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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.

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- 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;

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- 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

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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.

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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.

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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;

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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.

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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.

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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.

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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.

AGENDA DATE: 21st November 2013

CASE OFFICER: Chris Hawkins

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

- Councillor Gooch and Councillor Vizzard have requested it be reported for the reason set out in the report.

1. **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, CF1, T13
Government Policy: National Planning Policy Framework (2012).

2. **RELEVANT HISTORY**

MA/10/0365: Conversion of nurses home and training accommodation to office premises and training facility including demolition of existing rear extension the addition of disabled access ramps to external doors and the creation of an additional 61 car parking spaces with associated landscaping – APPROVED-01-Jun-2010

3. **CONSULTATIONS**

- 3.1 **Maidstone Borough Council Parks and Open Space Officer:** Raises no objection subject to contributions of £1,575 per dwelling being sought. These contributions would be spent on the enhancement of open spaces within the locality of the application site.

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3.2 Maidstone Borough Council Conservation Officer made the following comments:

3.2.1 '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 as a non-designated heritage asset.

3.2.2 The NPPF refers to the importance of heritage assets as a consideration when determining planning applications. Paragraph 131 states that in determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

3.2.3 Heritage assets are defined in the NPPF as:

3.2.4 "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

3.2.5 The Historic Environment Planning Practice Guide originally published to accompany and elucidate PPS5 still remains as the latest Government guidance on historic environment matters and was not cancelled with the PPS. The Practice Guide describes the distinction between designated heritage assets, which include listed buildings, conservation areas, scheduled ancient monuments and registered parks and gardens, and other heritage assets which are not the subject of national or statutory designations but nevertheless have heritage value in their local area. Paragraph 15 of the Practice Guide notes that these may be formally identified by a local authority, for example by local listing, but continues to say that the "process of deciding planning permissions...may also lead to the recognition that a heritage asset has a significance that merits some degree of protection."

3.2.6 The original nurses' home comprises a large and impressive building developed around a central courtyard. It is in an attractive neo-Georgian style with Baroque touches to the impressive central gateway feature. It was designed by the Kent

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County Architect, Wilfrid Harold Robinson, probably in 1926. It was formally opened on 7th June 1927 by H R H The Princess Mary, an event which was extensively covered in The British Journal of Nursing in July 1927, which noted:-

3.2.7 "...the many excellencies of the design selected. A handsome, substantial, red-brick building, standing four square on rising ground, with steeply pitched roof covered with red tiles, and having dormer windows, being painted white, it is a Home to which the Nurses of the Hospital can point with pride, as comparable with any, and superior to most, of the Nurses' Homes attached to hospitals in this country. Owing to the form adopted every room is light and airy, looking out either on to the green sward of the quadrangle, or over the beautiful Kentish Downs"

3.2.8 The Home not only provided living accommodation for the nurses but also acted as a training centre and included a lecture room, a silent room, a demonstration room and recreation rooms.

3.2.9 I am of the opinion that this building should be considered as a non-designated heritage asset for the following reasons:-

- i) Architectural Quality – it is a fine example of the inter-war neo-Georgian style which was particularly popular for civic and public architecture at the time. Buildings by the architect, W H Robinson, were widely published in the architectural press of the day.
- i) Townscape Quality – it is an impressive building which is a prominent feature in Hermitage Lane and adds to local distinctiveness.
- ii) Group Value – although separated by Hermitage Lane, the Nurses' Home forms a good group with the statutorily listed original hospital buildings to which it was also functionally related. It adds to the significance of this group of listed buildings.
- iii) Social Historical Value – it is a fine example of a modern nurses' home of its day, a period when such facilities were expanding with the increasing view of nursing as a profession trying to attract a well-educated intake. It is particularly apposite that such a well-regarded facility was provided at Oakwood Hospital which had gained a reputation as being one of the more progressive mental hospitals in the early 20th Century.

3.2.10 Paragraph 135 of the NPPF states that:-

3.2.11 "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset"

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3.2.12 In this particular instance, total demolition of the heritage asset is proposed, amounting to substantial harm to its significance; I also consider that harm would be caused to the significance of the listed buildings at the Oakwood Hospital site by the loss of this important ancillary facility.

