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| NOTES FOR TECH  |  |   |
| <b>APPLICATION PROPOSAL</b>   |  | <b>Ref No 17/504548/FULL</b>  |
| Erection of an apartment block comprising 6 no. apartments with associated garden amenity space, cycle storage, and bins storage. |  |   |
| <b>ADDRESS</b> 1 Marsham Street Maidstone Kent ME14 1EW   |  |   |
| <b>RECOMMENDATION</b> - Application Refused   |  |   |
| <b>WARD</b><br>High Street  | <b>PARISH/TOWN COUNCIL</b>               | <b>APPLICANT</b> Mr Stephen Naish<br><b>AGENT</b> Designscape Consultancy Limited |
| <b>DECISION DUE DATE</b><br>15/12/17  | <b>PUBLICITY EXPIRY DATE</b><br>13/10/17 |   |

**OFFICER SITE VISIT DATE : 13/9/17**

EIA Screening

|                 |                                    |
|-----------------|------------------------------------|
| EIA Development | No                                 |
| Comments        | Not schedule 2 dev and not in AONB |

The application site comprises a rectangular shaped area of open land currently in use as a car park to the rear of 1 Marsham Street, a three storey end of terrace Grade II Listed Building and formerly used as a doctors surgery. The adjoining terrace abutting 1 Marsham Street to the east are all Grade II listed buildings of Georgian character each three storeys with a basement.

Abutting the site to the west is the Holy Trinity Church and the former Holy Trinity Churchyard now in use as a public open space with TPO trees running along the western boundary of the application site.

Abutting the application site to the east is the rear garden of 2 Marsham Street and the flank elevation of 37 Watt Street a modern two storey dwelling while immediately abutting the application site to the north is an area of parking and turning serving the 7 storey block of flats known as Shipley Court. In a wider context the application site and much of the area to the west and south lies within the Holy Trinity CA with Maidstone Town Centre sited a short walking distance to the west.

| <b>RELEVANT PLANNING HISTORY (inc. relevant history on adjoining site):</b> |   |
|---|---|
| <b>App No</b>   | <b>Summary</b>  |
| 16/507469   | Erection of 1 dwelling with parking space   |
| 16/506030   | Erection of an apartment block comprising 9 no. apartments – Refused – APPEAL DISMISSED                             |
| 13/1630   | Construction of new dwelling – Approved   |
| 1 Marsham Street  |   |
| 15/510554   | Change of use from doctors surgery to house of multiple occupation, comprising 8 bedrooms, communal kitchen/sitting |

|          |  |
|----------|--|
|          | room and storage within basement area. Internal alterations – Approved   |
| 15/51055 | Listed Building Consent for change of use from doctors surgery to house of multiple occupation, comprising 8 bedrooms, communal kitchen/sitting room and storage within basement area. Internal alterations – Approved |
| 13/1544  | Listed building consent for internal alterations to facilitate the change of use of existing doctor’s surgery to two residential units – Approved  |
| 13/1543  | An application for conversion and change of use of existing doctor’s surgery into two residential units - Approved   |

**PROPOSAL**

This revised proposal attempt to resolve concerns identified in connection with the development of the site for 9 flats ref: 16/506030and dismissed at appeal.

The proposal is for six dwellings which will all be privately rented and are described by the applicant as “pocket-apartments” also known as “micro-flats”. The flats have floor areas ranging between 18.5 and 22 sqr metres and will have access to a rectangular communal amenity space having dimension of 15x8 metres.

The front (north) facing elevation will be ‘blind’ apart from the installation of a wooden staircase giving access to a door at 1<sup>st</sup> floor level giving access to the three first floor flats. Access to the ground floor flats will be obtained from the rear of the building via folding patio doors.

Materials have been specified as yellow facing bricks and a natural slate roof.

**POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Development Plan: SP18, DM1, DM2, DM3, DM4, DM9

**LOCAL REPRESENTATIONS**

97 neighbouring properties consulted – 2 objections received which are summarised below:

- Will result in loss of privacy to neighbouring properties
- Appears as overdevelopment while the design with the exposed staircase also looks incongruous.
- Already an oversupply of bedsits within the area.
- Proposal lacks parking in an area where parking conflict is already evident.

