

REPORT SUMMARY

REFERENCE NO - 14/504580/FULL			
APPLICATION PROPOSAL			
Demolition of the existing twenty seven concrete garages and the erection of five houses with 1 delegated car parking space per dwelling			
ADDRESS 48 Grecian Street Maidstone Kent ME14 2TS			
RECOMMENDATION: Approve with Conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>The application is for the erection of 5 dwellings on previously developed land within the urban area of Maidstone. The principle of the proposal for residential use is therefore considered acceptable in this sustainable location.</p> <p>The proposal has been amended in order to overcome the previous objections to the development, through a change in the proposed design and a reduction in the number of units from six to five. On balance these amendments have ensured that the previous objections in terms of adverse impact upon neighbouring dwellings and future occupiers have been resolved.</p> <p>Whilst it has been acknowledged that concern has been raised through third party objections in relation to the adverse impact the development would have upon parking provision with the locality, the proposed parking arrangements are considered to be satisfactory. Furthermore the Inspector did not refuse the application in relation to access arrangements or the impact of the proposal upon existing parking arrangements. Whilst the Inspector did raise concerns over the siting of the proposed bin storage in relation to the neighbouring Samaritans parking facilities this has now been resolved through their relocation on site.</p>			
REASON FOR REFERRAL TO COMMITTEE			
Cllr Naghi wishes to see this application taken to committee if the officers recommendation is for approval.			
WARD East Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Rodger Dudding AGENT Mr Christopher Barnes	
DECISION DUE DATE 05/01/15	PUBLICITY EXPIRY DATE 05/01/15	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/11/1659	Demolition of 27 existing lock-up garages to the rear of 48 Grecian Street and the erection of six three bedroom Mews Houses with associated integral parking and two visitor spaces, on-site fire hydrant, and pergola refuse storage.	Refuse	08/03/12
<p>This application was refused for two reasons firstly on grounds relating to the proposals scale, length of terrace and proximity to boundary resulting in an adverse impact upon the outlook on occupiers of Waterlow Road. The second reason related to the adverse impact of the proposal specifically as a result of its layout result in substandard living conditions for future occupiers, in particular the size of the outdoor amenity space.</p>			

This decision was appealed and subsequently dismissed. The Inspector concluded that the proposal would not provide for adequate living conditions for neighbouring and future occupiers with regard to outlook and provision of amenity space. The Inspector also considered that due to the location of the proposed refuse storage there would be potential for conflict and inconvenience as a result of the use of the access and the bin collection area which also counted against the proposal.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises 27 lock-up garages with space for additional parking for non-garaged vehicles. The site is accessed through an archway from Grecian Street which passes under part of no. 48 Grecian Street which is a premises currently used by the Samaritans. The properties to either side of no. 48 are terraced dwellings, as are those on Waterlow Road, which backs on to the appeal site to the rear. Although in both cases rear gardens separate the dwellings from the site, with the gardens serving Grecian Street being significantly larger than those serving Waterlow Road.
- 1.02 Whilst the site itself is relatively flat there is a difference in levels around it. This is most apparent to the south-east where a substantial retaining wall exists on the site boundary. However, there is also a material difference between the appeal site and the lower dwellings and gardens in Waterlow Road. Although less significant, Grecian Street slopes up to the south-east so that there is also some differences in levels.
- 1.03 The site is within the urban area of Maidstone and within an area covered by the Council's residents parking scheme that restricts on street parking to permit holders. The area is predominantly residential with small elements of commercial uses with the Samaritans currently occupying number 48 Grecian Street.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the demolition of 27 garages and erection of five dwellings each with their own parking space. The proposed dwellings would be two storey and comprise two blocks of built form essentially consisting of a pair of semi-detached dwellings and a terrace of three. The dwellings would be orientated within the site so that the front elevations of the two blocks of development would face one another with the side elevations being located opposite rear elevations of properties on Waterlow Road. One parking space would be provided to each dwelling with the existing access which is derived from Grecian Street to be retained.
- 2.02 Planning permission was previously refused at committee for the erection of 6 dwellings on the site. The reasons for refusal related to the adverse impact the proposal would have upon the amenities of properties in Waterlow Road, specifically through a loss of outlook. The proposal was also considered to have an adverse impact upon the amenities of future occupiers as a result of its layout and limited amenity space. This application was subsequently dismissed on appeal for the same reasons as those outlined within the committee decision. The Inspector also stated that she was not satisfied that the use of the access and proposed bin collection area would be achievable without significant inconvenience to the various users involved. The appeal decision is attached as an **Appendix** to this report.

