Application no: 20131085
Location: Former Prince Of Wales PH, 1 - 2 East Milton Road, Gravesend, Kent, DA12 2JL.
Description: Erection of three storey building to provide six flats at first and second floor with A1 retail shops at ground floor level and a two storey terrace of four x 3 bedroom houses with associated car parking.
Applicant: Moat Homes Ltd
Decision Level: Regulatory Board 12 March 2014
Recommendation: Delegation to Service Manager (Development Management) for permission subject to resolution of the following issues
  • S.106 Agreement for community infrastructure contributions
  • Planning conditions

1. Site Description

The site is an overgrown area on the north side of East Milton Road which contained the Prince of Wales public house which was constructed as a farmhouse in 1789 although was rebuilt as a public house in 1792. By 2006 the public house was closed and had been damaged by fire and vandalism. Soon after this the remaining structures were cleared from the site. For the last few years the site has been boarded up and can be considered to be detrimental to the character of the street scene.

To the west of the site is the Grade II* listed church of St Peter’s and St. Paul’s. The Church has existed since the 14th Century.

East of the site are two storey terraced dwellings of Elliot Street. At the southern end of Elliot Street is a hot food takeaway and further east is the small shopping parade of East Milton Road.

North of the site are two storey terraced dwellings of Raphael Road and adjoining the site to the northwest is the Denton & District Social Club which is at a lower level that the application site.

South of the site is the largely open and undeveloped playing field to the Boys Grammar School and the Gravesend Rugby Club.

There is a large amount of unrestricted on-street parking in front of the church.

Topography of the site is such that it slopes away from East Milton Road and the land levels are generally higher than all the surrounding properties.
2. Relevant Planning History

In 2005 a planning application (Ref: 20051026) was submitted for demolition of existing public house and erection of two four storey buildings to provide a total of 32 self-contained one and two bedroom flats; laying out of 27 car parking spaces; erection of cycle and refuse stores and construction of a vehicular access. This application was withdrawn on 6 February 2006 following adverse consultation from local residents and for further negotiation with officers to reduce the bulk and massing of the proposal.

A revised scheme was submitted in 2006 (Ref: 20060234) for demolition of existing public house and erection of two three storey buildings to provide a total of 24 one and two bedroom self-contained flats; laying out of 24 car parking spaces; erection of cycle and refuse stores and construction of a new vehicular access. This application was refused on 18 May 2006. Following this refusal an appeal was lodged (06/00037/REF) but was subsequently withdrawn.

In the same year a revised application was submitted (Ref: 20060520) for demolition of public house and erection of a three storey building to provide 12 one and two bedroom self-contained flats; a two storey terrace of five, two bedroom dwellings; cycle and refuse stores; laying out of 20 car parking spaces and construction of a new vehicular access. This application was permitted on 30 October 2006.

Three years later a full application (Ref: 20090687) was submitted which was identical to the 20060520 approval but the applicant failed to agree on providing affordable housing or KCC financial contributions. Therefore the application was refused on 27 November 2009.

In the same year an application (Ref: 20090803) to renew planning permission reference number 20060520 was submitted but this application was withdrawn on 22 April 2010.

In 2013 a full application (20130364) was submitted without any pre-application discussion with officers for the erection of building comprising seven flats at first and second floors over retail shops and terrace of 4 x 3 bedroom houses with associated car parking.

This application was not supported by officers and was refused on the following grounds:

1. The proposed development of block A by virtue of its location, size, bulk and massing will have an adverse impact on the setting of the Grade II* Listed Building directly to the west of the site. Therefore, the proposal is contrary to Policy TC2 of Gravesham Local Plan First Review (1994), and Chapter 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

2. The development is a particularly bulky proposal and unsatisfactory in its design and detailing and it fails to respect the character and appearance of the immediate locality, which is predominantly two storey in scale. The development would therefore be contrary to Policies H3, TC0 and TC1 of the Gravesham, Local Plan First Review.

3. Insufficient information relating to the changes in land levels have been provided with this development to demonstrate how the development will impact on the amenity of the surrounding properties.
As such the development is contrary to Policy H3, TC0 and TC1 of the Gravesham, Local Plan First Review.

