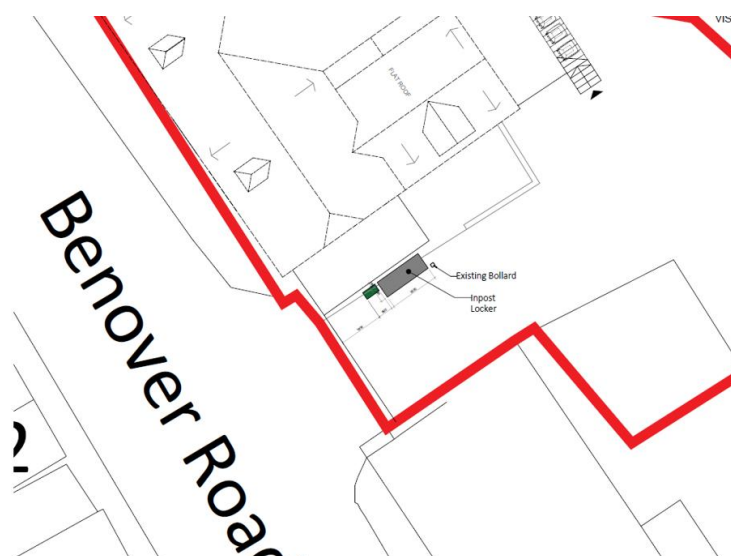


REPORT SUMMARY

REFERENCE NUMBER: 24/504670/FULL		
APPLICATION PROPOSAL: Installation of Inpost Locker to south side elevation (retrospective).		
ADDRESS: 'The George', Benover Road, Yalding		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
<p>SUMMARY OF REASONS FOR RECOMMENDATION:</p> <p>The overtly modern, functional and utilitarian design represents an incongruous feature which diminishes and detracts from the traditional character and appearance and heritage significance of this non designated heritage asset (The George) and Yalding Conservation Area. The development fails to preserve or enhance the character and appearance of the Yalding Conservation Area. and the setting of the non designated heritage asset.</p> <p>The development is contrary to policy LPRENV1 and LPRSP14(B) of Maidstone Local Plan Review (2024), the Yalding Conservation Area Appraisal, and the NPPF which seek to ensure development respects and makes a positive contribution to the street scene and character of the area, and preserves or enhances the character of conservation areas.</p>		
<p>REASON FOR REFERRAL TO COMMITTEE:</p> <p>Call in from Yalding Parish Council and Cllr Claudine Russell</p>		
WARD: Marden And Yalding	PARISH COUNCIL: Yalding	APPLICANT: Mr Dan Mahendran AGENT: Rory Newell Chartered Architect
CASE OFFICER: Francis Amekor	VALIDATION DATE: 07/11/24	DECISION DUE DATE: 02/01/25
ADVERTISED AS A DEPARTURE: No		

Layout plan showing locker location to the side of the building.



Relevant planning history

- 23/501342/FULL Change of Use from ground floor Sui Generis (Public House) to Class E restaurant part retail facilities with ancillary Sui Generis use (Takeaway). approved 26.05.2023.
- 23/502781/FULL Change of use of ground floor from public house (Sui Generis) to Class E restaurant part retail facilities with ancillary takeaway use (Sue Generis) Approved 09.08.2023. (NB: Yalding Parish Council comments on this application were "Councillors feel that a change of use to class E for eating and drinking on the premises and the sale of local produce and the Sui Generis use as a takeaway continues to support its retention as a valuable community asset").
- Condition 2 attached to 23/502781/FULL states "The development hereby permitted shall be carried out in accordance with..." the approved plans that include drawing "200 Proposed Ground Floor Plans". Reason: To clarify which plans have been approved.
- Condition 6 attached to 23/502781/FULL states "The area of floorspace to be used for restaurant and retail use shall be as set out on approved drawing 200 (proposed plans). Reason: Unrestricted use of the building or land could cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- The following two separate planning applications have been submitted for the application site, with decisions currently pending on these applications:
 - 24/503344/FULL Change of use of the existing residential accommodation on the upper floors of the building to a 7-bedroom HMO (Sui Generis) for 10 occupants.
 - Section 73 Application for Minor Material Amendment to approved plans condition 2 and 6 (to allow for the removal of stairs, existing front doors to be retained and layout amendment) (part retrospective), pursuant to 23/502781/FULL for Change of Use from ground floor Sui Generis (Public House) to Class E restaurant part retail facilities with ancillary Sui Generis use (Takeaway).

