

**REFERENCE NO - 20/504127/FULL**

**APPLICATION PROPOSAL**

Conversion, alteration, demolition and proposed rear extensions to Somerfield Terrace to create 60 self-contained apartments.

Demolition of 79 London Road and erection of a replacement building providing 6 apartments and 6 townhouses.

Conversion of ancillary building to a dwelling.

(Total of 73 residential units)

Erection of a cycle store and gym and bin store and associated works to outbuildings, landscaping and parking.

Works to retaining wall at the front of the site.

**ADDRESS** The Somerfield Hospital, 63-79 London Road, Maidstone, Kent

**RECOMMENDATION – APPROVE WITH CONDITIONS**

**SUMMARY OF REASONS FOR RECOMMENDATION**

- The proposed external works and removal of modern buildings to the rear of the listed building (Somerfield Terrace) and rear extensions would enhance the appearance and significance of the listed building or cause no harm, and the proposals would bring the building back into residential use aiding its maintenance and conservation.
- There would be a low level of 'less than substantial' harm to the interior of Somerfield Terrace as a consequence of the proposed development, to the listed wall and the setting of Somerfield Terrace but the significant public benefits arising from the re-use of a vacant brownfield site with the provision of 73 new homes in a sustainable location and the associated social and economic benefits, the enhancement and conservation of the listed building, and the benefits from improvements to pedestrian safety on London Road outweigh this less than substantial harm.
- The new 3 storey building is well designed with good architectural detailing and quality materials and would respect the setting of adjacent listed buildings, the character and appearance of the streetscene, and the local area. The rear extensions, new buildings and conversion works are all acceptable and would not cause any harm.
- The density of the development would not result in any harm to the character or appearance of the local area and there would be no unacceptable impacts upon neighbouring amenity.
- KCC Highways are raising no objections to the access, traffic impacts, and parking arrangements within the site subject to conditions. No objections are raised by any consultees.
- The development makes good use of a vacant previously developed site in a very sustainable location. The proposals comply with all relevant policies of the Development Plan and the NPPF and there are no overriding material

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| <p>considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.</p>  |   |  |
| <p><b>REASON FOR REFERRAL TO COMMITTEE</b></p> <ul style="list-style-type: none"> <li>• Councillor Purle has requested the application is considered by the Planning Committee for the reasons set out in his comments.</li> </ul>   |   |  |
| <p><b>WARD</b> Bridge</p>  | <p><b>PARISH COUNCIL</b> N/A</p>              | <p><b>APPLICANT</b> Even Maidstone Ltd<br/><b>AGENT</b> DHA Planning</p> |
| <p><b>DECISION DUE DATE:</b><br/>16/12/20</p>  | <p><b>PUBLICITY EXPIRY DATE:</b> 27/11/20</p> | <p><b>SITE VISIT DATE:</b><br/>23/11/20</p>                              |
| <p><b>RELEVANT PLANNING HISTORY</b></p>  |   |  |
| <p>20/504128/LBC: Listed Building Consent for the demolition of rear extensions together with internal and external alterations and erection of rear extensions – PENDING</p> <p>Numerous planning and listed building consent applications relating to the former hospital use.</p> |   |  |

## **1.0 DESCRIPTION OF SITE**

1.01 The application site relates to the former Somerfield Hospital building (63-77 Somerfield Terrace) which is a Grade II listed building and its curtilage, and 79 London Road a separate unlisted building to the north on the west side of London Road. Somerfield Terrace is three storeys in height, 79 London Road is two storeys and both buildings are set back from London Road. To the front of the terrace is a listed ragstone wall alongside the pavement which retains a grassed area above with some trees. The rear parts of the site are mainly hard surfaced for car parking and there are some single storey outbuildings. There are some groups of trees on parts of the boundaries with some protected trees in the southwest corner.

1.02 The site is bounded by 81 London Road a Grade II listed building to the north used as offices, and the rear gardens of houses on Queens Road. To the west and south is Somerfield Lane and Close and other houses. To the south is 61 London Road another Grade II listed building. There are houses opposite on the east side of London Road.

## **2.0 PROPOSAL**

2.01 Permission is sought for the conversion and alteration of the listed Somerfield Terrace to create 60 one and two-bedroom apartments. This would involve demolition of some of the modern non-listed buildings/extensions to the rear and new rear extensions.

2.02 Demolition of 79 London Road is proposed with the erection of a replacement three storey building providing 6 one and two-bedroom apartments and 6 four-bedroom houses.

2.03 An existing single storey building at the rear of the site is proposed to be converted to a dwelling.

2.04 This would provide a total of 73 residential units at the site.

2.05 The erection of a single storey cycle store/gym (for future occupants) and bin store, and associated works to outbuildings, landscaping and parking are also proposed. Works to the listed wall at the front of the site are also proposed to provide room for a bus shelter and waiting space.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Affordable Housing SPD (2020)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance
- London Road Character Area Assessment SPD (2008)

### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 14 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Question Transport Assessment.
- Highway safety issues.
- Parking is not adequate.
- Various improvements should be made to improve pedestrian access, cycle access/parking, car parking, and EV charging.
- Pollution.
- No objection to use for housing but too many units.
- Too many flats.
- Density is out of character with surrounding detached houses with large gardens.
- Visual and noise intrusion from development.
- Loss of privacy/overlooking of surrounding properties.
- Buildings overshadow one another.
- New trees/screening should be secured under a legal agreement.
- Windows should be obscure glazed.
- Gym is unnecessary and will generate noise and pedestrian traffic.
- Lack of local infrastructure to accommodate housing.