3.2.13 I am not persuaded that the existing building could not be converted to some other viable use – either residential or office would seem to be possible – and should not, in my view, be any more difficult to achieve than the conversion of the listed hospital buildings already carried out on the main site. If the building were retained, additional new-build accommodation could still be developed on the remainder of the site. Although the current application is in outline with all matters reserved, reasonably detailed plans and elevations have been submitted as illustrative material; these do not indicate a scheme of equivalent or better architectural quality to that exhibited by the existing building. It does not appear to make a positive contribution to local character and distinctiveness.

3.2.14 Examples of appeal decisions exist elsewhere where development proposals have been dismissed on the grounds of loss of non designated heritage assets.'

3.3 Kent Highway Services; No objection subject to provision of a Transport Assessment with any reserve matters planning application, should this application be approved. **Chase**

3.4 Southern Water: Raised matter of capacity within the locality but are satisfied **that an informative upon any permission would suffice** to ensure that the proposal would provide adequate infrastructure.

3.5 KCC Developer Contributions: These are sought as follows:

- Primary School Requirements: Identification and acquisition of a new primary school site local to the development. This is to be funded on the basis of £1389.99 per applicable flat and £5559.96 per applicable house towards the new build costs. An additional contribution is sought of £675.41 per applicable flat and £2701.63 per applicable house for land acquisition costs.
- Secondary Schools: Funding to support extension of existing secondary school local to the site on the basis of £589.95 per applicable flat and £2359.80 per applicable house.
- Local Libraries: £7667.64
- Community Learning: 1521.57
- Adult Social Services: 2454.68

3.6 UK Power Networks: No objection.

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4. **REPRESENTATIONS**

4.1 Councillors Vizzard and Moss were consulted and made the following comments:

4.1.1 'The proposed application will have a great impact to the existing poor road infrastructure. As a nurses home, the building formally served Maidstone Hospital and prior to that, Oakwood Hospital with nursing staff. This meant little or no vehicular movement as the staff simply walked across the road.

4.1.2 If this application is granted, a building of local historical value will be lost and, with the provision of over 50 houses, create something in excess of 200 vehicle movements daily onto an already excessively used, poor road network that has been in excess of its design capacity for many years.

4.1.3 The Integrated Transport Strategy had identified this area of Hermitage Lane as being in need of both air quality improvement and traffic management improvement at the junctions.

4.1.4 A further 200 additional traffic movements will cause harm to the residents in health problems and cause immense inconvenience and danger from the traffic. This brings into question, the volume of properties proposed to be built on the site.'

4.2 Neighbouring properties were notified and three letters of objection have been received. The concerns raised in these letters are summarised below:

- Noise;
- Increased traffic;
- More careless and inconsiderate parking;
- A greater risk of road accidents;
- Further difficulties with access to and from our estate;
- General disruption during development;
- The design is poor;
- The number of units proposed is excessive;
- Impact upon the existing trees;
- Where will all of the bins go?
- Will there be sufficient bicycle storage?
- Will the properties be built to a lifetime homes standard?
- The proposal would change the character and appearance of the locality;
- A buffer zone of planting should be provided to protect existing residents;
- The density should be reduced.

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4.3 In addition, Teston Parish Council (the site does not fall within their Parish) made the following representation:

4.3.1 The proposed application will have a great impact to the existing poor road infrastructure. As a nurses home, the building formally served Maidstone Hospital and prior to that, Oakwood Hospital with nursing staff. This meant little or no vehicular movement as the staff simply walked across the road. If this application is granted, a building of local historical value will be lost and, with the provision of over 50 houses, create something that is in excess of its design capacity for many years.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the urban confines of Maidstone. The nurses building, which is unoccupied, occupies an extremely prominent position on the west side of Hermitage Lane just opposite the junction with Marigold Way. The site also fronts Oakapple Lane to the north.

5.1.2 Immediately in front of the nurses building fronting Hermitage Lane is an area of hardstanding used for parking. The nurses building has a rectangular footprint set around a quadrangle. Immediately abutting the building to the north and east are open areas. Abutting these areas are a mix of mainly two storey residential development however abutting the north west corner of the site is a three storey block of flats.

