

REPORT SUMMARY

REFERENCE NO: - 22/503535/FULL		
APPLICATION PROPOSAL: Conversion of existing four storey dwelling into 3no. self-contained flats, incorporating a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension, and new pedestrian access within boundary wall.		
ADDRESS: 101 Milton Street Maidstone Kent ME16 8LD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Decision deferred at the committee meeting on the 16 February 2023		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr P Olayinka AGENT: Cadscapes Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 26/07/22	DECISION DUE DATE: 28/04/23(EOT)
ADVERTISED AS A DEPARTURE: No		

1. BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting on the 16 February 2023. The committee report to this meeting is provided as an appendix to this report.
- 1.02 The committee resolved to defer a decision on the application for the following reasons:
- (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

2. PROPOSAL

- 2.01 The application seeks the conversion of the existing four storey, four-bedroom dwelling into three self-contained flats. The proposal includes a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension. A new pedestrian access is proposed within the boundary wall.
- 2.02 The proposed accommodation is as follow:
- Lower ground(basement): (Flat 1) two bedroom flat of 74m² accessed from the rear of the building and including a single storey rear extension.
 - Ground: (Flat 2) one bedroom flat of 37m² accessed from the front corner of the building and including a small single storey side extension.
 - First: (Flat 3) lower floor of a split level flat (kitchen and living room) accessed by existing rear external staircase, rear door at ground floor level in and internal staircase. Flat is total of 74m².
 - Second: (Flat 3) upper floor of a split level flat (2 bedrooms and a bathroom)

3. APPRAISAL

- 3.01 This report seeks to address the following three points as set out in the committee minutes from the meeting on the 16 February 2023 and additionally a fourth point following further neighbour comments made after the publication of the report to the last committee meeting:
- (a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.
 - (b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.
 - (c) Further consider privacy and overlooking in respect of access arrangements.

3.02 These points are considered in turn below.

(a) Seek further information from Kent County Council about the highways, parking, and sustainability issues, including cycle parking.

- 3.03 KCC Highways do not provide comments to Maidstone Council on planning applications involving 5 or less dwellings (threshold not applied cumulatively). This arrangement is a protocol between KCC Highways and local authorities across Kent.
- 3.04 The assessment of potential highways impact for planning applications of 5 or less dwellings is carried out by Maidstone Council, not KCC Highways.
- 3.05 The 5 dwelling threshold is set for several reasons including the following:
- low level of potential highway impact from applications of this size, and
 - high threshold of 'harm' required to refuse planning permission on highway grounds (NPPF para 111 - 'severe' impact).

Off street car parking standards

- 3.06 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B). The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural).
- 3.07 101 Milton Street is an 'edge of centre' location (existing high on street parking demand – on street one way traffic controls).
- 3.08 In 'edge of centre' locations, adopted local plan off street 'maximum' parking standards apply (i.e not 'minimum' standards as in other areas).
- 3.09 Maximum off street parking standards:
- optimise the density of development in existing sustainable locations well served by public transport (as advised at NPPF paragraph 108 and Chapter 11).
 - reduce the negative visual impact of off street parking on the street scene and building setting caused by large areas of hardstanding.
 - reduce the negative impact on residential amenity with front gardens separating car parking from ground floor living rooms and bedrooms.
 - Retain the on street car parking space lost in providing access to off street car parking space.
- 3.10 It is highlighted that the supporting text to the car parking standards (Footnote 3) also encourages flexibility in 'edge of centre' locations advising: "*Reduced or even nil provision acceptable for rented properties, subject to effective tendency controls*". In the 2021 Census 18.4% of households in local area did not own a car, compared to 18.5% in the Tovil area and 14.6% in Maidstone Borough as a whole.

- 3.11 The conversion of 101 Milton Street into three flats (2 two bedroom and 1 one bedroom units) complies with adopted off street car parking standards that require a maximum of three off street spaces (one off street space provided/retained) and 0.6 visitor spaces.

Impact on highway network and on local amenity, character, and appearance

- 3.12 Notwithstanding the compliance of the application proposal with off street parking standards, the impact of additional on street parking on the highway network and on local amenity, character, and appearance need to be assessed.
- 3.13 The baseline for all highway impact assessment is the existing lawful use operating at full capacity. Any additional highway impact above that baseline is then relevant.
- Demand from existing house - 2 car parking spaces and 0.2 visitor spaces.
 - Demand from proposed flats - 3 car parking spaces and 0.6 visitor spaces
 - Additional on street demand of 1 car parking space and 0.4 visitor spaces (rounded up to 2 off street spaces).

