

REPORT SUMMARY

REFERENCE NO - 15/504845/FULL			
APPLICATION PROPOSAL Erection of detached dwelling in rear garden. Conversion and change of use of existing ground floor former public house, accommodation wing and upper floor flat to 8 residential apartments, including internal and external alterations. Subdivide ground floor to retain 2 retail units. New parking and landscaping.			
ADDRESS The former Kings Arms Public House, High Street, Headcorn, Kent, TN27 9NH			
RECOMMENDATION – Grant Planning Permission subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The site represents a sustainable location with good access to shops and services, including local bus services and Headcorn Train Station. The proposals make beneficial use of an existing building which is Grade II listed with a modest scale infill development to the rear of the existing building. The proposed change of use and conversion of the former public house building and rear wing to provide eight apartments and two ground floor retail units fronting High Street and the development of the open land to the rear with a new detached dwelling will be compatible with neighbouring development within the Headcorn district/local centre and the proposed ground floor retail units will retain an active frontage to High Street. The proposals are considered to be acceptable in terms of impact on the listed building and its setting and impact on the character and appearance of the Headcorn Conservation Area. The proposals are not considered to result in any unacceptable unneighbourly impacts, parking, traffic and highway safety impacts, or unacceptable visual impacts. The proposed residential apartments and detached dwelling are considered to provide acceptable living conditions for prospective occupiers. The proposals are not considered to conflict with the relevant Government guidance in the National Planning Policy Framework or policies within the Maidstone Borough-Wide Local Plan.			
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council wish to see the application refused and request referral to committee for determination if officers are recommending that it is approved.			
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT AGENT Mr R Clarke Kember Loudon Williams LLP	
DECISION DUE DATE 14/08/15	PUBLICITY EXPIRY DATE 14/08/15	OFFICER	SITE VISIT DATE 17/09/15
RELEVANT PLANNING HISTORY (including appeals and adjoining sites):			
App No	Proposal	Decision	Date
15/504864/LBC	Listed Building Consent for internal and external alterations to facilitate conversion and change of use of existing former ground floor public house, accommodation wing and upper floor flat to 8No residential apartments and 2No retail units.	Not determined	N/A
MA/05/0451	Change of use of first floor function room within existing outbuilding to provide 3 no. letting rooms.	Approved	21.04.05
MA/05/0452	An application for listed building consent for the conversion of first floor function room within existing outbuilding to provide 3 no. letting rooms, the replacement of existing fireplace within the public house with a free-standing log burner, the reinstatement of an external staircase and repair works to windows and roof.	Approved	21.04.05

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the A274 and is a corner site situated at the junction of Headcorn Village High Street and North Street. The site was formerly the Kings Arms Public House and currently comprises a ground floor restaurant fronting High Street with ancillary accommodation above and a two-storey stable wing to the rear with car park accessed from North Street.
- 1.02 To the north of the stable wing is an area of open land which runs along the rear boundary of the adjoining shop properties on North Street. The former public house premises are predominantly two-storey/part three-storey within the roofspace and are the end property in a shopping parade along the northern side of High Street. There are further shop premises to the north along North Street.
- 1.03 The former Kings Arms Public House building is in the Headcorn Conservation Area and on the national statutory list of historically important buildings (Grade II). The Historic England description is provided below:

“Inn. C18 or earlier with C19 alterations. Right wing chequered red and grey brick, rest pebbledashed. Plain tile roof. Built on corner. 2 storeys. Right wing 2 storeys and garret. Roof hipped to left, with gablet, hip returning. Right wing projects forwards slightly, with open-work bargeboards to front gable. Brick ridge stack towards left end of main range, and smaller one towards right end. Further brick stack to right side of right wing.

Irregular fenestration of 4 12-pane sashes; 3 to main range and one with segmental head to right wing. 2 canted bays to ground floor of main range. Canted shop window with small rectangular panes to right wing with half-glazed door to left of it, all under plain- tiled pentice. Half-glazed door with flat bracketed hood to right of centre of main range. Rear return wing to left facing on to North Street and 2 further short rear wings to main range. Interior not inspected”.