4. Insufficient information and details are provided to demonstrate the adequacy and manoeuvrability of the parking arrangements and delivery arrangements for the retail unit and how this will impact on the residential parking on the site. As such the development is contrary to policy T1 and T5 of the Gravesham Local Plan First Review 1994.

Following the refusal there was some limited discussions with the agent on a resubmission.

3. Proposal

The application is for the erection of three storey building to provide six flats at first and second floor with A1 retail shop at ground floor level and a two storey terrace of four x 3 bedroom houses with associated car parking.

The application form states that the entire proposed development will be for social rent and the applicant is stated to be Moat Homes Ltd.

4. Development Plan Policy

Gravesham Local Plan First Review 1994
The following saved policies in the adopted Gravesham Local Plan First Review 1994 are relevant to the consideration of this application:

- TC1 – Design of New Development;
- TC0 – General Townscape, Conservation and Design;
- TC2 – Listed Building;
- TC10 – Landscaping;
- H0 – General Housing;
- H2 – Residential Layout Guidelines;
- H3 Character of Housing areas;
- P3 – Vehicle Parking Standards;
- T1 – Impact of Development on the Highway Network;
- T0 – General Policy For Transport;
- S0 – General Shopping;
- S1 – Location of New Shopping Development.

Local Plan Core Strategy
Public consultation ended for the Local Plan Core Strategy – Proposed Submission Version at the end of February 2013. Submission for Examination by an Independent Inspector took place in May 2013 and, in view of modifications required following examination in September 2013, adoption is anticipated by August 2014. A Site Allocations and Development Management Policies Development Plan Document will be prepared following the adoption of the Core Strategy.

In response to the Inspector's letter of 23 September 2013, the Council has asked the Inspector to propose changes to the Core Strategy which he believes are needed for the plan to be sound. A Schedule of Proposed Modifications has been prepared which includes main modifications proposed by the Inspector and minor modifications.
proposed by the Council. A further six week period of public consultation took place from Wednesday 4 December 2013 to 15 January 2014.

As set out in paragraph 216 of the National Planning Policy Framework (NPPF), the weight that can be afforded to relevant policies in emerging plans varies according to the stage in the preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The most relevant policies from the Core Strategy - Proposed Submission Version are as follows:

- CS01 – Sustainable Development;
- CS02 – Scale and Distribution of Development;
- CS14 – Housing Type and Size;
- CS15 – Housing Density;
- CS18 – Climate Change;
- CS19 – Development and Design Principles;
- CS20 – Heritage and the Historic Environment;
- CS11 – Transport.

Other Material Considerations

National Planning Policy Guidance
The National Planning Policy Framework is a material consideration. The weight to be given to policies in existing local plans will depend on their consistency with the Framework. In March 2011 the Government statement ‘Planning for Growth’ instructs planning authorities to support enterprise and facilitate housing, economic and other forms of sustainable development.

Supplementary Planning Guidance
The following supplementary planning guidance documents are relevant to the consideration of this application:

- Residential Layout Guidelines; and
- SPG 4: Vehicle Parking Standards.

5. Reason for Report

At the discretion of the Service Manager (Development Management)

6. Consultations and Publicity

Consultations

Conservation Architect (GBC)

After further negotiations with the agent the proposals are an improvement on the previous application. The scale has been reduced by adopting a parapet façade at first floor level with mansard roof and dormer windows. There is no longer the large bulky roof that dominated the previous proposals. The general composition of the façade now reflects something of the local character, incorporating the rounded corners of buildings in the locality. The use of yellow stock brick will further enhance the proposals local identity. The boundary wall to the church has now also been acknowledged and further work will be need to ensure its proper repairs and
preservation, it being a prominent feature of the access to the proposed housing at the rear of the site. Overall the scale of the proposals will be more appropriate to the setting of the listed church. Therefore this service raises no adverse comments to the application and it is trusted that conditions will be imposed requiring further detail for the shop fronts, windows, brick samples, roof materials and landscaping, both hard and soft.

Regulatory Services (GBC)

The contaminated land report submitted with the application is dated 18 January 2006 and is deemed irrelevant to current site conditions. It does not include a desk study and only ground gas was investigated, which is highly unlikely to be present on the site. Many old public houses had their own below ground fuel tanks which leak over time causing hydrocarbon contamination of the soils. Although the site has been vacant for some time, this increases the risk of unlawful entry for illegal waste disposal.

