

APPLICATION: MA/11/2108 Date: 9 December 2011 Received: 25 June 2012

APPLICANT: Mr Josh Benning

LOCATION: THE OLD SCHOOL, 92A, MELVILLE ROAD, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Change of use of existing dormitory building into 10 residential bedsits with alterations and the provision of parking and amenity areas as shown on drawing nos 011/032-005A, 011/033-001/A, 011/033-002/A, 011/033-003/A, 011/033-004/A received on 9/12/11 and 011/032-006/B received on 24/2/12 ; as amended by drawing nos 011-032/055/A, 011-032/105/B, 011-032/106/B, 011-033/108/B, 011-033/109/B received on 25/6/12.

AGENDA DATE: 30th August 2012

CASE OFFICER: Geoff Brown

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

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

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, H21, CF1
- South East Plan 2009: CC1, CC4, CC6, BE1
- Village Design Statement: N/A
- Government Policy: NPPF

## **2. HISTORY**

MA/06/2117 - Retrospective application for a change of use to a boarding house – permitted

MA/06/0714 - Outline application for the demolition of existing building and construction of a block of 12 no. flats with associated parking, with siting, means of access, design and external appearance to be considered at this stage and landscaping reserved for future consideration - Refused

MA/06/0075 - Outline application for the demolition of existing building and construction of a block of 16 no. flats with associated parking with siting, means of access, design and external appearance to be considered at this stage and landscaping reserved for future consideration - Refused

MA/96/0174 - Demolition of existing kitchen and toilets and the erection of two single storey extensions to accommodate new toilets for both staff and pupils - Permitted

### **3. CONSULTATIONS**

KENT HIGHWAY SERVICES has no objection

MOUCHEL (on behalf of the County Council) states that a financial contribution is necessary in order to mitigate the additional impact on the delivery of services: this in terms of local libraries, community learning and adult social services. A contribution of £2433.62 is requested for the Maidstone Library; £427.70 for the Maidstone Adult Learning Centre and Maidstone Outreach centres; and £748.48 for a variety of local adult social services projects in Maidstone.

NHS KENT AND MEDWAY requests a financial contribution to health care provision of £3600. The institutions that would potentially benefit are medical facilities at Marsham Street, St Lukes, Holland Road, Brewer Street, Shepway, Grove Park, Allington Park and Blackthorn.

SOUTHERN WATER has no objection

THE MBC ENVIRONMENTAL HEALTH MANAGER has no objection but recommends the imposition of a condition requiring a report to be submitted to assess the air quality at this site and the impact of this development on air quality.

### **4. REPRESENTATIONS**

COUNCILLOR ENGLISH has requested committee consideration on the basis that "The application poses questions of residential amenity for existing and future residents which require committee consideration."

ONE NEIGHBOUR expresses concern that dormer windows are being constructed in the building which will lead to a loss of privacy to dining room, kitchen and garden.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located within the urban area of Maidstone off the west side of Melville Road. This is an old school building (formerly St Philip's Church of England Primary School), probably of Victorian age, of yellow brick with red brick detailing under a tiled roof. The building is single storey and fronts Melville Road with two off-street parking spaces there, facilitated by a length of dropped kerb. Vehicular access is available from Upper Stone Street to the west and this leads to the rear yard of the old school building which is completely hardsurfaced. This is a residential area and there are houses to north and south of the application site.

5.1.2 The site is currently being renovated but its last active use was a 'boarding house' pursuant to planning permission MA/06/2117. This was low cost housing essentially in the form of a house in multiple occupation with private bedrooms sharing other facilities. Ten bedroom units were allowed. From the officer's site visit it would be fair to say that the standard of accommodation and facilities was low.

### **5.2 Proposal**

5.2.1 This application proposes the change of use from the 'boarding house' to 10 self-contained bed-sit units. Each flat would have a mezzanine floor (thereby exploiting the roof space) to provide additional accommodation. There would be internal rearrangement to split up the accommodation. The principal external changes would be the insertion of 9 new roof light windows to facilitate the use of the roof space. There are already existing roof light windows: one in the front (east) elevation and one in the north elevation. The new roof lights would involve an additional three windows in the north elevation and six new windows on 'inner facing' roof slopes elsewhere.

5.2.2 Outside of the building the rear yard area would be redeveloped so that the northern part would form an amenity area for the residents, of gravel surfacing with small tree planting and shrub borders. The southern part of the yard would remain as a hardsurfaced area for the parking and turning of vehicles: three spaces are shown with a further two shown off the Melville Road frontage.

### **5.3 Principle of Development**

5.3.1 The lawful use of this site is a residential use and therefore there is no objection to replacement with another form of residential accommodation. The general

density of accommodation remains the same: essentially 10 units to replace 10 units.