- 1.04 The site forms part of the Headcorn Village envelope High Street, Headcorn local/district centre area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. The Headcorn village settlement also forms part of the wider Special Landscape Area as defined on the Proposals Map.

“Inn. C18 or earlier with C19 alterations. Right wing chequered red and grey brick, rest pebbledashed. Plain tile roof. Built on corner. 2 storeys. Right wing 2 storeys and garret. Roof hipped to left, with gablet, hip returning. Right wing projects forwards slightly, with open-work bargeboards to front gable. Brick ridge stack towards left end of main range, and smaller one towards right end. Further brick stack to right side of right wing. Irregular fenestration of 4 12-pane sashes; 3 to main range and one with segmental head to right wing. 2 canted bays to ground floor of main range. Canted shop window with small rectangular panes to right wing with half-glazed door to left of it, all under plain- tiled pentice. Half-glazed door with flat bracketed hood to right of centre of main range. Rear return wing to left facing on to North Street and 2 further short rear wings to main range. Interior not inspected”.

2.0 PROPOSAL

- 2.01 The application proposes the change of use and conversion of the former public house building and rear wing to provide eight apartments and two ground floor retail

units. The application also proposes the development of the open land to the rear (north) of the site with the erection of a two-storey detached dwelling with associated parking.

- 2.02 The proposed change of use and conversion of the former public house and rear wing provides two retail units on the ground floor fronting High Street with one unit also having a return frontage to North Street. The eastern part of the frontage to High Street, the part of the main former public house building to the rear of the proposed retail units, the first floor of the main building and the rear two-storey wing to the main former public house building are to be converted to provide eight apartments (6 x 1-bed, 1 x 2-bed and 1 x 4-bed).
- 2.03 The proposed 4-bed apartment is provided within the eastern part of the former public house building fronting the High Street and has three floors with the upper floor being at roof level, and a private amenity area to the rear. Two 1-bed apartments are provided at ground floor level within the main former public house building to the rear of the proposed retail units with three 1-bed flats above.
- 2.04 The rear wing of the building also provides two split level 1 and 2-bed apartments that each have separate private external amenity areas. Six car parking spaces are provided within the existing former public house parking/servicing area to the rear of the main building. A refuse storage area is also provided within this existing parking/servicing area.
- 2.05 The proposed 3 bed detached dwelling is located within open land to the rear (north) of the rear wing of the main building. This dwelling is provided with two car parking accessed from North Street through the proposed parking area linked to the proposed retail units and apartments. An existing single garage building is to be demolished to allow this vehicular access to be provided.
- 2.06 The upper floor of the proposed two-storey dwelling is partially set within the pitched roofspace. The submitted plans show the proposed dwelling to incorporate brickwork to the ground floor, plain tile vertical tile hanging to the first floor, and plain tiles to the roof. A mixture of gables, dormers with gabled pitched roofs and rooflights are proposed to the new dwelling at roof level. The proposed dwelling has private rear garden space.
- 2.07 The proposed development incorporates a cycle store adjacent to the northern end of the rear wing to the main former public house building and new planting is shown in the proposals within the rear parking area adjacent to the rear wall of the main former public house building and along the boundary to the south of the proposed new build dwelling.
- 2.08 The Council are also currently considering a separate application for Listed Building Consent for the proposed internal and external changes to the existing listed building. Whilst currently undetermined this application is considered acceptable and there has been no objection to its approval by the Council's Conservation Officer.

3.0 PLANNING CONSTRAINTS

- 3.01 The application site is in the Headcorn Conservation Area. The application building, the former Kings Arms Public House building is also on the national statutory list of historically important buildings (Grade II) listed and the site falls within the Headcorn Conservation Area.