As such the following condition is required:

*No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.*

There are a couple of uses that share a boundary with this proposed development which have the potential to cause disturbance to residents, these being the fish and chip shop (odour) and the social club off Raphael Road (amplified sound and people noise particularly as they leave the premises). The new proposed retail use and associated plant and delivery noise will also need to be designed to ensure the amenity of occupiers is not detrimentally affected.

The current application does not give any information as to how the site has been designed to minimise these effects on future occupiers.

In order to address the above concerns the following condition is recommended.

*A suitable assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority covering the following:*

1. **The impact of the existing commercial premises on the proposed residential area, particularly from:**
   
   (i) Plant and machinery from the adjacent fish and chip shop (noise and odour);
   
   (ii) People noise and entertainment noise from the adjacent club premises.

2. **The impact of the new proposed commercial use on the existing and proposed residential are particularly from:**
   
   i. Plant and machinery
   
   ii. Delivery noise

A suitable scheme that takes into account the above assessments of the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site. The scheme shall demonstrate how the design of the property including windows and acoustic ventilation can be used to

**Traffic Noise**

In order to deal with the issue of traffic noise the following condition is recommended.

Prior to commencement of any works on site, a scheme taking into account the existing noise levels due to traffic on the block adjacent to East Milton Road shall be submitted and approved in writing by the Local Planning Authority. The noise scheme shall detail the noise attenuation provided by the construction, including design and installation of windows and acoustic ventilation. The report and scheme shall take into account and make reference to British Standard 8233:1999.

**Noise Insulation**

It is noted this application is looking to place residential above a commercial ground floor use.

The noise insulation standards contained in the Building Regulations are minimum criteria for use between separate residential uses. The commercial use of a building is likely to generate greater noise than a property in domestic use and therefore Building Regulation noise insulation standards is likely to be less than adequate for protecting an adjoining residence from a commercial use.

The applicant needs to supply a sound insulation assessment providing suitable details of the substantially enhanced sound insulation performance of sound reduction achieved by relevant floors/ceilings and will also include consideration of the suitable treated acoustic ventilation of the property.

The construction that separates the residential and commercial unit shall aim to resist the transmission of airborne sound such that the weighted standardised difference \((D_{nT, W + Ctr})\) shall not be less than 53 decibels. (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

The weighted standardized difference \((D_{nT, W})\) is a spectrum adaption term, \(C_{tr}\), is quoted according to BS EN ISO 140- 4; 1998 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms.

**Lighting**

Before Regulatory Services can be satisfied the impact of the lighting on light sensitive properties is satisfactory it will need to be demonstrated the design accords with good practice given in The Institution of Lighting Engineers (ILE) Guidance Notes for the Reduction of Obtrusive Light such that its impact on residential properties is not greater than that found for Environmental zone E2 in table 1 of the ILE guidance notes. In order that this can be ascertained the following is required:

Plans showing the horizontal light spillage to include the vertical plane, demonstrating the lighting’s effect on surrounding residential properties.

Plans showing the source intensity as it affects the surrounding residential properties.

**Boundary treatment**

A scheme detailing the boundary of the dwellings’ car park with the adjacent residential properties shall be submitted to and approved in writing by the Local
Planning Authority prior to commencement of any works on site. The scheme shall show how noise and light impacts from the car park are to be satisfactorily ameliorated.

Southern Water
Awaiting Comments

Kent Fire & Rescue Service
Awaiting Comments

Kent Police
Awaiting Comments

Kent County Council Highways and Transportation
The general principle of a mixed residential and retail use on the site is acceptable but in order to ensure the parking provision for the retail and residents are acceptable a parking management condition will be required. The parking provision for the residential development is to be set no less than 1 space per unit.

KCC will also require a condition be secured in respect of requiring the detailed design arrangement of the vehicle access and associated crossover (including returning the existing redundant frontage crossover to footway standards). Any detailed design will need to incorporate appropriate design solutions for retaining pedestrian visibility at the site access and ensuring that vehicles accessing or exiting the site do not cross the un-strengthened footway.

