

APPLICATION: MA/11/1659 Date: 9 September 2011 Received: 9 January 2012

APPLICANT: Mr Rodger Dudding, Dudrich (Developments) Ltd.

LOCATION: GARAGES R/O 48, GRECIAN STREET, MAIDSTONE, KENT, ME14 2TS

PARISH: Maidstone

PROPOSAL: Demolition of existing garages and the erection of 6 dwellings as shown on drawing numbers (00)02, (11)01, (11)02, (11)03, (11)04 and (11)05 received on 27/09/11 as amended by drawing numbers (00)02 and (11)01 Rev A and ownership certificate received on 09/01/12.

AGENDA DATE: 8th March 2012

CASE OFFICER: Peter Hockney

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

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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- South East Plan 2009: CC1, CC6, H4, H5, M1, BE1, T4
- Government Policy: PPS1, PPS3, PPG13, PPS23

2. HISTORY

None

3. CONSULTATIONS

- **Kent Highway Services** raise no objections to the application on highway grounds stating:-

"The proposed development seeks to replace 27 privately owned garages. It is estimated that 40% of these are in use therefore the proposal will be likely to lead to the displacement of parking for approximately 10 cars. The site is in a highly sustainable area close to Maidstone Town Centre and public transport facilities. Grecian Street and the surrounding roads benefit from on street permit parking however these spaces are in high demand particularly during evenings. I

am informed that the garages are mainly let to businesses and some are used for storage although this is not confirmed in the Design and Access Statement. The displacement of the parking associated with the garages is not likely to be detrimental to highway safety, although this could result in some amenity issues.

The development comprises of 6 three bedroom dwellings which are all provided with a car barn and additionally 2 visitor spaces are proposed. 4 spaces are also provided for the Samaritans which occupies the building fronting the site on Grecian Street. The Kent Design Guide, Interim Guidance note 3 recommends a maximum of 1 space per 3 bedroom dwelling in Town Centre locations. The parking provision proposed is therefore in line with this guidance and is acceptable.

A refuse collection point is provided 26m from Grecian Street and this too is acceptable.

The access is 2.739m in width and 27m in length to the turning area. This would be accessible for cars and an ambulance but not for a fire tender or large delivery vehicle due to the width constraint. I would therefore recommend that the fire service are consulted on this application. Deliveries by HGV's would take place from Grecian Street which may lead to some inconvenience to road users.

The traffic generated by these 6 dwellings from the existing access onto Grecian Street is not a significant increase when compared with that generated by the garages; should they all be occupied.

In view of the above I confirm that I have no objections to the proposals in respect of highway matters."

- **MBC Environmental Health Manager** raises no objections to the objections on environmental health grounds subject to the imposition of a condition requiring a contaminated land survey to be undertaken (with any appropriate mitigation undertaken).

4. REPRESENTATIONS

32 letters of objection have been received on the following summarised grounds:-

- Inadequate car parking within the development and the pressure of on street parking.
- Inaccurate plans and land ownership issues which has an impact on rights of way.
- Impact on residential amenity through loss of light and privacy.
- The development is out of keeping with the area.

- Inadequate access for emergency vehicles.
- Inadequate space for the storage of refuse.

Cllr Dave Naghi has requested the application be reported to planning committee for the following reasons:-

- "It is an over intensive development in the wrong place.
- Insufficient parking for 3 bedroom properties and insufficient visitor parking - It should be recognised that the overspill parking would be in Grecian Street, where we have the worst parking problems in the borough, particularly in the evenings and at weekends. It is already accepted that during these periods cars park and block the footpath on one side of the road to meet local parking demand, leaving the other side for pedestrian use.
- Lack of amenity and green space for the new residents.
- Very serious local concern about overlooking of adjacent properties to front and rear, which the orientation does not deal with.
- The flat roof design is totally out of keeping with the adjacent area.
- Emergency and larger vehicles, will not be able to access to this site, especially at week ends and evenings."

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is an area of garages located behind properties in Grecian Street, Maidstone. There are 27 garages on the site with the remainder of the site covered in hardstanding. Some of the garages are in a poor state of repair. The access is between numbers 46 and 48 Grecian Street with the first floor of part of 48 Grecian Street extending over the access.
- 5.1.2 The site is approximately 0.1 hectares in area and between the rear gardens of properties in Grecian Street and Waterlow Road. Other than the access the site is roughly rectangular in shape and approximately 53m by 16m.
- 5.1.3 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.

