

REPORT SUMMARY

REFERENCE NO - 14/500412/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and redevelopment of the site to provide 69 residential units including affordable housing (use class C3) together with associated car parking, landscaping and infrastructure works.			
ADDRESS Land at Oakapple Lane and Hermitage Lane Maidstone Kent			
RECOMMENDATION Grant Planning Permission subject to a legal agreement			
SUMMARY OF REASONS FOR RECOMMENDATION/ The proposal is acceptable in principal; The density and design of the scheme is appropriate for the site and will enhance the area; The proposal will not compromise highway safety; The loss of a non-designated heritage asset has been explored/considered justifiable; The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.			
REASON FOR REFERRAL TO COMMITTEE Councillor Vizzard has requested it be reported.			
WARD Heath Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Mark Steedman AGENT Mr Ben Thomas	
DECISION DUE DATE 18/09/14	PUBLICITY EXPIRY DATE 18/09/14	OFFICER SITE VISIT DATE various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/12/2255	Outline planning permission for the erection of 53 residential units with all matters reserved	Resolution to grant planning permission subject to a S106	6.11.14
MA/14/501662	Notification to carry out demolition of former nurses' home	Prior Approval Needed	5/8/14
MA/14/505590	Prior Approval to demolish former nurses' home	Approved	9/12/14

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site is located within the urban confines of Maidstone in the

settlement of Barming. The site is approximately 1.36 hectares in size and fronts Hermitage Lane (B2246). The site is situated on the west side of Hermitage Lane at the junction with Oakapple Lane and extends to the north to the junction of Oakapple Lane and Springwood Road. Opposite the site on the other side of Hermitage Lane is the junction with Marigold Way.

- 1.2 The site currently contains three main buildings comprising: an NHS walk in centre (the Pagoda Building); a former Nurses Home; and Oakapple House. There is a large car parking area on the site fronting Hermitage Lane. The Planning Statement explains that the Nurses Homes site is no longer required by the Hospital Trust as the facilities do not meet current standards and significant maintenance would be required in order for the building to be refurbished (previously considered under application MA/12/2255). The Pagoda Building and Oakapple House are also surplus to the needs of the NHS as the facilities are being re-located within the Borough. The buildings are vacant. Accompanying the Planning Statement is a letter from the NHS stating how the facilities and in particular the Pagoda building are to be replaced elsewhere,
- 1.3 The general character of the area is residential in nature and comprises a mix of bungalows, two storey semi-detached houses and 3 storey flatted blocks. The Maidstone and Tunbridge Wells NHS Trust hospital lies to the north east. Opposite the site on the East side of Hermitage Lane the street scene is characterised by a wide grass verge and footpath. Beyond this lies a significant ragstone wall which acts as a demarcation between the road and new housing.
- 1.4 The site is currently accessed from Hermitage Lane, which forms the eastern boundary of the site. This existing access is proposed to be closed off and two new access points will be created adjoining Oakapple Lane along the northern boundary of the site.

2.0 PROPOSAL

- 2.1 Planning permission is sought to redevelop the site for 69 units. This would involve the demolition of all the existing buildings on the site. The demolition has previously been accepted through the resolution to grant planning permission on the aforementioned scheme (MA/12/2255) and the applicant has been through the prior notification and prior approval process with regard to the demolition. The current proposal would see the site developed at a density of 46 dwellings per hectare.

- 2.2 The application has been accompanied by the following professional reports:

Air Quality Assessment; Arboricultural Assessment; Daylight and Sunlight Assessment; Design and Access Statement; Desktop Archaeological Assessment; Energy Statement; Heritage Assessment; Noise Assessment; Sustainability Statement; Transport Statement; Flood Risk Assessment and Ecology Statement.