Inpost locker location photos



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to the grounds of a former public house located on the east side of Benover Road. The application site includes an open area extending to the rear and to the south of the adjacent Orchard View Stores. The whole application site is in Yalding Conservation Area.
- 1.02 The building is not statutorily listed but is considered a non-designated heritage asset and forms part of the character of Yalding Conservation Area. The closest of nearby Grade II listed buildings is Gabriel's Cottages, with others at Woolletts Cottages, Kingsland Cottages and Bridge Cottage (formerly Prentice Store).
- 1.03 The River Beult is between 1 and 7 metres from the rear (west) site boundary and the site is in Flood Zone 3. Public footpath KM195 provides access from Benover Road along the southern site boundary to a path along the river.

2. PROPOSAL

- 2.01 The development description "installation of Inpost Locker to south side elevation" of the building.
- 2.02 The parcel locker is already in-situ and thus the application was made retrospectively. The dimensions of the Inpost Locker are given as 2020mm wide, 720mm in depth rising 2450mm above ground level. It would take up a floor area of approximately 1.45m².

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review (2024)

Policy LPRSS1- Maidstone borough spatial strategy
Policy LPRSP12 - Sustainable transport
Policy LPRSP14(B) - Historic environment
Policy LPRSP7(D) - Yalding
Policy LPRSP11 - Economic development
Policy LPRSP11 (c) - Town, district, and local centres.
Policy LPRSP15 - Principles of good design
Policy LPRENV1 - Development affecting heritage assets.
Policy LPRCD1 - Shops, facilities and services
Policy LPRTRA4 - Parking
Policy LPRSP15 - Design
Policy LPRINF2 - Community facilities

The National Planning Policy Framework (NPPF) (2023):

Section 2 - Achieving sustainable development.
Section 4 - Decision making.
Section 6 - Building a strong, competitive economy.
Section 12 - Achieving well designed places.
Section 14 - Meeting the challenge of climate change, flooding and coastal change.
Section 16 - Conserving and enhancing the historic environment.

Supplementary Planning Documents:

Yalding Conservation Area Appraisal

4. LOCAL REPRESENTATIONS

Local residents:

4.01 None received

5. CONSULTATIONS

KCC PROW

5.01 No objection

MBC Heritage and Conservation

5.02 Objection for the following reasons:

- *"The George has had several changes in recent years, with the most impactful to the external appearance being the loss of the etched windows, external lighting & signage; the installation of the satellite dishes, all of which has occurred within two years. These have had a negative impact on the character of the Conservation Area, and the submitted application (retrospective) adds further to the harm to the character of the Conservation Area".*

5.03 KCC Highways and Transport

No objection

6. APPRAISAL

6.01 The key issues are:

- Heritage.
- Residential amenity.
- Flooding

Heritage

6.02 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.03 Policy LPRSP14(B) of the Local Plan Review (2024) relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy LPRENV1 requires applicants to ensure that new development conserves, and where possible enhances, the significance of the heritage asset.

6.04 The application site is in the setting of several listed buildings and is within the Yalding Conservation Area. The Yalding Conservation Area Appraisal refers to the application building on two occasions. These references are in respect of the street outside the building in terms of street furniture and reducing the quantity of telephone wires outside the building. The significance of the Yalding Conservation Area appears to lie in the number of good examples of predominantly C16, C17, C18 and C19 architecture which contribute to the overall character of the area.

6.05 The building does not meet the criteria for statutory listing but forms an integral part of the character and fabric of the Yalding Conservation Area and is a non-designated heritage asset (NDHA). Status as an NDHA is recognition of heritage value but this status does not provide any power to require formal approval for works (like listed building consent).

6.06 NPPF paragraph 209 advises "a *balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset...*" The

- current application indicates no change to the existing external fabric or appearance of the application building. The MBC Conservation Officer has commented that *"The proposed conversion is not considered to have an impact on the NDHA as the floor plans appear to remain unaltered."*
- 6.07 NPPF (2023) advises *"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 directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"* (paragraph 209).
- 6.08 The proposed Inpost Locker is sited close to southern elevation of the building. Whilst the structure only presents a side elevation to the street, materials used, including its bright colour and overall size, form and location ensures that it is a highly prominent feature when viewed from the street. Its overtly modern, functional and utilitarian design stands out as an incongruous addition which serves to diminish and detract from the traditional character and appearance and heritage significance of the NDHA and of the Yalding Conservation Area.
- 6.09 The fact that the Inpost Locker is not ancillary to the main function of the building only serves to exacerbate the jarring and discordant nature of the development.
- 6.10 The MBC Conservation Officer has commented that *"the bright corporate colour makes these a prominent structure within the street scene, adding to the visual clutter of the signs and modern services, and introduces a very modern, urban (or even suburban) element to the street scene. During the darker periods of the day, and at night, the external lighting will further highlight the lockers, particularly as the street has limited street lighting"*.
- 6.11 The Conservation Officer is also concerned about *"several changes in recent years, with the most impactful to the external appearance being the loss of the etched windows, external lighting & signage; the installation of the satellite dishes, all of which has occurred within two years. These have had a negative impact on the character of the Conservation Area, and the submitted application (retrospective) adds further to the harm to the character of the Conservation Area"*.
- 6.12 The harm caused in this case is 'less than substantial'. In this circumstance, paragraph 207 of the NPPF (2023) requires the harm caused to be weighed against any public benefits of the proposal. It is acknowledged such click and collect facilities can contribute to the reduction in the number of vehicles on the road and might also have associated benefits in terms of emissions, congestion and air quality. While the Government may be supportive of such facilities in principle, this should does not outweigh the harm caused to heritage assets.
- 6.13 On this basis, the development is an unsympathetic and incongruous addition to the Yalding Conservation Area which detracts from its significance and that of 'The George' a NDHA. As such, it fails to preserve or enhance the character and appearance of the Yalding CA and the setting of the NDHA. Accordingly, there is conflict with Policy LPRENV1 and LPRSP14(B) of the Local Plan Review (2024), which amongst other things seek to ensure development respects and makes a positive contribution to the street scene and character of the area, has special regard to the need to preserve or enhances the character of conservation areas.

