

APPLICATION: MA/09/0042 Date: 9 January 2009 Received: 12 January 2009

APPLICANT: Mr George Barnes, Shepherd Neame Ltd

LOCATION: THE GREYHOUND, 77, WHEELER STREET, MAIDSTONE, KENT, ME14 1UB

PROPOSAL: Demolition of public house and erection of 6 No. two bed terrace houses, parking spaces and rear amenity in accordance with plans numbered: 2388/P/02; 2388/P/03; 2388/P/04 R1; 2388/P/05 R1; 2388/P/06 R1; 2388/P/07 R1; 2388/P/08 R1; 2388/P/09 R1.

AGENDA DATE: 2nd April 2009

CASE OFFICER: Chris Hawkins

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

- Councillor Naghi has requested it be reported for the reason set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, R11
Kent & Medway Structure Plan 2006: QL1, HP4, TP11, TP19
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPG13

HISTORY

MA/87/1505 The Greyhound Public House, Wheeler Street, Maidstone, Kent. Internally illuminated lamp - Approved.

MA/78/1870 The Greyhound Public House, Wheeler Street, Maidstone, Kent. Toilets built into existing office and public bar extension - Approved.

MA/77/0111 The Greyhound Public House, Wheeler Street, Maidstone, Kent. Off street parking and new access for County Road - Approved.

There is no other planning history relevant to this planning application.

CONSULTATIONS

Kent County Council Highways Authority were consulted and raise no objections to the proposal.

Maidstone Borough Council Environmental Health were consulted and made the following comments: -

'The site is in a residential area and is on a busy road junction I therefore consider that it would be prudent to carry out a traffic noise assessment. It should also be noted that the site is on the edge of a known pocket of poor air quality and this application should therefore require an Air Quality assessment. Any demolition or construction activities will definitely have an impact on local residents and measures should be put in place to control noise and dust in particular. The buildings to be demolished should be examined carefully for the presence of asbestos and treated accordingly.'

There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases. Although there is an electric substation in one corner of the site next to the main entrance to the car park, the car park will remain essentially as it is, so I do not consider that a contaminated land condition is required in this case.

However, there is also the issue of whether electric and magnetic fields emitted from the site could have any impact and so I recommend that the applicant contact EDF with regard to asking EDF to obtain electro magnetic field readings which will hopefully show emissions to be within guidelines published by the Health Protection Agency. The electric substation is quite large and is in two parts, one part in a roofed brick-built building and the second part in a fenced enclosure. Both parts are signed as being substation no. 392024. I could hear no significant noise from either part of the substation so I suspect that it is not a case which needs a BS4142 noise assessment.'

Maidstone Borough Council Culture and Tourism were consulted and no comments have been received to date.

Maidstone Borough Council Local Plans and Policy Team were consulted and made the following comments: -

'The site is located in the urban area of Maidstone and involves the re-use of previously developed land, satisfying the criteria specified in KMSP policy HP2. The development achieves a density above 50 dph as required by KMSP policy HP4. SPG4 requires two parking spaces per 2 bedroom dwelling maximum. The development proposes 6 parking spaces, within the SPG4 criteria.'

Saved Local Plan Policy R11 applies because the planning application would result in the loss of a public house.

Policy R11 states consideration should be given to the following:

1. Firm evidence that the existing uses are not now viable and are unlikely to become commercially viable.
1. The impact on the local community and especially on those economically or physically disadvantaged; and
2. The availability of comparable alternative facilities in the village or the local area; and
3. The distance to such facilities and the availability of travel modes other than by private motor vehicle

The applicant has supplied a statement demonstrating how trade has declined since 1989. Competition from supermarkets and larger pubs in the town centre, as well as the smoking ban and the inability to diversify into catering are stated as reasons for the decline. The statement concludes that the pub is not a sustainable business. The applicant has made an anecdotal statement and not submitted evidence to show that the pub has been marketed as a 'going concern' or any accounts to backup their conclusions. Therefore the first criterion of Policy R11 in my view has not been met.

The 2nd, 3rd and 4th criteria of the policy required by R11 have been met by virtue of the pubs proximity to the town centre and its associated alternative facilities.

Policy R11 attributes more emphasis to the above criteria if the facility is located in a village. On this basis the weight attributed to meeting the first criterion in this central Maidstone location maybe less significant.