- 2.3 The scheme would provide 40% affordable housing with all dwellings to meet Level 3 of the Code for Sustainable Homes. A dwelling mix is proposed which would deliver 41 private units and 28 affordable. Overall, the range of units provided is as follows:

6 x 2 bed private	8 x 1 affordable
23 x 3 bed private	15 x 2 bed affordable
12 x 4 bed private	1 x 3 bed affordable
	4 x 4 bed affordable

- 2.4 The scheme is largely made up of terraced properties and flatted development; although it does include 1 detached dwelling and 4 pairs of semi-detached dwellings. The street scene fronting Hermitage Lane will consist of a terrace of 4 (3 bed dwellings), a terrace of 5 (3 bed dwellings) and half of the 'L' shaped block of 2 bed apartments before it turns the corner into Oakapple Lane. The terraces are two storeys in the middle with a "loft conversion" with the end units increasing to 3 storey's in height. The apartment building is 3 storeys high.
- 2.5 The frontage onto Oakapple Lane is part three storey development dropping to two storey where closer to existing dwellings and into Springwood Road. Within the site the dwellings are predominantly 2 storey.
- 2.6 Access is off Oakapple Lane save for 4 units which will be served directly off Springwood Road. The layout incorporates some private driveways and garages but is essentially parking courts. Significant areas at the site entrance have been retained for open space to allow the retention of existing trees.
- 2.7 A 1.2m wide pedestrian footpath has been provided at the rear of the site to facilitate access to an existing pathway network which leads to the open space/heathland to the south west of the site.
- 2.8 The frontage of the site onto Hermitage Lane comprises a setback to allow for a ragstone wall and substantial landscaping.

- 2.9 The affordable units within the scheme are located to the north, north-east and south/south-east.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	1.36 hectares	same	
No. of Storeys		2, 2.5, 3	
No. of Residential Units		69	
No. of Affordable Units		28	

4.0 PLANNING CONSTRAINTS

TPO trees

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, CF1, T13
Supplementary Planning Documents: Affordable Housing, Open Space

6.0 LOCAL REPRESENTATIONS

In summary 12 objections have been received, of these one was on behalf of the Springwood Oakapple Residents Association, one from a County Councillor and the remainder from nearby residents on the following grounds:

- * Unsatisfactory living environment for proposed new residents due to noise and pollution from vehicles on the heavily used Hermitage Lane;
- * Proposed 3 storey buildings will trap the traffic noise and reflect it back to existing residents on the opposite side of Hermitage Lane;
- * The previous condition on application MA/12/2255 requiring a 10m set back should be applied to this proposal;
- * Inadequate road access will lead to further congestion on Oakapple Road; blind spot from new flat block;
- * Lack of parking control leading to danger for emergency vehicles;
- * Design unacceptable as it leads to social segregation;
- * The majority of affordable housing is concentrated in one area;
- * Infrastructure will not cope such as schools, dentists, doctors, sewerage system;
- * Crime will increase;

Loss of trees/greenery/impact on ecology;

Overshadowing to existing properties in Springwood Road and Edmund Road;

loss of privacy

suggest yellow lines, upgrading of pathways

Non-planning issues:

* Questions over demolition and implementation of works/disruption/access onto private property/notification procedures.

7.0 CONSULTATIONS

7.1 Cllr Vizzard: Main concerns are that the development is not set back as per the outline application, and if the set back is maintained would like this to be with a ragstone wall so as to be sympathetic with the facing hospital wall. Considers the access road to be in a dangerous position.

7.2 **Maidstone Borough Council Strategic Housing:** The applicant has submitted site plans indicating where the affordable units will be placed which we have no objection to. The affordable provision has not changed from the original application which provides a workable mix of tenure/bed size mix. The 40% affordable housing is provided as a 60/40 split between affordable rent/shared ownership units.

7.3 **MBC Heritage, Landscape and Design:** 'In summary'. Objects to the application. The site contains two existing buildings – the original, large Nurses' Home and Oakapple House, a smaller building of late 20th Century date. The latter is a building of no architectural or historic value and I have no objections to its demolition, but the original home is a grand building of architectural quality, historic interest and townscape importance which I consider should be regarded a non-designated heritage asset.

