

APPLICATION: MA/12/2255 Date: 14 December 2012 Received: 18 December 2012

APPLICANT: Mr Roy Davis, Maidstone & Tunbridge Wells Hosp Trust

LOCATION: NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT, ME16 9NN

PARISH: Maidstone

PROPOSAL: Outline planning permission for the erection of 53 residential units with all matters reserved for future consideration as shown on drawings A/1, 100, 101, 102, 103, 108, 109, 110, 112 and 11150/P1 and (confidential) viability appraisal.

AGENDA DATE: 12th December 2013

CASE OFFICER: Chris Hawkins

1. BACKGROUND

- 1.1** At the previous Planning Committee meeting on the 21 November 2013, Members resolved to defer this planning application to enable the viability of the existing building to be examined, and for more robust conditions to be suggested to seek to deliver a high quality development within the site.

2. VIABILITY

- 2.1 In terms of the viability report, this has now been circulated to all Members of the Planning Committee, for them to view. It was circulated in advance as it consists of some 280 pages, and therefore would take some time to digest.
- 2.2 The report sets out that in 2009 it was proposed to convert the accommodation into office use, and for use as a birthing centre. However, the cost of this conversion would have been in excess of £6m. In addition to the conversion costs of such a development, the ongoing maintenance of the building would have been a figure in excess of £5m. Particular issues raised are the requirement for new windows to be installed, a new roof, and a full upgrade of all internal fittings, including lighting, power systems, and security systems. It is also likely that there would be a significant amount of asbestos within the building that would need to be removed – the cost of this is estimated at £100,000.
- 2.3 This demonstrates a significant cost to any developer, or potential purchaser to retain the building.

- 2.4 In terms of its conversion to living accommodation, the applicants opine that the building is too narrow to accommodate modern housing standards. The existing building would only allow for long, thin, rooms, with poor internal circulation. I agree with this assessment, having seen the building on site.
- 2.5 As such, any conversion of the building would require the removal of a significant number of internal walls, many of which would be load bearing. The costs of this would be in excess of the conversion costs given above. I therefore conclude that it would not be financially viable to convert the existing building for residential purposes.
- 2.6 It is my opinion however, that the viability report is not the crucial factor in the determination of the application, but rather a background paper for consideration. As set out within the previous report (which is appended to this report), the Council currently has a shortfall in its 5 year housing supply. There is a need to provide housing sites within the Borough, in sustainable locations, whether they be brownfield sites, or (less preferably in many instances) greenfield sites. In this case, the proposal is for the demolition of an unlisted building, within a sustainable location. To my mind, this carries significant weight when formulating my recommendation. Brownfield sites within urban areas remain preferable, both at a local and a national level when determining applications, and allocating sites.

3. CONDITIONS

- 3.1 Members raised concerns at the previous meeting with regards to ensuring that the conditions placed upon the outline planning application ensured a high quality of development would be delivered at the reserved matters stage. To this effect, conditions were already suggested requiring the following detail (amongst others) to be provided:
- Level 4 of the Code for Sustainable Homes;
 - Tree planting to be provided along the Hermitage Lane frontage;
 - Restriction of heights of the buildings to that currently shown;
 - A soft buffer of 10metre from the rear of the existing highway;
 - The provision of a ragstone wall along the site frontage – 900mm in height.
- 3.2 Informatives were also suggested that would provide the following advice to any future developer:
- Any replacement building will be required to be of exceptional design quality to mitigate the loss of the existing building;

- The layout should address the position of the existing trees – be a landscape led approach;
- Any reserved matters application should include the provision of swift bricks/bat boxes and log piles (where appropriate).

3.3 However, following the concerns raised, that the conditions could be made more robust, this has been re-assessed. As such, additional conditions are suggested that would address the following matters:

- Specific details of tree planting and landscaping along the road frontage;
- Materials to reflect the local vernacular;
- Retention of any trees of value within the site.

3.4 I would also suggest that the following matters be addressed through informatives upon any permission granted:

- Articulation of the buildings;
- Details of fenestration;
- The proposal should provide a varied roofscape.

3.5 Should these additional conditions and informatives be included, I am of the view that the outline proposal would provide any future developer/owner with a robust framework within which they could develop a high quality scheme, that would respond positively to the character and appearance of the locality.

4. Conclusion

4.1 As set out within the previous report, whilst the loss of the existing building is regrettable, as it is a building of some merit, the Council currently has a shortfall in housing provision for the next five years. This, together with the condition of the existing building, and the problems indicated with its conversion – which in any event is not proposed – leads me to conclude that its loss is acceptable.

4.2 Clearly, as a non-listed building, it could be demolished in any event – something which has to carry some weight when determining the application.

4.3 This site has however a former residential use, and is a brownfield site, within a sustainable location; I therefore consider it suitable in principle for residential use.