5.2 Proposal

- 5.2.1 The application is for full planning permission for the demolition of the existing garages and the erection of 6 three bedroom dwellings set over two storeys. The dwellings would form a mews style development utilising the existing access onto Grecian Street.
- 5.2.2 The dwellings would have a maximum height of 6.6m and would have flat roofs. The proposed materials would be red and yellow stock bricks and rendering forming the external surfaces of the dwellings. The windows would be partially full length for two storeys and these would project from the front elevation to form a two storey bay window style.
- 5.2.3 Each property would have a single car parking space for the property on a drive under the first floor overhang. There would be a small area of front garden with the main private garden area to the rear for each property.
- 5.2.4 The dwellings would achieve a minimum of level 3 of the Code for Sustainable Homes.

5.3 Principle of Development

- 5.3.1 The site is within the urban area of Maidstone and in close proximity to the town centre. The site, being a block of garages, is classified as previously developed land under PPS3.
- 5.3.2 Policy guidance within PPS3 encourages new residential development on previously developed land in sustainable urban areas. This site is close to the town centre with its range of facilities and therefore in a sustainable location. I therefore consider the principle of the development to be acceptable.
- 5.3.3 The main considerations of this application relate to the detail of the development and in particular I consider the issue of the impact on residential amenity to be key.

5.4 Visual Impact

- 5.4.1 The site is predominantly a backland site and there would be limited views of the development from public vantage points. A couple of the proposed dwellings would be visible at the access point when passing or standing at the entrance to the site. However, these views would be glimpses of the development and would not be clear views of the development.
- 5.4.2 When viewed from the access the development would not result in any visual harm and would be an improvement on the current block of garages.

5.4.3 Although the development would not be readily 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 significant (in excess of 30 dwellings) and should be given consideration. The design of the dwellings, although different to the surrounding properties would be of high quality design incorporating a significant level of glazing and the requirement of a high quality finish through a materials condition would ensure that the design of the proposed development is acceptable.

5.5 Residential Amenity

5.5.1 The site is surrounded by residential properties and development in this backland location is likely to have some impact on occupiers. The main consideration is whether this impact is acceptable or not.

5.5.2 It is often the case with backland housing schemes that the vehicular access to the development would cause an unacceptable impact due to the general noise and disturbance from vehicles. However, with this scheme, the access already exists and serves 27 garages plus parking to the rear of a couple of properties in Grecian Street. Therefore, as a number of vehicles already use the access road without any restriction on the time of day or night it is used I consider the use of the access for the proposed residential development would not cause an unacceptable level of disturbance for the occupiers of dwellings.

5.5.3 The rear gardens of properties in Grecian Street that back onto the development have an approximate length of between 18m and 15m. The proposed dwellings would be set back approximately 5.5m from the boundary with the gardens of Grecian Street. The combined distance of between 20.5m and 23.5m would be sufficient to prevent a loss of light or an overwhelming impact from the development.

5.5.4 The properties to the rear in Waterlow Road have garden lengths of approximately 7m. The proposed dwellings would be approximately 2m from the boundary with the gardens at their closest point (the corner of the dwelling). These dwellings are located south west of the application site and this position combined with the minimum 9m distance of dwellings from the properties would ensure that there is no unacceptable loss of light or an overwhelming impact from the development.

5.5.5 In terms of the level of privacy afforded to existing residents, the previous Kent Design Guide 2000 sought a minimum of 21 metres between habitable windows to secure adequate levels of privacy. In the revised Kent Design Guide 2005 the reference to a minimum distance of 21 metres between windows was removed

and it was stated that in urban areas this distance could be less because historically there were higher densities. It was clear that this change in approach made the considerations very much on a case by case basis.

- 5.5.6 The proposed dwellings have been orientated at a 45 degree angle to prevent a 'head on' view of the neighbouring properties. The main window at first floor level would serve the main bedroom and be set back an additional 0.5m from the closest point of the dwellings to properties in relation to dwellings in Grecian Street. Therefore the distance between the windows in the proposed dwellings and the properties in Grecian Street would be approximately 21m (minimum). This distance would be sufficient to prevent a significant loss of privacy to occupiers of dwellings in Grecian Street.
- 5.5.7 The dwellings in Waterlow Road would be closer, however, the proposed dwellings have been designed and orientated to minimise the overlooking of these properties. The only windows facing the general direction of the properties in Waterlow Road would serve the second bedroom of the proposed dwellings. It is stated on the plans that the bedrooms would be fitted with obscure glazing panels. I consider that on balance the obscure glazing panels and the angle of orientation to be sufficient to prevent an unacceptable loss of privacy for the occupiers of dwellings in Waterlow Road. It is important that these matters are conditioned to ensure implementation and maintenance.
- 5.5.8 The flats in Summer Court would be a minimum of approximately 24m from the proposed dwellings and the amenity levels enjoyed by the occupiers would not be unacceptably affected by the proposed dwellings.
- 5.5.9 There would be adequate garden space provided for the new dwellings in terms of the enjoyment of their properties by future residents.