A previous outline scheme for demolition and redevelopment for residential purposes was made under reference MA/12/2255. Delegated powers to grant planning permission subject to the completion of a legal agreement were granted to the Head of Planning and Development on 6th November 2014.

The Conservation Officer had objected in some detail to the previous application in relation to the loss of the nurses home and the 'wholly unacceptable' indicative design put forward for the replacement.

With regard to the current application he is still of the view that the loss of the existing building is unfortunate, due in part to the quality of the building itself and partly due to its wider significance. However, he accepts that the principle of the loss of this building has been established through the resolution to grant planning permission.

With regard to the current scheme he acknowledges that the design is an improvement to the illustrative scheme under MA/12/2255; it is his view that the quality is not “exceptional”. He states that the quality is not as good as the existing building. Finally, he raises the issue that the location of terraces is less spacious than the set back provided by the existing building.

7.4 MKIP Environmental Health: Raise no objections. Request a contaminated land survey. Procedures should be followed in relation to demolition and construction activities and the impact on local residents. Agree with the recommendations relating to installation of glazing and acoustically treated ventilation. Agree with the recommendations in the air quality assessment; consider it appropriate to implement the proposed mitigation measures.

7.5 MBC Parks and Open Space: For a development of this size would expect to see a minimum onsite provision of open space of 0.89 ha. The development will impact on existing areas of formal open space with no such provision on site. Other than a small amenity area of greenspace there is no space provided on site and as such a contribution is sought for off-site provision. The contribution would be used for areas of Equipped Play; Outdoor Sports Facilities, and Parks and Gardens. The sum of £1575 per dwelling is sought. (£108675 in total). The off site contribution would be used within one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities. Sites such as Barming Heath and Gatland are within half a mile and appropriate.

7.6 KCC Highways and Transportation: (original comments). No objections subject to the following conditions:

- i) Closure of existing access onto Hermitage Lane and amendments to carriageway right turn markings.
- ii) A continuous footway is required to extend from the existing footway on the south side of Oakapple Way to the junction of Hermitage Lane and to continue along Hermitage Lane to the pedestrian refuge to the south of this junction.

- iii) Bus boarders are required at the bus stop on the eastern side of Hermitage Lane in order to improve accessibility for the mobility impaired.
- iv) This is an area where on street parking is already prevalent and parking restrictions may be required subject to consultation with Maidstone Borough Council Parking Services.
- v) A Residential Travel Pack should be prepared and provided to new residents.
- vi) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- vii) Provision of measures to prevent the discharge of surface water onto the highway.
- viii) Provision of wheel washing facilities prior to the commencement of work on site and for the duration of construction.
- ix) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- x) Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- xi) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- xii) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments visibility splays, accesses, carriageways gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- xiii) Completion of the following works between a dwelling and the adopted highway prior to the first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

In addition to the above, highways are also seeking a contribution of £29,408 in total for the 16 unit uplift on the site towards the improvements schemes at the A26/Fountain Lane and A20/Coldharbour junctions.

KCC Highways and Transportation: (additional comments in response to concerns raised by Ward Councillors). Tracking diagrams have been provided which indicate a large refuse vehicle and fire appliance are able to manoeuvre round the bend and turn within the site. The provision of a bend in the layout will help to control traffic speeds as part of the traffic calming scheme.

The development proposal comprises of 69 new homes and 54 are to be served from a single access which is in line with the guidance given in the Kent Design Guide.

In considering this application I am mindful that this site already has a resolution to grant outline permission subject to a legal agreement for 53 homes under planning application MA/12/2255, therefore the current application proposes an uplift of 16 dwellings on the approved scheme. Also the previous use of the site by the nurse's homes generated a similar level of traffic movements to that which would be generated by the current application; it is estimated that the residual increase in traffic movements would be 6 vehicle movements in the peak hours.

