

REPORT SUMMARY

REFERENCE NO - 15/504311/FULL		
APPLICATION PROPOSAL Demolition of existing detached dwelling, erection of four storey block of eight 2 bedroom flats with new access and associated car parking.		
ADDRESS Christmas Lodge London Road Maidstone Kent ME16 0DR		
RECOMMENDATION GRANT PERMISSION subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - No objection to loss of Christmas Lodge notwithstanding its status as an Non Designated Heritage Asset (NDHA) - No objection to the principle of the use of the site for flats. - The proposal will contribute to the provision of housing units within the Borough with the flats will be sited in a sustainable location close to the Town Centre. - The proposal will not have any material impact on the London Road street scene or on the character and layout of the area. - The proposal is acceptable in design and layout terms and the size and layout of the proposed flats will provide an acceptable residential environment. - The proposal will not result in any material harm to the outlook and amenity of properties overlooking and abutting the site. - Is acceptable in highway and parking terms. - Is acceptable in wildlife and habitat terms. 		
REASON FOR REFERRAL TO COMMITTEE		
Called in by Cllr Pickett the grounds that this will enable the Planning Committee to fully consider the important design issues raised in this prominent location		
WARD Bridge Ward	PARISH/TOWN COUNCIL Maidstone urban area	APPLICANT Mrs S Ackerman AGENT Michael Gittings Associates
DECISION DUE DATE 08/10/15	PUBLICITY EXPIRY DATE 08/10/15	OFFICER SITE VISIT DATE 28/08/15

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is located within the built up area of Maidstone with Maidstone Barracks Railway Station located to the south east of the site. The site is occupied by a two storey detached dwelling set just over 13 metres back from London Road (A20) fronting the site to the south west. The existing dwelling is designed in an 'arts and crafts' style but has been unsympathetically extended at the rear. The building is not listed, nor is it located within a conservation area.
- 1.02 Abutting the site to the north west and north east is an area of open space, which includes a bowling green, while to the south east is a block of flats (Briar Court) set just over 29 metres back from London Road and just behind the rear main wall of the house occupying the application site. On the common boundary there are TPO trees.

1.03 On the opposite side of London Road are blocks of flats between 3 and 4 storeys in height. The existing dwelling currently has off street parking for at least 3 cars while there is unrestricted on street parking available on nearby roads. With two storey residential properties also located nearby on London Road there is some variety in the design, scale and appearance of nearby buildings.

1.04 There are buildings close to the site at the rear used in connection with the bowls club.

2.0 PROPOSAL

2.01 The proposal involves demolition of the existing detached 4 bedroom dwelling and its replacement with a 4 storey L shaped block of flats partly sited on the footprint of the house to be demolished. The block, which will accommodate 8 no: two bedroom flats each 60 sqr metres in area. The block will be set just under 19 metres back from London Road.

2.02 The part of the block closest to London Road will be sited slightly in front of the adjoining block (Briar Court) to the south east and at its closest point will be separated from this block by just over 4 metres. Running in a north east direction from the frontage block is a rear wing having a length of just over 16 metres that will face the adjoining open space. This rear wing is separated from the adjoining block of flats (Briar Court) to the south east by a distance of just under 8 metres.

2.03 The original proposal showed the block having a square profile capped by a deep overhanging flat roof with the exterior clad with render panels with substantial glazed areas. The application was reviewed by the Design Panel which suggested various design and siting changes to the building. The application has been amended and though the siting, size and square profile of the block remain as originally submitted, the exterior of the block has been redesigned. The roof detail has been minimised to show a narrow parapet with the exterior of the building mainly clad in face brickwork. The proportions of windows and doors have also been amended with linking render panels reinforcing the vertical emphasis of these and other features within the overall design.

2.04 The proposal as originally submitted showed parking and turning for 8 cars including a bin store and secure cycle parking in front of the block fronting London Road. The amended scheme shows the bin storage area resited and the secure cycle parking area moved to the communal amenity area at the rear of the site. The amended proposal retains 8 off street car parking spaces. This area is shown set behind landscaping shown abutting the access onto London Road.

