

APPLICATION: MA/13/1657 Date: 26 September 2013 Received: 30 September 2013

APPLICANT: Raspberry Homes Ltd.

LOCATION: LAND REAR OF THE PRIDE OF KENT, HIGH STREET, STAPLEHURST, KENT, TN12 0AH

PARISH: Staplehurst

PROPOSAL: Erection of 3 dwellings as shown on drawing numbers: drawing numbers 2427-100, 2427-101 rev.P1, 2427-102, 2427-110 rev.P1, 2427-111 rev.P3, 2427-112 rev.P1, 2427-112 rev.P1, 2427-113 rev.P1 and 2427-114 rev.P1, all received on 26 September 2013

AGENDA DATE: 12th December 2013

CASE OFFICER: Kathy Putnam

PRIDE OF KENT, STAPLEHURST

The recommendation for this application is being reported to Committee for decision because:

- Staplehurst Parish Council requested it is reported to Planning Committee as it is contrary to their views.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV13, H28, T13 and T23.
- National Planning Policy Framework March 2012: Theme 6: Delivering a wide choice of high quality homes (paragraph 50); Theme 7: Requiring good design (paragraphs 56, 57, and 58); Theme 12: Conserving and enhancing the historic environment (paragraphs 131 and 137).

2. HISTORY

MA/13/0045 Conversion of first floor accommodation to an independent self-contained residential flat – APPROVED

MA/12/1955 Conversion of the first floor of the public house to a self-contained flat and the erection of three new dwellings – RECOMMENDED FOR REFUSAL. NON-DETERMINATION APPEAL DISMISSED

MA/12/1956 Conservation Area Consent application for the demolition of existing rear extensions – APPROVED

MA/12/1954 Certificate of Lawful Development for a proposed development being the use of the site for Class A3 (café) use – GRANTED

MA/74/0634 Alterations to bar and formation of internal toilets – APPROVED

MK3/71/0435 Illuminated signs - APPROVED

3. CONSULTATIONS

3.1 **Staplehurst Parish Council** wish to see the application refused and reported to Planning Committee for the following reasons:

"Councillors acknowledged the objections voiced in public forum and discussed concerns about poor design of the site, particularly the orientation of the houses and lack of bin storage, potential vehicle congestion and inadequate parking provision. They felt the proposal represented over-intensive development and commented that a view from the Conservation Officer would be appropriate."

3.2 **Kent County Council (Highways):** No objections subject to conditions relating to retention of 3 parking spaces, surface treatment, provision of cycle parking, gate details, and pedestrian visibility splays, as set out below.

"- Provision and permanent retention of the vehicle parking spaces shown on the submitted plan prior to the use of the site commencing.

- Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- Provision and permanent retention of cycle parking facilities prior to the use of the site commencing.*
- Gates to open away from the highway and to be set back a minimum of 5.5m from the edge of the carriageway.*
- Provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.*

3.3 **Conservation Officer:** No objection subject to conditions regarding samples of materials, joinery details and landscaping. The following detailed comments were set out:

"Planning permission was dismissed on appeal under reference MA/12/1955 for a scheme comprising a terrace of three houses with a more or less identical footprint. However, the Inspector found there to be no objection to the development of this land, nor to the overall layout, density, width and height of development proposed; the appeal was dismissed solely on design grounds, the Inspector objecting to the roof form, fenestration and use of materials proposed.

The current application seeks to address these issues and in view of the appeal decision comments are made solely on design matters.

The applicants have chosen a more traditional approach than previously, resulting in a simpler and in my view more appropriate design. The terrace would be faced in white weatherboarding to reflect local character. Roof materials are not specified but are assumed to be plain tiles.

I consider that it would be difficult to resist these proposals on design grounds alone."

3.4 **Environmental Health:** No objection subject to a radon test being carried out prior to occupation on the basis that the site is in a radon-affected area where the probability of an elevated level of radon is between 3–5%, requiring basic preventive measures under BRE 1999, 2001 and 2007. The following working practices are to be adhered to:

- *'Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control during works of construction and demolition and you are advised to contact EHM regarding noise requirements;*
- *Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager (EHM);*
- *Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays and Bank holidays;*
- *Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays;*
- *Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site;*
- *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.

If relevant, the applicant must consult the EHM regarding an Environmental Permit under the Environmental Protection Act 1990.

Site Waste Management Plan

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As described in the Act and the Site Waste Management Plans Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.'

