

## REPORT SUMMARY

<b>REFERENCE NO - 14/504649/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed change of use and conversion from office use (Use Class B1) to form 3 domestic dwellings as shown on drawing nos. 2620/L, 2620/1, 2620/2A, 2620/4 received on 15/10/14.		
<b>ADDRESS</b> Klh House High Street Staplehurst Kent TN12 0AH		
<b>RECOMMENDATION:</b> Permit		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> This is a sustainable location for new dwellings and the building works proposed would represent an improvement to the appearance of the conservation area.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The Parish Council objects and requests committee consideration.		
<b>WARD</b> Staplehurst Ward	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr Jason Wright <b>AGENT</b> Mr Lloyd Dennis
<b>DECISION DUE DATE</b> 10/12/14	<b>PUBLICITY EXPIRY DATE</b> 10/12/14	<b>OFFICER SITE VISIT DATE</b> 2/3/15 (and previously)
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  MA/07/0143 – Office block over 3 floors (incl. roof void) – refused and appeal dismissed. Enforcement Notice ENF/6944 served.  MA/01/1790 – Demolition of garage, erection of two storey building and change of use of part of site for IT storage, together with provision of car parking spaces – permitted.  MA/01/1789 – An application for conservation area consent for the demolition of garage building – permitted.		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The application site is located in the centre of the village, off the east side of the High Street and within the Staplehurst Conservation Area. A private access road leads off eastwards, passing commercial premises that front the High Street and widening out into an informal 'yard' which is bordered by various small scale structures, including a garage block at the eastern end; and Justcroft House and KLH House (the latter being the subject of this application) on the southern boundary.

1.02 KLH House is a two storey office block with additional accommodation in the roofspace, of brick under a plain concrete tile roof. The building has no dedicated parking space available to it, although there is some space in front of the building for deliveries.

1.03 The building is bordered to the west by commercial premises fronting the High Street with residential above. Various outbuildings serving as garaging and storage are to the north

across the yard and the residential flats in Justcroft House are to the east. To the south there is land being redeveloped for residential purposes.

## **2.0 PROPOSAL**

2.01 The background to this application is important. Planning permission was granted for the erection of a two storey building for IT storage on a similar footprint to KLH House under reference MA/01/1790 but the building subsequently constructed differs from what was approved in terms of scale, detailing and materials. Application MA/07/0143 to regularise the new building was refused and the subsequent appeal dismissed in March 2008. The Inspector found that the building was harmful to the character of the conservation area. She also concluded that there was insufficient parking and turning space for an office use and that the intensification in the use of the access to the High Street would be harmful to highway safety. Although an enforcement notice was served the building remains on site in essentially the same condition.

2.02 This application seeks to retain the building with significant alterations in an attempt to improve its impact on the conservation area. It seeks a change of use of the building to create a short terrace of 3 two-bedroomed houses with the roofspace acting as the second bedroom.

2.03 The physical changes involve 'hipping back' the roof and re-covering it in clay tiles. The 3 existing rooflights on the rear would be altered to 'conservation-style' rooflights, whilst the 3 rooflights to the front would be changed to 3 small pitched roof dormers. On the front of the building the existing garage doors and large porch would be replaced by 3 canopied entrance doors; whilst on the rear elevation a new bathroom window is needed at first floor level (this to be obscure glazed and fixed shut). On the eastern elevation the upper level window would be removed, as would the door/balcony arrangement and window at first floor level and the ground level entrance door and ground floor window. New windows would be constructed at ground and first floor level. The air-conditioning units would be removed. On the west elevation the attic level window would be removed. Both existing and new doors and windows around the building would have timber joinery.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: R10, T13

## **4.0 LOCAL REPRESENTATIONS**

4.01 Two letters of objection have been received and the following points are made:

- a) The development would have no on-site parking space which is not acceptable and will lead to vehicles being parked on neighbouring streets causing inconvenience and highway danger. Local 'public' parking sites can not be relied upon.
- b) The development represents a loss of employment land.
- c) The houses would have no amenity space and no space for children to play.
- d) The development should not be allowed through 'lack of action'. A development of flats retaining the ground floor garage may have been more acceptable.

## **5.0 CONSULTATIONS**

5.01 STAPLEHURST PARISH COUNCIL states:

“Councillors noted that the applicants appeal against refusal of site application MA/07/0143 had been dismissed by the Inspector in March 2008; they expressed disappointment that the sites planning status had remained irregular since then and questioned why no enforcement action had been taken. They expressed concern that the current proposal offered no parking provision and poor access which they felt would cause traffic problems. For these reasons Councillors recommend REFUSAL and wish that the application is reported to MBC Planning Committee. They made an advisory comment, without commitment, that they would be prepared to reconsider a proposal offering suitable parking provision.”