Kent County Council
Kent County Council consider this proposal for an additional 10 units on site will have an impact on the delivery of county services to Gravesham which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Kent County Council consider that their financial requests for developer contributions comply with paragraph 204 of the NPPF which require that any development contributions most comply with three specific legal tests:
1) Necessary,
2) Related to the development, and
3) Reasonably related in scale and kind.

The above tests from paragraph 204 of the NPPF are based on The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) Regulation 122.

Primary Schools
The following requirements for Primary School are required by KCC:

A Primary School contribution assessed in accordance with KCC Development Contributions Guide methodology ‘first come, first served’ order of development at
£1000.00 per ‘applicable’ flat (excludes 1 bed units of less than 56m2 GIA) (x6) & £4000 per ‘applicable’ house (x4) towards the building of a new Primary school local to this proposed development, and a contribution of £675.41 per applicable flat (x6) & £2701.63 per applicable house (x4) towards the land acquisition costs of a new Primary School site = total £36,858.98

Secondary Schools

A secondary school contribution of £589.95 per applicable flat (x6) & £2359.80 per applicable house (x4) towards the extension of a Secondary school building local to this proposed development = total £12,978.90

Community Learning, Youth and Libraries

A financial contribution towards the provision of the following:

- Community Learning £225.88
- Youth facilities £279.24
- Local Libraries £1296.75
- Adult Social Services £1313.3

The total requested contribution amount £52,953.25

Publicity

Letters were sent to 42 surrounding properties and 6 objection letters and one petition containing 36 signatures have been received by the Local Planning Authority objecting to the scheme on the following grounds:

- The site should only be developed for housing as there is no demand for retail units and using the site solely for housing will help Gravesham meet its housing supply demand.
- The scheme would be overdevelopment for the site and would not provide sufficient parking provision and the congestion could be a hazard to existing residents.
- No consideration has been given regarding the impact on the adjoining Church and Gravesend.
- Lack of amenity space for the proposed flats.
- Concern regarding how supply/delivery vehicles will impact on the highway network.
- Block B (the houses to the rear) will result in a loss of light to the adjoining properties.
- Concern that the site plan is not drawn correctly.
- The development will be like a mini estate and will have unacceptable noise and disturbance on adjoining properties.

On 03 March 2014 an exhibition of the proposed plans was held at Milton Church Hall between 5pm – 7pm. The case officer attended and thus gave local residents the chance to view the plans and ask the case officer any questions on the scheme. A summary of meeting will be in the supplementary report.
7. Planning Analysis

Principle of Development

The site in question is within the urban area of Gravesend and is designated as a housing area in Gravesham Local Plan First Review proposals map (Policy H1) and can be considered to be previously developed land which complies with Policy CS02 of the emerging Core Strategy and will provide a mix of housing on site which complies with Policy CS14 of the emerging Core Strategy.

The proposed development achieves a density of 52 dwellings per hectare (DPH) and therefore this complies with Policy CS15 of the emerging Core Strategy which requires development to achieve a minimum density of 40 DPH.

In conclusion it’s considered that the principle of residential development here is acceptable subject to residential redevelopment of the site complying with the relevant policies relating to design, amenity, parking provision and any other material planning considerations.

It should be noted that in 2006 planning permission was granted for a residential scheme on the site (20060520) but this application expired on 30 October 2009 and there is currently no valid planning permission on the site.

Design and Townscape

Policy TC1 of Gravesham Local Plan First Review, CS14 from the emerging Core Strategy and Section 7 of the NPPF all promote high quality design and this scheme needs to be considered against this policy backdrop.

The applicant has essentially taken inspiration from the 20060520 which consisted of a three storey block of flats fronting East Milton Road and two storey cottages to the rear of the site.

Unlike the previous application this application now contains cross sections of the site which enables a full analysis of the development to be undertaken.

Since the approval in 2006 there have been significant policy changes with the introduction of the NPPF, and the Church to the west has been upgraded to Grade II*.

As a result of these policy changes the Council has pushed for a much higher quality design for the development fronting East Milton Road. Prior to the application being submitted and during this application discussions took place between the case officer and agent and the elevations which are before Members are considered to be improved. The following page contains three images showing how the front elevation has evolved from the 2006 approval until this current application.