3.0 RELEVANT HISTORY

3.01 None

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: T13, H21

5.0 LOCAL REPRESENTATIONS

5.01 49 neighbours notified – 7 objections received which are summarised as follows:

- Will cause loss of outlook, overshadowing, loss of daylight and privacy to residents of Briar Court particularly the kitchen areas.
- Design totally out of keeping with the surrounding area being a residential area of traditionally designed houses.
- Four storey block of flats in close proximity to each other will harm character of the area.
- Will result in increased traffic along London Road harmful to the free flow of traffic and highway safety.
- Lack of on site parking will result in displaced parking taking place in Queens Avenue.
- Views from properties in Little Buckland Avenue to the north east of the site will be adversely affected unless major tree planting is proposed along the north east boundary while also safeguarding the outlook from the bowling club.

5.02 Allington Millenium Green Ltd (manage the neighbouring open space):

- While not objecting to the development the application site is separated from the adjoining open space by a fence in the ownership of the applicants. This fence needs replacing with one in keeping with the character of the adjoining open space.
- Any building works should avoid disturbance to birds nesting in the adjoining open space.
- An existing tree screen abutting the north west site boundary will be allowed to grow up to screen the adjoining open space from the visual impact of the proposed development.

6.0 CONSULTATIONS

6.01 Kent Highways: No objection subject to conditions to secure on site parking and turning and measures to mitigate impact of construction activity.

6.02 MBC Heritage: Considers building unlikely to be listable as it represents a relatively late example of its style while not representing a good design for this type of building. Not sure who architect was but if it was Hubert Bensted he is not an architect of national repute but only of local note (although some of his buildings were illustrated in the contemporary architectural press).

Based on comparison with old OS maps appears that the building has been significantly extended to the rear although in a sympathetic style.

The building is not unique (there are a few other and earlier examples of similar style, also probably by Bensted in Maidstone).

Paragraph 135 of the NPPF relating to Non Designated Heritage Assets (NDHA) states that the effect on the significance of an NDHA should be taken into account in determining the application and that a balanced judgement is required having regard to the scale of loss and the significance of the asset.

Though an appeal dismissed on another Bensted building, (the old St.Luke's School in St. Luke's Road, Maidstone) on the basis of the loss of a NDHA, in this case the building had additional value because of its grouping with the listed St. Luke's Church (the school having been the original mission church).

6.03 EHO: No concerns in relation to air quality or site contamination. However the site is adjacent to the heavily trafficked A20 and conditions should be imposed to ensure that acceptable internal noise environment is achieved.

Site lies within the Maidstone Town Air Quality Management Area but does not consider the scale of the development or its siting requires any specific air quality mitigation measures. Suggest that construction activities are controlled.

7.0 APPRAISAL

- 7.01 The key issues in relation to this application are considered to be (a) principle (b) design siting and layout (c) impact on the outlook and amenity of properties overlooking and abutting the site and (d) highway and parking issues.

Principle:

- 7.02 Dealing first with the loss of the existing building, given its design, age and historic associations it is considered to qualify as a Non-Designated Heritage Assets (NDHA). Paragraph 135 of the NPPF states that the effect of an application on the significance of an NDHA should be taken into account in determining the application. In weighing applications that affect directly or indirectly an NDHA a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.03 The Council's heritage advisor does not consider that the building possesses significant architectural or historic merit. As such its loss must be weighed against the benefits accruing from the development as whole in determining whether its loss can be justified. However a significant factor in favour of the proposal is the provision of 8 units of accommodation in a highly sustainable location.
- 7.04 Turning to the principle of redeveloping the site for flats, the application site lies within the built up area of Maidstone with flats immediately opposite and abutting the site to the south east. The site benefits from good access to facilities without the need for a private car and good access to public transport including the nearby Maidstone Barracks Railway Station. As such no objection is identified to the principle of flats in this location and consideration turn on matters of detail.
- 7.05 In this context policy H21 of the adopted local plan is relevant. This policy states, amongst other things, that proposals for redevelopment to secure self contained flats will be permitted subject to the intensified use of the site not harming the character, appearance or amenity of the surrounding area, the internal layout of the flats providing acceptable living accommodation, no resulting harm to the amenity of adjoining residents and that sufficient on site parking is provided in a manner that does not harm the setting of the proposal or the street scene.