The development is estimated to generate 9 arrivals and 28 departures in the AM peak and 27 arrivals and 17 departures during the PM peak. There is a ghosted right turn lane on Hermitage Lane at the junction with Oakapple Lane and this would help to maintain the free flow of traffic on Hermitage Lane.

7.7 Parking Services: Where restrictions are suggested to manage road safety, obstruction or highway sightlines, as in this case, it is KCC Highways who consider the introduction of restrictions as the highway authority.

7.8 Southern Water: (In summary) Confirm that foul sewage disposal can be provided to service the proposed development. Recommend an informative be attached to any consent. Surface water drainage is to be via a watercourse, this will need to be considered by the relevant authority for land drainage consent. SUDS (which are proposed) legislation and guidance rely upon facilities which are not adoptable by sewerage undertakers. The applicant will need to ensure arrangements are in place for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. A detailed scheme for drainage should be submitted for approval to the local authority.

7.9 UK Power Networks: No objections to the proposed works.

7.10 Kent Police: Full crime prevention advice has not been applied for by the applicant and therefore limited advice has been given from an initial meeting with them.

7.11 NHS Property Services: Seek a healthcare contribution of £34,538.40, plus support for legal costs in connection with securing the contribution. The figure has been calculated on the cost per person needed to enhance healthcare needs within the NHS services.

7.12 Environment Agency: No objection subject to conditions.

7.13 Tonbridge & Malling Borough Council: No formal comments received. However, discussions are on-going between the two Authorities regarding sites within this part of the Borough and joint implications in highway terms.

7.14 MBC Landscape Officer: -Expresses concern over the space for planting within the development and requests that more details are provided via a pre commencement landscape condition- including implementation particulars, a maintenance schedule and long term management plan.

7.15 Kent County Council Strategic: £4000 for each 'applicable' house and £1000 for each 'applicable' flat towards build cost £2701.63 per applicable house and £675.41 per applicable flat towards land acquisition for a new primary school.

- £2359.80 for each applicable house and £589.95 per applicable flat towards secondary school education.
- £144.36 per dwelling to provide expansion of library services in Maidstone and additional bookstock.
- £30.70 per dwelling towards community learning.
- £53.88 per applicable dwelling for Adult Social Care.
- £8.44 per applicable dwelling for Youth Service.

8.0 BACKGROUND PAPERS AND PLANS

Planning application MA/12/2255

Drawings as listed on the 'drawing register' reference 081304-Bel-SE

9.0 APPRAISAL

9.01 The main issues for determination are considered to be as follows: Principle of the development; loss of the nurses home; density; design and layout; impact on amenity

of the surrounding area; highway and parking issues; sustainability; affordable housing and developer contributions.

9.1 Principle of Development

- 9.1.1 In policy terms the site is brownfield, lies within the urban area and is not allocated for any particular use by adopted or emerging planning policy. The site is in a sustainable location and is well related to existing infrastructure, services and public transport. None of the buildings on the site are listed and the site does not lie within a Conservation Area. The site is at a low risk of flooding, falling within Flood Zone 1.
- 9.1.2 Irrespective of the Council's position regarding the lack of a five year supply of housing and status of an emerging local plan, given (a) the general presumption in favour of sustainable development in built up areas, (b) the past use of the site for nurse's accommodation and (c) the fact that the site is subject to a resolution to grant planning permission for 53 residential units, the principle of this application is entirely acceptable.

9.2 Loss of a non-designated heritage asset (the nurses' home)

- 9.2.1 The issue of the demolition of the nurse's home was the subject of concern and debate under the consideration of application MA/12/2255. Whilst not Listed, it is considered to represent a Non Designated Heritage Asset as set out in the NPPF. The building is both prominent and imposing in terms of both its position in the street scene and by its architectural character.
- 9.2.2 A viability assessment submitted under application MA/12/2255 demonstrated that the building required too substantial an investment for any meaningful return; it concluded that the nurse's home could not be retained and Members resolved to grant planning permission with the loss of the building. Subsequently the Council has given Prior Approval for the demolition of the nurses' home and therefore the issue requires no further consideration.