- 2.03 With this resubmission the applicant has sought to overcome the reasons for refusal and Inspectors decision by reducing the number of units and changing their layout to reduce the impact upon amenities of neighbouring properties on Waterlow Road and to provide adequate amenity space for future occupiers. In addition the proposed bin store has been relocated within the site to reduce conflict between users of the access and Samaritan parking spaces.

3.0 PLANNING CONSTRAINTS

The site is located within the urban area where in principal the redevelopment of the site would be considered acceptable.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, T13

5.0 LOCAL REPRESENTATIONS

A site notice was displayed at the entrance to the site on 01/12/14.
35 letters of objection were received raising the following (summarised) points:

- Increase in traffic movements along Grecian Street
- Loss of available parking on Grecian Street through loss of existing garages and provision of 5 dwellings.
- Overshadowing and loss of privacy
- Inability to maintain rear access
- Increase in noise and disturbance
- Inability for emergency services to access the site.
- Site has an existing restricted access under the Samaritans building
- Inconvenience to parking of vehicles within the site
- Obstruction of right of way
- Notice not served on all owners
- Insufficient confirmation that the proposal would comprise with fire regulations
- Insufficient provision for refuse storage within the site, placement of any refuse would obstruct access to the site and parking facilities for 48 Grecian Street
- Plans drawn incorrectly
- Proposal would not lead to 'enhanced views'
- Unacceptable increase in density
- Adverse impact on views from surrounding properties
- Out of keeping with the character of the locality
- Insufficient turning circles within the site restricting the safe manoeuvring of vehicles
- Loss of light
- Loss of privacy

6.0 CONSULTATIONS

- 6.01 **KCC Highways** – Response received on 15/04/15 and raise no objections when taking into account the previous reasons for refusal and Inspectors decision subject to a condition requiring the submission of a construction management plan.

7.0 APPRAISAL

Principle of Development

- 7.01 The site is located within the urban area of Maidstone and in close proximity to the town centre. As such the site is sustainably located and in reasonable proximity to bus and rail services and would be well served by local facilities and amenities. The site comprises garages and therefore would fall within the definition of previously developed land. For these reasons the principle of residential use in this location is considered to be acceptable.
- 7.02 Development Plan Policy and guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations, especially where the wider character of the area is predominantly residential. According to the NPPF 'Housing applications should be considered in the context of the presumption in favour of sustainable development'. The NPPF sets out a presumption in favour of sustainable development which in the context of decision making is defined as approving development proposals that accord with the Development Plan without delay, and where the Development Plan is silent granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 7.03 For the reasons set out above it is considered that the principle of the redevelopment of the site is acceptable in the context of local, regional and national planning policy and guidance, subject to all other material considerations. The key considerations therefore are in relation to impact upon character of the street scene, impact upon amenities of neighbouring properties and future occupiers, highways safety and capacity, parking provision, biodiversity, landscaping and refuse collections.
- 7.04 The lack of a five year supply is a relevant factor but does not, of itself, direct that this application should be approved. Indeed, this proposal would only make a fairly moderate contribution to the boroughs housing land supply position and it is the details of this proposal that need to be examined in order to assess whether or not it is acceptable.

