

APPLICATION: MA/09/0576 Date: 1 April 2009 Received: 16 June 2009

APPLICANT: Mr M Stevens

LOCATION: LAND REAR OF 13-21, WARE STREET, BEARSTED, KENT

PROPOSAL: Erection of a terrace of three dwellings with parking to the rear as shown on Section (scale 1:50), Proposed Garage Block plans and elevations (scale 1:100), Design and Access Statement and Tree Survey received 03/04/2009, Site Location Plan (scale 1:1250), Block Plan (scale 1:500) received 21/04/2009 as amended by certificate B received 13/05/2009 and further amended by Site Survey (scale 1:200) and Ecological Survey received 16/06/2009 and Proposed Floor Plans (scale 1:100), Proposed elevations (scale 1:100) and Proposed Street elevation (scale 1:200) received 01/07/2009.

AGENDA DATE: 23rd July 2009

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Bearsted Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13
South East Plan 2009: SP2, SP3, CC1, CC4, H1, H2, H5, T4, NRM5, BE1, BE6, AOSR6, AOSR7
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS9, PPG15

HISTORY

MA/08/1865: Erection of pair of semi-detached two storey dwellings with associated works including parking: PERMITTED 07/11/2008

This application related to approximately the same area of land as the current application and was for a pair of three-bedroom houses with 2 parking spaces each located to the rear together with 4 parking spaces (1 each) for the dwellings at nos. 13-19 Ware Street.

The properties had a garden of approximately 8m in length and were approximately 8.7m to ridge, 13.5m in width and 9m in depth, the northern half of the pair had a cat-slide roof falling to an eaves level of 2m. No north facing windows looking towards 13-21 Ware Street were shown.

The design was vernacular with the use of plain tile roofs, tile-hanging and mixed Sussex red-stock bricks, projecting first floors and exposed rafter feet

CONSULTATIONS

Bearsted Parish Council (07/05/2009): 'The Parish Council have considered the above application and wish to see it refused on the grounds that the proposals are out of character with the street scene and the development would create an over massing of the area.'

Officer Comment: Any further views on the details submitted on 1 July 2009 will be reported to Members at the meeting

Natural England (01/07/2009):

'Natural England has considered the associated documents in this application. The ecological scoping survey dated 11 June 2009 written by Katia Bresco states that there is potential for slow worms, other widespread reptiles and suitable habitat for breeding birds present on the application site. **Natural England therefore recommends that our standing advice on protected species is followed: Protected Species**

Natural England advises the proposals as presented have the potential to affect species protected under European or UK legislation. Natural England refers you to our Standing Advice on protected species

http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/default.aspx

Natural England supports the recommendations for enhancements in the scoping survey.'

Kent Highway Services (21/05/2009): No objections subject to a condition requiring any gates to be set back 5.5m from the carriageway edge and hung so they open away from the highway and for the parking/garaging to be provided before occupation and maintained thereafter.

MBC Landscape Officer (20/05/2009):

'The Arboricultural Impact Assessment, ref 03008 dated 28th August provides current dimensions of the trees on the edge of the woodland, which is subject to TPO No 9 of 1986. There are a number of species of trees within the woodland which are protected which includes Sweet chestnut species.

The impact of the proposed development on trees has been identified as the following:

Direct impact

The report identifies 3 trees to be removed (T4, 5 and 11) all of which have been classed as category C of low value, and therefore it is reasonable to assume that the removal of these trees will not have affect the amenity of the woodland.

In order to accommodate additional parking spaces minor excavations will be undertaken around T31, but would not encroach onto the root protection area. However it will be necessary to raise the crown to give satisfactory clearance. As long as this work is carried out by a suitably qualified arboriculturalist it will not affect T31.

Indirect Impact on Trees

No additional works are required on the remaining trees within the woodland, and the site of the proposed developments is outside the root protection area (RPA).

Changes in ground levels

No changes are to be made to the ground levels within the RPA.

Underground services

To date the location of services has not been identified, but can be installed without requiring excavations.

Tree Management Implications

The proposed dwellings are to the north of the woodland, the rear gardens are to the east and so the properties will receive a reasonable amount of light, a fact noted during a site visit carried out in August.

Root damage to dwelling from tree root action.

No technical information has been supplied to suggest that the dwelling is sited on shrinkable clay.

Therefore this application should be approved subject to the following condition:

It will be necessary to erect protective fencing in accordance with the specification given at section 9 of BS 5837:2005 prior to the commencement of any construction works.'

MBC Conservation Officer (11/05/2009): No objections in respect of the development's potential impact on the nearby Conservation Area.