- Rear extension obscures views of GII building at the rear and is out of character.
- Demolition of 79 will destroy historical aesthetics of the wider site and should be listed.
- Proposals will destroy the site's importance and value.
- There should be no new additional buildings or demolition.
- There should be no new higher buildings.
- The 3<sup>rd</sup> floor rear extensions are not in keeping with the listed building and are modern.
- Rear extensions obscure views of GII building at the rear and is out of character.
- Lack of public benefit.
- New building is out of character.
- Should be high quality not quantity.
- Lack of green spaces/gardens.
- Site should be kept as it is.
- Loss of trees/impact on wildlife.
- Lack of public benefit.
- Building should be used for healthcare uses and not flats.
- Loss of employment opportunities.
- Noise during construction.
- Management of residents/community is important.

4.02 **Councillor Purle** requests the application is considered by the Planning Committee, *"if officers are minded to approve the application in view of the obvious local interest & concern."*

## **5.0 CONSULTATIONS**

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

5.01 **Historic England:** No need to consult us.

5.02 **KCC Highways: No objections** subject to conditions.

5.03 **KCC SUDs: No objections** subject to conditions.

5.04 **KCC Archaeology: No objections** subject to condition.

5.05 **KCC Economic Development:** Outline the additional pressure on schools, community learning, youth services, libraries, and social care, and the funding that would be required if MBC did not have CIL.

5.06 **KCC Ecology: No objections** subject to conditions.

5.07 **MBC Environmental Health: No objections** subject to conditions.

5.08 **MBC Landscape Officer: No objections** re. impact upon trees.

5.09 **MBC Conservation Officer: No objections** subject to conditions. *"In summary, the proposed works to the listed building would result in a small degree of less than substantial harm, but this is outweighed by the benefits of bringing the buildings back into an appropriate use and reversing unsympathetic modern interventions. The proposed new build would not harm the setting of adjacent listed buildings and is acceptable in my view, subject to detail. The proposed works to the curtilage listed retaining wall would in my view result in a modest level of harm to the listed building. I consider the harm would be at the lower end of less than substantial and is likely to be outweighed by the public benefits of the works and the wider proposals."*

5.10 **Kent Fire & Rescue:** Confirm that off-site access requirements have been met.

5.11 **Southern Water:** Confirm there is sufficient capacity.

5.12 **Kent Police:** Make various recommendations re. Secured by Design.

## **6.0 APPRAISAL**

6.01 The application site is a vacant previously developed site within the urban area in a very sustainable location. It is therefore a good location for housing development and the key issues for the application are as follows:

- Conversion works, alterations and extensions to the listed building and listed wall
- Design and appearance of the new build apartment/houses
- Layout, open space and landscaping
- Impact upon the character of the local area and amenity
- Highways
- Other matters including affordable housing, infrastructure, noise, air quality, drainage, and ecology

### Conversion works, alterations and extensions to the listed building and listed wall

#### *Significance of listed building*

6.02 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by development and the impact the development may have on it.

6.03 Somerfield Terrace comprises a row of eight semi-detached former houses dating from the early/mid-19th century, linked and extended to the rear in the 20th century. The original buildings are generally of high significance and retain a number of internal and external features, while the modern alterations in the mid to late 20<sup>th</sup> century make either a neutral or negative contribution to significance as outlined in the applicant's Heritage Statement (HS). The site as a whole contributes to the setting of grade II listed buildings at 61 and 81 London Road, and the buildings together form a group.

6.04 I agree with the applicant's HS that it is the frontage facing London Road that is the most significant elevation of the building. This part of the building, excluding the two storey linking structures that were constructed in the 20<sup>th</sup> century, replacement of a small number of windows and loss of two of the original leaded porches, is predominantly intact and of clear architectural and historic interest. The HS outlines, with which I agree, that

*"architectural interest stems from the building's repetitive form, Classical influences and high level survival of original and historic fabric. Historic interest is primarily due to the building being a high quality example of an early to mid 19th century row of dwellings. The rear of the terrace is heavily altered and it is only the rear of nos. 75 and 77 which remain exposed and unaltered to any material degree. All other buildings in the terrace have been built up against and incorporated into later extensions. These later extensions, which severely affect the legibility of the historic building (both internally and externally), significantly detract from the significance, and ability to appreciate the significance, of the grade II listed terrace."*

6.05 Internally, despite high levels of alteration in connection with the hospital use, the historic plan form remains broadly appreciable and a high number of either original, or well detailed replica decorative features survive which contribute to the significance of the listed building.

6.06 In terms of the building's setting, to the rear this has been altered significantly and the former narrow rear gardens which once had stables and coach houses have been lost completely. The frontage remains intact with the tree lined drive and listed wall and so contributes to the building's significance, and the listed buildings to the north and south contribute to the setting.