***Officer comment:** From these comments it is clear that the Policy team feel that there are insufficient policy grounds to seek to refuse this application, simply by virtue of the loss of a public house.

REPRESENTATIONS

Cllr David Naghi has requested that this application be brought before Members on the basis of the following concerns: -

- Local concern about road safety, parking and cramming.

Neighbouring properties were notified and one letter of objection has been received. The main concerns within this letter is: -

- The impact upon the existing drains;
- The impact upon the parking situation within the locality.

A site notice was posted on site.

CONSIDERATIONS

Site Description

The site is located within the urban area of Maidstone to the south-east of the prison. The site fronts two roads, both Wheeler Street and Well Street (B2012), with at present the public house forming the dominant feature within the site. The existing public house is a three storey property, with a flat roof, single storey projection at the front (facing Well Road). To the south-west of the public house is a beer garden, which abuts 75 Wheeler Street. To the north-west of the public house is a vehicular access, and a parking area for patrons of this establishment.

The site is within a predominantly residential area, which is characterised by two-storey terraced houses, positioned in close proximity to the street – the majority of these properties with only small, or non-existent gardens to the front.

The site is not level, with a significant gradient along Wheeler Street which runs down from the junction with Well Road. This drops approximately 2metres along this particular frontage.

Proposal

The application proposes the erection of six terraced dwellings, fronting Wheeler Street, together with a parking area to the rear, with access gained from Well Road following the demolition of the existing public house. The proposed properties are all two storey. Each property is proposed to have a small garden area to the front, again, matching those along the existing road frontage. An enclosed bin storage area, and porch is proposed within each front garden, which would serve each property.

The proposed dwellings would have a width of 5metres, a maximum depth of 10.6metres and a maximum height of 8metres to ridge. The properties would be have a rendered façade, with small elements of timber cladding, with a slate roof. A ragstone wall is proposed along the frontage of the site, which would wrap around into Well Road, forming part of this end of terrace property. All properties are of a similar design with the exception of the end terrace which has been altered to address the corner to a greater extent, i.e would appear as double fronted. There are large glazed areas proposed upon the rear elevation at ground floor level.

The car parking area is proposed to the rear of the existing properties, utilising the existing access and area of hardstanding. Six parking spaces are proposed, with adequate space for cars to turn to enter and leave in a forward gear.

The site area is approximately 0.068 hectares, which gives this proposal a density of 88 units per hectare, which would directly relate to the context of the immediate vicinity.

Principle of Development

The application site lies within the urban confines of Maidstone, and constitutes previously developed land, as described in PPS3 (Annex B). The proposal to erect residential properties is therefore considered to be acceptable in principle upon this site, subject to all other material considerations being met.

Policy R11 of the Maidstone Borough-Wide Local Plan (2000) states that any application which would see the loss of a public house should only be considered if there is evidence that the premises are no longer viable, that there would be no detrimental impact upon the local community, there are comparable alternative facilities which are available by other public modes of transport. Whilst the evidence submitted with this application is not considered conclusive, it does confirm that the premises have been selling less beer within the last 10 to 15 years – reducing on a yearly basis. It has also confirmed that they have been unable to extend the property to provide facilities for catering, and as such, are losing trade to a number of other premises within the town centre. However, I am satisfied that the loss of the public house within this locality would not have a detrimental impact upon the community that it once served. There are a number of other, similar establishments within the immediate vicinity are well within walking distance of this premises, and its catchment area. There are also a number of similar premises within the town centre which is approximately 500metres from the site. As such, it is not considered that to refuse this application on the loss of the public house would prove to be sustainable on Appeal, and for this reasons it is considered that this element of the proposal is, on balance, acceptable.

Visual Amenity

As stated above, the site would adjoin a row of two storey terraced properties (with rooms within the roof) which all front on to Wheeler Street. The area is characterised by such properties, which all have a frontage width of approximately 5metres (typical of this age of property), and this proposal seeks to replicate the existing plot widths, if not the exact design style of these properties. The proposal would also see the dwellings being of the same depth, and set back the same distance from the highway as the existing. Policy QL1 refers to the *pattern* of development within an area being respected, and it is therefore considered that this proposal is of a form, and scale which respects the character of the area and thus complies with this requirement. It is noted that the rear gardens of these properties would be significantly smaller than those immediately adjacent the site, although there are properties within the locality with gardens of a similar depth (i.e. within Camden Street).