Visual Impact

- 7.05 The proposal would be located to the rear of existing properties on Grecian Street, with access being gained through an existing archway. The development would be set back approximately 30m from the public highway such that views of the proposal from the street scene would be fairly limited.
- 7.06 Although the development would not be visible from any public vantage point there would be a number of residents from existing dwellings in Grecian Street, Waterlow Road and Wheeler Street that would have views of the property. This number of private views is reasonably significant (in excess of 30 dwellings) and should be given consideration. The proposed dwellings would be modern in terms of their design. The previous proposal whilst different to that now put forward, the design of this scheme was also modern although this incorporated flat roofs as opposed to pitched as is now proposed. No objections were previously raised to the proposed design and this scheme was not refused in terms of its visual impact nor was this deemed a reason for refusal within the appeal. The drawings have been amended during the life of the application to amend the flank elevation of the plot which would face users as they would enter the site. Previously a blank flank elevation was

provided to this property and when combined with a 2m high rear boundary fence would have resulted in an enclosed feel to the development. The proposed drawings have been amended to improve this flank elevation and windows have now been inserted within this flank elevation and additional landscaping is proposed. Taking the above into account it is considered that the proposal would not have an adverse impact upon the character of the streetscene or locality more generally.

Residential Amenity

- 7.07 Within the Inspectors decision of the previous application in regard to amenities of existing neighbouring occupiers, the Inspector stated that *'even at their furthest points, the separation distance would be very limited, with the proposal only being some 9 metres from the rear elevation of the neighbouring dwellings. At such close proximity, notwithstanding their articulated form, or the incorporation of landscaping to the boundary or a 'living wall' element, I consider that the height and scale of the proposal would give its dwellings an overbearing appearance to the neighbouring occupiers and would result in an unacceptable loss of outlook for them. This would be exacerbated by the difference in levels involved.'*
- 7.08 The previous application was therefore refused for two reasons firstly that the proposal would have an adverse impact upon the amenities of existing and future occupiers. These reasons for refusal were upheld by the Inspector with regard to the appeal concluding that 'the proposal would not provide for adequate living conditions for neighbouring and future occupiers with regard to outlook and the provision of amenity space.
- 7.09 The applicant has sought to overcome this reason for refusal through fairly substantial alterations to the proposed design. Firstly the number of units proposed has reduced from six to five. Secondly the proposed layout has been altered significantly such that the dwellings would form two blocks of built form through a terrace of three units and a pair of semi-detached dwellings as opposed to a linear development of six units. The proposed development would now effectively be inwardly facing.
- 7.10 The most sensitive relationship is that with the neighbouring properties on Waterlow Road. Currently 27 garages exist on the site, the majority of which run parallel to the rear boundary with the properties on Waterlow Road. The garages themselves are located approximately 1.8m above the fence line of the properties on Waterlow Road due to changes in land levels and therefore these properties already have some form of enclosing effect. As stated above the proposal has been amended to reduce the impact upon the amenities of those properties on Waterlow Road. These amendments include the two storey element of the development being set back approximately 2m from the boundary with properties on Waterlow Road with the eaves height of the single storey element being the same height of the existing garages. Furthermore the roof would slope away from these properties thus reducing any adverse impact. Taking the proposed design into account some properties particularly those who would face the communal parking area would have their outlook improved following the removal of the existing garaging. Although it is acknowledged that 2m high fence panels would be erected along the boundaries to the rear gardens of the proposed dwellings and the communal parking area such that any improvement would be fairly limited.
- 7.11 In terms of the proposed window arrangement no windows would be located within the flank elevation of the proposal which would face the properties on Waterlow Road. The windows on the front elevation of the property have been designed to

reduce any adverse impact in terms of overlooking by providing a combination of obscure glazed and clear glazed windows. The proposal would not therefore have an adverse impact upon the amenities of future or existing occupiers in terms of loss of privacy.