MBC Environmental Health (04/06/2009): No objections subject to informatives governing conduct and hours of operation on site during construction

REPRESENTATIONS

8 letters of objection have been received to-date relating to the application. Any further representations received as a result of consultation on the amended details received on 1 July 2009 will be reported to Members at the meeting.

Objections raised to-date are summarised as follows;

- Loss of privacy to adjoining properties in Sandy Mount and the houses along Ware Street due to the proposed dwellings being on higher ground
- The development will dominate the surrounding area
- The development is cramped and an overdevelopment of the site
- Loss of light to the gardens of the dwellings to the north
- The site is currently used as parking by local residents who would then be forced onto surrounding road where parking is already severely restricted, causing highway safety and congestion problems
- Loss of wildlife habitat and adverse impact on trees adjoining the site during and after construction
- The area is a known habitat for slowworms

CONSIDERATIONS

Site Location and Description

The site is located on the east side of Hog Hill Bearsted some 40m south of its junction with Ware Street. It is currently an area used for parking by some of the residents of the terrace of dwellings (13-21 odd) that front onto Ware Street to the north of the site. The gardens of these dwellings face southwards, and are cut into the hillside and terraced. A building formerly used as a garage is located in the south east corner of the site. The site area amounts to approximately 0.087ha

The land raises steeply southwards from Ware Street and the existing terraced dwellings. The existing car park area is some 5.75m higher than the carriageway of Ware Street and also approximately 1.5m higher than the carriageway of Hog Hill. The dwelling at 21 Ware Street has a detached single garage in its rear garden that is accessed from and flanks onto Hog Hill.

To the south of the site lies woodland forming part of the Snowfield Estate. The woodland is subject to a Woodland Tree Preservation Order (TPO no.9 of 1986). This land was also incorporated into the enlarged Bearsted Conservation Area in 1999. The woodland and the land within the Conservation Area continue to rise steeply away from the application site in a south and south easterly direction.

The site itself has no specific designation on the Maidstone Borough-wide Local Plan Proposals Map 2000, but is within the urban area as defined in the plan.

Proposals

The application is a full application and seeks permission for the erection of a terrace of three dwellings.

The block of three dwellings would be approximately 20m in width, including 3m wide single-storey wings on each side and a maximum of 11.5m deep with a ridge height of 9.1m. eaves height of the dwellings would be 5m. The central unit is shown to project forward some 0.9m of the units either side in the form of a two-storey bay.

The recently submitted amended details now show the northern side of the block to have a cat-slide roof that emulates the design of the extant permission and provides for an eaves height of 2m on the northern side of the block.

Indicated materials are slate roofs with dark stained (ebony) horizontal boarding to the first floor and facing bricks at ground floor level. The eaves are shown with exposed rafter feet as are the eaves of the cat-slide roof. The elevational treatment utilise some elements found in the local vernacular.

The rear gardens would be approximately 7.5m-8m maximum depth. The front boundary walls to Hog Hill would be built in ragstone.

A sustainability statement has been submitted indicating that the development would meet Level 3 of the Code for Sustainable Homes.

The application also shows that 10 car parking spaces would be provided. There would be 4 open spaces and 6 other spaces provided by two separate garage/car-port buildings one containing 2 spaces and the other 4. These buildings would be 4.4m to ridge and respectively 5.5m x 6m wide and 5.5m deep x 11.7m wide. The submitted Design and Access Statement makes it clear that the parking spaces would be available for the new dwellings (2 per unit) and the occupiers of nos. 13-19 (odd) Ware Street (4 spaces).

The application was accompanied by a tree survey and latterly by an ecological assessment of the site.

Planning issues

The principle of development

As indicated earlier in the report, the development is located on previously developed land on a site within the defined urban area and which is subject to an extant planning permission for two dwellings.

The density of the current development equates to approximately 34 dwellings/ha which is in accordance with the advice in PPS3 which advises that a minimum density of 30 dwellings/ha is seen as making efficient re-use of previously developed land.

I consider therefore that the principle of residential development on this site is acceptable.

The design and layout of the development

The development proposes a block of three dwellings fronting onto Hog Hill and as such mirrors that of the extant permission with the site access again located adjacent to the southern boundary of the site.

The main issues to be considered therefore is whether the different design approach in terms of the elevational treatment is unacceptable and whether the addition of a third dwelling is unacceptable in terms of its impact on the character and visual amenities of the area.

The design, as indicated above, whilst different from that of the extant permission still includes elements of local vernacular. The use of brickwork with horizontal boarding above and exposed rafter feet at eaves level is found in the area. I do not consider therefore that the change from the previously approved tile hanging is unacceptable or sufficient to warrant and to be able to sustain refusal on this ground. The use of ragstone walling to the frontage to Hog Hill is welcomed.