6.07 Therefore it is considered that the building's heritage significance derives from the front elevation of the terrace and its setting to the front, and the internal plan form and decorative features.

#### *Assessment of proposals*

6.08 Works proposed are to the outside of the listed building and the proposed rear extensions. The works to the front of the listed terrace are limited to the re-instatement of three metal porches and repair of existing, re-instatement of an original entrance with replacement of a more recent entrance with a new window to the front, and one small roof light on both

the side north and south elevations. The proposed porches and repairs, and the original entrance would reinstate original features and therefore improve the frontage and enhance the significance of the listed building and their detail can be secured by condition. The other changes are minor and would not harm the appearance of the listed building on the important front elevation.

- 6.09 The main changes would be on the rear west elevation which has already been significantly altered and for this reason does not represent a positive part of the listed building or contribute to its significance. Here there would be some new windows and doors either to provide light to rooms, access, or connections to new rear balcony areas. All new openings would match existing with timber sash windows and timber doors and match the alignment of existing openings. For these reasons they would not cause any harm to the listed building or its significance. The removal of modern hospital extensions would reveal the historic rear elevations of the houses and result in a clear enhancement to the listed building and its setting.
- 6.10 There are two existing modern two storey projections off the rear of the listed building. These would both be retained but extended upwards with a mansard style roof added to create a second floor. The southern projection would also be extended rearwards. For both projections it is proposed to alter their connection with the listed building by replacing the current unsympathetic two storey link with a single storey section. This would provide a clearer separation from the listed building and opens up part of the rear elevation. The additional second floors are modest in size, recessed and would have a metal standing seam finish. This articulation and change in material would break up the mass of the upward extensions and they would remain below the height of the listed building and so not compete with the main building. The extension rearward on the southern projection would be modest and would not compete with or result in any harm to the listed building. Windows would be more contemporary which reflects the current windows and provides an acceptable contrast with the listed building. Existing single storey buildings connected to the rear projections would be retained with one rendered to match existing buildings and more sympathetic windows provided. Rooftop PV panels are proposed on these rear wings which would provide renewable energy and it is considered that subject to the detail these would not be highly visible and so would not cause any harm to the listed building. For the above reasons the proposals would respect the listed building and would not cause harm to its character, appearance, significance or setting.
- 6.11 Overall, the external proposals are sympathetic and would not cause any harm to the listed building, would improve the rear, and in the case of the frontage would enhance the buildings significance. The Conservation Officer considers the works to the listed terrace and removal of modern extensions to the rear would enhance the building and that the rear extensions are suitable. The listed building is also currently vacant and whilst it is not in a poor condition or deteriorating, the proposals would bring the building back into residential use, its original use, and thus ensure the building is conserved and maintained which is clearly desirable and a positive aspect

to the proposals. This is all in accordance with policies SP17 and DM4 of the Local Plan and the NPPF.

6.12 To create the new rooms for the proposed apartments various internal changes to the listed building are proposed including the removal of some walls and openings together with the insertion of new walls and openings. Whilst these alterations do not require planning permission and are subject of a separate listed building consent application, (20/504128/LBC which is on this same Agenda), they are a consequence of the proposed change of use of the building to 60 apartments and so will be assessed. The internal works proposed would reinstate the main party walls but also subdivide several historic spaces, primarily to the rear and upper rooms. I agree with the Conservation Officer that the disruption of the historic plan form, particularly the relationship between front entrances and staircase halls to some houses, results in some harm but this is relatively low. It will also be necessary to upgrade the services, acoustic insulation, mechanical ventilation, vertical service risers, and fire separation within the building, and the Conservation Officer is comfortable with the general approach proposed, subject to further detail being submitted but this will introduce modern features and changes, which would inevitable cause some low level harm to the building which is considered to be 'less than substantial'.

*Listed wall*

6.13 Works to the listed wall fronting London Road are proposed which would create a rectangular space 7m x 1.5m providing an area for people waiting for the bus and a bus shelter. This would avoid the root protection area of trees along the frontage so they would not be harmed. This has been proposed in response to the KCC Highways initial view that the whole wall should be set back to provide a wider pavement for pedestrians/those waiting for buses and a bus shelter, which commonly are school children who congregate in this area waiting for buses, often using the grass bank within the site. As the development would increase some footfall at peak times the proposals are a proportionate response bearing in mind the wall is listed and the increased footfall would not be significant. KCC Highways have reviewed the proposals for the bus shelter/waiting space and raise no objections. The changes would result in harm to the listed wall and some harm to the setting of the main building as they would introduce an inlet on an otherwise straight wall and a bus shelter. However, I consider this would be 'less than substantial' harm as it would represent a small part of the wall across the frontage and new street furniture in an area where some street paraphernalia already exists, and the Conservation Officer agrees. Conditions can be attached to ensure the method of deconstructing the wall and rebuilding reusing the existing stone is appropriate.