20060520 front elevation (approved)
20130364 front elevation (refused)

20131085 front elevation (current application)
It is considered that the previous scheme (20130364) for block A was out of scale with the adjacent range of buildings and this was compounded by the large single pitched roof structure that would compete with the adjacent listed church. Furthermore, the materials proposed and the design did not respond contextually to the existing street development in style or rhythm.

The revised scheme has fully addressed the second ground of refusal of 20130364 which states:

*The development is a particularly bulky proposal and unsatisfactory in its design and detailing and it fails to respect the character and appearance of the immediate locality, which is predominantly two storey in scale. The development would therefore be contrary to Policies H3, TC0 and TC1 of the Gravesham, Local Plan First Review.*

In summary the revised scheme for block A has addressed the above ground of refusal and subject to planning conditions relating to detailing of external facing materials (windows, doors bricks etc) the design complies with Policy TC1 of Gravesham Local Plan First Review, CS19 – Development and Design Principles of the emerging Core Strategy and Chapter 7 of the NPPF.

**Block B**

In 2006 when Members refused 20060234 concern was raised that having flats to the rear of the site would be unacceptable and it would be more suitable to have single family dwellings there.

This was taken on board by the previous applicant and application 20060520 was approved for a terrace of five two bedroom dwellings to the rear of the site. An image is shown below of the 2006 approval.
Essentially Block B is the same as the 2006 approval but is now for only 4 3x bedroom dwellings instead of 5 x2 bedroom dwellings. It is not considered that this scheme will have an adverse impact on the setting of the adjacent listed church or the street scene and there is no conflict with local or national planning policy regarding design.

Other design issues
The proposed block plan is basic and there is no detail provided regarding surface treatment, boundary treatment etc. Therefore in order to address this issue a planning condition for landscaping, boundary treatment and surface treatment will be required.

Impact on the setting of the listed building
The previous scheme was deemed to have an adverse impact on the setting of the Grade II* listed church and the proposal include the following ground of refusal relating to block A.

The proposed development of block A by virtue of its location, size, bulk and massing will have an adverse impact on the setting of the Grade II* Listed Building directly to the west of the site. Therefore, the proposal is contrary to Policy TC2 of Gravesham Local Plan First Review (1994), and Chapter 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

The NPPF advises that significance to heritage assets can derive not only from a heritage asset’s physical presence, but also from its setting. According to Paragraph 133 of the NPPF, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPA’s should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh that harm or loss.

It is considered that the previous refusal would not have achieved any public benefit that would of have outweighed the harm to the Grade II* Church.

Following discussions between the case officer and the agent the revised scheme has addressed all the concerns regarding the impact on the Grade II* Church and there is no longer an objection to the scheme from the Council’s Conservation Architect.

Refuse Arrangements
In order to ensure the development provides acceptable refuse arrangements for the commercial and residential elements of the scheme a condition will be required for the
applicant to provide details of the refuse arrangements prior to any work commencing on site.

**Residential Amenity**
Concern has been raised from a number of surrounding properties that this development will lead to unacceptable levels of overlooking and loss of light to their properties.

The 4 no two storey dwellings are 8.5 metres in height from slab to ridge height and the previous approval was just over 8 metres in height from slab to ridge height. Therefore there is a slight increase in the height of the development over the previous approval. It is not considered this increase in height will have an adverse impact on any of the adjoining existing dwellings.

Each property of block B will have a rear garden area of some 10.8m in depth which will provide sufficient sized gardens which comply with the Council's Residential Layout Guidelines.

From the north elevation of block B to the nearest properties rear elevations on Raphael Road a distance of between 20 metres (at the western end) to over 26 metres at the eastern end is provided.

The minimum distance in the Council’s residential layout guidelines is recommended to be 21 metres. This scheme only falls short on far western side by around 1 metre when comparing the distance with No.64 Raphael Road. Between the development site and the dwelling is an alleyway which means there will be a physical gap between the amenity space of the existing and proposed dwellings. This gap is vital as there is a difference of land levels between the two sites having a common boundary could result in a perception of overlooking into the existing gardens from the proposed development.