Residential amenity

- 6.14 Policy LPRSP15 of the Maidstone Borough Local Plan Review and the core principles set out in the NPPF (2023) 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.

- 6.15 The National Planning Practice Guidance provides advice on when noise is likely to be of concern. The guidance states that consideration needs to be given to mitigating and minimising impact, taken account of the economic and social benefits being derived from the activity causing the noise.
- 6.16 The application building has residential accommodation at first and second floor, and there are residential neighbours in the immediate vicinity of the site. Given the nature of the proposed scheme, there is a likelihood it would attract additional footfall to the site.
- 6.17 This can potentially result in noise and disturbance to occupiers of neighbouring houses by reason of closing of car doors, revving of car engines and conversations held on the premises.
- 6.18 Given the small-scale nature of the proposed scheme it is concluded that the development is unlikely to cause harm to residential amenities. The development will have an acceptable impact on the living conditions of neighbours. Accordingly, there is no conflict with Policy LPRSP15 of the Local Plan Review (2024) which seeks, amongst other things, to ensure development achieves a satisfactory relationship to adjoining properties.

Flooding

- 6.19 The site is in a recognised flood zone on the Environment Agency's Flood Map for Planning. Section 4 of the NPPF (2023) sets out national guidance for 'Meeting the challenge of climate change, flooding and coastal change'.
- 6.20 Paragraph 165 of the NPPF (2023) states 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe for its lifetime without increasing flood risk elsewhere.
- 6.21 Paragraph 167 of the NPPF (2023) advice that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 6.22 The proposed development in this case would take up a floor area of approximately 1.45m², and given its small scale, it is unlikely to exacerbate flooding in the local area.
- 6.23 For these reasons, the proposal would not increase the risk of flooding to existing local buildings in the local area, or the likelihood of flooding elsewhere. As a result, the scheme accords with the relevant provision of the NPPF (2023) which states that planning should take full account of flood risk and coastal change.

PUBLIC SECTOR EQUALITY DUTY

- 6.24 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 In summary, the overtly modern, functional, and utilitarian design of the proposed Inpost Locker stands out as an incongruous addition which diminishes and detracts from the character and appearance and heritage significance of the non designated heritage asset (The George) and of the Yalding Conservation Area.

- 7.02 The development fails to preserve or enhance the character and appearance of the Yalding Conservation Area and the setting of the non designated heritage asset. Accordingly, there is conflict with Policy LPRENV1 and LPRSP14(B) of the Local Plan Review (2024), which amongst other things seek to ensure development respects and makes a positive contribution to the street scene and character of the area, has special regard to the need to preserve or enhances the character of conservation areas.
- 7.03 Overall, the public benefits of the development identified above do not outweigh the less than substantial harm caused to designated heritage assets. Accordingly, the development conflicts with the requirements of local and national policy and there are no material considerations that would justify a decision other than in accordance with the development plan in this case.

8. RECOMMENDATION
REFUSE PLANNING PERMISSION for the following reasons:

The development by reason of its overtly modern, functional and utilitarian design stands out as an incongruous addition which diminishes and detracts from the character and appearance and heritage significance of the non designated heritage asset (The George) and of the Yalding Conservation Area. The development fails to preserve or enhance the character and appearance of the Yalding Conservation Area and the setting of the non designated heritage asset. Accordingly, there is conflict with Policy LPRENV1 and LPRSP14(B) of the Local Plan Review (2024), The Yalding Conservation Area Appraisal, and the NPPF which seek to ensure development respects and makes a positive contribution to the street scene and character of the area, has special regard to the need to preserve or enhances the character of conservation areas.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.