

REPORT SUMMARY

REFERENCE NO - 15/503232/FULL		
APPLICATION PROPOSAL Proposed conversion of 5 garages into self contained 2-bedroom dwelling along with external alterations to the front and side of the building.		
ADDRESS - 21 Eyhorne Street Hollingbourne Kent ME17 1TR		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to the views of Hollingbourne Parish Council.		
WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Dudrich Developments Ltd AGENT Architecture Design
DECISION DUE DATE 29/08/16	PUBLICITY EXPIRY DATE 27/08/15	OFFICER SITE VISIT DATE 26/08/15
RELEVANT PLANNING HISTORY:		

- Planning permission for the first floor flat appears to have been granted under 61/0117/MK2, with the first floor extension approved under MA/75/0323.

MAIN REPORT

1.0 Site description

- 1.01 21 Eyhorne Street is a 2 storey building of rectangular shape that currently has 5 garages at ground floor level, which are owned by the applicant, and at first floor level there is an existing self-contained flat, with its access from external steps on its southern flank. This 1960's building is a simple brick and tile-hung building which is of no architectural merit has very little impact on the setting of the conservation area.
- 1.02 The proposal site is within the village envelope of Eyhorne Street and the North Downs Special Landscape Area (SLA) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP); and the property is adjacent, but outside, the conservation area. The building is unlisted, set behind the building line along Eyhorne Street, and the existing vehicle access from the street is used by a number of residents for either access to their property or the garages and the courtyard area. The building is on the western side of a courtyard area. The proposal site is also within an Area of Archaeological Potential.

2.0 Proposal

- 2.01 Planning permission is sought for the conversion of the building's ground floor into a 2-bedroom flat, with the flat above being retained. The proposal would also include external works which would include blocking up the garage doors with matching brick work; re-cladding at first floor level with tile hanging; fenestration detail alterations; and 2 dormer-type features to the front elevation. Each flat would benefit from the use of a garage space within the courtyard.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: H27, ENV34
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): SP11, SP14, DM1, DM2, DM3, DM4, DM27

4.0 Consultee responses

- 4.01 **Hollingbourne Parish Council:** Wish to see the application refused and reported to Planning Committee;

“Refusal was made due to the loss of five garages (the village has very little or no parking, and it is believed that at least two of the garages contain cars). It is also felt that the proposed conversion may restrict the access to another six garages around the back of the garages in question. At present, access to them is very tight in a vehicle, and the proposed conversion would make vehicular access impossible.”

- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Conservation Officer:** Raises no objection.
- 4.04 **Environmental Health Officer:** Raise no objection.
- 4.05 **KCC Archaeology Officer:** Raises no objection.
- 4.06 **Southern Water:** Raise no objection.

5.0 Neighbour responses:

- 5.01 32 representations have been made raising concerns over loss of parking spaces; highway safety; use of existing access; traffic congestion; emergency vehicle access; visual impact/design; impact upon setting of conservation area and listed buildings; breaking a covenant; right of way; impact on access beyond site; inaccurate plans; land ownership/notice issues; flood risk; potential damage to properties; amenity of existing and future residents; and refuse storage.

6.0 Principle of development

- 6.01 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 other material considerations indicate otherwise.
- 6.02 Saved policy H27 of the adopted Development Plan allows for minor housing development in this area; and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations. I consider the site to be in a sustainable location, within the village boundary of Hollingbourne.
- 6.03 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November of this year. This Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

- 7.01 The unlisted building is existing and already in part in residential use, and so I have no objection to this proposal in terms of its relationship with the pattern and grain of development in the area. There would be minimal (if any) views of the site from Eyhorne Street or any other public vantage point; the footprint and height of the building would not be altered; the modest fenestration changes are considered in keeping with the building and surrounding area; and the use of appropriate materials would ensure a satisfactory appearance to the building. Details of external materials will be required prior to the commencement of any work. The Conservation Officer

is also satisfied that the simply designed proposal would not cause unacceptable harm to the character and setting of the adjacent conservation area or near-by listed buildings, subject to the use of appropriate materials. It is therefore my view that this proposal would not appear out of context or cause adverse harm the character and appearance of the surrounding area that falls within a SLA, and I raise no objection to the development in this respect.

8.0 Residential amenity

- 8.01 At first floor level, the proposal would see the removal of the window in the southern flank of the building; no fenestration alterations to the northern and western elevations; and changes to the size of the windows, and one window serving a bedroom instead of the kitchen to the front (eastern) elevation. At ground floor level, new openings are restricted to the front looking onto the courtyard area. When compared to the existing situation, I am satisfied this element of the proposal would not cause further harmful overlooking/loss of privacy issues for the surrounding neighbours. The only extension to the building would be at first floor level, with the dormer-type features and as such I raise no objection in terms of loss of outlook to, or the development being more overbearing upon neighbouring properties when compared to the current situation.
- 8.02 The level of traffic movements resulting from the proposed development, which would make use of the existing access from Eyhorne Street, would be of no more detriment to the amenity of local residents than the current situation, which is in fact likely to be improved given the loss of parking provision.
- 8.03 In terms of the proposed ground floor flat, the openings shown are considered to provide adequate light to the rooms they serve; and whilst it is not ideal that the kitchen does not have its own window, I do not consider this issue to be grounds alone to refuse the application. Like any ground floor residence, there will be a certain level of loss of privacy from passers-by. However, given that this property is not on a public highway, where footfall/vehicle movements would be greater, and the fact that the use of curtains/blinds is possible, I am of the view that acceptable levels of privacy could be maintained for any future occupant. With 2 of the garages in use in association with this proposal, there would be 6 garages in use by other persons; and the access that runs past the building leads to 7 parking spaces serving 5 other houses. Given the low frequency of car movements (travelling at slow speed) directly past this property, I do not object in terms of general noise and disturbance from vehicles to either flat. I also consider there to be no justifiable reason to refuse this application on outlook.
- 8.04 I am therefore satisfied that this proposal would not cause adverse harm to the amenity of existing and future occupants.