9.3 Density

- 9.3.1 Concern has been raised regarding the number of units proposed on the site. The main issue is to consider whether the site can accommodate the proposed density without compromising the character of the area. There are an additional 16 units

within this scheme than the scheme subject to the resolution to a grant of planning permission. Given that the Council does not have a 5 year land supply and that the shortfall is actually greater than realised at the time MA/12/2255 was first submitted, there is a need to maximise the development potential of a site where the opportunity exists.

- 9.3.2 The proposed development comprises an overall residential density of 46 dwellings per hectare, which falls between the indicative figure set out in local planning policy, and that approved for the recent outline scheme (58 units per hectare). It is considered that the proposed density optimises the use of the site, reflects the local context in accordance with national and local policy guidance, whilst creating a high quality sustainable development. The proposed development seeks to provide a scheme with an appropriate density in an accessible location that responds to its setting. This will be explored in the next section.

9.4 Design and Layout

- 9.4.1 Consideration now turns to the layout and design of the development.
- 9.4.2 The submitted layout has been described in section 2 of this report. In terms of the acceptability of the layout, this has been the subject of discussion between the applicant's and case officers in order to achieve the most effective outcome. Comments have been taken on board from residents and through their ward Councillor's. Since the application was first submitted the applicant has worked with officer's and been amenable and responsive to amending the layout to achieve a strong scheme.
- 9.4.3 The submitted layout has been assessed in terms of impact on daylight/sunlight and amenity within the scheme for proposed residents – impact on existing residents will be considered later in this report. The layout successfully provides a substantial number of the dwellings with south facing gardens and where this is not achieved, all gardens should receive sunlight at some stage throughout the day within their private garden areas. Separation distance and siting of fenestration has been designed to avoid direct overlooking.
- 9.4.4 The layout seeks to achieve connectivity between the site and the nearby open space. The layout enables a pedestrian walkway though the western side of the site to exit at a point which could either formally or informally connect to the existing footpath. The footpath has an adjacent strip for landscaping and is naturally

overlooked and not enclosed.

- 9.4.5 The application which was most recently considered by Members at the planning committee held on November 6 2014 (MA/12/2255) included a condition which required a 10m building set back from Hermitage Lane. This has been flagged up through the consultation on this application. Whilst the aforementioned application did include an illustrative layout which achieved the 10m set back, Officers were not satisfied that the design of the proposal was of an acceptable quality. Whilst a resolution was given to grant planning permission, the report to planning committee made it clear that there was concern over the layout and design illustrated, but as the application was in outline will all matters reserved for future consideration it did not render the application unacceptable.
- 9.4.6 The requirement and merits of providing a uniform 10m building setback on the previous application has been the subject of discussion in the consideration of this application. The purpose of the condition was to ensure good landscaping provision and an acceptable living environment for future occupiers. Officer's imposed the condition to safeguard a Reserved Matters submission as the outline scheme could give no assurances on this matter. The current application is a full application and therefore has considered the design and layout afresh whilst taking into account the reason behind the 10m set back condition.
- 9.4.7 It is my view that the applicant has provided a design solution which provides a good level of landscaping and also amenity for the occupiers of the buildings that front Hermitage Lane. The Environmental Health Officer has raised no objections in light of the acoustic and air quality reports that accompanied the application; thereby confirming that the noise levels/air quality is acceptable in relation to the road to building relationship where fronting Hermitage Lane. The issue is therefore whether the reduced set back is acceptable in landscape and amenity terms. The applicant has submitted a detailed scheme showing front gardens and ragstone walling onto the Hermitage Lane frontage. Gardens are to be planted with hedgerows behind the ragstone wall and between dwellings as boundary treatment. It is my view that the street scene is both active and interesting and will enhance this section of Hermitage Lane.
- 9.4.8 The applicant has worked with Officer's to increase the set back within the layout. As a result, the southernmost building is 9.6m from the road and in line with the existing dwellings to the south; the building in the centre is 7.4m back and then the apartment

block at the end finishes with approximately a 4m set back. The staggered building front with the prominent key building on the corner is, in my view, effective. The northernmost building (apartment block) aligns with the adjoining properties on the northern side of Oakapple Lane which does show a consistent approach to the built form of the area. I consider the attention given to the detailed design of this scheme has negated the need to apply a 10m building set back for the reasons explained above.