6.14 It is considered that the internal changes which are a direct consequence of the proposed development and changes to the listed wall would result in a low level of 'less than substantial harm' to Somerfield Terrace, its setting, and the listed wall and so this needs to be balanced against any public benefits. Public benefits arise from the re-use of a vacant brownfield site including social benefits associated with the provision of 73 new homes. Economic benefits arise from employment connected with the conversion



and construction works. There are also clear benefits from the proposed enhancements to the front and rear of the listed building and bringing the building back into its original residential use which would ensure the building is conserved and maintained. These benefits are considered to attract significant weight. The works to the listed wall would provide a wider pavement and bus shelter for waiting passengers which would improve pedestrian safety but as this is partly to mitigate the increased footfall this does not attract as much weight as the other benefits. Nonetheless it is still a clear benefit. Having special regard to the preservation of the listed buildings and their settings and the listed buildings special architectural and historic interest, it is considered that the low level of harm caused is outweighed by these respective public benefits in accordance with Paragraph 196 of the NPPF and policy DM4.

- 6.15 The site lies within an area of prehistoric and Romano-British activity and so KCC Heritage have been consulted. They advise that in view of the archaeological potential it would be appropriate to have a phased programme of archaeological works and archaeological monitoring of any works and recommended a condition which is appropriate.

Design and appearance of the new build apartments/houses and other buildings

- 6.16 The new building on the north part of the site has been designed to respect the listed building and take cues from it. The width of three storey front section is in proportion with the height and width of the three storey sections to the front of the listed building, which is appropriate as these will be seen together in the streetscene. The siting of the building is the same as the existing building so this would respect the established building line. A more contemporary style is proposed through the use of modern windows and a standing seam mansard roof which is considered to be acceptable rather than reproducing a pastiche of the listed building. However, the use of matching brickwork and stone banding above the ground floor are elements which tie in with the listed terrace. Good quality detailing is provided with stone cills above and below windows, recessed stone to the top of windows below the lintels, and reveals to the windows providing depth and layering, and stone banding to the eaves. To the front and side of the front sections would be a slight projection to the ground and first floors which would again provide articulation and interest, address the frontage to London Road and the highly visible south elevation. The rear section follows the same design approach and is set down from the front which breaks up the building and provides interest. The windows have single vertical glazing bars which provide a clean appearance a rhythm to the fenestration as do the single pane glass juliet balconies.
- 6.17 Overall the proposed building is sympathetic to the listed terrace and local area in its design and appearance and for this reason would not cause any harm to the setting of the listed Somerfield Terrace or Medway House to the north and is also in accordance with the London Road SPD. The design is of high quality with good quality detailing and articulation in accordance with policy DM1. Conditions can be attached to ensure this detail is secured along with high quality stock bricks and the other materials.

6.18 An existing single storey building towards the northwest corner of the site is proposed to be converted to a 3-bedroom bungalow. This would only involve inserting new windows and a front door which would be visually acceptable. A new single storey flat roofed building providing a small gym for residents and cycle store is proposed on the west boundary. This would be low in height with glazing, finished with yellow bricks and timber cladding with a 'green' sedum roof. This is a modest building which would have an acceptable appearance. A brick bin store near the centre of the rear area and timber bike stores along the west boundary are also proposed which would all have an acceptable appearance. This is in accordance with policy DM1.

#### Layout, open space and landscaping

6.19 The layout is largely dictated by the existing buildings and parking areas. The new build apartments and houses follow the positioning of the existing building to the front and extend to the rear. New amenity spaces are provided to the rear of Somerfield Terrace and all protected trees and those worthy of retention apart from one category B tree are retained to ensure an attractive environment, with pruning of some others. The landscape officer has assessed the impact upon trees including some works in root protection areas and raises no objections subject to compliance with the submitted method statement which can be secured by condition. New landscaping is proposed in the form of trees along the frontage which would complement the existing line of trees and improve the street scene. Around the rest of the site new hedge/shrub planting and trees within the amenity areas would provide an appropriate setting. Species have not been provided at this stage and can be secured by condition requiring an emphasis on native species in accordance with the Council's landscape guidelines. There is a mix of surface treatments at the site and the plans indicate these will be improved and unified and the details can be secured by condition to ensure an appropriate finish.

6.20 In terms of open space, the proposals provide for a series of amenity spaces for residents which are grassed with landscaping and trees. This would provide approximately 0.12ha, (discounting the heavily treed areas and the frontage although this could potentially be used), which is in accordance with policy DM19 for 73 units. This type of open space is considered appropriate for the apartments/houses and the size/constraints of the site. Existing public spaces in the locality include Millennium Green, Giddyhorn Lane and Whatman Park which all provide a mix of open space including play areas. Any future pressure on these areas from residents could be mitigated through CIL should the Council decide.

6.21 Overall, the proposals provide good spaces around the buildings with useable amenity areas whilst retaining appropriate trees and proposing new trees and landscaping to provide a good quality setting to the development in accordance with policy DM1.