- 3.02 The site forms part of the Headcorn village envelope as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.03 The site forms part of the High Street, Headcorn local/district centre defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.04 The Headcorn village settlement forms part of the wider Special Landscape Area as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: Maidstone Borough-Wide Local Plan: Policies ENV6, ENV8, ENV34, H27, T13, R10, R11
- Maidstone Borough Council Draft Local Plan: Policies SS1, SP3, DM1, DM2, DM4, DM7, DM10, DM20

5.0 LOCAL REPRESENTATIONS

- 5.01 The owners/occupiers and users of neighbouring shops/commercial and residential properties were notified of application by letter and a site notice was displayed. No responses/representations on the application have been received from the owners/occupiers and users of neighbouring properties.

6.0 CONSULTATIONS

- 6.01 **Headcorn Parish Council** commented on the application as follows:

‘This application was reviewed by the Council and the following points were noted:-

- a) Over development of the proposed site
- b) Proposed residential units on the ground floor are in conflict with policy 18 of the emerging Headcorn Neighbourhood Plan
- c) Support for a village suitable for sustainable development would include a thriving High Street with a wide range of retail premises
- d) The parking provision is not adequate for the number of proposed residential units

It was felt overall that this was a “greedy application” and the Council wish to see it refused. Referral to the Planning Committee is required.’

- 6.02 **Conservation Officer:** Raises no objection to the application on heritage grounds subject to conditions re samples of materials, joinery details, removal of all PD rights and landscaping.

Commented that the proposed alterations have been designed to have the minimum impact on historically sensitive areas of the building and are appropriate in design and that he is in agreement with the submitted Heritage Statement that only minimal harm to significance will ensue and that this will be outweighed by public benefit in the form of re-use of the existing vacant listed building and the provision of residential accommodation.

Commented that whilst the loss of the pub/restaurant is to be regretted and will have some impact on the vitality, and hence significance, of the conservation area, the retention of two retail units will go some way to offsetting this.

Commented further that the garage to be demolished is of relatively recent date and is of no interest; it makes no positive contribution to the significance of the conservation area.

Commented that the proposed new dwelling will be discreetly sited to the rear where it will not be widely visible and where it will have an insignificant impact on the character and appearance of the conservation area.

Commented further that in any event, it is of an appropriate vernacular design and of a scale similar to that of a coach house resulting in an acceptable impact on the setting of the listed building.

- 6.03 **Environmental Health Officer:** Raises no objection to the application subject to conditions to ensure that future residents of the proposed apartments are protected from noise generated by any plant and/or equipment installed, and the ceiling/floor separating the residential and commercial units is adequate to resist the transmission of airborne sound.

A further condition is recommended to secure a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises.

- 6.04 **KCC Highways:** Commented that it is considered that minimum car parking standards should apply in this location and there is concern that there is insufficient parking. Requested information on the methodology behind the number of car parking spaces proposed.

Commented on the further information provided (email dated 13.08.15 from Nigel Downes to Kent Highway Services) as follows:

Kent Design Guide IGN3 recommends that minimum standards should apply in village locations, which would require 2 parking spaces for the 4 bed dwelling and 8 unallocated spaces for the apartments. A maximum of 4 spaces should be provided for the retail units.

The site offers a total of 8 parking spaces; 2 spaces are allocated to the 4 bed dwelling and 6 are unallocated for use by the 8 residential apartments. No spaces are provided for the retail units.

The site is located in a sustainable location, with access to local bus services and Headcorn Train Station. There are also a small number of on-street parking areas particularly to serve the retail units along the High Street. Further, there is a range of local amenities within walking distance of the site.

Although the site does not meet the minimum parking standards outlined in IGN3, it is unlikely an objection on these grounds could be sustained.

Recommends an informative relating to the applicants responsibility to obtain all necessary highway approvals and consents where required in order to avoid any enforcement action being taken by the Highway Authority and to ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law.