5.1.3 On the opposite side of Hermitage Lane the street scene is characterised by a wide grass verge and footpath. Beyond this is a ragstone wall which is a significant boundary feature along this part of Hermitage Lane separating the road from new housing and existing open space.

5.1.4 In a wider context the area has been the subject of significant recent, mainly housing development, principally in the form of terraced housing and flats.

5.2 Proposal

5.2.1 Outline planning permission is sought, with all matter reserved, to redevelop the site for 53 dwellings (involving demolition of the nurses building and Oakapple House) and development on the open areas abutting the site to the north and west. The application has been accompanied by indicative design and layout details seeking to demonstrate that it is possible to develop the site for the

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number of units proposed while still meeting the Councils design and layout standards.

5.2.2 A dwelling mix has been specified being 12 no: 4 bedroom three storey houses, 4 no: 4 bedroom two storey houses though with rooms in the roof; 8 no: 3 bed three storey houses as affordable rented units, 5 no: 3 bed three storey houses for private sale along with 6 no: two bedroom flats and 18 no: 1 bed flats. The applicants advise that the affordable units will be 'lifetime' homes while the private houses would have the capacity to meet lifetime homes standard if required.

5.2.3 The indicative site layout shows a U shaped three storey block fronting Hermitage Road and separated from it by an area of communal parking. The forward line of the block shows it coming significantly closer to the Hermitage Lane than the existing nurses building.

5.2.4 To the rear/west of the block, the currently open area is shown developed by a mix of terrace and semi-detached houses. To the north of the proposed U shaped block and on currently open land, three storey terraced development is shown while fronting onto Oakapple Lane and returning along Springwood Road for a short distance two storey terraced housing is proposed.

5.2.5 Indicative vehicular site access is shown being gained onto Hermitage Road and Oakapple Lane.

5.3 Determining Issues:

5.3.1 The key issues in relation to this proposal are considered to be as follows being (a) Principle (b) Density (c) Loss of non- designated heritage asset (c) Design and layout (d) Impact on development overlooking and abutting the site (e) highway and parking considerations (f) sustainability and (g) affordable housing and developer contributions.

5.4 Principle of Development

5.4.1 The application site lies within the urban area on brownfield i.e. previously developed land. The site occupies a sustainable location well related to existing infrastructure, services and public transport. Irrespective of the Council's position regarding the five year supply of housing land and emerging Local Plan, given (a) the general presumption in favour of sustainable development in built up areas and (b) the past use of the site for nurse's accommodation, no objection is identified to the principle of redeveloping the site for housing and matters therefore turn on detailed considerations.

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5.4.2 The Council do not currently have a five year land supply for housing, and as such, the provision of new housing is a strong material consideration in the determination of planning applications. This is not to say that it overrides all other considerations, but that it gains increased weight when a 'balancing up' exercise is undertaken. In this instance, as this is a brownfield site, within the urban area, with facilities close by, this is a suitable site for housing provision.

5.5 Density:

5.5.1 Concern has been raised that the density of development is excessive and will appear out of character with the local area. However in assessing the impact of density regard must be had to existing built mass commitments on a site. In this case, there is already the significant bulk and site coverage of the existing nurses home. Whilst the plans are illustrative, it is shown that it would be possible to erect on the footprint of this a building of similar size and scale to accommodate both flats and three storey houses. This would sit comfortably within the pattern and grain of the existing development.

5.5.2 Turning to the remainder of the development, this comprises a mix of mainly two and three storey terraced houses. As such it is not dissimilar in density terms to the mix of flats and houses already characterising the immediate area. Again, this is illustrative only, and as such, I am of the view that alternative layouts could be achieved within the site. This may result in a lower density, but likewise, should more flats be incorporated see the density increase. To my mind, the key consideration is the scale, and the form of the blocks, and the ability for these to assimilate with the development within the locality.

5.5.3 There is also the need to maximise the development potential of a site where the opportunity exists. Given the sustainable location of the site and nature of the surrounding area, it is considered that subject to the development meeting accepted planning criteria, it represents an appropriate response to securing the proposed development mix.

5.5.4 As such it is considered that it would be difficult to sustain an objection on development density having regard to the existing character of the site and that of the surrounding area.