Design siting and layout:

- 7.06 The application site occupies an exposed location on one of the main routes into Maidstone. It is therefore important to ensure the proposal makes a positive visual contribution to the locality reflecting the significance of this site in the streetscape.
- 7.07 The proposal comprises a square profiled building of contemporary design which will be viewed in the context of other neighbouring buildings. The adjoining blocks of flats abutting the site to the south east known as Briar Court and The Pippin Public House are of traditional appearance with pitched and tiled roofs featuring prominently in their design. There is some variety in the appearance and scale of other buildings in this area that includes a building of contemporary design with a shallow pitched roof opposite the site in Brunell Close.

- 7.08 The NPPF at paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 7.09 The NPPF at paragraph 62 also states that local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design.
- 7.10 In accordance with the guidance on design review, the proposal was put before a Design Panel for assessment. The Design Panel made a number of comments on the proposal which are summarised below:
- The block did not need to be L shaped, a simple rectangular footprint could be used to minimise the impact on the adjoining block of flats and to allow views to be retained down the side of the block next to the existing block of flats.
 - Any rectangular block could be 'slid' deeper into the site to minimise impression of bulk and impact on the street scene.
 - Roof detail excessive both in depth and size of overhang – should be replaced by less 'heavy' detail such as a simple parapet while would prefer to see building clad in brick as opposed to the cladding proposed.
 - The void to solid proportions particularly on the elevation abutting the park excessive – should be reduced/rationalised with transoms deleted from windows in order to provide greater vertical emphasis.
 - Impact of parking to be reduced by resiting/breaking up with landscape strips while cycle bin store to be resited in a less prominent position.
- 7.11 The applicant advises that a reduction in scale or the resiting of the block would not bring any material benefit to the proposal. These changes would also reduce the size of the communal amenity space at the rear of the site which is considered to be an important part of the overall scheme. It is considered by the case officer that these arguments carry weight as set out below.
- 7.12 Dealing first with failure to resite the block further back from London Road to reduce the impression of bulk and impact on the street scene, the block is currently set just under 19 metres back from London Road. This is closer to the London Road than Briar Court, the block of flats abutting the site to the south east. However taking into account the size and siting of the existing house which is closer to London Road than the proposed block and that the proposal implements the other design recommendations of the Design Panel, resiting the block further back into the site is not considered justified in townscape terms.
- 7.13 Regarding maintenance of views down the flank of the proposed block next to Briar Court, the key concern here is whether the proximity of the blocks to one another will result in the development having a cramped and overcrowded appearance harmful to the character and layout of the area. The point has been made that the existing blocks of flats in the area are widely separated from one another and this layout should be replicated here.
- 7.14 Though blocks of flats on the opposite side of London Road are widely spaced the layout in the proximity of the application site differs from this. Briar Court, the existing block of flats to the south east of the application site lies in close proximity to The Pippin Public House which is also a large building. It is therefore considered that this

section of London Road is already characterised by large buildings sited in relatively close proximity to one another. In addition while built mass is coming closer to Briar Court it is considered there is still sufficient separation to permit oblique views down the side of the block.

- 7.15 As such it is not considered that the block as sited will give rise to an overly cramped or overcrowded appearance. The layout is not considered out of character with development on this side of London Road and will still allow views down the side of the proposed block.
- 7.16 The submitted drawings show parking in front of the block separated from London Road by areas of landscaping. This reflects the layout of Briar Court abutting the site to the south east. There are dense boundary hedges on both site boundaries and it is considered that this parking area will not result in any material harm to the street scene or character of the area. The proposal also shows an area of communal private amenity space sited at the rear of the proposed block. This external space with the 4 balconies is considered to improve the standard of residential accommodation that is provided.
- 7.17 It should be stressed the Design Panel acts in an advisory capacity. Its recommendations need to be placed in context of the overall consideration of a proposal. The applicant has responded positively to the Design Panel's recommendations and it is considered the building is now acceptable in design terms.
- 7.18 In conclusion it is considered the proposal, as amended, reaches a sufficiently high standard of design appropriate to this high profile site lying on one of the principal routes into Maidstone. As such it is considered to comply with the design provisions of policy H21 of the adopted local plan.