- 6.05 **Historic England:** Do not wish to offer any comments on this occasion. Recommend that the application be determined in accordance with national and local policy guidance, and on the basis of the Local Authority's specialist conservation advice.
- 6.06 **Southern Water:** Request that an informative is attached to any consent advising that a formal application to Southern Water is required for connection to the public sewerage system in order to service the development. Advise that Southern Water's initial investigations indicate that there are no public surface water sewers in the area to serve this development and alternative means of draining surface water from the development are required. Advise further that this should not involve disposal to a public foul sewer.

Advise that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss this matter further with Southern Water.

7.0 APPLICANT'S SUPPORTING COMMENTS (summary of key points)

- 7.01 The Planning, Design and Access Statement and Heritage Statement submitted in support of the application state the following:
- The proposals will make beneficial use of the grade II listed existing building with a modest scale infill development
 - The building is underused and for this reason the applicants seek to convert the building into a viable end use.
 - The proposals deliver replacement economic development in a sustainable location.
 - The proposal will create new homes within a large rural settlement.
 - Future residents will benefit from excellent opportunities to access shops, services, leisure facilities and employment opportunities without the need to travel by vehicle.
 - The low level of harm to the listed building is clearly outweighed by the heritage benefits of the scheme which include securing a viable use of the asset in support of its long term conservation, re-establishment of the buildings as two separate structures and making good to historic features of interest.
 - External alterations to the building are limited and sympathetic to the character of the structure and wider area and will preserve the significance of the Headcorn Conservation Area.
 - The proposed new dwelling will preserve the character and appearance of the Conservation Area by virtue of its appropriate scale, form, detailing and materials and sheltered location.
 - Given the limited external alterations to 1-3 High Street and the sheltered position of the proposed new dwelling, the significance of nearby listed buildings will not be affected as a result of the proposed development.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application is supported by the following drawings/documents:

A location plan (red line boundary plan)
Drawing No. 3450.01 Rev. A – Existing ground floor plan
Drawing No. 3450.02 Rev. A – Existing first floor plan

Drawing No. 3450.03 Rev. B – Proposed ground floor plan
Drawing No. 3450.04 Rev. C – Proposed first floor plan
Drawing No. 3450.05 – Existing elevations
Drawing No. 3450.07 – Proposed elevations
Drawing No. 3450.08 – Proposed elevations
Drawing No. 3450.09 – Proposed dwelling floor plans
Drawing No. 3450.10 – Proposed dwelling elevations
Drawing No. 3450.11 – Proposed block plan
Drawing No. 3450.12 – Proposed roof plan
Drawing No. 3450.13 – Existing block plan
Heritage Statement by Heritage Collective (June 2015)
Planning, Design and Access Statement by Kember Loudon Williams LLP (June 2015)
Email dated 13.08.15 from Nigel Downes to Kent Highway Services

9.0 APPRAISAL

Principle of Development

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000.
- 9.02 Policy H27 of the Maidstone Borough-Wide Local Plan states that within the boundaries of the villages listed below (including Headcorn) and defined on the Proposals Map, new residential development will be restricted to minor development (the current submission is defined as minor development).
- 9.03 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF further states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF is generally supportive (para. 51) of the change of use of existing buildings to residential use, particularly empty housing and buildings.
- 9.04 Policies R10 and R11 of the Maidstone Borough-Wide Local Plan relate to the defined district and local centres. Policy R10 states that development which would harm their (district and local centres) vitality and viability will not be permitted. Policy R11 relates to the protection of essential local shops and services.
- 9.05 Government guidance in the NPPF states (para. 28) states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It further states that to promote a strong rural economy, local and neighbourhood plans should (amongst other measures) promote the retention and development of local services and community facilities in villages, such as (amongst other facilities) local shops.
- 9.06 The application building were formerly in use as the Kings Arms Public House and currently comprise a ground floor restaurant fronting High Street with ancillary accommodation above and a two-storey stable wing to the rear. There are other public houses and restaurant premises nearby within the Headcorn local/district centre. With the availability of alternative facilities nearby, no overriding objections are raised to the loss of the former public house or the existing restaurant use from the centre.

