

REPORT SUMMARY

REFERENCE NO: - 22/505206/FULL		
APPLICATION PROPOSAL: Change of use from Class C4 6-bedroom HMO to Sui-Generis 8-bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear dormer and 1no. front rooflight (Resubmission of 22/503713/FULL).		
ADDRESS: 14 Charles Street Maidstone Kent ME16 8ET		
RECOMMENDATION: GRANT PERMISSION Subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF		
REASON FOR REFERRAL TO COMMITTEE: Decision deferred at the committee meeting on the 16 February 2023		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Kemsley AGENT: Kent Design Studio Ltd
CASE OFFICER: Jake Farmer	VALIDATION DATE: 31/10/22	DECISION DUE DATE: 28/04/23(EOT)
ADVERTISED AS A DEPARTURE: No		

1. BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting on the 16 February 2023. The committee report to this meeting is provided as an appendix to this report.
- 1.02 The committee resolved to defer a decision on the application for the following reasons:
 - (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.
 - (c) Seek an appropriate solution to refuse storage and collection in connection with HMOs.

2. PROPOSAL

- 2.01 The application proposes a change of use from a 6 bedroom HMO (Use Class C4) to a Sui-Generis (Class of its own) 8 bedroom HMO. The proposal includes a single storey rear extension and loft conversion and extensions to the rear and side roof slopes and a front rooflight.

3. APPRAISAL

- 3.01 This report seeks to address the following three points as set out in the committee minutes from the meeting on the 16 February 2023:
 - (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

- (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.
- (c) Seek an appropriate solution to refuse storage and collection in connection with HMOs.

3.02 These three points in the minutes are considered in turn below.

(a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

- 3.03 KCC Highways do not provide comments to Maidstone Council on planning applications involving 5 or less dwellings (threshold not applied cumulatively). This arrangement is a protocol between KCC Highways and local authorities across Kent.
- 3.04 The assessment of potential highways impact for planning applications of 5 or less dwellings is carried out by Maidstone Council, not KCC Highways.
- 3.05 The 5 dwelling threshold is set for several reasons including the following:
- low level of potential highway impact from applications of this size, and
 - high threshold of 'harm' required to refuse planning permission on highway grounds (NPPF para 111 - 'severe' impact).

Off street car parking standards

- 3.06 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B). The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural).
- 3.07 14 Charles Street is in an '*edge of centre*' location (existing high on street parking demand – on street one way traffic controls, permit parking).
- 3.08 In '*edge of centre*' locations, adopted local plan off street parking standards are set as a 'maximum' (i.e not '*minimum*' standards as in other areas).
- 3.09 Maximum off street parking standards:
- optimise the density of development in existing sustainable locations well served by public transport (as advised at NPPF paragraph 108 and Chapter 11).
 - reduce the negative visual impact of off street parking on the street scene and building setting caused by large areas of hardstanding.
 - reduce the negative impact on residential amenity with front gardens separating car parking from ground floor living rooms and bedrooms.
 - Retain the on street car parking space lost in providing access to off street car parking space.
- 3.10 It is highlighted that the supporting text to the car parking standards (Footnote 3) also encourages flexibility in '*edge of centre*' locations advising: "*Reduced or even nil provision acceptable for rented properties, subject to effective tendency controls*". In the 2021 Census 39.9% of households in local area did not own a car, compared to 18.5% in the Tovil area and 14.6% in Maidstone Borough as a whole.
- 3.11 The proposal is for two additional rooms in an existing House in Multiple Occupation (HMO). There is no car parking standard for HMO uses in the Local Plan, but where planning permission is required, the standard consistently applied is one off street space for each HMO room and 0.2 visitor spaces per room.
- 3.12 The current application compiles with these adopted off street car parking standards. The standards require a maximum of two off street spaces and 0.4

visitor spaces per unit (no off street space parking is provided as part of the application).

Impact on highway network and on local amenity, character, and appearance

- 3.13 Notwithstanding compliance with off street parking standards, other potential related impacts include the impact of additional on street parking on the highway network and on local amenity, character, and appearance.
- 3.14 The baseline for all highway impact assessment is the existing lawful use operating at full capacity. Any additional highway impact above that baseline is then relevant.
- Existing HMO does not require planning permission
 - Car ownership for occupiers of HMO's is generally lower than flats or houses
 - On street demand from proposal is 2 spaces and 0.4 visitor spaces (3 spaces).

View along Charles Street looking south with application site on left hand side.



- 3.15 Additional on street parking can have a visual impact on the character and appearance of an area. Charles Street is in a controlled parking zone. Charles Street has marked parking bays on both sides of the street with no pavement parking.
- 3.16 Charles Street is a one way street with exit only at the northern end at the junction with Douglas Street. It is concluded that given the relatively low additional need for three on street spaces there are no grounds to refuse planning permission on visual impact grounds.
- 3.17 The additional impact from the current planning application will be insignificant when compared to the scale of the wider issues in the area. It is suggested that the current planning application is not the correct or most effective route to address these wider issues.
- 3.18 In the planning balance, the cost of the additional on street parking demand is substantially less than the benefit of the proposed new accommodation of a good