Internal layout of the flats:

- 7.20 It is considered the size and layout of rooms provides sufficient space for the normal range of furniture to be installed while enabling reasonable circulation space. As such the layout of the flats is acceptable.

Impact on the outlook and amenity of adjacent properties:

- 7.21 The main consideration here is the impact on the residents of Briar Court, which is the 4 storey block of flats abutting the application site to the south east. This block of flats has flank windows in its north west elevation which will directly overlook the south east elevation of the proposed block of flats. These existing windows provide the sole means of natural light and outlook to kitchens.
- 7.22 Whilst less important than living rooms and bedrooms, kitchens are recognised as rooms whose amenity should be safeguarded. However in this case, though the outlook from these windows will be materially changed, a minimum 'flank to flank' block spacing distance of 8 metres will be maintained and for part of the block this separation distance increases to just under 11 metres.
- 7.23 To place matters in perspective, views from these windows are gained over land not in the ownership and control of the occupants of Briar Court. It should be noted that in planning terms there is no right to a view as such. In addition if the maintenance of outlook from these windows is given overriding weight this would compromise development of the application site.

- 7.24 Turning to daylight considerations, daylight refers to background light levels available on an overcast day. It is considered that the block separation distances will enable sufficient daylight to the existing kitchens in the neighbouring building.
- 7.25 As access to daylight and sufficient outlook is being maintained there is considered to be no overriding objection to the proposal based on a material loss of outlook or daylight to the north west facing kitchen windows in Briar Court.
- 7.26 Regarding the impact on lounge windows at the front of Briar Court facing towards London Road, the proposed block of flats projects just over 7 metres forward of Briar Court with a separation distance of 4 metres between the blocks. Where potential conflict is identified in domestic situations the Council applies a 45 degree test to the nearest affected windows. When this test is applied the proposal complies with this guideline in relation to these windows. As such, while the outlook from these windows will be altered it is not considered there is sufficient harm to sustain an objection to the proposal. To ensure residents of Briar Court do not experience a material loss of privacy all windows on the south east elevation of the proposed block of flats should be obscure glazed. The use of obscure glazing will not impact upon the standard of the proposed accommodation as these windows are either to bathrooms or secondary habitable room windows.
- 7.27 Concern has also been raised that residents to the east of the site in Cloudberry Close and Little Buckland Avenue will have their outlook materially affected by the proposal. However the rear of the nearest property in Cloudberry Close is over 50 metre away while those in Little Buckland Avenue are over 80 metres away with a bowling green intervening. Given these separation distances and that these properties already have outlook onto the rear of Briar Court, it is not considered they will experience a material loss of visual amenity.

Highway and parking considerations:

- 7.28 Access is to be gained centrally to the site from London Road with good sight lines in both directions. Parking is being provided at a ratio of one space per unit which is line with the Council's normal standards for accommodation of this type and in this location. In addition, as the site is on a bus route and only a short distance from the town centre and Maidstone Barracks Railway Station it is in a sustainable location where future residents will be able to meet their needs without the use of a private car. As such the proposed parking provision is considered acceptable.
- 7.29 In the absence of objection to the proposal from Kent Highways no harm is identified to the proposal on parking grounds or any material impact on the free flow of traffic or highway safety along London Road.

Wildlife and habitat considerations:

- 7.30 The application site comprises an occupied building with areas of hardstanding with the remaining area mainly covered by lawn. The NPPF requires development to make provision for wildlife where possible. In order to secure this a condition (condition 9) requiring the provision of bat/swift boxes is considered an appropriate response in the circumstances.

Other Matters:

- 7.31 The Housing Standards Review by the Government earlier this year resulted in the withdrawal of the Code for Sustainable Homes and introducing a new system of

optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.

- 7.32 Such measures contribute towards achieving the NPPF's key sustainability aim, support the transition to a low carbon future while encouraging the use of renewable sources being one of the core planning principles of the NPPF. A condition should therefore be imposed on how renewable energy will be incorporated into the proposal.
- 7.33 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.