5.6 Highways

- 5.6.1 The dwellings would utilise an existing vehicular access and there are no changes proposed. This existing access is adequate to deal with the traffic using the garages safely and the vehicles using the access for new dwellings would not have a greater impact.
- 5.6.2 The proposal would result in the loss of the existing garages. There are currently 27 garages on the site with an average occupancy level of 40% with the remainder vacant. The garages are not solely let to nearby residents as some are let to businesses within the town. Also of those let to nearby residents, not all of these are used to accommodate a vehicle, some are used for storage. Furthermore, the garages are private garages and the landowner could close the garage block and evict those using the garages without the need for any consent through planning or any other legislation.

- 5.6.3 The dwellings would each have a single car parking space provided. Maidstone does not have a minimum level of car parking for new residential development. The provision of parking at a 1:1 ratio is adequate for a site close to the town centre, which is within easy walking distance. Concern has been raised by objectors with regard to additional parking within Grecian Street. This is a residents parking area with existing parking restrictions. The dwellings within Grecian Street are generally terraced properties with no off road car parking and whilst I note that parking can be difficult, this appears to be an existing problem and will not be significantly increased by the construction of 6 dwellings that would provide some off street car parking. I consider the level of proposed car parking to be acceptable.
- 5.6.4 The site is 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 truck 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 this location 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).
- 5.6.5 Kent Highway Services have considered the application and raise no objections to the proposal. They consider the level of parking to be adequate and the access for emergency services to be suitable. The displacement of some parking may cause some inconvenience but would be unlikely to cause a highway safety problem. In the absence of an impact on highway safety there is no grounds to substantiate a refusal on highway grounds.

5.8 Other Matters

- 5.8.1 There was concern raised in objections from neighbours that the applicant did not own all the land and existing rights of way were shown to be blocked. The applicant has since served notice on the owner and completed the appropriate ownership certificate. The rights of way for neighbouring occupiers are shown on the amended block plan and any existing or future private rights of way are a private matter between the parties.
- 5.8.2 The dwellings would achieve a minimum of level 3 on the Code for Sustainable Homes and a condition should be attached to ensure that this is achieved.
- 5.8.3 Although there is limited space in the front garden areas I consider a landscaping condition would be appropriate to ensure that quality landscaping is achieved in the small areas available.

6. CONCLUSION

- 6.1 The application is for the erection of 6 dwellings on previously developed land within the urban area of Maidstone. The principle of development complies with the policies of the Development Plan and the guidance contained in PPS3.
- 6.2 The design and visual impact of the proposed development would be acceptable from public vantage points and the private vantage points of the surrounding dwellings. Although the development would be surrounded by existing residential properties, the impact on the amenity enjoyed by these residents would not be unacceptable.
- 6.3 The level of parking to be adequate and the access for emergency services to be suitable. The displacement of some parking may cause some inconvenience but would be unlikely to cause a highway safety problem. Therefore a refusal of permission on highway grounds would not be justified.

7. 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. The development hereby permitted shall be carried out in accordance with the following approved plans:
(11)01 Rev A, (11)02, (11)03, (11)04 and (11)05 received on 27/9/11 and 9/1/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy BE1 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

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 dwellings and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policy BE1 of the South East Plan (2009).

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 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policies T13 of the Maidstone Borough-Wide Local Plan (2000) and T4 of the South East Plan (2009).

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 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 in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE1 of the South East Plan (2009).

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 building(s) 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 policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE1 of the South East Plan (2009).

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 taken 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 pursuant to guidance contained in PPS23 Planning and Pollution Control.

8. Before the development hereby permitted is first occupied, the proposed windows serving bedroom 2 in each property 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 subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers in accordance with guidance in PPS1 and PPS3.

9. The new dwellings shall achieve Level 3 of the Code for Sustainable Homes. The new dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy M1 and H5 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), 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 the enjoyment of their properties by existing and prospective occupiers in accordance with policy BE1 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM 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.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.