#### Impact upon the character of the local area and amenity

- 6.22 Some representations consider that too many units are proposed and that smaller 1/2 bed properties are out of character with the local area. The density of the development would be 69 dwellings/ha. Policy DM12 (density) outlines that the development strategy of the borough is based on meeting housing requirements through the best use of previously developed land. The policy firstly sets out the overriding consideration that new housing should be developed at a density that is consistent with achieving good design, does not compromise the distinctive character of the local area, and makes efficient use of land. It then lists a range of densities for different areas.
- 6.23 The proposals convert a large listed building on the site and small single storey building which does not result in any discernible visual or physical change to the character of the local area. For the reasons outlined earlier in the assessment it is considered that the conversion works and removal of modern buildings to the rear would actually improve the visual quality and architectural and historic appreciation of site and thus the local area. The new build element would be of a suitable design and scale such that it would not cause any harm to the streetscene or the local area. Sufficient space around the buildings including landscaping would also be provided. Therefore, whilst the density of 69d/ha is higher than that of the immediate adjoining detached houses on Somerfield Lane and Queens Road which have large gardens, this does not result in any visual harm to the character or appearance of the local area in accordance with policies DM1 and DM12.
- 6.24 There are other apartments in the wider area notably along London Road but the local area is mainly detached/semi-detached buildings. For this reason, the introduction of flats/smaller properties would promote a mixed community and mixed housing in the local area in accordance with policy SP19 and importantly it would not result in any harm.
- 6.25 There are no set space standards within the Local Plan but as a guide all properties would meet national space standards apart from one flat which would be one square metre below. In the absence of local standards this is not objectionable and it is considered that the properties would all be of suitable sizes. They would receive sufficient light and outlook from windows and first and second floor windows and would be a sufficient distance or angle from one another to ensure suitable levels of privacy. The listed building to the north is used for offices and would be at least 21m away from proposed windows so there would not be any unacceptable relationship in terms of privacy. Number 60 London Road to the south is also in use as offices and there are no windows that would result in any unacceptable relationship in terms of privacy.
- 6.26 In terms of neighbouring amenity to the north, the new apartment/houses would be 29m from the back of the nearest house 'Somercourt' and at this distance would not result in an unacceptable impact upon the privacy of this house or its area immediately to the rear. The existing boundary wall to this property is slightly lower than would normally be provided between gardens so I consider this potentially needs to be raised or new boundary treatments provided to ensure privacy between gardens which can be secured through condition. To the west, the rear extension to the southern

wing would be at least 25m from the east side of the nearest house 'The Mulberry' and 21m from the garden. At this distance the first and second floor windows would not result in an unacceptable impact upon the privacy of this house or its rear garden which contains a swimming pool. The converted bungalow would have no windows facing west and so no impact upon privacy would occur and nor would the gym/cycle store. The rear boundary to Somerfield Lane features a mixture of different treatments and walls of buildings proposed to be demolished. It is therefore important to ensure appropriate boundary treatments from a privacy and design aspect and this can be secured by condition. To the south, windows on the rear wing would be at least 23m from the end of adjoining rear gardens and at this distance there would be no unacceptable impact upon the privacy of any houses to the south.

- 6.27 The residential use of the site would not result in any noise or disturbance that would be objectionable in this residential area. Vehicles using the parking areas would not be significantly different to the previous use and would not result in any harmful noise or disturbance. Some concerns have been raised with regard to use of the gym. Although unlikely, if this was used late/overnight then comings and goings could cause some disturbance so on balance I consider restricting hours of use to between 6am and 11pm is appropriate.

#### Highways Impacts

- 6.28 The applicant has compared vehicle movements associated with the former hospital use with the proposed uses by using vehicle trip data from other similar healthcare uses, which has been agreed with KCC Highways. This shows that the proposals would result in a significant reduction in peak hour movements (AM - 72 down to 18, PM - 52 down to 18) and overall movements (774 down to 175 movements per day) and this has been accepted by KCC Highways with no objections raised. As such there would be no objectionable traffic impact upon local roads or junctions in accordance with policy DM21.
- 6.29 KCC Highways have reviewed the access arrangements with London Road, which utilise the existing access, and raise no objections in terms of highway safety which is understandable seeing as the proposals result in significantly less movements. They have also reviewed the space for vehicles, including refuse vehicles, to manoeuvre within the site and raise no objections. Kent Fire and Rescue have confirmed they have no objections to the access.
- 6.30 The site is well located to access public transport through buses on London Road and Maidstone East station is within 1km. Changes to the front wall would allow more room for those waiting for buses and the provision of a bus shelter which would promote public transport use for new residents in accordance with policy DM21. The bus shelter and new bus boarder kerbs will be secured by condition. The site also has good access to the walking and cycle network.

- 6.31 The applicant has provided a draft Travel Plan which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking and local information, promotion of car sharing and car club, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The Travel Plan targets the reduction of single passenger car journeys by 10% mainly through an increase in shared journeys and use of public transport and the aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £948 will be secured under a section 106 agreement.
- 6.32 There are 78 parking spaces proposed for the 73 units which includes space for visitors, 4 spaces for drivers with limited mobility, and 8 spaces with EV charging. The adopted parking standards seek 78 spaces for the houses/flats and up to 14 visitor's spaces (total 92) and so the proposals are 14 spaces short. However, policy DM23 states, "*the Council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car.*" The site is at a very sustainable location with easy access to public transport, walking and cycling, and a Travel Plan is provided and will be secured to promote sustainable travel, which is also a measure that can allow for a lower provision under the adopted standards. Secure cycle parking is provided for 68 bikes which would also promote non-car use and can be secured by condition. On this basis, it is considered that a lower number of spaces is acceptable. The lower number of parking spaces would also not lead to any highway safety issues on London Road or nearby roads as double yellow lines are in place to prevent this. Importantly, there are also no objections raised by KCC Highways in respect of parking.
- 6.33 Overall, the transport impacts of the development are acceptable and the proposals are in accordance with policies DM21 and DM23 of the Local Plan.