- 7.12 By increasing the proximity between the two storey element of the proposal and the neighbouring properties on Waterlow and by pitching the roofs away from these dwellings it is considered that the development would not have a significant adverse impact upon the amenities of neighbouring properties in terms of loss of light, outlook or overbearing impact when compared to the provision of the existing garages.
- 7.13 On balance and when taking into account the proposed alterations it is considered that the proposal has overcome the previous reasons for refusal in relation to impact upon amenities of neighbouring properties.
- 7.14 With regard to impact upon future occupiers the Inspector considered that the previous amenity spaces were awkward in terms of the shape, limiting their ability to be used for a range of different purposes, limited in size, enclosed, and with the potential for overshadowing and overlooking. The proposed layout has been amended in order to address these concerns. More substantial rear gardens have been provided in a practical rectangular shape and they would not be overshadowed or unduly enclosed. Whilst some overlooking may occur from the properties on Waterlow Road into the rear gardens of the closet dwellings, this could be reduced through the provision of tree planting within the proposed buffer zones which would lie between the new properties and those on Waterlow Road. Overall, it is considered that the changes would now provide sufficient amenity spaces for the dwellings.

Highways and Parking

- 7.15 Consideration to the highways and parking implications of the development were considered as part of the previous application and appeal. Within the Inspectors decision with regards to the parking implications of the proposal she stated that:
- 7.16 *'Considerable concern has been expressed locally about the implications of the proposal on access and parking arrangements on and around the site, including representations from a constituent submitted by Helen Grant MP. I have had full regard to these concerns, although it appears to me that some of the matters raised would potentially need to be addressed through other legislation or regulations. Nonetheless, from my visit to the site and the area around it, it was clear that there is a significant amount of local parking demand, which the appeal site currently appears to contribute towards meeting. However, regardless of the outcome of this appeal, I recognise that the use of the garages may cease or may no longer be made available to meet local needs.'*
- 7.17 The Inspector went on to say in relation to the proposed access that:
- 7.18 *'The access to the appeal site also serves 5 parking spaces adjacent to it, used by the Samaritans, together with other parking areas access via the appeal site but within a number of neighbouring properties. In addition to vehicular access, there are also pedestrian access provided between the garages and the boundaries of the site to the north-east and south-west and also through the north-west corner of the site to a pathway beyond...Based on the current use of the access and the site it appears to me that in addition to its use by the future occupiers of the proposal and visitors or servicing vehicles connected to them, the access also has the potential to continue to be used by a number of other people.'*

- 7.19 No objections were therefore raised by the previous Inspector with regard to the parking implications of the proposal, which included consideration of the loss of the existing garaging. Therefore whilst the concerns of local residents with regard to the increased pressure of parking on neighbouring local roads is acknowledged it is not reasonable to introduce this as a new reason for refusal when the previous application was not refused on these grounds. However it is acknowledged that concern was raised by the previous Inspector in relation to the access arrangements to the site and the proposed bin store stating that:
- 7.20 *'I am not satisfied that the use of the access and the proposed bin collection area would be achievable in conjunction with the continued use of the parking spaces adjacent to it, without significant inconvenience to the various users involved. Whilst alternative bin storage and collection provision may be possible with the site, it is not clear to me how this could be achieved without detriment to the appearance of the development. Whilst this does not alter my conclusions on the main issue, I consider that the potential for conflict and inconvenience likely to result from the use of the access and bin collection area also counts against the proposal.'*
- 7.21 In order to address this issue the applicant has moved the proposed bin store adjacent to the fencing of one of the proposed plots. Whilst it is acknowledged that this would be located beyond the desired 25m from the carriageway, at approximately 32m, this requirement is a recommended distance. Given the previous objections raised by the Inspector in relation to the proposed bin store and the impact upon the access arrangements, the proposed location would be the most appropriate given the constraints of the site. Furthermore it is noted that the all other objections raised by the Inspector in terms of impact on neighbouring residents and future occupiers have been resolved. Whilst the location of the bin store at approximately 32m from the carriageway is not ideal, its location is not considered to be so severe to warrant the refusal of the application in its entirety.
- 7.22 The dwellings would each have a single parking space provided which was previously considered acceptable under the original scheme. The provision of parking at 1:1 ratio is still considered adequate for a site close to the town centre, which is within easy walking distance.
- 7.23 The site was previously considered accessible for both ambulance and police vehicles and a fire hydrant dry-riser is to be positioned within the site to compensate for the fact that a fire engine could not enter the site. The refuse collection point is close enough to Grecian Street for refuse and recycling to be collected and whilst I note objectors concerns about the size of collection point in relation to the number of bins for each property, with the fortnightly collections there would only be one large bin per property in the collection point each week (in addition to the small food waste bin).