5.6 Loss of non-designated heritage asset

5.6.1 A key concern raised in connection with this application is the loss of the nurses building. This is an imposing building of some character and historic significance occupying a highly prominent position in the street scene. While not Listed it is considered to represent a Non Designated Heritage Asset as set out in the NPPF.

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- 5.6.2 Given the weight that must be afforded to heritage issues and the significance of this building on the local area, the Council must first be satisfied that it is not possible to renovate the building and incorporate it into a development package for the site before agreeing to its demolition. Certainly the Council's own heritage advisor is strongly opposed to the demolition of the building given its architectural and historic significance while he also contends that its loss would harm the significance of the listed buildings at the Oakwood Hospital site.
- 5.6.3 The applicants advise that the building is surplus to requirements of the Hospital Trust no longer providing facilities meeting modern standards. Furthermore the building has a maintenance backlog such that the Trust no longer considers it viable to refurbish and reuse it.
- 5.6.4 Nevertheless, it is considered that demolition of this non-designated heritage asset would represent a considerable loss to the area. As such its loss can only be justified on the basis that the building had deteriorated to such an extent that it was wholly unviable to restore and that its retention would stand in the way of much needed housing.
- 5.6.5 The applicant has submitted a viability report which it is considered, demonstrates that it is not viable to convert the building to housing or be retained as part of wider proposals capable of delivering a viable housing scheme. It should also be noted that the building, although prominent, is not listed, and as such could be lost in any event. As such, given the pressing need for housing in Maidstone and in order to minimise the possibility of releasing fresh land for housing outside the existing built confines, though highly regrettable, it is considered that, on balance, the loss of this significant, imposing and highly prominent heritage asset is justified in the circumstances.

5.6 Design and layout considerations:

- 5.6.1 Acknowledging that loss of the nursing building is justified for the reasons set out above, it needs to be assessed whether the indicative siting and layout details demonstrate that the site can be redeveloped for the number of units proposed in an acceptable manner.
- 5.6.2 Given the imposing physical presence and highly articulated detailing of the heritage asset to be lost and the longstanding impact that this building has had on the urban fabric, grain and character of the wider area, any building replacing it must self-evidently be of sufficient design quality and presence to replicate this impact.
- 5.6.3 The indicative size and siting details of the U shaped block intended to replace the nurse's home show a three storey building having a similar frontage width

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and height coming slightly closer to Hermitage Lane. Given the design quality and presence of the nurse's home, any replacement building of contemporary design must, it is considered, be of exceptional design quality to compensate for what is being lost. It must also be taken into account that development surrounding the nursing home is all relatively recent. The nursing home represents to all intents the last remaining heritage asset in this section of Hermitage Lane and its very difference compared to modern development surrounding and encroaching onto its setting, further emphasises the need to ensure that any replacement building seeks to replicate this. I would however, not expect to see the large amount of car parking provision to the front of the site, as set out within the submitted plans, instead, the provision of soft landscaping should be encouraged here at reserved matters stage.

5.6.4 The applicants state that the replacement building is intended to take on a townhouse form with projecting bay windows lending a vertical emphasis with the main elevations having a render finish. The long façade facing onto the key Hermitage Lane frontage when compared to the highly articulated nursing home façade, lacks design articulation and visual interest not helped by the suggested use of render. As such it is not considered that the illustrative details indicate a scheme of equivalent or better architectural quality to that exhibited by the existing building while failing to make a sufficiently positive contribution to local character and distinctiveness. As this is outline in form at present, and because the plans are illustrative only, I am satisfied that this can be addressed within any future submission – appearance is not for consideration at this stage.

5.6.5 As such, any permission which may be granted should include an informative making clear that the proposed indicative design substantially fails to meet the design threshold acceptable as a replacement for the nurse's home.

5.6.6 Moving onto the remaining elements of the proposal, it is considered that the principle of a three storey block sited to the north of and set well back from Hermitage Lane, will respect the primacy and setting of the main block fronting Hermitage Lane. This approach will, it is considered help retain the 'memory' of the former nurses home as the prime building along this part of Hermitage Lane. It is also considered that this siting will not materially harm the outlook of the flats and houses abutting the site to the west.