8.0 CONCLUSION

8.01 These are considered to be as follows:

- No objection to loss of Christmas Lodge notwithstanding its status as an NDHA.
- No objection to the principle of the use of the site for flats.
- The proposal will contribute to the provision of small housing units within the Borough while being sited in a sustainable location close to the Town Centre.
- The proposal will not have any material impact on the London Road street scene or on the character and layout of the area.
- The proposal is acceptable in design and layout terms while the size and layout of the proposed flats will provide an acceptable residential environment.
- The proposal does not result in any material harm to the outlook and amenity of properties overlooking and abutting the site.
- Is acceptable in highway and parking terms.
- Is acceptable in wildlife and habitat terms.

8.02 In the circumstances it is considered the balance of issues fall in favour of the proposed development and planning permission should therefore be granted.

9.0 RECOMMENDATION – GRANT PERMISSION subject to the following planning 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) Before the development hereby approved reaches damp proof course level details of all external materials (including surfacing for the roads, turning and parking areas) and details of new, replacement or retained boundary treatment shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained permanently thereafter.

Reason: In the interests of visual amenity.

- (3) The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development that accords with the provisions of the NPPF. This information is required prior to commencement as construction works are likely to reduce the range of renewable or low carbon sources of energy that are available.

- (4) Before first occupation of the development hereby approved all windows in the south east elevation of the block shall be glazed in obscure glass and limiters installed to ensure that any opening parts of the windows do not open more than 115mm in any direction. The windows shall be retained as approved permanently thereafter.

Reason: To maintain privacy standards in the interests of amenity.

- (5) The development hereby approved shall not be occupied until the access onto London Road, car and cycle parking and turning areas all as shown on the approved plan no:2305/1/C have first been provided. They shall be retained at all times in accordance with the approved details thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

- (6) 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 BS 8233 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 be carried out in accordance with the approved details prior to first occupation of the any of the flats and be retained thereafter.

Reason: In the interests of aural amenity. This information is required prior to commencement to ensure that adequate measures are incorporated into the fabric of the building.

- (7) No surface water shall discharge onto the public highway during the course of implementing the development hereby approved or at any time thereafter.

Reason: In the interests of highway safety and the free flow of traffic.

- (8) Before first use of the access onto London Road a bound surface shall be provided for the first 5 metres of the access from the edge of the highway and retained as such at all times thereafter.

Reason: To prevent surface material being dragged onto the public highway in the interests of the free flow of traffic and public safety.

- (9) At the date 3 months following first occupation of the development hereby approved two swift boxes and two bat boxes shall be in place that are in accordance with details (including size, design and siting) that have previously

been submitted to and approved in writing by the Local Planning Authority with the boxes shall be retained in accordance with the approved details at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (10) Prior to the commencement of development barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction -Recommendations' shall be in place for all trees to be retained with this protection in accordance with details that have been previously 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 high quality setting and external appearance to the development in accordance with the National Planning Policy Framework (2012). This information is required prior to commencement as any construction works has the potential to cause damage to the retained trees on the site.

- (11) Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) shall be provided for the two landscaped areas abutting the access onto London Road and the areas of proposed ground cover planting. The approved landscaping scheme shall be carried out in the first available planting season following completion of the development. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (12) The development hereby permitted shall not commence until a scheme for the disposal of surface water (which shall be in the form of a SUDS scheme) has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained permanently thereafter

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention. This information is required prior to commencement as construction works are likely to restrict the drainage options that are available.

- (13) Demolition/construction activities shall only take place between 0800 -1800 hours (Monday to Friday) and 0800 -1300 hours (Saturdays) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of amenity.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 2305/1 (but only the 1:1250 plan outlining the application site in red), 1/C, 2/C and 4.

Reason: In the interests of amenity.

INFORMATIVES

Construction:

- (1) As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

- (2) Highways:

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

- (3) Noise and Vibration transmission between properties:

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

- (4) Asbestos:

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.

Case Officer: Graham Parkinson

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