Other matters including affordable housing, infrastructure, noise, air quality, drainage, and ecology

#### *Affordable Housing*

- 6.34 Policy SP20 requires 30% affordable housing (AH) provision which would be 22 units. However, the applicant is claiming a vacant building credit (VBC) based on the re-use of Somerfield Terrace and demolition of 79 London Road with a view that this results in a residual requirement for 2 affordable units.
- 6.35 Under the VBC, local and national policy/guidance provides an incentive for use of brownfield land on sites containing vacant buildings. Where a vacant building is brought back into use or is demolished to be replaced by a new building the existing floorspace of vacant buildings is credited against the proposed floorspace of the new development and deducted from the AH requirement. For example, where a building with a gross floorspace of 8,000m<sup>2</sup> building is demolished as part of a proposed development with a gross floorspace of 10,000m<sup>2</sup>, any AH contribution should be a fifth of what would normally be sought.

6.36 In order to qualify the buildings must not have been 'abandoned', made vacant for the sole purpose of re-development (to prevent abuse of VBC), or have an extant or recently expired permission for the same or similar development. 'Abandonment' in a planning sense has been determined by the courts and is generally buildings that have deteriorated to a point that they cannot be used and/or have not been in use for a considerable period of time. Both Somerfield Terrace and 79 London Road are currently vacant but were in active use only 18 months ago. Somerfield Terrace is in good condition and whilst 79 is showing signs of deterioration with broken windows, neither have been 'abandoned' in planning terms. They were both made vacant when BMI healthcare ceased using them as a private hospital as part of its strategic review of facilities and not for redevelopment purposes and there is no relevant permission for a similar use. On this basis the buildings qualify for VBC.

6.37 Off-setting the vacant buildings (5,713m<sup>2</sup>) against that proposed floorspace (6,170m<sup>2</sup>) results in a net increase of 457m<sup>2</sup>. This results in an AH requirement of 2 units.

*(Net increase / Proposed GIA) x 22 unit requirement = AH requirement  
(457 / 6,170) x 22 = 1.63 units (rounded up to **2 units**)*

6.38 Policy SP20 and the recently adopted AH SPD require on site provision and so the applicant has contacted a total of seven AH providers to see whether they would take on 2 units but there has been no interest expressed or responses that the provision is too low. This is usually the case when the provision is this low and I consider the applicant has reasonably explored this avenue.

6.39 For this reason, the applicant is agreeable to providing the 2 units as Discounted Market Sales housing (DMS). This is a form of AH whereby they are sold at a discount of at least 20% below local market value in perpetuity. Eligibility is determined with regard to local incomes and local house prices and in line with the SPD those with AH need in Maidstone Borough would be prioritised. The Council's housing section is in the process of deciding whether a fixed percentage discount for the Borough as a whole based on average local income and house prices is appropriate or for the discount to be determined for each scheme based on the actual market value of the property and income of the individual concerned. As this work is not completed the DMS will be secured with a 20% discount in line with national policy. DMS housing would ensure that the AH is still provided on site and these 2 units would be secured under a legal agreement in line with policy and guidance. The current highest AH need is for one bed units and so I consider 2 one bed properties should be secured as DMS units. A monitoring fee for the s106 of £2,250 will also be secured.

#### *Infrastructure*

6.40 The adopted CIL is charged on new floor space to help deliver infrastructure to support development identified in the Council's IDP. The scale of development proposed here is not such that it generates the need for a

new standalone school or doctor's surgery or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development in line with the IDP which is in accordance with policy DM20.

#### *Noise*

- 6.41 The applicant's noise assessment has identified that rooms fronting and with a line of sight to London Road would experience traffic noise levels that exceed relevant standards and even more so if windows were open. Therefore, secondary glazing is required as is a ventilation system to ensure that fresh air flow can be achieved without the need for opening windows. These measures can be secured by condition but have implications for the fabric and external appearance of the listed building. The applicant has considered this in advance showing potential secondary glazing and ventilation measures and the Conservation Officer is satisfied that the mitigation can be installed suitably on the listed building to limit the impact and so details provided by condition are acceptable. Externally, any new vents through external walls would be covered with sympathetic black painted metal covers and grills so to preserve the general character of the listed building's exterior.

#### *Air Quality*

- 6.42 The applicants air quality assessment concludes that pollution levels on site would be well below the relevant standards for the new properties and that the impact of the development would be negligible. Environmental Health have reviewed the assessment and agree with these conclusions. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a value for proportionate mitigations to be integrated into the development. These quantified measures are 8 EV charging points, secure cycle storage for 68 bikes, and the Travel Plan. These measures which are proportionate will be secured through the permission/condition.