9.4.9 The height and massing of the proposal reflects the existing predominantly 2-3 storey residential development in the area. The use of landscaping as a feature at both the site entrance and along Hermitage Lane will make a positive contribution to the character of the area. The design of the properties incorporates features such as quoins, flat roof dormers, roof stacks and brick course detailing. Staggered roof lines and frontages provide articulation and interest in the terraces. The variation of materials would appear acceptable subject to samples being provided.

9.4.10 I note the comments of the Conservation Officer with regard to the key building on the corner in terms of it being insufficient as a substitute for the nurses building. The building is not intended to be a replica of the nurses building and has been designed 'bespoke' for this site. I do not consider it will harm the character of the area, and in terms of its design and positioning I consider it provides a strong focal point on the site with an appropriate setting onto the green space within Oakapple Lane.

9.4.11 The proposed development will utilise sustainable and energy-efficient building techniques and will achieve Code for Sustainable Homes Level 3. The development proposals will also achieve carbon dioxide emission reductions of 27% above Part L 2010 Baseline. This will be achieved through the use of efficient building materials and the inclusion of PV panels at roof level. Energy and Sustainability strategies have been developed by Richard Hodgkinson Consultancy in conjunction with Bellway Homes to reduce energy demand and carbon emissions from the housing as well as create comfortable and pleasant homes for residents. The proposed strategy has followed the energy hierarchy by implementing energy efficiency measures before adopting the use of additional technologies.

Through the construction of a highly efficient building envelope, heating demands for the homes will be significantly reduced. In addition to this, efficient heating and ventilation systems will be installed in order to reduce site-wide energy demand. Photovoltaic panels will also be installed to every property providing a source of decentralised renewable energy. With the implementation of all these measures an estimated reduction in carbon emissions of 25% is predicted over standard 2010 Building Regulations housing stock. As part of this reduction, 10% of the site's predicted regulated energy use will be generated through the use of decentralised renewable technology.

9.5 Residential & Visual Amenity

- 9.5.1 Concern has been raised regarding the proximity of the proposed semi-detached dwellings which front Springwood Road and their impact on existing residents. I have considered the relationship between the two and find that as the proposed dwellings are located to the north/north-east of the existing, there could be no significant loss of sunlight/daylight as a result of the new dwellings. The flank elevation provides only landing/bathroom windows at first floor level and therefore no overlooking issues are raised. The new dwellings are on a similar alignment to the existing, but I have noted they are deeper. However, the separation distance between the existing and proposed buildings is typical of a street scene and I do not consider objection could be sustained on harmful amenity impact.
- 9.5.2 Concern has also been raised regarding traffic increase and parking issues within the area. However, as set out in the highway officer comments and in the section below, the scheme has been found to be acceptable in highway related matters.
- 9.5.3 In terms of the visual impact of the development, I consider the scheme has been well thought out and will not be of detriment to the area.
- 9.5.4 A full landscaping scheme will be submitted as part of conditions attached to this recommendation. Notwithstanding this, the applicant has submitted an indicative layout and suggested planting species to provide an attractive setting for the

development. The access is located as such to ensure retention of key TPO trees at the site entrance. Street trees are proposed within the site to break up parking areas.

- 9.5.5 In terms of ecology interests this has not been raised as an issue on this site through previous applications. This being said in terms of biodiversity enhancement appropriate native planting will be encouraged through a condition.

