised proposal has been set back by 7m from Tonbridge Road boundary with the area to be landscaped in order to provide a better environment for an area where residential occupation levels are increasing.

6.8 This landscaping is expected to include landscaping to improve air quality eg small leafed Lime trees and a hedge to the front of the building, ornamental Crab Apple and Hornbeam Hedging in the area next to the boundary with 5 Tonbridge Road, cherry trees along the rear boundary and trellis and ivy on the retaining wall adjacent to Maidstone West Railway Station. A recommended condition requires details and the replacement of planting should it fail within a period of 5 years.

6.9 Electric charging points are indicated to be included and can be conditioned.

Design, layout, appearance and density

6.10 Policy DM 1 of the local plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.

6.11 It is considered that the development is in accordance with those policy requirements of the housing site allocation H1 (16) in the local plan which seeks the following: design to reflect the exposed location of the site on the slopes of the Medway Valley in a prominent position overlooking the town centre and visible from College Road and the All Saints area including the Lockmeadow footbridge; the eastern/south eastern elevation need to be well articulated given the exposed location of the site. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials that will weather well and complement the area; a high density scheme will be developed reflecting that the site is in a town centre location.

6.12 Land owners of the application site and of 5-9 Tonbridge Road have been encouraged by officers to collaborate with ideally one development proposal coming forward for both sites. Unfortunately an agreement for collaboration has not been secured and the Council remains obliged to consider the current application on its individual merits as a standalone redevelopment.

6.13 The character and appearance of Tonbridge Road varies significantly as travelling away from the town centre. Recent development such as the Vine Medical Centre has changed the character of the area and planned development and the housing allocations are likely to change this character further. Development in the immediate vicinity of the site is between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights.

6.14 The design and appearance of the proposed building has been guided by advice provided as part of the planning history, including consideration by the Council's design surgery. At the front of the site the proposed building will have a significantly greater bulk and scale than the existing building on the site. The front block of the proposal includes references to the adjacent Victorian property; including the two bays to the front elevation and the proposed fenestration design and proportions. In relation to building scale, this reflects taller buildings in the locality or other multi-storey buildings at higher ground levels.

6.15 There are a variety of different building facing materials in the local area including red brick (Vaughan Chambers) stone cladding (6 Tonbridge Road), red brick and render (8 Tonbridge Road) and buff brick (1 Tonbridge

Road). The new building will be constructed with a buff facing brick, with green/blue cladding at 5th storey level and grey cladding at 6th storey level. The green/blue cladding will continue to recessed elements to both flanks and the colour will be matched to the balcony railings. This choice of facing materials is considered appropriate in this location, reflecting the modern design approach in accordance with the housing allocation.

- 6.16 The design of the proposed development has considered the exposed location of the application site on the slopes of the Medway Valley in this prominent position overlooking the town centre. In support of the planning application context photographs have been provided from these locations the proposed building will be seen in the context of tall buildings on higher land to the north. The design, scale and appearance of the building is considered acceptable in these views.
- 6.17 The footprint and extent of the proposed building reflects the linear shape of the application site. The proposed design has provided interest and rhythm to the side and rear elevations of the building (east, west and south) through fenestration, the balconies, different facing materials and the staircase cores. It is considered that the building meets the aspirations set out in the housing allocation.
- 6.18 Policy DM12 of the local plan advises that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. Subject to this overriding consideration, within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare. The application site covers an area of 0.12 hectares with the proposal providing 43 residential dwellings which amounts to a residential density of 358 dwellings per hectare (the 20 unit approved scheme is 167 dph).
- 6.19 It is accepted that the proposed residential density is very significantly higher than the precise density figure specified in the housing allocation. However it is in line with the aspiration for a high density development to make the best use of urban land. Maidstone West Railway Station entrance is close to the application site as are bus stops and with the other facilities available in this town centre location, the site is in a highly sustainable location and the proposed density is considered acceptable in this context.