#### **5.4 Visual Impact**

5.4.1 This is not a listed building, nor is it in a conservation area. It retains some of its character as a Victorian school building but it has clearly fallen into a poor state of repair. The main external changes involve the insertion of the roof windows: these would be predominantly on roofslopes not visible from Melville Road or Upper Stone Street and I consider there would be no adverse impact on the appearance of the area; indeed the general refurbishment of the building and provision of better accommodation would present benefits in terms of the character of this part of the town. The breaking up of the rear yard into separate amenity and parking areas, with small scale landscaping, would have some minor advantages in this regard.

#### **5.5 Residential Amenity**

5.5.1 I do not consider that the intensity of use would rise significantly as a result of this scheme. In terms of the general noise from comings and goings the amount of residential accommodation remains essentially the same and I do not consider that noise and disturbance would rise significantly.

5.5.2 There is no extension proposed to the building and there would be no loss of light or outlook to neighbours. In terms of privacy, a neighbour expresses concern as to the insertion of roof windows [they are not dormers as stated in the representation letter]. The agents have submitted sectional drawings to specifically address this point: they show the relationship of the proposed roof windows with the mezzanine floor and demonstrate that persons standing on the mezzanine would only have views of the eaves and roofs of neighbouring dwellings rather than down to any private windows or amenity areas. I conclude that there would be no significant loss of privacy to any neighbour.

5.5.3 It seems to me that this application represents an opportunity to upgrade accommodation and the amenities of prospective occupants are likely to be at least adequate. The provision of an outdoor amenity area is a positive step. I note the comments of the Environmental Health Officer on air quality issues but the building is already used for residential accommodation and I do not consider it reasonable to impose conditions requiring surveys, mitigation, etc. on that issue.

## **5.6 Highways**

5.6.1 The Highways Officer has no objection. She states that the current proposal would not be likely to lead to a significant increase in traffic movements and that the proposed parking provision is acceptable. I concur: the access arrangements remain essentially unchanged and I consider the parking provision of 5 spaces for 10 units to be acceptable in a location that is very well served by basic services and access to public transport. The proposed division of the yard raises the issue of the balance to be reached between providing an amenity area and parking provision: in this case I consider the appropriate balance has been achieved.

## **5.7 Landscaping**

5.7.1 As stated above, the provision of the amenity area represents a minor improvement in terms of the 'greening' of the site. I note that the plans indicate ornamental planting and I am seeking to negotiate at least some native species to be included in the planting scheme.

## **5.8 Other Matters**

5.8.1 Service providers have requested that financial contributions need to be made in this case as set out above in the Consultations section. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010 and the NPPF. This has strict criteria that sets out that any obligation must meet the following requirements:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.8.2 The following requests have been made by consultees:

- a) A contribution of £2433.62 for bookstock, staff and extended hours at Maidstone Library required by the demand created by the proposed development;
- b) A contribution of £427.70 towards community learning for the Maidstone Adult Learning Centre (equipment, staff and classes) and Adult Learning in Maidstone Outreach centres through the provision of additional equipment, staff and classes required as a result of this development;
- c) A contribution of £748.48 towards Adult Social Services for the following projects in Maidstone as a result of this development:

Project 1: Training resource for young people and adults with a disability;

Project 2: Integrated Dementia Care – a centre for the frail and at risk to assist people to remain in their own homes, contributing to rehabilitation, promoting daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being;

Project 3: Co-location with Health in Maidstone providing health linked care needs and assessment suite;

Project 4: Changing Place facility as part of Learning Disability (LD) vocational hub: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community using everyday facilities without having the restriction of having to return home for personal care;

Project 5: An LD Vocational hub in Maidstone - offering District wide services to cater for specific needs and training within the District as well as a community environment which can include: drop in resource, internet café, training facilities, care management facilities, community activities, multi-sensory room;

Project 6: Changing Place facility at Maidstone Leisure Centre: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community and use the Maidstone Leisure facilities;

Project 7: Assistive Technology (also referred as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc;

- d) A contribution of £3600 for improving health care facilities. In terms of this application, and at this stage, a health care need has been identified for contributions to support Marsham Street practice and/or St Lukes Medical Centre, Holland Road and/or Brewer Street and/or Shepway, Medical Centre and branches and/or Grove Park surgery and/or Allington Park surgery and/or Blackthorn Medical Centre. This contribution will be directly related to these developments as it will help towards redevelopment and/or refurbishment and/or upgrade.

5.8.3 This proposal includes the provision of contributions for the Primary Care Trust (PCT) and Kent County Council (KCC). The applicant has been made aware of these requests, and has agreed, in writing, to provide such funding.