4. REPRESENTATIONS

- 4.1 The application has been publicised by a newspaper advert, site notice and individual letters to surrounding occupiers. 3 letters of objection were received from neighbours in relation to the design and orientation of the proposal, its detailing especially the front facing side elevation; the lack of bin storage; drainage issues and how the site is currently used as a 'dumping' ground.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the village settlement boundary of Staplehurst. It also falls within the Staplehurst Conservation Area and its historic core, and is a designated local retail centre on the Local Plan proposals map. The area is also identified as having potential for discovery of archaeological remains.
- 5.1.2 The application site is previously developed land and relates to the former disused and overgrown beer garden and parking area of the public house, The Pride of Kent (now closed and currently used as a café and first floor as a residential unit). It is accessed off of Chapel Lane to the south of the site, and is immediately adjacent to a detached outbuilding/garage (which remains linked to former public house) to the east and abuts existing commercial properties to the north. It is well served by local facilities and amenities with ready access to bus routes and a railway station.
- 5.1.3 Staplehurst Conservation contains a mix of architectural styles and age of the buildings and the nearby part of the High Street displays some attractive groups of buildings on both sides. In the vicinity of the site, the United Reformed Church to the south of the entrance to Chapel Lane is a prominent feature of the area,

and views towards the three dwellings from the High Street would be seen in this context. The original garage to the Pride of Kent and the tall (2-3m high) rear garden walls to the south and west of the proposal site visually contain the site.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of three 2-storey dwellings, arranged as a terrace block and built at right angles to Chapel Lane. The terrace block would face eastwards with the southern flank set back 1.0m from Chapel Lane, and would have small 3m-long gardens to the front and slightly longer 8m gardens to the rear. Parking would be accessed via Chapel lane with a single parking space serving each property, two of which are located in the north-east corner of the site. The terrace block would have a footprint of 17.4m x 8m, with eaves height of 5m and ridge of 8.9m. The terrace block is of a traditional design with a hipped tiled roof, two chimneys with decorative brick corbelling, one gable on the front elevation, white horizontal weatherboarding, and a mix of bay windows and traditional casements on the front elevation.

5.2.2 The existing sycamore and hedgerow would be replaced with new specimen trees and a new hedgerow along the Chapel Lane frontage. Vertical white painted 1.0m high picket fencing is proposed along the front boundaries, a 1.8 m high rear garden brick boundary walls along Chapel Lane and 1.8m close boarded fencing to divide the boundaries of the rear garden plots.

5.3 Supporting Documentation

5.3.1 The application is supported by a Planning and Heritage Statement, and Design and Access Statement.

5.4 Appeal Decision

5.4.1 The Appeal Decision dated 24 April 2013 is appended to this report (see Appendix A). As set out in the paragraphs 6 to 9, the Inspector dismisses the appeal on the basis of the detailed roof design which was considered to be *'blocky and poorly articulated'* and *'overly dominant and intrusive'* to the streetscene. The Inspector concluded that this element of the design in addition to the unbalanced elevational treatment and inappropriate boundary treatment would cause harm to the character and appearance of the Conservation Area. The current application sensitively addresses the issues raised by the Planning Inspectorate, in relation to design, namely the roof form, the fenestration pattern and the use of materials.

5.5 Principle of Development

- 5.5.1 The site falls within the village envelope on the Local Plan proposals map, to which 'saved' policy H28, allowing minor residential development applies. In principle, therefore, small-scale residential development in this location is permissible.
- 5.5.2 The site is also within Staplehurst Conservation area, which is a designated heritage asset. Central government policy set out in the National Planning Policy Framework is clear that designated heritage assets should be conserved and their significance sustained and enhanced in the interests of sustainable development.
- 5.5.3 The main issue relates to the effect of the development of the three dwellings on the character and appearance of the Staplehurst Conservation Area, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

5.6 Design/Impact on the character and appearance of the Conservation Area

- 5.6.1 The current appearance of the site as vacant land, detracts from the area, and presents an opportunity for new development to enhance this locality. The applicants have sought to respect and enhance the character and appearance of the local context when designing their scheme. Considerable thought has been given to the scale, height, massing, bulk, particularly the detailed design of the conventional pitched roof and its chimneys, and the introduction of a modest half-gable, combined with a traditional style of architectural design and a simple 'unfussy' palette of materials, all of which will be in keeping with the character and appearance of the Conservation Area. The elevational treatment is well proportioned particularly the balanced fenestration pattern, and considerate of its context, especially the sensitive frontage facing onto Chapel Lane with its small casement windows and more appropriate boundary treatments made up of brick walls and planting. I consider the proposal would be appropriate in its context and I note that the Conservation Officer has not raised any objections to the design, subject to clarification on the choice of materials.
- 5.6.2 The Parish Council has raised concerns regarding the poor design of the site, particularly the orientation of the houses, the lack of bin storage and over-intensification of the site. I consider the layout and form to maximise the site's potential and be an efficient use of land that respects the historic street pattern. No details have been provided for bin storage, and submission for these details will be required by way of condition.