Standard of accommodation

- 6.20 The core principles set out in the NPPF state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form would not result in an

unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.21 With the south facing orientation of the rear elevation and the separation distance of 4m increasing to 5m to the building, it is considered that the new building is of a form and siting that is acceptable in relation to the impact on sunlight and daylight provision to the new residential conversion to the east.
- 6.22 At the rear of this neighbouring property is a small external area at ground level which is 2 metres below ground level on the application site. The immediately adjacent windows on the proposed building serve a staircase core and with the retaining wall and the separation from the boundary the proposed building is considered acceptable in relation to privacy and overlooking.
- 6.23 The land to the west of the application site at 5-9 Tonbridge Road is currently occupied by a mixture of commercial uses, including a fireplace shop, a golf shop and offices on the Tonbridge Road frontage with general industrial and storage types uses behind. A rear vehicular access to the rear currently runs along the boundary with the application site. This neighbouring site is on higher ground reflecting the general change in ground level when travelling west away from the town centre. This site has a recent planning permission for redevelopment with 51 dwellings with an apartment block of 4 storeys at the front and terraced houses to the rear. A distance of between approx. 10m will separate the two proposed new buildings due in part to a 2 lane, vehicular access road. As part of the current application, the design of the building provides dual aspect residential units. This layout has allowed the majority of main habitable room windows to be located on the east and south building elevations, ie facing away from 5 Tonbridge Road. The western flank of the proposal has been consciously designed with fenestration to minimise any mutual overlooking with that neighbouring apartment block if erected eg with oriel style windows giving angled restricted views out plus windows to non-habitable rooms or secondary windows which can be conditioned to be obscure glazed.
- 6.24 The proposed layout of the development provides a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision to all of the proposed flats. The balconies provide amenity space for most of the flats and there is also an open amenity area proposed at the rear of the block. Similarly, it has been demonstrated that there will be acceptable relationships to neighbouring property with regard to daylight and sunlight matters. Overall it is considered that the relationship between the buildings is acceptable and there would be acceptable amenity for occupants of all the relevant developments in this part of Tonbridge Road

Impact On The Local Highway Network Including Traffic And Parking

- 6.25 The application site is in a sustainable location. The site is in close proximity to Maidstone West Train station. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance of the site. Bus stops are located along Tonbridge Road and these provide access to the town centre, local hospital, and other nearby towns where residents may commute to.
- 6.26 The existing vehicular access to Tonbridge Road and the proposed access within the site has been considered by the Local Highway Authority and no objection has been raised.
- 6.27 A Transport Assessment has been submitted in support of the planning application. As a virtually car free development, there will be still be delivery and other service vehicles attracted to the site, arguably more with the car- free nature of the development. There is no specific on site parking/turning for delivery for service vehicles although there is scope for a small parking bay in the frontage at the expense of some of the frontage landscaping. However, KCC as Local Highway Authority has concluded that the proposal that includes service vehicles parking on the highway would not result in a severe impact on highway safety which is the key test of the NPPF.
- 6.28 The proposal includes 2 visitor car parking spaces which KCC say is acceptable for this central location where other forms of transport are readily available. The proposal also includes 43 cycle parking spaces in an appropriate location on the site. The low car parking provision and the proposed servicing arrangements for the development including the size and location of the refuse storage area have been considered by the Local Highway Authority and no objection has been raised when considering the scheme against policies DM21 and DM23 of the local plan.
- 6.29 With the nature of this location, the applicant needs to give careful thought to construction phase arrangements including vehicle unloading/loading, operative parking. A planning condition is recommended requesting the submission and approval of these details prior to work commencing.
- 6.30 The existing vehicular access to Tonbridge Road and the proposed access within the site has been considered by the Local Highway Authority and no objection has been raised.

Trees, Landscaping And Ecology

- 6.31 The housing site allocation H1 (16) states that development proposals should be designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
- 6.32 The existing site has limited existing tree planting, landscaping or ecology capability with the site predominantly occupied by buildings or hard

surfacing with some overgrown planting along the southwest boundary with other trees on the boundary to the west of site with 5-9 Tonbridge Road.

- 6.33 The proposed development allows for the appearance of the site to be enhanced with improvements in relation to tree planting, landscaping and ecology. The submitted proposal has been considered by the council's landscape officer who has no objection in principle. It is recommended that planning conditions secure swift bricks and bat boxes, tubes or tiles within the new building.