There is an existing large area of car parking to the rear of all properties within Wheeler Street (with access into County Road) and as such the provision of an area of parking behind gardens would not appear incongruous within the locality.

The elevational treatment of the proposed properties has been treated in a more contemporary manner than the existing terraced dwellings, with more glazing, and the introduction of timber cladding. The windows are also altered so that there are horizontal elements as well as vertical. The manner in which this is proposed is not considered to be at odds with the vernacular of the surrounding development, and as such is acceptable in this context.

Many of the properties within the locality have either been rendered, or the brickwork has been painted as to give this impression. The use of render upon these properties is therefore considered acceptable, again, reflecting the more contemporary approach taken to this traditional form of building. The use of timber cladding is not something which is particularly prevalent within the locality however, and this would provide a fairly striking contrast to the neighbouring properties. However, it is not considered that this would result in an appearance completely at odds with the surrounding development – due to the small amount used – and the fact that timber cladding is well used within the Maidstone area as a whole.

It is suggested that a condition be imposed upon any permission granted, which would ensure that any windows and doors would be recessed into the walls to ensure that the buildings have a greater degree of depth, and as such gives the elevations greater interest. It has been indicated that the windows would be of an aluminium construction, which again would reflect the more contemporary approach to the development.

The proposed properties would 'step-up' along the street, which again would replicate the way in which the neighbouring properties address the change in gradients. This is considered to be in accordance with Policy QL1 of the Structure Plan which requires proposals to respond positively to the pattern of development within the locality. The ridge line, and eaves line would also be very similar to that of the surrounding dwellings, and again, it is suggested that a condition be imposed upon any permission, to ensure that details of the eaves line be submitted, to ensure that it is treated in an appropriate manner, and respects the existing buildings within the street.

It was considered important that this development had particular regard for the prominent corner plot in which it is located. All other properties within the locality *turned* the corner well, with either double frontages, or with the use of suitable detailing. The end property has therefore been redesigned to address the corner to a greater extent, with a gable projection to the front, the entrance facing the side and with a ragstone wall introduced upon the side elevation (at ground floor level) which gives greater interest, and breaks up this prominent elevation.

The car parking is proposed to be to the rear of this development, which reflects the pattern of development within the area. This is also consistent with the existing use of the public house, and as such, it is not considered that this would have a detrimental impact upon the character or appearance of the area as a whole.

It is therefore considered that this proposal would have regard to the character and appearance of the area, in particular the plot widths and the scale of the neighbouring properties, with a different approach demonstrated for the fenestration, and as such the proposal would comply with the relevant policies within the development plan.

Neighbouring Amenities

It is not considered that the proposal would have any significant impact upon the amenities that the current residents of Wheeler Street enjoy at present, either in terms of overlooking, overshadowing, or the creation of a sense of enclosure. The proposal would simply continue the building line, not extending in front of it, or to the rear of it and as such there would be no scope for side facing windows, and no rear projections that would cast any shadow, or create a sense of enclosure. The new properties would be to the north-east to the existing properties and so would not result in a significant loss of daylight. It is also noted that the residential property adjoining the site has a rear extension, which would restrict views from the first floor of the new properties into their rear amenity space.

The car parking area would be set away from the existing residential properties, and as such would be unlikely to give rise to any noise and disturbance to the residents of these properties.

Landscaping

Due to the location of the site, i.e. within a town centre street with little soft landscaping, in order to maintain the pattern of development, it is not possible to provide a significant level of landscaping to the front of these properties. No other property along this stretch of road have any significant soft landscaping, and as such it is considered that to introduce this feature would appear somewhat incongruous. A ragstone wall is proposed however, which draws reference from the locality, and all front garden areas will contain a small area for planting. As stated, this does reflect the character of the area, and as such is considered to comply with Policy QL1 of the Structure Plan.

Each property has a small garden to the rear (maximum depth 3.6metres), which is shown to be partially covered with decking. This provides a small, but usable outside space, in which residents are able to sit outside, or to hang washing etc.

A small communal amenity space (67.25metres²) is proposed to be located within the rear corner of the site, which will contain a grassed area, which is perhaps more suited

for small children to play within. This area also has a good level of natural surveillance, and as such, one would assume should be relatively well used by the residents of these properties. The existing planting along the boundary at this point will be retained, providing both a natural screen, and a soft edge to this development.