5.8.4 The PCT have requested that a contribution of £3600 be provided to upgrade the existing facilities within the locality, to ensure that the additional demand placed upon this infrastructure can be accommodated. Policy CF1 of the Local Plan states that residential development that would generate a need for new community facilities will not be permitted unless the provision of new (or extended) facilities are provided, or unless a contribution towards such provision is made. I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing surgeries, and that the money being requested is not excessive. I am satisfied that this request for contributions complies with the three tests as set out above.

5.8.5 KCC has requested that the following contributions be made:

- a) A contribution of £2433.62 for bookstock, staff and extended hours at Maidstone Library required by the demand created by the proposed development;
- b) A contribution of £427.70 towards community learning for the Maidstone Adult Learning Centre (equipment, staff and classes) and Adult Learning in Maidstone Outreach centres through the provision of additional equipment, staff and classes required as a result of this development;
- c) A contribution of £748.48 towards Adult Social Services for the following projects in Maidstone as a result of this development:

Project 1: Training resource for young people and adults with a disability;

Project 2: Integrated Dementia Care – a centre for the frail and at risk to assist people to remain in their own homes, contributing to rehabilitation, promoting daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being;

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Project 5: An LD Vocational hub in Maidstone - offering District wide services to cater for specific needs and training within the District as well as a community environment which can include: drop in resource, internet café, training facilities, care management facilities, community activities, multi-sensory room;

Project 6: Changing Place facility at Maidstone Leisure Centre: A specialist changing place toilet facility for people with profound and multiple needs enabling them to integrate within the local community and use the Maidstone Leisure facilities;

Project 7: Assistive Technology (also referred as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc.

Again, I am satisfied that this request is in accordance with Policy CF1 of the Maidstone Borough Wide Local Plan (2000). I am of the opinion that the additional units being proposed here would give rise to additional demand upon the existing library, community learning and adult social services facilities and that the money being requested is not excessive. I am satisfied that this request for contributions complies with the three tests as set out above.

## **6. CONCLUSION**

- 6.1 I conclude that this proposed redevelopment of an existing residential establishment is acceptable. I consider it likely to have a positive impact on the character of the area and acceptable in terms of residential amenity and highways issues.

## **7. RECOMMENDATION**

Subject to:

A) the prior completion of a S106 legal agreement addressing the following matters:

- a) A contribution of £2433.62 for bookstock, staff and extended hours at Maidstone Library required by the demand created by the proposed development;
- b) A contribution of £427.70 towards community learning for the Maidstone Adult Learning Centre (equipment, staff and classes) and Adult Learning in Maidstone Outreach centres through the provision of additional equipment, staff and classes required as a result of this development;
- c) A contribution of £748.48 towards Adult Social Services for the following projects in Maidstone as a result of this development:

Project 1: Training resource for young people and adults with a disability;

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daily living skills, resources for social care and health, specialist dementia care, support & information for carers, and daytime activities to maintain client skills and well being;

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Project 5: An LD Vocational hub in Maidstone - offering District wide services to cater for specific needs and training within the District as well as a community environment which can include: drop in resource, internet café, training facilities, care management facilities, community activities, multi-sensory room;

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Project 7: Assistive Technology (also referred as Telecare): enabling clients to live as independently and secure as possible in their own homes on this development through the use of technology items, including: pendants, fall sensors, alarms, etc;

- d) A contribution of £3600 for improving health care facilities. In terms of this application, and at this stage, a health care need has been identified for contributions to support Marsham Street practice and/or St Lukes Medical Centre, Holland Road and/or Brewer Street and/or Shepway, Medical Centre and branches and/or Grove Park surgery and/or Allington Park surgery and/or Blackthorn Medical Centre. This contribution will be directly related to these developments as it will help towards redevelopment and/or refurbishment and/or upgrade.

and B) the conditions set out below;

**The Head of Planning BE GIVEN DELEGATED POWERS TO APPROVE:**

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. The development hereby permitted shall be carried out in accordance with the following approved plans:  
drawing nos 011/032-005A, 011/033-001/A, 011/033-002/A, 011/033-003/A, 011/033-004/A received on 9/12/11 and 011/032-006/B received on 24/2/12 ;  
as amended by drawing nos 011-032/055/A, 011-032/105/B, 011-032/106/B, 011-033/108/B, 011-033/109/B received on 25/6/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with Policies CC1 and CC6 of The South East Plan 2009.

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This in accordance with Policies CC1 and CC6 of The South East Plan 2009.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted. This in accordance with Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development. This in accordance with Policy ENV6 of The Maidstone Borough-Wide Local Plan 2000.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.