Landscaping

- 7.24 The site is fairly constrained and therefore opportunities for landscaping will be fairly limited. However some form of landscaping will be essential to provide ensure the impact of the proposal would be softened in order to improve the setting and character of the proposal and safeguard amenities of future occupiers. Full details in relation to a landscaping scheme could be secured by condition.

Other Matters

- 7.25 An ecological appraisal has been carried out by the applicant and it was concluded that the site was of low ecological value. Recommendations have been proposed within the assessment such as planting native species and provide bird boxes within the site, in order to enhance the sites biodiversity. These recommendations could be secured by condition.
- 7.26 Third party concern was raised in relation to whether all the land was owned by the applicant and that existing rights of way were being adversely affected by the development. This issue was raised with regard to the previous application. The applicant has signed certificate B stating that they have served notice on number 46 and 48 Grecian Street. Any issues concerning existing or future private rights of way would be a private matter between the relevant parties.

8.0 CONCLUSION

- 8.01 The application is for the erection of 5 dwellings on previously developed land within the urban area of Maidstone. The principle of the proposal for residential use is therefore considered acceptable in this sustainable location.
- 8.02 The proposal has been amended in order to overcome the previous objections to the development, through a change in the proposed design and a reduction in the number of units from six to five. On balance these amendments have ensured that the previous objections in terms of adverse impact upon neighbouring dwellings and future occupiers have been resolved.
- 8.03 Whilst it has been acknowledged that concern has been raised through third party objections in relation to the adverse impact the development would have upon parking provision with the locality, the proposed parking arrangements are considered to be satisfactory. Furthermore the Inspector did not refuse the application in relation to access arrangements or the impact of the proposal upon existing parking arrangements. Whilst the Inspector did raise concerns over the siting of the proposed bin storage in relation to the neighbouring Samaritans parking facilities this has now been resolved through their relocation on site.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: (11) 01 Rev D, (11)02 Rev D, (11)03 Rev D, (11)04 Rev D, 11(05) Rev D, 11(06) Rev D, 11(07) Rev D and 11(08) Rev D scanned on 09/04/15 and Site Location Plan scanned on 16/12/14.

Reason: To ensure the quality of the development is maintained and to prevent harm to amenity.

3. 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.

Reason: To ensure a satisfactory appearance and a high quality of design.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 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 and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved schemes implementation and long term management. The landscaping scheme will need to provide full details of native tree planting within the buffer zone. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines.

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

6. 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 dwellings 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 external appearance to the development.

7. No development shall commence until:
 1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local Planning Authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.
 2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.
 3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If

during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by the Local Planning Authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or take from the site. Any material brought onto the site shall be certified clean.

Reason: To prevent harm to human health and pollution of the environment.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A-E shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and amenities of existing and future occupiers.

9. The development hereby permitted shall be undertaken strictly in accordance with the recommendations outline within Section for of the 'Code for Sustainable Homes Ecology Component Appraisal' carried out by J Taylor Ecology Consulting dated 11th February 2015.

Reason: To enhance the sites biodiversity assets.

10. Before the development hereby permitted is first occupied, the proposed windows as identified on 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 be subsequently maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

11. The development shall not commence until details of all fencing, walling and other boundary treatments have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure a satisfactory appearance to the development.

12. The development shall not commence until details of ecological enhancements within the development site, to include provision of swift bricks within buildings; spaces beneath rear boundary fences to allow movement of hedgehogs; and buried timber for saproxylic organisms, have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be maintained thereafter;

Reason: In the interests of ecology and biodiversity enhancement.

Planning Committee Report

INFORMATIVES

Should any works be required in the highway applicants should contact Kent County Council Highways and Transportation ([web:www.kent.gov.uk/roads_and_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone 03000 418181) in order to obtain the necessary Application pack for a statutory licence to be obtained.

Case Officer: Andrew Jolly

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