9.6 Highways

- 9.6.1 Concern has been raised with regard to the impact on the existing road network. As Members are aware, there are a number of potential strategic sites in the locality and recent resolutions to grant planning permission have been given on some sites. Significant work has been undertaken with regard to the capacity of the road network and where appropriate contributions have been sought to deliver improvements.
- 9.6.2 Accompanying the application was a full Transport Assessment. Detailed comments from Kent Highways have been set out above. I am aware that concern has been raised regarding the proposed access into the site, however the highways officer has considered these comments and is satisfied that the access is acceptable in highway terms. Residents have raised the issue of parking problems within the locality and I understand on-site parking has occurred. Clearly any parking that has taken place within the development has been an informal arrangement and cannot be replaced within the development. Sight lanes are appropriate within the scheme and any on street parking scheme can be considered by the highway authority if deemed necessary.
- 9.6.3 It is worth noting that in response to highway comments desiring stronger permeability through the site, the layout was amended and this is now provided.

Other Matters

9.7 Section 106 Requirements

- 9.7.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements:-

It is:

- (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.

9.7.2 The applicants have in their submission stated that they will provide 40% affordable housing within the development. This is in accordance with the Council's adopted DPD and accords with the requirement through the National Planning Policy Framework for authorities to provide affordable housing. I consider that the provision of affordable housing is necessary to make the development acceptable, and is related and reasonable in scale. I therefore consider that this element of the proposal is acceptable in accordance with the regulations.

9.7.3 The County have requested that £4000 for each 'applicable' house and £1000 for each 'applicable' flat be provided towards primary school education. This would contribute to a new two form entry primary school within the locality that would be required due to the additional strain placed upon the existing school network by virtue of this development. There is an identified need for primary school provision within the locality, and there is a realistic opportunity for a new school to be provided through the site allocation process of the emerging local plan. This contribution would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. In addition, the County seeks proportionate contributions towards the Primary School land acquisition cost at £2701.63 per applicable house and £675.41 per applicable flat.

The County have requested £2359.80 for each applicable house and £589.95 per applicable flat be provided towards secondary school contribution. I am satisfied that these contributions meet the tests as set out above.

9.7.4 A financial contribution £144.36 per household towards the provision of new bookstock within the existing library in Maidstone has also been requested. Again, a significant level of justification has been submitted by the County for this provision, which would be brought about by the additional demand placed upon the facilities by the new development. I consider that the contribution would be necessary to make the development acceptable, and that it would be of a scale related to the development. I therefore consider that this would be in accordance with the regulations.

9.7.5 A financial contribution £30.70 per householder towards community learning within the locality of the application site. Suitable justification has been submitted with regards to the proposal, and is considered to meet the test as set out above.

9.7.6 A financial contribution of £53.88 per applicable dwelling is sought for Adult Social Care and £8.44 per applicable dwelling for Youth Service, I consider the request appropriate to the proposal.

9.7.7 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £1575 (*69 = £108,675) per dwelling be provided to enhance the existing facilities within the area, to address the additional strain placed upon them by this development. There is an existing playing field and children's play area to the south of the site that would benefit from the contributions, as it is most likely that residents of this development would use that facility. The contributions sought are in accordance with the Council's Open Space DPD. I consider that this request is reasonable, and is directly related to the development. I also consider it necessary to make the development acceptable.

9.7.8 The National Health Service have requested £360 per occupant (£34,538.40 in total). However, in application MA/12/2255 they did not request that any contributions be made as it is they who are selling the site, and will therefore receive the capital receipts from the sale. The applicant has therefore stated they will not be looking to agree payment of this contribution for the same reasons. I consider it would be unreasonable to move the goal posts on this matter, when the resolution to grant MA/12/2255 was only taken in November 2014 on this basis.

9.7.9 With regard to the Highway contribution this was clarified late in the day with Officers and as such further consideration as to whether this meets the tests will be provided in an urgent update.

10.0 CONCLUSION

10.1 Given that the site is on brownfield land, in an area of residential development and in a sustainable location the principle of this development is acceptable.