Affordable housing and development viability

- 6.34 Policy ID1 of the local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the Council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.
- 6.35 The KCC request for a Libraries contribution of ££2064.68 has been accepted by the developer.
- 6.36 The NPPF (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The Council's adopted Affordable Housing policy sets out at policy AH1 the requirement for affordable housing..
- 6.37 The developer has demonstrated that the site cannot economically sustain the provision of 40% affordable housing in its submission of both a market sale and a private rented model. Independent advice on the viability figures has concurred with that. In order to allow the site to come forward as part of a financially viable development it is not recommended that there be any requirement for affordable housing. Having said this, it is understood that the developer is intending to privately rent out the units which are nonetheless likely to give an important contribution to meeting the local demand for flats of this tenure and size close to public transport and local services.

Other Matters

- 6.38 Paragraph 123 of the NPPF sets out 'Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions; recognise that development will often create some noise...' The location of the development on a busy road and the proximity of the railway line both have the potential to cause nuisance to future occupiers. A noise exposure assessment by Clement Acoustics ref 11182-NEA-02 (dated May 2016) for the 20 unit scheme was re-submitted in support of the planning application and its overall conclusions are considered by Environmental Protection to

be equally valid. A planning condition is recommended to secure all of the mitigation that is outlined in this report.

- 6.39 The site is not in a location at risk of fluvial flooding. In relation to surface water, pre-commencement conditions are recommended seeking the submission of details of a sustainable drainage scheme and implementation of the approved details.
- 6.40 Southern Water raises no objection in principle.
- 6.41 The housing site allocation H1(16) states that development will be subject to the results and recommendations of a land contamination survey. There may be contamination present due to the previous commercial land use and ground works could disturb any contamination that is present warrants a requirement for a watching brief condition.
- 6.42 The extant planning permission considered the proximity of a Roman cemetery and so there is potential for Roman remains. There were some targeted archaeological investigations and some specialist assessment of the archaeological potential and the extent of previous works on site but it seems that details of existing ground disturbance was not clear. A planning condition is suggested requiring archaeological field evaluation works in accordance with a specification and written timetable.

7. CONCLUSION

- 7.1 The existing vacant building makes little positive contribution to the character of the area and the removal of this building is supported. The current application provides an opportunity to bring this site back into beneficial use and to make more efficient use of the land that is available in this highly sustainable location.
- 7.2 Collaboration to form a single access road to access both developments has not been possible to secure and the Borough Council is required to consider the current application on its own individual merits.
- 7.3 The design, appearance, scale and proportions of the proposed building satisfactorily address the Tonbridge Road streetscene and both existing and proposed adjacent development. The proposed building is acceptable in terms of impact on the amenities of existing and future neighbouring occupiers including daylight, sunlight, outlook and privacy. The proposal will provide a acceptable standard of the residential accommodation in relation to noise and air quality. The access, car parking and servicing arrangements are acceptable to the Local Highway Authority.
- 7.4 It is accepted that the proposed residential density is considerably higher than the precise density figure specified in the housing allocation; however it is in line with the aspiration for a high density development and the site is in a highly sustainable location and so the proposed density is considered acceptable in this context.

- 7.5 In terms of design and appearance, the scale and building proportions in this prominent location are acceptable from all potential viewpoints including the low land to the south and south east as required in policy H1(16).
- 7.6 The site plan shows areas of landscaping in the open areas of the site. This landscaping includes a wall/fence boundary. The expectation as to how the frontage is to be treated is to be the same as for the 20 unit planning permission- for small leafed Lime trees and a hedge to the front of the building, ornamental Crab Apple and Hornbeam Hedging, cherry trees along the rear boundary and trellis and ivy on the retaining wall adjacent to Maidstone West Railway Station. These can be subject of a landscaping condition so that the objective is met of gradually softening and greening Tonbridge Road to suit an increasingly residential neighbourhood.
- 7.7 The financial viability of the development has been reconsidered in relation to the provision of affordable housing and other planning obligations and only the requested library contributions can be sustained based upon the submitted appraisals.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee)requiring a libraries contribution of £2064.68