No details of boundary treatment have been submitted as part of this application, and as such it is recommended that a condition be imposed to ensure that this is dealt with in an appropriate manner. Likewise, details of all hard surfacing is also proposed to be controlled by condition, to ensure that there will be a high quality finish to the parking area.

Highways

Kent County Council Highways Authority have been consulted and considered that the parking provision within this development is acceptable. The layout demonstrates the provision of 1 space per unit, which, due to the proximity of the site to the town centre, and to the railway and bus stations, is considered sufficient. Furthermore, the rear garden area would allow for the storage of a bicycle.

Furthermore, the proposal would include the use of an existing access, which is considered to have sufficient visibility splays on either side of the access. It is not considered that the use of this access for residential purposes, rather than for the public house is not considered to be likely to give rise to a detrimental impact upon highway safety, with only a small number of parking spaces proposed, and the slow speeds of traffic passing by the site, due to the traffic controls in place adjacent to the site. These traffic controls (lights) would significantly reduce the average speeds at this point within the roads, particularly during daytime hours (when residential occupiers are most likely to make car journeys) and it is therefore considered that this would be more likely to ensure that it would be possible to enter, and in particular, leave the site safely, and without risk to other road users.

Other Matters

Due to the number of units proposed on this site, no contributions are requested for improvements to local services or infrastructure.

Concern has been raised by a local resident with regards to the impact upon the local drainage system. Consultation was undertaken with Southern Water, who confirm that the existing sewers have the capacity required for this development.

Policy NR1 of the Kent and Medway Structure Plan 2006, states that proposals for new development should incorporate sustainable construction techniques and also demonstrate that their design contributes towards the conservation and prudent use of energy, water and other natural resources, and reduces greenhouse gas emissions. As such it is considered appropriate to seek that the applicant demonstrates that this proposal would meet the requirements of this Policy, and they would construct the new

dwellings to at least level 2 of the Code for Sustainable Homes. This level would be consistent with a number of other similar developments that have been approved within the Borough.

Conclusion

It is therefore concluded that this development is in accordance with the policies as set out within the development plan, and as such, it is recommended that Members give this application favourable consideration in this instance and grant planning permission subject to the imposition of the safeguarding conditions set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

3. Prior to the commencement of the development, details of the proposed slab levels of the buildings and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

4. Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be 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 in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

5. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be 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 in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

6. Prior to the commencement of the development, details of both hard and soft landscape works shall be 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;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

7. 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 1995 (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 in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

8. The development hereby permitted shall be constructed to level 2 of the Code for Sustainable Homes. Prior to the commencement of the development hereby permitted, details of the rating achieved shall be submitted to and approved in

writing by the Local Planning Authority and the development shall thereafter be constructed in accordance with the subsequently approved details.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy NR1 of the Kent and Medway Structure Plan 2006.

9. 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 scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policy QL1 of the Kent & Medway Structure Plan 2006.

10. 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 in accordance with Policy ENV6 of the Maidstone-Wide Local Plan 2000.

11. Prior to the commencement of the development hereby permitted, details of a scheme of foul and surface water drainage for the site shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements pursuant to policy CF16 of the Maidstone Borough-Wide Local Plan 2000 and policies NR5, NR8 and NR10 of the Kent & Medway Structure Plan 2006.

12. Prior to the commencement of the development hereby permitted, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters shall be submitted to and approved by the local planning authority;

- i) Details of the roof overhangs;
- ii) Details of windows and doors and recesses/reveals, which shall be a minimum of 100mm;

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

13. No development approved by this permission shall commence until the applicant has submitted a report containing details of

- 1) An assessment of the effect of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development and the dwellings nearby. Any approved scheme shall be implemented fully before the use commences and thereafter be maintained.
- 2) An assessment of the effect that the development will have on surrounding air quality. The assessment of air quality should be compared with the relevant objectives in the government's Air Quality Strategy. The assessment should include reference to current methodology for air quality predictive modelling techniques.

Reason: To protect human health and the environment from pollution.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain a dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning.

In order to minimise the threat of dust pollution during site clearance or construction works, the developer shall ensure that all measures are undertaken (including a watering regime during dry weather) under their control. This shall continue until the works have been completed on site.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.