- 9.07 The proposal involves the change of use and conversion of the former public house building and new residential accommodation parking is considered to be consistent with the above Government guidance and Maidstone Borough-Wide Local Plan policies. The proposed development is considered acceptable in principle. A shopfront and active frontage will be maintained to the majority of the existing High Street frontage.

Design and Layout

- 9.08 Government guidance in the NPPF states (para. 56) that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. The guidance states that good design is indivisible from good planning, and should contribute positively to making places better for people. The NPPF further states (para. 64) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.09 The proposed external changes to the application building include elevational alterations to the rear of the main former public house building at ground floor level; elevational alterations to the two-storey rear wing; the erection of a small single-storey link between the rear wing and an existing adjacent single-storey building. The changes to the building are considered relatively minor and the appearance, footprint and site layout of the existing building with vehicle access to the rear will remain generally as existing.
- 9.10 As noted earlier in this report the proposed includes a new detached new build three bed dwelling on existing open land to the rear of the site. The dwelling is provided with two car parking spaces that are accessed from North Street through the existing car parking area which will be used by the two retail units and apartments proposed within the existing buildings.
- 9.11 The upper floor of the proposed two-storey dwelling is partially set within the pitched roofspace of the building. The submitted plans show the proposed dwelling to incorporate brickwork to the ground floor, plain tile vertical tile hanging to the first floor, and plain tiles to the roof. A mixture of gables, dormers with gabled pitched roofs and rooflights are proposed to the new dwelling at roof level. The proposed dwelling incorporates a private garden area to the rear (north).
- 9.12 The proposed new dwelling is subservient to the existing former public house buildings on the site in terms of scale, building footprint and siting and will be largely screened from view by existing buildings. The design of the proposed dwelling is considered acceptable in the context of the rural village location and the layout of the site for the dwelling is also considered acceptable in terms of access, parking, vehicle manoeuvring space and private garden amenity space.
- 9.13 The proposals are considered to be in accordance with the above Government guidance in the NPPF in terms of design and layout.

Visual Impact

- 9.14 As noted above the appearance, footprint and site layout of the site will generally remain as existing as part of the proposed development. The proposed new dwelling within the open land to the rear will be largely screened from view by existing buildings on the High Street to the south and North Street to the west.

- 9.15 In the circumstances it is not considered that the proposed external changes to the existing building will be relatively minor and the erection of a detached dwelling to the rear of the existing buildings will not have any significant or harmful visual impact on the locality.

Impact on the Listed Building and Conservation Area

- 9.16 The former Kings Arms Public House building is on the national list of historically important buildings (Grade II) and the site falls within the Headcorn Conservation Area.
- 9.17 Government guidance in the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF states that the more important the asset, the greater the weight should be and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.18 The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF states (para. 133) that where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that there are substantial public benefits from the development that outweigh that harm or loss. The NPPF further states (para. 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.19 The Council's Conservation Officer considers that the proposed alterations have been designed to have the minimum impact on historically sensitive areas of the building and are appropriate in design. The Conservation Officer is in agreement with the submitted Heritage Statement that any impact will be minimal and that this will be outweighed by public benefit gained from the proposal. The public benefit is that the proposal will facilitate the re-use of the existing vacant listed building securing its immediate future and will enable the provision of residential accommodation. Whilst the loss of the pub/restaurant is regrettable in terms of the impact on vitality the provision of two retail units is considered to go some way to offset this impact.
- 9.20 As part of the proposal a garage to the rear of the site is to be demolished and the impact of losing the garage has been assessed. The Conservation Officer has stated that the structure to be demolished is relatively new, has no historic interest; and makes no positive contribution to the significance of the conservation area.
- 9.21 It is the view of the Conservation Officer that the proposed new dwelling will be discreetly sited to the rear of the site and to the rear of existing building. In this location the building will be largely screened and will not have any significant impact on the character and appearance of the conservation area. The Conservation Officer considers that the new dwelling has an appropriate vernacular design and a similar scale to a coach house resulting in an acceptable impact on the setting of the listed building. The Conservation Officer raises no objection to the application on heritage grounds subject to the imposition of conditions.
- 9.22 The proposals are considered in accordance to with the above Government guidance in the NPPF in terms of impact on the listed building and its setting and impact on the Conservation Area.