View along Dover Street with application site on the right hand side

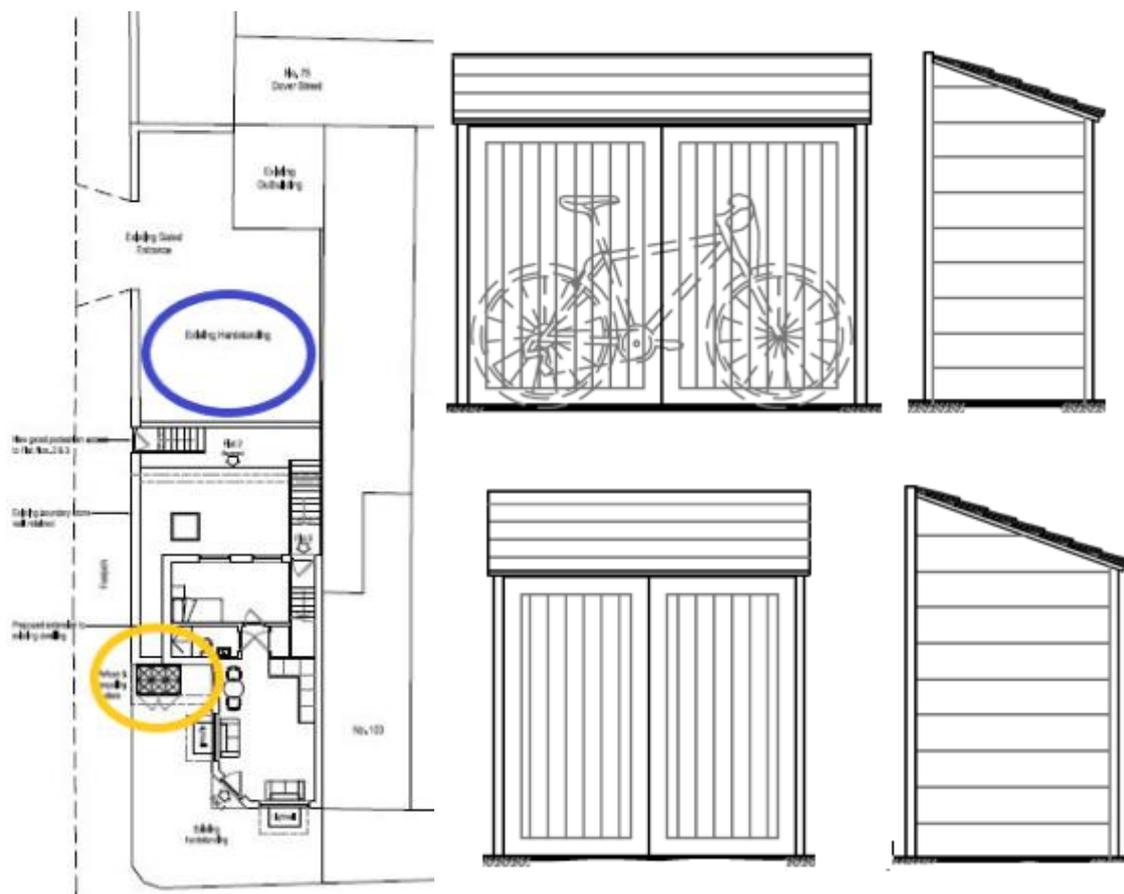


- 3.14 The application site is located at a road junction and has two road frontages. This location provides greater opportunities for future residents to park outside or within a reasonable walking distance of the site.
- 3.15 The side boundary of the application site is on Dover Street. It is accepted that pavement parking is an issue on the south west side of Dover Street, and this is due to the narrow width of the existing carriageway. The existing 4 bedroom house on the application site generates existing on street parking demand. Whilst there will be a slight increase in this on street parking demand from the current application, this additional impact will be insignificant when compared to issues in the wider area.
- 3.16 The traffic flow in Dover Street is restricted to one direction with entry from Upper Fant Road and exit on to Milton Street. Traffic flow is also restricted in Milton Street

with no right hand turn from Dover Street. Double yellow line parking restrictions are in place at the south eastern end of Dover Street (junction with Upper Fant Road). There are no parking restrictions at the north western end of Dover Street (junction with Milton Street) preventing parking at the junction and it appears that this is due to the traffic flow restriction on both Dover Street and Milton Street, and the generally lower traffic speeds.

- 3.17 On street parking can have a visual impact on the character and appearance of an area and on access along pavements. In this instance officers are seeking the enclosure and landscaping of the open areas of the site on the two road frontages (forecourts to the former ground floor commercial use). It is concluded that the positive visual impact of these changes will counteract the negative impact of the additional 2 on street car parking spaces.
- 3.18 Notwithstanding, these conclusions, the additional impact from the current planning application will be insignificant when compared to the scale of the wider issues in the area. The current planning application is not the correct route to address these issues. It is suggested that the current planning application is not the correct or most effective route to address these wider issues.
- 3.19 In the planning balance, the cost of the additional on street parking demand is substantially less than the benefit of the proposal providing additional dwellings in a sustainable location providing a good standard of accommodation with a design and scale that is in keeping with the surroundings.