Clearly the addition of a third dwelling has increased the total overall mass and width of the development as it fronts Hog Hill. The current proposal is some 5.5m wider and there is a greater expanse of building at first floor level.

However, the impact of this increase in the number of dwellings and their resultant mass and width has been substantially lessened by the introduction of the cat-slide roof element on the northern side of the dwellings. The new dwellings have a ridge level that is only 300mm higher than the previously approved scheme.

I do not therefore consider that the addition of a third dwelling to the group would adversely affect the character of the area.

This view is shared by the Conservation Officer who considers that the development would not have an adverse impact on the setting of the adjacent Bearsted Conservation Area.

The impact of the development on the privacy and amenity of neighbouring properties

The side wall of the development is approximately 19m from the property at 21 Ware Street. However it is at an angle and there are no windows other than rooflights facing towards this property. I do not consider that the occupiers of this property would suffer an unacceptable loss of privacy or amenity from the development

There is a distance of approximately 21m from the front of the proposed dwellings across Hog Hill to the rear gardens of Houses in Sandy Mount. Although set higher, this

distance is in my view acceptable, particularly bearing in mind that they are separated by the road. An objection on grounds of overlooking would not be reasonable.

On this issue I consider the development to be acceptable.

Landscape and ecology

The comments of the Landscape Officer are set out earlier in the report. The arboricultural report submitted has been considered and subject to appropriate safeguarding conditions and tree protection measures in accordance with BS5837:2005 'Trees in Relation to Construction- Recommendations' no objections are raised to the development in relation to impact on the trees within and adjacent to the site. I concur with this view and do not consider that the development would have an adverse impact on trees within and adjacent to the site.

The issue of the presence of slowworms on the site was raised in representations received and as result an ecological survey was requested from the applicant. This has been submitted and considered by Natural England who raise no objections to the development and welcome the mitigation measures proposed in the report.

The initial survey indicates that the habitat is suitable only for low level populations but recommends further survey work , but also suggest appropriate mitigation measures including the provision of receptor habitat (for which there is space within the site) and the provision of hibernacula and refugia. The further survey work recommended in the ecological report and the identified mitigation measures can be secured by means of appropriate conditions.

No objections are therefore raised to the development on landscape or ecological grounds

Other issues

An appropriate level of parking provision including continued parking for the existing properties fronting Ware Street is proposed. No objections have been raised by Kent Highway Services to the level of provision or the impact of the development on the local road network.

The applicant has advised that the development will be constructed to meet Level 3 of the Code for Sustainable Homes.

CONCLUSIONS

The proposed development occupies previously developed land within the defined urban area and seeks permission for one additional dwelling on a site with an extant permission for two dwellings.

The design of the dwellings and their impact on the character of the area the adjoining Conservation Area and the occupiers of neighbouring properties as well as on the trees and ecology of the site are all considered to be acceptable.

Subject to the imposition of appropriate conditions I consider the development to be acceptable and recommend accordingly. I seek delegated powers to grant permission however, as the re-consultation period on the most recent amended plans has not yet expired.

RECOMMENDATION

Subject to the expiry of the consultation period on the amended plans and the receipt of no representations raising new issues I BE GIVEN DELEGATED POWERS to 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. 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 building(s) 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 pursuant to policies H5 and BE1 of the South East Plan 2009.

3. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s);

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policies BE1 and H5 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 (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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

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 and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

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 pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

7. The development shall not commence until, details of all fencing, walling and other boundary treatments have been 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. The submitted details shall include the provision of ragstone walling to the frontage of the site with Hog Hill;

Reason: To ensure a satisfactory appearance to the development and to safeguard

the enjoyment of their properties by existing and prospective occupiers pursuant to policies H5 and BE1 of the South East Plan 2009.

8. The dwelling(s) shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall 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 pursuant to policies CC1 and CC4 of the South East Plan 2009.

9. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. The development hereby permitted shall not commence until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy NRM7 of the South East Plan 2009.

10. The development hereby permitted shall not be commenced until a further reptile survey has been undertaken by a suitably qualified person and a report of the survey submitted to and approved by the local planning authority. The survey report shall include as necessary details of mitigation and habitat enhancement measures as outlined in the Ecological Scoping Survey Report (prepared by Katia Bresso of KB Ecology) received 16/06/2009, which shall be implemented in accordance with a programme of works set out in the subsequently approved survey report and maintained thereafter;

Reason: In the interests of ecology and biodiversity pursuant to the advice in PPS9.

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.

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

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