Impact on the Special Landscape Area

- 9.23 The site forms part of the Headcorn village settlement as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan and the village settlement forms part of the wider Special Landscape Area as defined on the Proposals Map.
- 9.24 Policy ENV34 of the Maidstone Borough-Wide Local Plan states that in the defined Special Landscape Areas particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations. Government guidance in the NPPF (para. 109) advises that valued landscapes should be protected and enhanced.
- 9.25 The Headcorn village settlement is an area of built development within the defined Special Landscape Area. The proposed new detached dwelling together with the modest elevational changes to the rear of the retained building will be viewed in the context of the existing built development within the settlement. The proposed new building and alterations will not be seen in the context of the wider area of the open countryside outside the defined settlement boundary or the defined Special Landscape Area.
- 9.26 It is considered that the proposed development is in accordance with Government guidance in the NPPF and the aims and objectives of policy ENV34 of the Local Plan in terms of the protection and conservation of the scenic quality and distinctive character of the area.

Residential Amenity

- 9.27 The proposed change of use and conversion to provide eight apartments and two ground floor retail units is unlikely to have any impact on the amenities of neighbouring occupiers and users and the immediate locality in terms of noise, disturbance and general activity. With the nature of the former use as a public house and more recently as a restaurant the proposed ground floor retail use of the building is likely to reduce potential impact on the local area.
- 9.28 The application does not involve any new window openings and the upstairs of the existing building has established use as residential accommodation linked to the ground floor use. The proposed residential apartments on the first floor of the building are not considered to result in any overlooking or loss of privacy issues to the neighbouring properties. There is no physical enlargement of the existing building to impact on neighbouring property.
- 9.29 The proposed new build dwelling within the open land to the rear of the site is positioned and designed to avoid the potential for loss of outlook, daylight or privacy and to avoid any overbearing impact or sense of enclosure to any neighbouring property. The neighbouring properties on North Street to the west of the proposed new dwelling site are retail/commercial properties which do not appear to include any residential premises on the upper floors.
- 9.30 Whilst some of the one-bedroom apartments within the conversion of the existing building are of limited size (31 square metres), the units are considered acceptable in terms of layout and outlook. The larger family units (four-bedroom dwelling that is arranged over three floors; the two-bedroom dwelling in the converted building and the three-bedroom new build dwelling) all have access to private garden amenity space.

- 9.31 The proposed accommodation is considered to provide a good living environment for future occupiers. As recommended by the Council's Environmental Health Officer, planning conditions are suggested to ensure that future residents are protected from noise disturbance. This includes noise from any plant and equipment installed to the proposed retail units and from the transmission of sound from within the proposed retail units.

Parking and Traffic

- 9.32 As the local highways authority, Kent County Council have advised that the site is located in a sustainable location, with easy access to local bus services and Headcorn Train Station. Kent County Council also advise that there are a range of amenities available locally that can be accessed on foot without the use of a private car.
- 9.33 The existing former public house building has a rear car parking area that is accessed from North Street. The proposal includes provision of six car parking spaces for the eight apartments in the converted building that would use the existing vehicle access. Two car parking spaces are proposed for the new build 3 bed dwelling, with vehicle access provided through the parking area for the apartments. Whilst car parking demand is likely to be less than that associated with the former uses of the building, a number of on-street parking spaces would be available for use in connection with the retail units. After considering the nature of the development and the proposed car parking provision Kent County Council have raised no objection to the proposal
- 9.34 The two proposed retail units have no on-site servicing facilities and as a result deliveries/collections are likely to take place from the highway outside the premises. In light of the modest size of the proposed retail units (32 and 46 square metres) servicing requirements are unlikely to be extensive or likely to result in unacceptable obstruction of the highway. The proposed arrangements are also common to other nearby commercial uses. After considering potential highways impacts, Kent County Council have raised no objection to the proposed servicing arrangements.
- 9.35 The former use of the application building as a public house and a restaurant are likely to have generated a greater number of vehicle trips than those associated with the current proposal.
- 9.36 In summary it is considered that the proposals would not have any negative impact on the safe and free flow of traffic on the public highway or cause obstruction on the local highway network. Kent County Council acting as the highways authority have not raised any objection to the proposals.