- The following conditions

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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) Development hereby permitted shall be carried out in accordance with the following drawing numbers: 17-932-001 Rev P.1 Location Plan; 17-932-002 Rev P.7 Site Plan; 17-932-010 Rev P.4 Ground & 1st Floor Plans; 17-932-011 Rev P.4 2nd, 3rd & 4th Floor Plans; 17-932-012 Rev P.3 5th & Roof Plans; 17-932-013 Rev P.6 North & East Elevations; 17-932-014 Rev P.4 South & West Elevations; 17-932-015 Rev P.5 Street Scene; 17-932-018 Rev P.3 Sections 1; 17-932-019 Rev P.2 Sections 2; 15-671-E01.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Prior to the commencement of development, details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include any proposed re-grading, cross-sections and retaining walls.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- 4) The low-carbon sources of energy in Photo Voltaic panels as hereby approved shall be implemented as approved and shall be retained thereafter.

Reason: To ensure an energy efficient form of development.

- 5) Prior to the commencement of development, the following shall have been submitted to and approved in writing by the Local Planning Authority
 - a. details of archaeological field evaluation works in accordance with a specification and written timetable
 - b. following from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- 6) Prior to the commencement of development, details (including a specification for acoustic glazing and alternative means of purge ventilation to enable cooling should it be required without needing to open windows) shall be submitted to and approved by the Local Planning Authority to demonstrate how the development will fully meet the recommendations of the submitted acoustic report (carried out by Clement Acoustics, ref 11182-NEA-02- May 2016) with approved measures in place prior to first occupation of the relevant residential unit and retained as such thereafter.

Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

Prior to the commencement of development, a construction management plan shall be submitted to approved in writing by the Local Planning Authority. The approved facilities and arrangements shall be provided

prior to construction work commencing and maintained for the duration of the construction works. The plan shall include:

- details of arrangements for loading/unloading and turning
- details of parking facilities for site personnel and site visitors
- A dust management plan
- Measures to minimise noise generation (including vibration)
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water and prevent surface water discharge on to the public highway

Reason: To maintain highway safety and to protect the amenities of local residents. Details are required prior to commencement as potential impact will arise from the point of commencement.

- 7) Prior to the commencement of development, details of a sustainable surface water drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall include measures to prevent discharge of surface water onto the highway. The scheme should specify responsibilities for the implementation of the SUDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development; including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling and maintained as such thereafter.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- 8) Prior to the commencement of development, details of the proposed means of foul water disposal shall have been submitted to and approved in writing by the Local Planning Authority with the approved measures in place prior to occupation and retained permanently thereafter.

Reason: To avoid pollution of the surrounding area. Details are required prior to commencement as groundworks will reduce the options available.

- 9) Prior to the commencement of development, a scheme for the enhancement of biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the location and design of swift bricks and bat boxes, tubes or tiles and take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance biodiversity. This information is required prior to commencement of development as works have the potential to harm any protected species present.

- 10) Prior to the development reaching damp proof course level, written details (and where appropriate, samples) of all facing materials and external surfacing materials of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- 11) Prior to first occupation of any residential unit, fencing, walling, railings and other boundary treatments (including provision of gaps under boundary fencing to facilitate ecological networks) shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be retained as such thereafter.

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

- 12) Prior to first occupation of any residential unit, facilities for the storage of domestic refuse shall be in place in accordance with details hereby approved

Reason: To ensure a satisfactory arrangement for refuse collection.

- 13) If during construction/demolition works evidence of potential contamination is encountered, all works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning

Authority and the remediation has been completed in accordance with the agreed plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14) Prior to first occupation of any residential unit, a verification report shall be submitted to the Local Planning Authority. The report shall include a) details of any post remediation sampling and analysis, b) 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. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 15) Prior to first occupation of any residential unit, the proposed bathroom, toilet, and staircase windows and the secondary bedroom windows located on the west (side) building elevation shall be fitted with obscured glass and retained thereafter.