5.7 Highways

5.7.1 The Parish Council have also raised objections to the potential vehicle congestion and inadequate parking provision. Kent Highways and Transportation have fully assessed the application and raise no objection to the on-site parking subject to conditions. As such there are no grounds for refusal on these matters. I therefore consider the car parking to be satisfactory and in line with policy requirements, with the site's sustainable and accessible location assisting in providing alternatives to the car.

5.8 Residential Amenity

5.8.1 In terms of overlooking and privacy, there are no residential buildings immediately adjacent to the site, and as such there are reasonable distances between properties. There is therefore no unacceptable loss of privacy.

5.8.2 With regard to light, the proposal is a sufficient distance from existing buildings so as not to cause any significant overshadowing or loss of light.

5.9 Code for Sustainable Homes

5.9.1 The applicant has stated within the application in section 6: Sustainable Design and Construction of the Design and Access Statement that the proposed development would achieve Code for Sustainable Homes Level 3 as a minimum.

5.10 Other Matters

5.10.1 The comments of the Council's Environmental Health Manager in relation to radon concentrations are noted.

6. CONCLUSION

6.1 In conclusion, I therefore conclude that this is a well designed proposal that would respond positively to the character and appearance of the locality. The proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety. It would also provide a sense of enclosure and surveillance to the Chapel Lane streetscene, and reinstate some structure to the somewhat irregular, open and disused frontage to Chapel Lane. The proposal is also a sustainable development that will boost the supply of housing within the borough. No objections have been raised by either the Highways or Conservation Officer. I therefore consider the proposals to be in accordance with the NPPF and the Local Plan, and recommend approval subject to the following conditions set out below.

7. RECOMMENDATION

That the Head of Planning 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, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery and chimney details to a scale of 1:20.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the building are maintained.

3. The development shall not commence until, written details and samples of the materials including facing brickwork and timber cladding demonstrating the colour, texture, face bond and pointing to be used in the construction of the external surfaces of the building(s) 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.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

5. The dwelling shall achieve at least Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for home designs which

replaces that scheme). No dwelling shall be occupied until a final code Certificate has been issued for it certifying that Code level 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

6. No development shall be commenced until the following is carried out:
- a) provision and permanent retention of the vehicle parking spaces;
 - b) use of a bound surface for the first 5 metres of the access from the edge of the highway;
 - c) provision and permanent retention of cycle parking facilities prior to the use of the site commencing;
 - d) gates to open away from the highway and to be set back a minimum of 5.5m from the edge of the carriageway; and
 - e) provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the of the site commencing.

Reason: To ensure adequate on-site parking provision for the development and in the interests of road safety.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, 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 in 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;

Reason: No such details have been submitted.

8. All planting, seeding 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 building(s) 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.

9. Prior to the first occupation of the residential units hereby approved, details of the bins storage and storing of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within a screened dedicated store/area, or internally within the building(s) that form part of the application. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, prevent obstruction to pedestrian movement, and to ensure that there area facilities for the storage and recycling of recoverable materials.

10. No external meter cupboards, vents, or flues shall be installed on any external elevation without prior agreement in writing by the Local Planning Authority:-

Reason: To secure a high standard of design.

11. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that in the event that archaeological are found on site, the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:
2427-100, 2427-101 rev.P1, 2427-102, 2427-110, rev.P1, 2427-111rev.P3, 2427-112 rev.P1, 2427-113 rev,P1 and 2427-114 rev.P1, all received on 26 September 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with 2427-100, 2427-101 rev.P1, 2427-102, 2427-110, rev.P1, 2427-111rev.P3, 2427-112 rev.P1, 2427-113 rev,P1 and 2427-114 rev.P1, all received on 26 September 2013.

Informatives set out below

Environmental Health should be contacted in respect of work practices set out under sections 60 & 61 of the COPA 1974, Associated British Standard COP BS 5228:2009, plant, machinery and vehicles movement, clearance and burning of existing woodland or rubbish, dust reduction, handling of asbestos fibres, radon testing under BRE 1999, 2001 & 2007, and the production of a Site Waste Management Plan.