The impact on the properties on Elliot Street from block A is that No.9 and No.10 will be faced with the flank elevation of block B. There are no windows in the flank elevation so there will be no overlooking into the properties of Elliot Street. In order to ensure no windows are put in by future occupiers a condition stating no additional openings or windows shall be constructed on block B without the permission if of the Local Planning Authority.

Concern has been raised from the occupiers of Elliot Street that the development will infringe the “25 degree rule”. The diagram below shows the 25 degree rule.

![Diagram showing the 25 degree rule](image)

Having checked the 25 degree there is only a marginal failure when applying this rule to the dwellings on Elliot Street which is not enough to be detrimental to the amenity of...
these properties to warrant a planning refusal which can be sustained at appeal. The impact of development is also lessoned by the fact the roof is hipped on block B.

Neighbour objections have included reference to ‘Right to Light’ which is common law and is not a material planning consideration.

The Council has already considered that the impact of a building of this size in this location is acceptable (2006 approval) and the opinion of officers is that is not sufficient to warrant a redesign of refusal.

In order to ensure that the residential amenity of future occupiers and surrounding properties are protected Regulatory Services require specific conditions to deal with the following issues:

- A condition requiring an assessment on how the development will deal with surrounding existing noise and the noise from the proposed commercial use.
- Traffic noise assessment for block A.
- A condition dealing with light impact on surrounding properties.
- A condition dealing with how the boundary treatment to the car park will minimise the impact on the adjoining properties.

**Vehicle Access and Car Parking**

Having consulted Kent County Council and the Senior Development Engineer no objection is raised regarding the amount of parking provision provided for residential element (at least 1 space per unit) and there is sufficient parking provision for the retail element of the scheme. It should also be noted there are a large amount of unrestricted parking bays in front of the church which provides additional parking provision for the scheme.

It is considered that the plans submitted show sufficient space for delivery lorries and refuse trucks.

Subject to conditions dealing with the following specific issues there is no highway objection to this proposal:

- Detailed design arrangement of the vehicle access and associated crossover (including returning the existing redundant frontage crossover to footway standards);
- A yard management plan; and
- Parking management plan.

**Retail Unit**

At ground floor of block A its proposed to have a A1 retail unit with a floor space of 323m². The Gravesham Local Plan First Review does not define a boundary of the East Milton Road Local Centre.

As the retail unit is less than 2,500m² and there is no locally set floor space threshold, an impact assessment is not required.

If the public house was still standing it could have changed from its permitted use (A4) to A1 without the requirement of planning permission.

Local Centres form part of the established hierarchy of retail ‘centres’ from the Town Centre which is the prime location for retailing in the Borough down to smaller neighbourhood centres which may comprise a few local shops. In considering the range of facilities typical of a Local Centre, which should be regarded as a focal point
for the local community, guidance suggests this could often include a small supermarket, some grocery stores plus a number of other uses such as a newsagent, post office, chemist, takeaway, and launderette. In short it should be an area that meets the day to day needs of the local community.

Having visited the site it can be concluded that the site of the former public house is on the edge of the Local Centre. Adjoining the site to the east is the Milton Fish Bar (A5 use) and to the east of that shop are two retail units (A1), and beyond that is number of retail units (A1) and then the public house of Milton Ale Shades (A4).

Having determined that the site is located on the edge of an identified Local Centre (East Milton Road) within which the general thrust of planning policy is to protect and enhance its retail function to meet the needs of the local population in a sustainable manner (i.e. within walking distance to avoid the need to travel). The current proposal will increase the amount of retail floorspace in this Centre to improve its retail provision.

Saved Policy S6 of the Local Plan First Review 1994 is the principal local planning policy applicable to this application as it relates to Local Centres and states the following:

*The Borough Council will generally resist applications which will result in the loss of shopping units in the local centres and villages. Some non-office services and offices, particularly where they require a shop window frontage or occupy upper floors and serve the needs of the locality, will be acceptable, provided that the role of shopping in the local centre is not undermined. Minor increases in shopping floorspace will be acceptable.*

The most common application of this local policy is to protect the retail function of a Local Centre by resisting the loss of retail units to such uses as hot food takeaways and betting shops. However, this current application is somewhat converse to that usually experienced as it seeks to bring a retail use within an identified Local Centre, thus increasing the retail provision in the Centre.