Cycle storage (blue circle) and refuse storage (yellow circle)



- 3.20 NPPF advice on assessing highway impact states "Development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe" (NPPF paragraph 111).

- 3.21 Existing local on street parking demand is acknowledged, however the proposal will generate relatively low need for 2 additional on street car parking spaces within walking distance of 101 Milton Road. This additional on street demand will not meet the NPPF threshold of causing 'severe' harm and this level of 'severe' harm is required to refuse planning permission.

Cycle parking

- 3.22 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. These standards require one cycle parking space for each proposed flat.
- 3.23 A drawing has been submitted of the proposed timber clad cycle storage (see preceding page). This storage can be provided on an existing area of hardstanding at the rear of the application site. A planning condition is recommended seeking details of the precise location of this storage on the site and again provision of this store prior to first occupation of the accommodation and its retention.

(b) Seek further details of the arrangements for storage, screening, and collection of refuse bins.

- 3.24 MBC Waste Services standards set out that in flatted developments of four or less units, each flat will be provided with their own set of bins (not provided as communal Eurobin). The requirements for flats are one 180 litre bin, one 240 litre bin for recycling and one 23 litre caddy for food waste.
- 3.25 The proposed refuse storage for the proposed flats is shown on the submitted planning application plans on the Dover Street frontage (see preceding page). The storage is of a sufficient size and located in a discrete and accessible location. There is space available for the refuse bins to be located at the boundary of the site for collection without blocking the pavement. A planning condition is recommended requiring the provision of this refuse store prior to first occupation of the accommodation and retention thereafter.

Further consider privacy and overlooking in respect of access arrangements.

- 3.26 Following publication of the original committee report additional comments have been received in respect of privacy and overlooking and the access arrangements to the proposed flat on the upper floors of the building. In addition to the assessment in the original report the following response is provided.
- 3.27 The access to the single dwelling proposed at first and second floor levels is by way of an existing external staircase from basement level to an entrance at ground floor level (with an internal staircase then giving access from ground to first floor level).
- 3.28 The historic and existing use of the floorspace at first and second floor levels is residential and the access door and the window immediately adjacent to the door are both existing.
- 3.29 A neighbour has commented that the external staircase has not been in recent use in connection with the existing four bedroom dwelling and this is acknowledged. It is also noted that whilst the proposed flat only has two bedrooms (existing dwelling has four bedrooms), the staircase will be the sole access to the flat unlike the existing situation. It is accepted that based on these facts there will be more activity and noise associated with the use of the staircase and access.

Existing access staircase and door and existing high boundary treatment between the application site and 103 Milton Road)



3.30 At the top of the access staircase the boundary between 101 and 103 Milton Road is shown on the submitted existing plans as 1.8 metres high. A boundary of this height is normally considered sufficient to protect privacy and overlooking and to screen noise and activity. The proposed plans show the retention of the existing boundary. A planning condition is recommended to ensure that the boundary is retained at this height.

Proposed rear elevation showing retention of the existing high boundary treatment between the application site and 103 Milton Road.



3.31 It is highlighted (as can be seen in the photo above) that the landing at the top of the external staircase is a similar height to pavement level in Dover Street. With this situation, background noise levels at the top of the external staircase level are already going to be higher than in more screened locations. It is concluded that the noise and activity associated with the use of the existing staircase and access would not be sufficient to refuse planning permission on amenity grounds

CONCLUSION

- 3.32 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

4. 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 be carried out in accordance with the following approved plans and documents:
Application for planning permission
PA_22_060_001 - Existing Plans and Elevations
PA_22_060_002 - Proposed Plans and Elevations
PA_22_060_004 Rev A - Site Location, Existing and Proposed Block Plans and Layout Plan
PA/22/060/005 - Refuse and Cycle Store Elevations
Design and Access Statement Revised
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) Prior to the extensions hereby approved commencing above slab level, written details and samples of facing materials and all fenestration shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and retained thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 4) Prior to the extensions hereby approved commencing above slab level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extensions by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved accommodation and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 5) The boundary between between 101 and 103 Milton Road shall be retained at a minimum height of 1.8 metres measured from ground level, measured from the treads of the external access stairs, and measured from the landing at the top of the stairs.
Reason: To protect amenity in terms of privacy and overlooking.
- 6) Prior to first occupation of the approved accommodation the refuse storage indicated in drawing PA_22_060_004 Rev A shall be provided in accordance with the approved details and shall be maintained thereafter.
Reason: In the interests of amenity and the streetscene.

- 7) Prior to first occupation of the approved accommodation cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained thereafter.
Reason: In the interests of amenity and the streetscene.
- 8) Prior to first occupation of the approved accommodation the existing open forecourt areas between the building and pavements in Dover Street and Milton Street shall be enclosed (maximum height of one metre) and landscaped in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained thereafter. Reason: In the interests of amenity, building setting and the street scene.

Informative

- 1) The applicant is advised that the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.