**CONSULTATION RESPONSES**

**Kent Highways:** No objection subject to conditions to secure the following:

- Provision of construction vehicle loading/unloading and turning facilities prior to

- commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

**NHS:** Will not be seeking contributions

**UK Power Networks:** No objection

**Southern Water:** No objection

**EHO:** No objection subject to imposition of a site contamination condition

## **APPRAISAL**

There is an extant planning permission to develop part of the application site for one house under ref: 16/507469. The proposal for 9 flats dismissed on appeal was development in depth having an adverse effect on the outlook and amenity of adjoining properties, leaving little remaining space around the development while being orientated in such a way as to lock in the probability of inappropriate works/loss to trees abutting the western site boundary. Given the substantially reduced scale and revised design and siting of the current proposal, it is entirely different in its impact to the proposal dismissed at appeal. As such it is appropriate to carry out an entirely fresh assessment of its impact rather than a 'compare and contrast' exercise with the proposal dismissed at appeal.

Given that planning permission has already been granted to develop part of the application site for housing and urban location of the site bringing with it a presumption in favour of development (unless material considerations dictate otherwise) the key issues are (a) Impact on the character and layout of the locality (b) amenity (c) trees (d) heritage (e) highways and (f) wildlife.

### **Impact on the character and layout of the locality**

Paragraph 58 of the NPPF states, amongst other things, LPA's should aim to ensure that new development should amongst other things:

- 1.function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- 2.establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- 3.respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- 4.are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 of the NPPF requires 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.

Policy DM1 of the Local Plan requires, amongst other things, that development should

Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.

Provide a high quality design which responds to areas of heritage townscape...

Policy DM9 of the Local Plan requires, amongst things that:

5. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
6. The traditional boundary treatment of an area would be retained

Though the site is subject of a dismissed appeal this does not rule out development better reflecting the grain and character of the area while ensuring that existing trees are not threatened.

The size, profile, scale and orientation of the proposed development now better reflects development abutting the site to the east and dwelling permitted under ref:16/507469) while permitting the area to the rear to be retained as open space.

However the design of the development leaves something to be desired. The north elevation of the building will effectively form part of a street scene and therefore needs to be seen to make its own contribution to the character of the area. However the north elevation is essentially 'blind', the only articulation being an external staircase giving access to a door at first floor level. The appearance is therefore very much that of a secondary elevation and as such materially fails to meet the design threshold required for such a prominent heritage location.

Based on the above it is considered the proposal fails to meet the provisions of the NPPF and policies DM1 and DM9 of the local plan.

### **Amenity**

There are two aspects to this being (a) the impact on residents overlooking and abutting the site and (b) the amenity of future residents of the development.

(a) The 'flank to flank' relationship with development abutting the site to the east reflects that already permitted in connection with the extant planning permission for one house. In addition 'back to back' distances and overlooking from 1<sup>st</sup> floor windows is also similar. As such the proposal does not result in any

materially greater impact on adjoining properties compared to what has already been permitted for the site.

(b) Dealing first with the external environment, the size and shape of the communal amenity space is acceptable and in the absence of other objections to the development is acceptable.

Moving onto detailed amenity considerations, the layout of the ground floor flats only enables access to be from rear via concertina doors opening directly onto the rear amenity space. No front door or intervening hall/lobby area is shown. Irrespective of any other considerations, such an arrangement is extremely poor in energy conservation terms while lack of any internal walls enables the whole of the flat interiors to be open to view.

There is also flat size. Neither policy DM1 or DM9 of the local plan specifically address this. In the absence of any adopted standards it is considered appropriate to apply Government advice on such matters. The DCLG publication, Technical Housing Space Standards - nationally described space standard - dated March 2015 recommends the following minimum gross internal floor areas with 39 sqm for a 1 bed flat. Flat sizes range from 18.5 to 22 sqm.

Given the flats are intended to provide self contained accommodation for long term accommodation they represent unacceptably cramped and poor quality accommodation that cannot be countenanced notwithstanding the demand for all types of housing within the Borough.

It must be remembered that unless the Council is prepared to 'hold the line', spiralling down to smaller poorer quality accommodation will be an inevitable market response to meeting the demand for accommodation particularly the lower end.