10.2 Given the shortfall in the 5 year housing supply, I consider this an appropriate use of the site which will assist in relieving the pressure on greenfield sites.

10.3 Notwithstanding the importance of the nurse's home in terms of history and architectural form, the ability to retain it has been thoroughly examined and whilst

regrettable, its loss is considered justified on viability grounds as concluded through the resolution to grant planning permission for application MA/12/2255.

10.4 The proposal in terms of layout, design and density is considered an appropriate use of the site, which does not compromise the existing grain of development in the locality.

The proposed flattened element of the scheme in lieu of the nurse's home is considered an attractive replacement. The scheme is considered to be of good design.

10.5 The proposed set back off Hermitage Lane of the built development in conjunction with a strong landscaping scheme and ragstone wall is considered to positively enhance the street scene in this location.

10.6 The proposed highway works are considered appropriate in order to ensure the safe functioning of the site and minimal impact on highway safety.

11.0 RECOMMENDATION – - The Head of Planning be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advice to secure the following

- The provision of 40% affordable housing.
-
- £4000 for each 'applicable' house and £1000 for each 'applicable' flat towards build cost £2701.63 per applicable house and £675.41 per applicable flat towards land acquisition for a new primary school.
- £2359.80 for each applicable house and £589.95 per applicable flat towards secondary school education.
- £144.36 per dwelling to provide expansion of library services in Maidstone and additional bookstock.
- £30.70 per dwelling towards community learning.
- £53.88 per applicable dwelling for Adult Social Care.
- £8.44 per applicable dwelling for Youth Service.
- £1575 per dwelling be provided to enhance existing play and open space facilities.

GRANT Subject to the following conditions

CONDITIONS to include

(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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

To ensure a satisfactory appearance to the development.

(3) The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level has been achieved;

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

(4) 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

(5) The approved details of the access submitted shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of road safety.

(6) The development shall not commence until, details of all fencing, walling (which shall include ragstone walling and railings) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

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

(7) The development shall not commence until details have been provided of the siting of a ragstone wall no less than 900mm high running along the frontage of the site on Hermitage Lane. The approved wall shall be in place prior to the first occupation of the development hereby permitted and retained as such at all times thereafter;

Reason: In the interests of amenity.

(8) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason; No such details have been submitted and in the interest of amenity.

(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A,B,C ,D, E, F, and G and Schedule 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(10) 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 (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.

(11) The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

(12) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

(i) Details of the roof overhangs and eaves.

(ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).

Details of the junction of timber boarding and brickwork; The development shall be undertaken in accordance with the approved details and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, and G and Schedule 2, Part 2, Class A to that Order shall be carried out without the permission of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(14) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

(15) The development shall not commence 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 landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

(16) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 external appearance to the development.

(17) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority,

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(18) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

all previous uses;
potential contaminants associated with those uses; and
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

(19) No infiltration of sustainable drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of groundwater.

(20) Prior to commencement of the development, details of the following highway works will be submitted to the Local Planning Authority and approved in writing, the applicant will enter into a S278 agreement to secure these details:

- (i) Closure of the existing access onto Hermitage Lane and amendments to carriageway right turnmarkings;
- (ii) A continuous footway to extend from the existing footway on the south side of oakapple Way to the junction of Hermitage Lane and to continue along Hermitage Lane to the pedestrian refuge to the south of the junction;
- (iii) Bus boarders at the bus stop on the eastern side of Hermitage Lane
- (iv) A residential travel pack for new residents;
- (v) Provision of construction vehicle loading/unloading and turning facilities
- (vi) Measures to prevent discharge of surface water onto the highway
- (vii) Provision of wheel washing facilities to be shown on plans
- (viii) Details of roads, footway verges, street lighting and other details as required by a S278 agreement.

Reason: In the interests of highway safety.

(21) Prior to the commencement of development a scheme for the provision of secured covered cycle parking will be provided and retained thereafter:

Reason: In the interest of sustainability.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced. That all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation 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.

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Case Officer: Amanda Marks

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.