5.6.7 Regarding the two storey housing fronting Oakapple Lane and returning for a short distance along Springwood Road, and that proposed to the west of the U block, given the character and layout of prevailing development, no objection is raised to the indicative design and layout approach of these parts of the development.

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- 5.6.8 As a general comment, it is considered that the indicative layout demonstrates that it is possible to achieve block spacing, privacy and garden size standards for development of the scale proposed. Regarding the flats fronting Hermitage Lane in the U Block, a small private communal space is shown to serve these and in conjunction with the likely provision of balconies provides sufficient indication that the need of the occupants of the flats can also be met. The only significant conflict relates to potential privacy issues from 1st/2nd floor windows in the flats looking down into the rear garden of the houses attached to the flats. At this stage there is no indication how this could be addressed but by a combination of the use of oriel windows and internal flat layout, there is no reason why this could not be satisfactorily resolved.
- 5.6.9 There is also the matter of parking provision and the indicative layout shows mainly communal parking scattered in relatively small parcels around the site. It is considered that this demonstrates that the site is capable meeting parking requirements in a manner that can be acceptably integrated into the wider layout.
- 5.6.10 The layout also shows areas of communal open space/landscaping mainly on the site frontage and along Oakapple Lane. Given that the nurse's home stands in an open landscaped setting, it is considered that the proposed landscape approach will serve to maintain this impression when seen from the principal Hermitage Lane perspective.
- 5.6.11 The key landscaping area to be secured is along the Hermitage Lane frontage. Bearing in mind that surrounding development includes the provision of ragstone walls with planting, it is considered that this proposal should also reflect this approach. A condition is therefore recommended requiring provision of a ragstone wall no less than 900mm high along the whole site frontage in a position to be agreed with tree planting at regular intervals along its length.
- 5.6.12 It is also recommended that a condition be imposed requiring development to be set back at least 10 metres from the highway, to ensure good landscaping provision and to secure an acceptable living environment for future occupiers.
- 5.6.13 It would also normally be the case for a development of this size and dwelling mix to incorporate an area set aside for on site play provision. No such provision is being made. However subject to the applicants entering into a legal agreement to secure financial contributions to carry out improvements to nearby play areas likely to be used by children from the development, it considered that matter of play provision can be addressed.
- 5.6.14 Finally it is considered that though the illustrative proposal is generally unacceptable in design terms, the indicative layout provides a largely acceptable

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solution to unlocking the development potential of the site for the proposed number of units – the purpose of this outline submission. In addition, to ensure that any development remains in scale and character with the area the height of the development should be restricted to that shown.

5.7 Impact on development overlooking and abutting the site

- 5.7.1 The negative impact of the development on the Hermitage Lane street scene has already been addressed above. With regards to any material impact on residential amenity of houses abutting and overlooking the site in Oakapple Lane and Springwood Road, the indicative layout shows that existing flank to flank siting arrangements and separation distances are capable of being maintained. As such it is considered that the indicative details demonstrate that the site can be developed at the scale proposed without materially harming the amenity of houses abutting and overlooking the site in Oakapple Lane and Springwood Road.

5.8 Highway and parking considerations

- 5.8.1 Concern has been raised regards the impact upon the existing road network should planning permission be granted on this site. As Members are aware, significant work has been undertaken with regards to the potential strategic sites within the locality. Given the potential existing use of the site, and given that the application does not provide details of numbers of units at present, I consider it appropriate, should permission be granted to request the submission of a full Transport Assessment as part of any reserved matters application. This would identify the level of harm to the nearby highway, together with the mitigation that would be required to address this harm.
- 5.8.2 I am mindful of the potential existing use of the site, as well as the potential use for offices which has previously been approved. This previous permission included the provision of an additional 61 parking spaces. This site lies on a busy road, but it is not considered that the additional movements are likely to be unacceptable, subject to mitigation being provided, once the number of units proposed is known.
- 5.8.3 The draft Integrated Transport Strategy has identified a number of particular projects that would require funding should housing proposals come forward within the North West of Maidstone. However, these have not yet been through full consultation, and the strategy has not yet been adopted. As such, it would be inappropriate to seek specific contributions to any enhancements at this stage. Nonetheless, any contribution for mitigation could be sought at a later stage should it prove necessary – and this would be known once the certainty of housing numbers was provided at reserved matters stage.