4.4 Members raised concerns at the last meeting with regards to ensuring that the conditions imposed provided a 'framework' to secure a high quality design. Additional conditions and informatives have been suggested to address this

concern. Whilst there are no numerous additions, these have been made with Circular 11/95 in mind, and the specific tests that are required to be applied.

- 4.5 I am satisfied however, that the proposal would now provide a high quality development, and it is for this reason that I am recommending that delegated powers be given, to grant planning permission subject to the receipt of a suitable S106 legal agreement.

5. RECOMMENDATION

The Head of Planning and Development be given DELEGATED POWERS to APPROVE subject to:

The completion of a legal agreement providing the following:

- (1) A minimum of 40% affordable housing;
- (1) Contributions to KCC for primary school provision (£2,701.63 per dwelling and £675.41 per applicable flat);
- (2) Contributions to KCC for library book stock – to be spent within Maidstone (£144.64 per dwelling or flat);
- (3) Contributions to KCC for community learning and skills – to be spent within Maidstone (£28.71 per dwelling or flat)
- (4) Contributions of £1,575 per residential unit for the enhancement of open space within a 1 mile radius of the application site.

1. 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;

Reason: To ensure a satisfactory appearance to the development.

2. Details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall include details of tree planting (small leaf lime) at regular intervals along the site frontage onto Hermitage Lane together with a landscaped area between the highway and the built development. .

Reason: In the interests of visual amenity and air quality.

3. The dwellings shall achieve at least Level 4 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 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with the NPPF 2012.

4. The height of the development shall be restricted to that shown on drawing no: /A/112.

Reason: To ensure that any development remains in scale and character with the area.

5. No part of the development hereby approved shall come closer than 10 metres to the back edge of the public highway fronting the site.

Reason: To ensure good landscaping provision and to secure an acceptable living environment for future occupiers in the interests of amenity.

6. The approved details of the accesses submitted pursuant to condition 1 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.

7. The approved details of the parking/turning areas submitted pursuant to condition 1 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.

8. As part of the reserved matters submitted pursuant to condition 1, details shall be provided of the siting of a ragstone wall no less than 900mm high running along the whole site frontage. The approved wall shall in place before first occupation of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of amenity.

9. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, 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.

10. 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.

11. 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 five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

12. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

13. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

14. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

15. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources.

17. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design.

18. No development shall take place until the applicants or their successors in title have submitted a full Transport Assessment which shall include the full mitigation required to address the harm of the proposal upon the highway network. Any mitigation that is required shall be provided prior to the first occupation of the dwellings hereby permitted, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

19. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Access
 - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

20. No demolition of the existing building (Nurses Home) on site shall take place until a photographic record of its exterior and interior has been completed, and made available to a local public archive centre.

Reason: In order to retain an historical record of this important non-designated heritage asset.

21. Pursuant to condition 1 a full arboricultural report, to the necessary standard shall be completed, and shall be submitted as part of any submission in order to address both the layout and the landscaping provision of any subsequent reserved matters application.

Reason: To seek to protect the existing trees and to ensure a high quality layout.

Informatives set out below

You are advised that Southern Water seeks to emphasise the development must be served by adequate infrastructure.

Given that the nurse's home is an imposing and prominent building only a building of exceptional design quality and detailing will be considered acceptable as a replacement. You are therefore advised that the proposed indicative design for the building to replace the nurse's home is wholly unacceptable on design grounds, and that any proposal that comes forward on this site would need to be of a high standard of design to reflect its historic setting. Should a contemporary approach be taken, the development would be required to have a high level of articulation, and high quality detailing, responding positively to the character and appearance of the locality, and to mitigate the loss of the existing building.

It is considered that the indicative layout concept generally represents an appropriate response in unlocking the development potential of this site in an acceptable manner. Nevertheless, any reserved matters application should incorporate a significant increase in soft landscaping to the front of the site (fronting Hermitage Lane), with the proposed car parking at a reduced level and well screened from the public vantage point.

You are advised that the indicative layout shows potential privacy conflicts between 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. This will need to be addressed at the reserved matters stage

Any reserved matters application should incorporate features to enhance biodiversity within the application site. The use of bat boxes, swift bricks, log piles (where appropriate) and a suitable landscaping scheme is requested to form part of any future submission.

Any layout as submitted at reserved matters stage should respond positively to the siting and form of existing trees within the application site. Where possible, trees of value should be retained and utilised as positive features of any development.

The design of the any proposed buildings within the site, and particularly those along the Hermitage Lane frontage shall be designed in such a way as to provide a good level of articulation, and 'layering' along the key elevations. These buildings should respond positively to the quality development within the locality, and to take reference from the existing building.

Any building upon the Hermitage Lane frontage shall be provided with high quality fenestration, which shall respond to the form and quality of the existing building upon the site.

The importance of providing a varied roofscape within the application site shall be fully considered when any reserved matters applications are formalised, and thereafter submitted.