In the context of this application there is a question as to whether the proposed increase in floorspace would represent a minor increase in floorspace as allowed under this policy. Whilst it states that "minor increases in shopping floorspace will be acceptable" it does not define what constitutes a minor increase and this is therefore, deliberately, left open for interpretation in the context of the Centre in question and the merits of the individual proposal. The proposed retail use will provide around 323sqm of floorspace which would represent a significant increase in floorspace within the Local Centre but this would not be detrimental to the surrounding area.

Furthermore, the general principle of enhancing the retail provision and services offered within an identified centre is supported by more recent national planning guidance contained in the NPPF.

As the proposed floorspace is on the edge of an existing Centre, it is not necessary for the applicant to consider alternative locations that may be better suited for such a use, as it is in accordance with general policies that seek to locate such uses within established centres. Likewise, the scale of additional floorspace proposed (323sqm) is insufficient to undermine the vitality and viability of the main Town Centre and it is therefore not necessary to require an assessment of its impact.
Therefore the retail element of this application is in full accordance with planning policy and specifically the Government’s direction of travel in relation to the delivery of sustainable development.

A concern with retail development is that it could generate disturbance to residents living above the retail unit or the existing surrounding dwellings. In order to reduce any impact on the properties the hours of use will need to be controlled through a condition (7am to 11pm) and impose a condition controlling the level of noise emitted from the premises, which may cover such paraphernalia as air conditioning or refrigeration units. In order to reduce the impact of deliveries on the properties a condition requiring the submission of a yard management plan that should specifically make reference to arrangements and timings for deliveries.

External lighting has the potential to cause disturbance and therefore its recommends imposition of a planning condition to ensure that any light spillage from the site does not exceed recognised standards when measured at a window of any residential property.

Subject to safeguarding conditions, it is considered that the retail element of this application is acceptable.

Community infrastructure financial contributions
Kent County Council have identified a need for financial contributions amounting to £52,953.25 which will be towards primary and secondary school places, libraries and adult social services to offset the impact of this development upon the existing community infrastructure.

The County Council contributions are applied across the County upon residential development to mitigate the increased demand on County services arising from the additional population and users of County services from extra new homes. All forms of housing are required to contribute. Without contributions, the County services are spread more thinly reducing their availability to already existing residents and users.

In the applicant’s Design & Access Statement they state that due to the fact the scheme will be affordable housing for existing local families and individuals, no financial contributions are required for the site. The economics of construction and the land sale figure would mean contributions would be difficult to accommodate.

The application has not been accompanied by a viability report showing how the scheme will be unviable if KCC contributions are paid or put forward an argument that KCC contributions do not meet the tests set out in paragraph 204 of the NPPF which state planning obligations must comply with the following tests:
1) Necessary;
2) related to the development; and
3) reasonably related in scale and kind.

The Council has been supportive in the requests from KCC and it is recommended that KCC requests are requested through a legal agreement. It should be noted that the 100% affordable scheme development down the road at the former dairy crest site was permitted in 2012 (20120767) and that included KCC contributions.

Trees
The site contains no protected trees and the vegetation which is currently on the site is a result of the pub being demolished and wind-blown seeds taking hold. The
application is accompanied by an ecological appraisal dated January 2014 and concluded the following:

The Site is currently ecologically poor due to its past use for commercial activity with formal garden. Features which require protection and enhancement are limited and centred on a small number of broad-leaved boundary tree(s). Otherwise there is little of note on site.

The proposed block plan shows a number of boundary trees being retained which is in line with the recommendations of the report.

A landscaping/boundary treatment condition will be included which will ensure the Council has full control over which trees are retained how the site is finished in terms of soft and hard landscaping.

In view of the proximity of the adjoining heritage asset, an archaeological watching brief is recommended.

8. Conclusion

The scheme which has been submitted will result in making excellent use of a brownfield site and provide a mixed use development which will serve the local community.

There is no conflict with local and national planning policy and it is considered that all concerns raised from the objectors have been carefully considered. It is not considered that any of the concerns raised warrant a refusal or a fundamental redesign of the scheme.

RECOMMENDATION

Delegation to Service Manager (Development Management) to determine in the light of the Board being minded to grant conditional planning permission, subject to
• S.106 Agreement for community infrastructure contributions;
• Planning conditions.