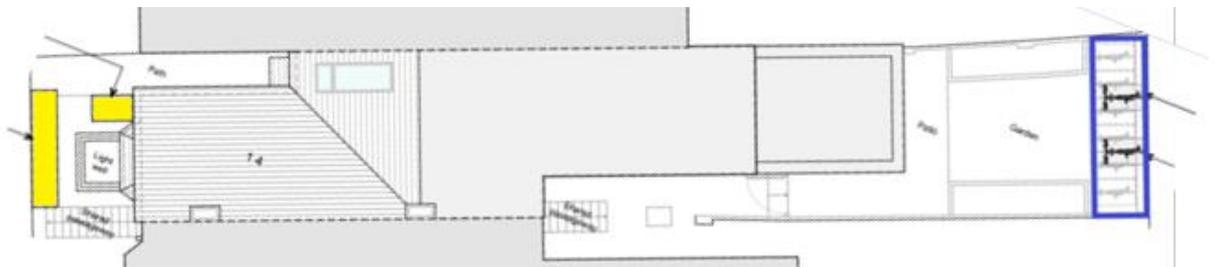
standard, in a sustainable location with a design and scale that is in keeping with the surroundings.

- 3.19 NPPF advice on assessing highway impact states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF paragraph 111).
- 3.20 Existing local on street parking demand is acknowledged. The proposal will generate a relatively low need for three additional on street car parking spaces within walking distance of 14 Charles Street. This additional on street demand will not meet the NPPF threshold of causing 'severe' harm that is required to refuse planning permission.

Cycle parking

- 3.21 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. There are no standards for HMO's however the standard of one space per room is applied.
- 3.22 The application site benefits from an external undercroft pedestrian access to the rear garden. This access at lower ground floor level is located on the boundary with 16 Charles Street. Cycle storage for 8 cycles is provided in the rear garden. A condition attached to the recommendation seeks to secure this cycle parking. This arrangement will provide simple, practical, and accessible cycle storage and is acceptable.

14 Charles Street – Refuse storage (yellow) and cycle storage (blue)



(b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

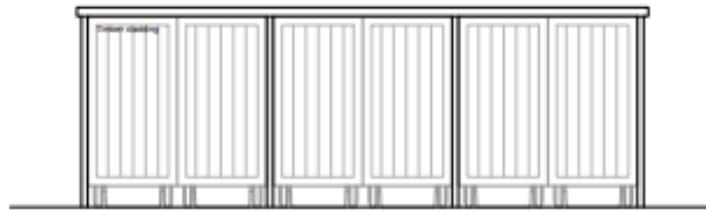
- 3.23 MBC Waste services have confirmed that for an HMO "*Developers should use a calculator of 120 litres per HMO dwelling per waste stream*". For every two HMO rooms, this standard requires provision of one 240 litre refuse bin and one 240 litre recycling bin
- 3.24 The proposed refuse storage area is shown on the submitted planning application plans at the front of the site. This is sufficient space for the bins outlined above. There is space available for the refuse bins to be moved from the storage onto the pavement for collection whilst providing sufficient space for pedestrians.

(c) Seek an appropriate solution to refuse storage and collection in connection with HMOs.

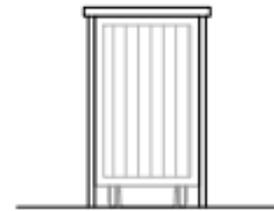
- 3.25 Following the committee resolution planning officers have discussed refuse bin provision for HMOs with MBC Waste Services. Following this discussion MBC Waste Services have now set out a general standard that will apply to all HMO's in terms

of the provision of refuse bins. The refuse bin provision set out in this report is in accordance with these new standards.

Proposed refuse store 1



Proposed Refuse Store 1 - Front Elevation
Scale 1:20



Proposed Refuse Store 1 - Side Elevation
Scale 1:20

CONCLUSION

- 3.26 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drawing No. 3839 – 001 – B (Site Location and Existing Block Plans)(rec 06.04.2023)
- Drawing No. 3839 – 002 – B (Existing Floor and Roof Plans) (rec 06.04.2023)
- Drawing No. 3839 – 003 – A (Existing Elevations) (rec 06.04.2023)
- Drawing No. 3839 – 005 – D (Proposed Block Plan) (rec 06.04.2023)
- Drawing No. 3839 – 006 – C (Proposed Floor Plans) (rec 06.04.2023)
- Drawing No. 3839 – 007 – B (Proposed Elevations) (rec 06.04.2023)
- Drawing No. 3839 – 009 – B (Existing Site Plan) (rec 06.04.2023)
- Drawing No. 3839 – 010 – C (Proposed Site Plan) (rec 06.04.2023)
- Drawing No. 3839 – 011 (Proposed Refuse Stores) (rec 05.04.2023)

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents

- 2) The external facing materials of the extensions hereby permitted shall match those used on the existing building.
Reason: To ensure a satisfactory appearance to the development.
- 3) The development hereby approved shall have no more than 8 separate households occupying the building at any one time.
Reason: To protect the amenity of future occupants.
- 4) Prior to the first occupation of the new accommodation hereby approved, the facilities for the storage and screening of refuse bins and the storage of cycles,

shown on the submitted plans shall be in place. These details will be maintained as such thereafter.

Reason: In the interests of amenity.

- 5) The use of the extension shall be as set out in the application and no development or the formation of any door providing access to the roof of the extension shall be carried out, nor shall the roof area of the extension be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of amenity.

Informatives

- 1) The applicant is advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [Community Infrastructure Levy - Maidstone Borough Council](#).
- 2) The applicant is advised that the accommodation will require an HMO licence from the Council's Housing and Health Team.