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- 5.8.4 In terms of parking provision, from the plans submitted to date, I am of the view that there would be suitable land within the site to be able to provide the necessary parking spaces within the development. This would ensure that there would not be overspill on to the neighbouring highways to the detriment of highway safety. As such, no objection is raised on this basis.

5.9 Sustainability Considerations:

- 5.9.1 The application has not been accompanied by a detailed sustainability appraisal. However given that this is an outline application, it is not considered that this represents a fundamental omission and is a matter that can be left to be addressed by condition.
- 5.9.2 Nevertheless, given the brownfield nature of the site, and the fact that the proposal is well served by local facilities, I do consider this a relatively sustainable location. I would seek to further enhance this by requesting that the development be constructed to a minimum of level 4 of the code for sustainable homes. This would be controlled by condition.

5.10 Section 106 Requirements

- 5.10.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of 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.

- 5.10.2 The applicants have submitted a draft Section 106 agreement that sets out that a minimum of 40% affordable housing would be provided within the development. This is in accordance with the Council's adopted Development Plan Document (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.

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- 5.10.3 The County have requested that £2,701.63 per dwelling be provided towards primary school education (or £675.41 per flat). 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. I am therefore satisfied that this contribution meets the tests as set out above.
-
- 5.10.4 A financial contribution of £144.67 per residential unit 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.
- 5.10.5 A financial contribution of £28.71 per dwelling 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.
- 5.10.6 Maidstone Borough Council Parks and Open Space were consulted and requested that a contribution of £15.75 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 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 to be necessary to make the development acceptable.
- 5.10.7 The National Health Service have not requested that any contributions be made as they are selling the site, and will therefore receive the capital receipts from the sale.
- 5.10.8 The applicant has agreed to make all of the contributions set out above.

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6. **CONCLUSIONS**

6.1 These are considered to be as follows:

- Given that the site lies within the built up area, is already surrounded by residential development and proposes redevelopment of brownfield land, there is no objection to the principle residential redevelopment of the site which is located within a sustainable location, close to local services and amenities.
- Given the lack of a 5 year land supply for housing, the need to provide for housing to address this shortfall, I consider that this proposal would go some way to reducing the reliance upon greenfield development.
- Having regard to existing built mass on the site, nature of the surrounding area and requirement to maximise the development potential of sites where appropriate, no objection is identified on density grounds.
- Notwithstanding the undoubted contribution that the nurse's home makes to the character of the area and despite that it comprises a non-designated heritage asset as defined within the NPPF, it is acknowledged that its condition is such that it is not capable of being viably renovated or integrated into the development proposals for this site.
- The indicative design of the building to replace the nurses home is wholly unacceptable.
- The principle of a three storey block sited to the north of and set well back from Hermitage Lane is considered acceptable while the illustrative details showing the siting and size of the remainder of the development, parking provision and landscaping all demonstrate that the site is capable of accommodating the scale of the development proposed while meeting the Councils normal standards and maintaining the outlook and amenity of development overlooking and abutting the site.

6.2 In the circumstances, despite the regrettable loss of the nurses home and subject to its replacement with a building of high design quality to compensate for its loss, it is considered, that, on balance, the proposal is acceptable and the grant of outline planning permission is justified accordingly.

7. **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;

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- (2) Contributions to KCC for primary school provision (£2,701.63 per dwelling and £675.41 per applicable flat);
- (3) Contributions to KCC for library book stock – to be spent within Maidstone (£144.64 per dwelling or flat);
- (4) Contributions to KCC for community learning and skills – to be spent within Maidstone (£28.71 per dwelling or flat)
- (5) 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 at regular intervals along the site frontage onto Hermitage Lane.

Reason: In the interests of visual amenity.

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.

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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 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;

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

10. 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.

11. 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.

12. 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.

13. 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

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Planning Authority;

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

14. 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.

15. 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.

16. 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.

17. 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.

18. 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

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site.

Reason: To ensure a high quality design.

19. 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.

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, and 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.

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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.