5.02 KCC Highways and Transportation has no objection stating:

“Thank you for inviting me to comment on this application, which proposes a change of use from B1 offices to C3 dwellings. This change of use is likely to generate less traffic movements. There is no parking proposed with this plan, this is the same as the existing use and is acceptable under KMPG: SPG 4. Furthermore there are a number of local car parks which could be used by residents. The site is located in a sustainable location, with access to public transport, therefore reducing demand on the car. For the reasons outlined above, I raise no objection on behalf of the local highway authority.”

5.03 The MBC Conservation Officer has no objection stating:

“The proposed change of use is acceptable in its impact on the conservation area and the proposed alterations to the building will improve its design. Overall, therefore, the proposal would result in an enhancement to the conservation area.”

## 6.0 APPRAISAL

### Principle of Development

6.01 The application proposes the creation of 3 residential units in a highly sustainable location in the centre of Staplehurst. The general principle of that is clearly acceptable. Added weight must also be given to the fact that the Council can not currently demonstrate a 5 year housing land supply and this is a significant factor which can mean that negative aspects of a scheme can be set aside.

### Visual Impact

6.02 The building affects the conservation area and it is regrettable, both that it was not built in accordance with planning permission MA/01/1790 and that effective remedial action has not been taken since then. In its current form the Inspector on MA/07/0143 found that it detracted significantly from the character and appearance of the conservation area. However, this application, as part of the conversion, proposes significant amendments to its appearance, most notably the ‘hipping’ of the roof; the removal of garage doors and balcony features; and the changes to materials including re-roofing in clay tiles and the change from UPVC windows to timber. I agree with the Conservation Officer that these changes improve design and enhance the conservation area. I regard the application acceptable therefore in terms of its visual impact.

### Residential Amenity

6.03 The scale and design of the building is such that it would have no adverse impact on the residential amenities of local residents as a result of loss of light, privacy, excessive noise, etc. No objections have been received on that basis.

6.04 The objectors are correct in that the building has no private amenity space available for the prospective occupiers. This is a negative aspect of the proposals. However, it is often the case that small units of accommodation (like flats) in densely developed locations often do not have the benefit of gardens and private space.

### **Highways**

6.05 The Inspector regarded the office building to be unacceptable in highways terms due to the unsuitability of the access to the High Street and the inadequacy of parking and turning space for that office use. However, an office use is not proposed here and new dwellings in sustainable locations often do not have on-site parking. In my view, some off-street parking and turning space would be desirable here but I do not find that the lack of that is critical here in a sustainable location. With the lack of such space use of the access is likely to be limited and I consider it acceptable for the use proposed. The High Street in this location is subject to parking restrictions including double yellow lines, white zig zag lines associated with the adjacent Pelican crossing, and a small number of restricted use parking bays. Nonetheless, there is on street parking available within reasonably close proximity to the site on side roads, and whilst parking on these streets may give rise to inconvenience, this is not a matter of highway safety. I note there is no objection from the Highways Officer.

### **Landscaping**

6.06 This is built environment and there are no landscape or ecology-related issues in this case.

### **Other Matters**

6.07 The issue of a loss of employment land is raised by objectors but the existing use as an office building is not lawful. There is no loss of retail floorspace here so there is no conflict with saved Policy R10 which seeks to retain retail uses in village centres.

## **7.0 CONCLUSION**

7.01 The application proposes residential units in a highly sustainable location in the centre of Staplehurst. The general principle of that is clearly acceptable. Added weight must also be given to the fact that the Council can not currently demonstrate a 5 year housing land supply. Significant improvements are proposed to the building. Whilst I have some reservations as to lack of parking and amenity space, on balance I recommend that permission should be granted.

## **8.0 RECOMMENDATION – GRANT** 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.

## Planning Committee Report

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
drawing nos. 14-001/02, 11, 20 received 5/6/14; and drawing nos. 14-001A and 10/A received 10/11/14;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

(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 building(s) 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.

(4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), no further development falling within Schedule 2, Part 1 of that Order shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the character of the site is maintained.

(5) The development shall not commence until full details of the proposed external joinery have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development.

(6) The proposed first floor bathroom window on the southern elevation shall be fitted with obscured glazing and fixed shut before the first occupation of the dwellings hereby permitted and the window shall be subsequently retained in that condition;

Reason: In order to avoid a loss of privacy.

### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was provided with formal pre-application advice.

## Planning Committee Report

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.