#### *Drainage*

- 6.43 In terms of surface water drainage the site currently drains to several existing soakaways located around the site. Where possible these soakaways will be reused and the impermeable areas draining to them will be reduced through the removal of buildings and introduction of porous surfacing for the rear parking/turning areas. A new deep bore soakaway is proposed with attenuation tanks for the central/northern part of the site and some pumping may be required. KCC LLFA raise no objections subject to the detailed design by provided by condition and prefer pumps are not used due to maintenance. They advise that the detailed design/testing may allow for further infiltration such that pumping may not be required.
- 6.44 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage.

### *Ecology*

- 6.45 Buildings on site were identified as having potential to support roosting bats but further bat emergence/re-entry surveys were carried out with no bats recorded. Therefore, bat habitats are likely to be absent within buildings which is agreed by KCC Ecology. KCC advise that the bat activity throughout all of the surveys is considered to be low, with individual common pipistrelles observed foraging and commuting predominantly from the south-eastern aspect of the site and around the semi-natural habitats to the east. On this basis, the lighting scheme needs to minimise impacts upon bats and this can be secured through condition.
- 6.46 In terms of reptiles the site was identified as having some limited potential to support reptiles providing foraging, commuting, basking and hibernation so precautionary mitigation measures are proposed which include sensitive timings, removal of suitable refuges, and two-phased vegetation cuts to encourage them to disperse into the suitable areas that will be retained. KCC Ecology are satisfied that these measures are sufficient and can be secured by condition. Trees for removal would be inspected prior to clearance and works carried out, outside the bird nesting season.
- 6.47 In terms of enhancements, the proposals would provide new native planting and bat bricks/tubes, bee bricks, and bat/bird boxes are proposed. I also consider that permeability for hedgehogs through the garden areas, and bird bricks to the new buildings and extensions is appropriate and can be secured by condition. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPF/NPPG.

### *Representations*

- 6.48 Matters raised but not considered in the assessment sections in the report include a view that the buildings should be used for healthcare uses and not flats and the loss of employment, and noise/disturbance during construction, and a request for a construction management plan by KCC Highways. Policy DM20 seeks to protect community facilities, however the explanatory text does not include healthcare facilities under this protection. In terms of employment the site is not allocated/protected as an employment area in the Local Plan and the site is vacant. As such any loss of potential future employment use is not grounds for objection. Issues of noise, disturbance, or impacts on local roads during construction are dealt with under Environmental Health and Highways legislation and controls.

## **7.0 CONCLUSION**

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority



must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.02 The proposed external works and removal of modern buildings to the rear of the listed building (Somersfield Terrace) and rear extensions would enhance the appearance and significance of the listed building or cause no harm, and the proposals would bring the building back into residential use aiding its maintenance and conservation.

7.03 There would be a low level of harm to the interior of Somersfield Terrace as a consequence of the proposed development, to the listed wall and the setting of Somersfield Terrace but the significant public benefits arising from the re-use of a vacant brownfield site with the provision of 73 new homes and the associated social and economic benefits, the enhancement and conservation of the listed building, and the benefits from improvements to pedestrian safety on London Road outweigh this less than substantial harm.

7.04 The new 3 storey building is well designed with good architectural detailing and quality materials and would respect the setting of adjacent listed buildings, the character and appearance of the streetscene and the local area. The rear extensions, new buildings and conversion works are all acceptable and would not cause any harm. The density of the development would not result in any harm to the character or appearance of the local area and here would be no unacceptable impacts upon neighbouring amenity.

7.05 KCC Highways are raising no objections to the access, traffic impacts, and parking arrangements within the site subject to conditions and no objections are raised by any consultees.

7.06 In conclusion, the development makes good use of a vacant previously developed site in a very sustainable location and the proposals comply with all relevant policies of the Development Plan and the NPPF. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

## **8.0 RECOMMENDATION**

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. Securing two Discount Market Sales affordable units.
2. £2,250 Section 106 monitoring fee.
3. £948 Travel Plan monitoring fee.

Conditions:

*Approved Plans*

1. The development hereby permitted shall be carried out in accordance with the following plans:

3152-DEN-ZZ-ZZ-DR-A-1000 Rev B; 3152-DEN-A-01-DR-A-2001 Rev J;  
3152-DEN-A-02-DR-A-2002 Rev J; 3152-DEN-A-GF-DR-A-2000 Rev K;  
3152-DEN-A-RF-DR-A-2003 Rev A; 3152-DEN-A-ZZ-DR-A-4000 Rev C;  
3152-DEN-ZZ-ZZ-DR-A-1001 Rev N; 3152-DEN-C-ZZ-DR-A-2005; 3152-  
DEN-B-01-DR-A-2003F; 3152-DEN-B-01-DR-A-2004 E; 3152-DEN-B-01-DR-  
A-4001D; 3152-DEN-B-01-DR-A-4002E; 3152-DEN-D-ZZ-DR-A-2006 Rev A;  
3152-DEN-E-ZZ-DR-A-2007;

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

*Time Limit*

2. 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.

*Compliance*

3. The development shall be carried out in accordance with the Arboricultural Method Statement including tree protection measures dated September 2020 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure retained trees are protected to provide an appropriate setting.

4. All planting, seeding and turfing specified in the subsequently approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the

approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory setting to the development.

5. The approved details of the parking/turning areas and cycle storage buildings 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) (England) Order 2015 (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.