Other Matters

- 9.37 In response to the points raised in the consultation response from Headcorn Parish Council the following comments are made:
- The site represents a sustainable location with good access to shops and, including local bus services and Headcorn Train Station.
 - The proposals will make beneficial use of the grade II listed existing building with a modest scale infill development to the rear of the existing building.
 - With the sustainable location, the retention and reuse of the existing building, and the acceptable layout of the development, it is considered that the proposals make an efficient use of land on the site and they do not represent an overdevelopment of the site.

- The Headcorn Neighbourhood Plan is at an early stage of preparation and as a result it is not a material consideration in the determination of this application.
- The majority of the frontage to High Street will remain active with the former public house building providing two ground floor retail units along the High Street frontage with a return frontage to North Street.
- The proposed retail use of the frontage to High Street will contribute to the range of retail services in the Headcorn centre.
- With the sustainable location, Kent County Council advise that there is no objecting to the proposal in to relation car parking or traffic and transport issues.

10.0 CONCLUSION

- 10.01 The site represents a sustainable location with good access to shops and services, including local bus services and Headcorn Train Station.
- 10.02 The proposals make beneficial use of an existing building which is Grade II listed with a modest scale infill development to the rear of the site.
- 10.03 The proposed change of use and conversion of the former public house building and rear wing to provide eight apartments and two ground floor retail units fronting High Street and the development of the open land to the rear with a new detached dwelling will be compatible with neighbouring development within the Headcorn district/local centre and the proposed ground floor retail units will retain an active frontage to High Street.
- 10.04 The proposals are acceptable in terms of impact on the listed building and its setting and impact on the character and appearance of the Headcorn Conservation Area. The proposals will not result in any unacceptable unneighbourly impacts, parking, traffic and highway safety impacts, or unacceptable visual impacts.
- 10.05 The proposed residential apartments and detached dwelling will provide acceptable living conditions for prospective occupiers. The proposals will not conflict with the relevant Government guidance in the National Planning Policy Framework or policies within the Maidstone Borough-Wide Local Plan

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 shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the new build dwelling and alterations to the existing building 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 and in order to safeguard the character and appearance of the listed building and its setting and the character and appearance of the Headcorn Conservation Area.

- (3) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including details of all hard surfacing and boundary treatments, 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 during 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. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (4) All planting, seeding and/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 is provided and maintained.

- (5) The parking spaces and vehicle manoeuvring areas shown on the approved plans (Drawing Nos. 3450.03 Rev. B, 09 and 11 received 11.06.15) shall be completed and available for use before the first occupation of the apartments and new build dwelling hereby permitted and the parking spaces and vehicle manoeuvring areas shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or 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 and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (6) No development falling within Schedule 2, Part 1 Class A, B, C, D, E, F, G and H and Part 2 Class A and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out to or within the curtilage of the new build dwelling hereby permitted without the prior written consent of the Local Planning Authority;

Reason: To ensure that the character and appearance of the site and the setting of the adjoining listed building and the Headcorn Conservation Area are maintained.