9.0 Highway safety implications

- 9.01 The proposal would see the loss of 5 garage spaces, and 2 of the other garages in the courtyard would be given over to the 2 flats (1 space each). The existing first floor flat does not currently benefit from an allocated parking space here.
- 9.02 The proposal would not see any built development encroach onto the access drive that runs along the front of the building serving the properties behind, and so no objection is raised in this respect. The Highways Authority have also raised no objection to the width of the access from Eyhorne Street, and it is important to note that this is an existing access used by a number of vehicles for existing properties and garages; and in my view the removal of 5 garage spaces is likely to reduce the number of vehicles using this said access, improving the situation.

- 9.03 The parking is in accordance with the standards set out in the submitted version of the Local Plan and I am satisfied that there would be adequate provision for a development of this scale and nature in this sustainable location. In addition, the Highways Officer raises no objection because they are satisfied that in the context of the NPPF, this level of parking provision would not attribute to a tangible road safety issue.
- 9.04 If future occupants do have more than one car, extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. I accept that the parking for the public house and village hall opposite the site are not public car parks, and whilst the possible increase in demand for parking spaces in the area could mean that future or existing users may not be able to park where they want to, such inconvenience is not grounds for objection. This view is echoed by the Highways Officer, who commented that a highway reason for refusal could not be sustained on these grounds.
- 9.05 The Highways Officer also does not object to the loss of the 5 garage spaces at ground floor level of the proposal building; and given that the proposal would make use of the existing garage facilities, I raise no objection in terms of manoeuvrability, the use of the access onto Eyhorne Street and visibility splays. It should also be noted that the 5 garages are privately owned by the applicant and they have no obligation to lease out these spaces with or without planning permission for conversion. Currently, the 5 garages below the existing flat are vacant. The 2 garages to be given over to the development are tenanted as it stands, with 1 tenant living in Eyhorne Street and the other living in Sittingbourne.
- 9.06 The agent has confirmed that there are to be no ground excavation works and given the relatively small scale nature of the proposal I do not consider it reasonable to request a construction management plan in this instance. The Highways Authority has also not requested such detail. Whilst potential structural and accidental damage to any property at construction phase is not a material planning consideration, the agent has confirmed the applicant is fully insured to cover any such event.
- 9.07 Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained and the Highways Officer also raises no objection.

10.0 Other considerations

- 10.01 Given the nature, scale and location of the proposal, I consider it unnecessary and unreasonable to raise objection or request further information in terms of landscaping and arboricultural issues; biodiversity; flood risk; and air quality. Given the history of the site, and the levels of ground works, I consider it reasonable to impose a precautionary land contamination condition. The Environmental Health Team also recommends such a condition.
- 10.02 It is unknown at this stage how foul sewage would be disposed of, and in terms of surface water disposal this would be through a soakaway. Southern Water are satisfied that an informative could be added to advise the applicant that a formal application for the connection to the public sewerage system is required in order to service this development; and no objection from the Environmental Health Team has been raised in terms of the use of a soakaway.

- 10.03 The Environmental Health Team have recommended that prior to the commencement of works that an acoustic survey is submitted. However, given the modest scale of the development and the fact that the issue of sound insulation can be addressed under building regulations, I do not consider this to be reasonable in this instance.
- 10.04 The proposal site is within an Area of Archaeological Potential, but the agent has confirmed that the proposal would not involve any ground excavations.
- 10.05 As this is for a ground floor flat, I consider it unreasonable to seek further renewable or low-carbon sources of energy to be incorporated into the development. Under building regulations, fire engines must be able to get within 45m of a building, so the proposal site would be reachable in this respect. Whilst this is not a material planning consideration I felt it necessary to address this issue.
- 10.06 The main issues raised by Hollingbourne Parish Council and local residents have been addressed in the main body of this report. However, I would add that to the best of my knowledge the applicant has correctly served notice on the other landowners, and so I am satisfied that the application is valid in this respect; and any disputes between the owners would be a civil matter that needs to be dealt with privately. In addition, any issues relating to covenants, indemnity insurance, rights of way and party wall agreements are civil matters and are not material planning considerations in the determination of this application; refuse storage is shown to the front of the front of the building; cycle storage could easily be housed in the allocated garages; and whilst there have been disputes regarding the accuracy of the submitted plans, I am satisfied that a decision can be made based on the submitted details and undertaken site visits.

11.0 Conclusion

- 11.01 The scheme is acceptable in terms of its design; its impact on adjacent residents; and the local highway network. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

12.0 RECOMMENDATION – APPROVE with 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 any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

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- (3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of public safety and pollution prevention.

- (4) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (5) If the development hereby approved requires any groundwork/excavation (including installation/laying of services), no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans: P(11) 01 Rev B, 02 Rev B, 03 Rev B and 04 Rev B received 07/09/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) A formal application for the connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) 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) The applicant is advised that no demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Case Officer: Kathryn Altieri

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.