Reason: In order to preserve amenity and prevent overlooking and loss of privacy.

- 16) Prior to first occupation of any residential dwellings hereby approved, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority with the agreed measures implemented within three months of first occupation and retained. Thereafter the Travel Plan should include the following: a) objectives and targets, b) Measures to promote and facilitate public transport use, walking and cycling, c) Promotion of practises/facilities that reduce the need for travel, d) Monitoring and review mechanisms, e) Travel Plan co-ordinators and associated support, f) Details of a welcome pack for all new residents including local travel information, g) Marketing, h) Timetable for the implementation of each element.

Reason: In order to promote sustainable travel choices and to help reduce air pollution.

- 17) Prior to first occupation of any residential dwellings hereby approved, management arrangements for the communal areas of the site and access roads shall be in place that are in accordance with a plan that has previously been submitted to and approved in writing by the Local

Planning Authority and shall be retained thereafter. The plan should include a) The areas within the scope of the management plan and the maintenance requirements of these; b) Method and works schedule for maintaining communal areas and estate roads; c) Details of the parking control measures to be implemented within the site; d) Details on the enforcement of parking control measures; e) The setting up of an appropriate management body; f) The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; g) Ongoing monitoring of implementation of the plan.

Reason: To protect the amenity of future residents and the character and appearance of the development.

- 18) Prior to first occupation of any residential dwellings hereby approved, the cycle parking, car parking and internal access/turning arrangements shown on the approved plans shall be provided, surfaced and drained in accordance with the approved details and shall be retained permanently for the use. The car parking spaces shall be retained for visitor use only. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or subsequent revision) shall be carried out on the land so shown or in such a position as to preclude vehicular access to parking areas.

Reason: Development without provision of adequate access and parking is likely to lead to inconvenience to other road users and be detrimental to amenity.

- 19) Prior to first occupation of any of the residential dwellings hereby approved, the vehicle access from Tonbridge Road shall be laid out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include details of suitable visibility splays and measures to ensure their retention, and confirmation of the position of any gates (require a minimum set back of 7 metres from back edge of the pavement) with the approved measures retained thereafter.

Reason: In the interests of highway safety including in relation to the high pedestrian footfall in Tonbridge Road.

- 20) Prior to first occupation of any of the residential dwellings hereby approved, landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any part of the approved landscaping scheme that is dead,

dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity and an appropriate standard of accommodation.

- 21) Prior to first occupation of any of the residential dwellings hereby approved, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used shall be submitted to and approved in writing by the Local Planning Authority. The details shall show that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) 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 it's operating. After installation of the approved plant, it shall be retained in accordance with the approved details and no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of neighbouring occupiers and future residents of this development.

- 22) Prior to first occupation of any of the residential dwellings hereby approved, details of any external lighting to be placed or erected within the site shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter.

Reason: To prevent light pollution in the interests of the character, amenity and biodiversity of the area.

- 23) 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, According to 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

- 24) Details of provision of electrical car charging point shall be submitted for the approval of the Local Planning Authority before first occupation of the building hereby permitted.

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

INFORMATIVES

- 1) The applicant is reminded of the requirements of approved document E of the Building Regulations 2010 in terms of protecting future residents of the apartment blocks from internally generated noise.
- 2) The applicant is advised that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. The applicant is reminded of the requirement for a formal application to connect to the public sewerage system. The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works , Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- 3) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to contact Southern Water for further advice including in relation to protecting infrastructure during construction works , Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- 4) The applicant is advised of their responsibility to ensure, that before the development hereby approved is commenced, that all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action by the Highway Authority.
- 5) The applicant is advised of the Mid Kent Environmental Code of Development Practice and it is recommended that no demolition/construction activities take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
- 6) The applicant is advised that any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.
- 7) The applicant is advised that adequate and suitable measures should be in place to minimise release of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and

nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

- 8) The applicant is advised that any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 9) The applicant is advised that the lighting scheme provided in accordance with the planning condition should adhere to advice from the Bat Conservation Trust and Institution of Lighting Engineers

Case Officer Marion Geary

Case Officer Sign	Date
Marion Geary	