- (7) No works shall take place until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

- a) External joinery details for all new and altered windows and doors, including framing and mouldings, to a scale of 1:20;

- b) New, replacement and/or relocated rainwater goods and soil vent pipes, including design, materials and colour finish, to a scale of 1:10;
- c) New rooflight windows to the new build dwelling which shall be Conservation type to a scale of 1:20;

Reason: To ensure the details are satisfactory and ensure the character, appearance, fabric and setting of the listed building and Headcorn Conservation Area are maintained.

- (8) The development shall not commence until full details of the bicycle store as shown to be provided on the approved plans (Drawing Nos. 3450.03 Rev. B, 09 and 11 received 11.06.15), including details of design and appearance of the building, external surfacing materials, and provision to be made for the storage of bicycles, have been submitted to and approved in writing by the Local Planning Authority. The bicycle store shall be provided on site in accordance with the details approved prior to the first occupation of any of the apartments hereby permitted and shall be retained and maintained thereafter for the storage of bicycles;

Reason: To ensure that facilities are available for the parking/storage of bicycles in the interests of highway safety and to encourage the use of sustainable modes of transport and access to the site by means other than private motor car in accordance with Government guidance in the National Planning Policy Framework.

- (9) The development shall not commence until full details of the refuse storage facilities shown on the approved plans (Drawing Nos. 3450.03 Rev. B and 11 received 11.06.15), including details of the design and appearance of the building/enclosure, external surfacing materials, and details of provision to be made for the storage of refuse and recyclables, have been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided on the site in accordance with the details approved prior to the first occupation of any of the apartments hereby permitted and shall be retained and maintained thereafter for the storage of refuse associated with the occupation of the apartments;

Reason: To ensure adequate provision is available for the storage of refuse and recyclables and to ensure that the character and appearance of the site and the setting of the adjoining listed building and the Headcorn Conservation Area are maintained.

- (10) The two commercial units shown on the approved plan (Drawing No. 3450.03 Rev. B received 11.06.15) shall only be used for purposes within Class A1 (Shops) and/or Class A2 (Financial and professional services) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes;

Reason: In the interests of the amenities and living environment of the prospective occupiers of residential premises above and to the rear of the commercial units and the character and appearance of the Headcorn local centre.

- (11) Prior to the first occupation/use of the premises hereby permitted, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233:1999 Sound Insulation and Noise Reduction for Building Code of Practice and

the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In order to ensure the amenities of the neighbouring occupiers and users are safeguarded.

- (12) The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Local Authority will accept 23.00-07.00 hours as covering the night time period;

Reason: In order to ensure the amenities of the neighbouring occupiers and users are safeguarded.

- (13) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to first occupation of the residential units and be retained thereafter;

Reason: In the interests of the amenities of the occupiers of approved residential units within the development.

- (14) The ceilings/floors and walls separating the residential and commercial units hereby permitted shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardised difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics - Measurement of sound insulation in buildings and of building elements - Part 4: Field measurements of airborne sound insulation between rooms;

Reason: In the interests of the amenities of the occupiers of the approved residential units within the development.

- (15) The development shall not commence until details of measures to provide for the installation of swift bricks within the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details;

Reason: In the interests of biodiversity and ecology.

- (16) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans, drawing numbers 3450.03 Rev. B, 04 Rev. C, 07, 08, 09, 10, 11 and 12 received 11.06.15;

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

INFORMATIVES

- (1) KCC Highways and Transportation advise that it is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised that a formal application to Southern Water is required for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (3) Southern Water advise that their initial investigation indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required and this should not involve disposal to a public foul sewer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- (4) The applicant is advised that due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (5) The Environmental Health Team advise that as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.

NOTE TO APPLICANT: The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), Maidstone Borough Council takes a positive and proactive approach to development proposals focused on solutions. Maidstone Borough Council works with applicants and agents in a positive and proactive manner by offering a pre-application advice service; where possible, suggesting solutions to secure a successful outcome and 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; the application was acceptable as submitted and no further assistance was required; the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application; and, the application was approved without delay.

Case Officer: Jon Barnes

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