6. The development shall be carried out in accordance with the remedial measures within the Phase 2 Site Investigation Report. Prior to the occupation of the development a Closure Report shall be submitted upon completion of the remedial works. The Closure Report shall include full verification details and include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of human health.

7. The construction of the development shall be carried out in accordance with the precautionary mitigation measures outlined at Section 4 of the Ecological Appraisal (PJC May 2020).

Reason: In the interest of biodiversity protection and enhancement.

8. The development shall be carried out in accordance with the ecological enhancements outlined in the Ecological Appraisal (PJC May 2020) and Bat Emergence/Re-Entry Survey Report (PJC September 2020) and as listed below and thereafter maintained:

- a) New native planting
- b) Bat bricks and tubes
- c) Bird and bee bricks
- d) Bat and bird boxes.

Reason: In the interest of biodiversity protection and enhancement.

9. The gym shall only be used by residents of the development and shall only be used between the hours of 6am and 11pm.

Reason: To protect neighbouring amenity.

*Pre-Commencement*

10. No development, other than authorised works of demolition, shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. It shall also explore the use of more swales within the development.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

11. No development, other than authorised works of demolition, shall take place until the applicant has secured the implementation of the following details:

- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

The development shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

12. No development, other than authorised works of demolition, shall take place until, details of the proposed levels for the new build development including slab levels of the buildings and any retaining walls, together with 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 having regard to the topography of the site.

*Pre-Conversion & Slab Level*

13. No development above slab level in relation to the new build elements shall take place until details of all boundary treatments, which shall include ragstone walling, have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to any occupation and thereafter retained.

Reason: To ensure a high-quality development and to protect residential amenity.

14. No development above slab level in relation to the new build elements shall take place until details of all hard surfaces have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and thereafter retained.

Reason: To ensure a high-quality development.

15. No conversion works in relation to Somerfield Terrace shall take place until the following details have been submitted to and approved in writing by the local planning authority:

- a) Details of new porches, timber windows, external timber doors, and obscure glazing;
- b) Details of internal joinery and secondary glazing;
- c) Details of mechanical ventilation including location of extract points and specification of external covers;
- d) Details of vertical risers including access hatches and works to cornices;
- e) Submission of a schedule of repairs to listed building;
- f) Details of measures to obscure views to and from external bathroom, shower room and toilet windows (other than obscure glazing).
- g) Details of solar panels

The development shall be carried out in accordance with the approved details.

Reason: To protect the architectural and historic interest of the listed building.

16. No works in relation to the listed wall fronting London Road shall take place until details of the retaining wall alterations including methodology, materials, construction, joints and mortar specification have been submitted

to and agreed in writing with the local planning authority. The submission shall include details for the re-use of the existing stone. The development shall be carried out in accordance with the approved details.

Reason: To protect the architectural and historic interest of the listed wall.

17. No development above slab level in relation to the new build elements shall take place until, details of a landscape scheme which shall be designed in accordance with the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority. The scheme shall follow the principles of the landscaped areas on the proposed site layout plan (revision N) and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a 5 year management plan. Trees shall be retained in accordance with the tree retention plan within the Arboricultural Method Statement dated September 2020.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

18. No development above slab level shall take place until measures and locations to allow hedgehogs to move through the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity protection and enhancement.

19. No development above slab level or conversion works to Somerfield Terrace shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and extensions have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall include the following:

- a) Stock bricks matching those used in the listed part of Somerfield Terrace
- a) Stone for the banding, cills, and lintels
- b) Ragstone walling

Reason: To ensure a high-quality appearance.

20. No development above slab level in relation to the new build elements shall take place until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Arched soldier courses
- b) Stone banding to the eaves, cills, lintels, and recessed stone within the windows
- c) Window reveals
- d) Juliet balconies

- e) Details of windows
- f) Eaves detailing
- g) Roof overhangs

Reason: To ensure a high-quality appearance.

21. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

22. No development above slab level shall take place until details of lighting has been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

#### *Pre-Occupation*

23. The development shall not be occupied until a plan clearly outlining the areas of amenity space totalling 0.12ha has been submitted to and approved in writing by the local planning authority. The approved areas of amenity space shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

24. The development shall not be occupied until the following off-site highways works have been provided in full:

- a) The provision of a bus shelter within the new space created to the front of the site through changes to the listed wall on the west side of London Road.
- b) The provision of raised 'bus boarder' kerbs should at the bus stop to the front of the site on the west side of London Road and at the bus stop on the east side of London Road opposite the site access.

Reason: In order to promote sustainable transport use.

25. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Draft Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

26. The development shall not be occupied until the 8 EV charging points have been installed and available for use. These charging points shall be maintained thereafter for this use.

Reason: To reduce impacts upon air quality.

27. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

28. Before the development hereby permitted is first occupied, all proposed bathroom, shower room and toilet windows within the rear projections to Somerfield Terrace and new Building B shall be obscure glazed and shall be incapable of being opened except for a high-level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard the privacy of existing and prospective occupiers.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or 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, and G to that Order shall be carried out without the permission of the local planning authority;



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Reason: To safeguard the high-quality design of the development and the setting of listed buildings.