As such the proposed flats due to their restricted floor area would result in unduly cramped accommodation falling well below the floorspace recommendations set out in the DCLG publication, Technical Housing Space Standards - nationally described space standard - dated March 2015 resulting in an unacceptable living environment contrary to the provisions of policy DM1 of the Local Plan.

### **Trees:**

The proposed building is shown sited outside the canopy of all trees on the western site boundary part from a small incursion beneath the canopy of London Plane tree. Though some minor remedial work is proposed no RPA's appear affected while the orientation of the development away from the boundary trees no longer lock in the need for any tree felling or significant remediation work.

In the circumstances it is considered the impact of the development on nearby protected trees falls within acceptable limits.

### **Heritage**

It is considered that in siting and design terms the proposal now reflects the grain and character of the area while retaining space at the rear of the building. As such the proposal is considered pays sufficient regard in layout terms to maintaining the character and setting of the CA. However given the design objections set out above, it fails to meet the quality threshold necessary to satisfy the provisions of paragraph 132 of the NPPF and policy DM4 of the local plan.

## **Highways**

Though no parking is to be provided given the proximity of the site to the Town Centre it represents a highly sustainable location. As such in the absence of objection from Kent Highways the proposal is considered acceptable in its highway impacts.

## **Other matters:**

Were the proposal to be otherwise acceptable the following matters would need to be addressed.

Wildlife considerations: The location of the site and likely character and layout of any development likely to prove acceptable offers little opportunity for wildlife enhancement measures. However there appears no reason why nest boxes cannot be secured by condition as proportionate response wildlife interests according with the provisions of the NPPF and DM3 of the local plan.

Renewable or low-carbon sources of energy within new development is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF and policy DM1 of the local plan. A condition should therefore be appended to secure this as part of any proposal.

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.

Conclusions:

The key conclusions are as follows:

7. The proposal is acceptable in principle while the site coverage and layout reflects the grain and character of the area.

The proposal is nevertheless unacceptable for the following reasons:

8. The north facing elevation of the building occupying a prominent position in the Holy Trinity Conservation Area will be seen as a principal elevation. However apart from the external staircase, the north elevation lacks design articulation giving it the appearance of a secondary elevation. The proposal therefore materially fails to meet the design threshold required for acceptable development particularly given the prominent heritage location of the site.

9. The proposal fails to establish a strong sense of place or take the opportunities available for improving the character and quality of an area and the way it functions while harming the character and setting of the Holy Trinity Conservation Area. It therefore fails to meet the provisions of paragraphs 58, 64 and 132 of the NPPF and policies DM1, DM4, and DM9 of the Maidstone Borough Local Plan – Adopted October 2017.
10. The proposed flats due to their restricted floor area would result in unduly cramped accommodation falling well below the floorspace recommendations set out in the DCLG publication, Technical Housing Space Standards - nationally described space standard - dated March 2015 resulting in an unacceptable living environment contrary to the provisions of policy DM1 Maidstone Borough Local Plan – Adopted October 2017.

It is therefore recommended that planning permission is refused.

RECOMMENDATION – Application Refused subject to the following conditions/reasons:

(1) The north facing elevation of the building occupying a prominent position in the Holy Trinity Conservation Area will be seen as a principal elevation. However apart from the external staircase it lacks design articulation giving it the appearance of a secondary elevation. The proposal therefore materially fails to meet the design threshold required for acceptable development particularly given the prominent heritage location of the site.

The proposal therefore fails to establish a strong sense of place or take the opportunities available for improving the character and quality of an area and the way it functions while harming the character and setting of the Holy Trinity Conservation Area. It therefore fails to meet the provisions of paragraphs 58, 64 and 132 of the NPPF and policies DM1, DM4, and DM9 of the Maidstone Borough Local Plan - Adopted October 2017.

(2) The proposed flats due to their restricted floor area would result in unduly cramped accommodation falling well below the floorspace recommendations set out in the DCLG publication, Technical Housing Space Standards - nationally described space standard - dated March 2015 resulting in an unacceptable living environment contrary to the provisions of policy DM1 Maidstone Borough Local Plan - Adopted October 2017.

The Council's approach to this application

Note to applicant

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

Offering a pre-application advice service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

Case Officer Graham Parkinson

| Case Officer Sign | Date       |
|-------------------|------------|
| Graham Parkinson  | 14.12.2017 |