

REPORT SUMMARY

REFERENCE NO - 14/0759		
APPLICATION PROPOSAL Erection of a detached dwelling.		
ADDRESS The Ten Bells, Upper Street, Leeds, Maidstone, Kent, ME17 1SE		
RECOMMENDATION - Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application is within the village boundary and the principle of this development is acceptable. The specific considerations of this proposal are outlined within the main report below.		
REASON FOR REFERRAL TO COMMITTEE The application is being reported as the recommendation is contrary to the views of the parish council.		
WARD Leeds	PARISH/TOWN COUNCIL Leeds	APPLICANT Mr Charles Cast Developments Ltd. AGENT Giarti Ltd.
DECISION DUE DATE 1 st July 2014	PUBLICITY EXPIRY DATE 1 st July 2014	OFFICER SITE VISIT DATE 2 nd June 2014
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/13/1591 - Change of use and conversion of existing building to a four bedroom single dwelling and erection of a car port - APPROVED WITH CONDITIONS.
MA/13/1592 - An application for conservation area consent for the removal of existing chimney and existing roof structures - APPROVED WITH CONDITIONS.
MA/12/2268 - An application for conservation area consent for the demolition of existing extensions- APPROVED WITH CONDITIONS.
MA/12/2267 - Change of use and conversion of existing building to two dwellings and erection of three dwellings (resubmission of MA/12/1202) - APPROVED WITH CONDITIONS.
MA/12/1203 - An application for conservation area consent for the demolition of existing extensions - WITHDRAWN.
MA/12/1202 - Conversion of existing building to two dwellings and erection of three dwellings in rear of site - WITHDRAWN.
MA/95/0831 - Conservation Area Consent for demolition of lean-to pool room - APPROVED.
MA/95/0796 - Demolition of existing lean-to pool room and replacement extension for bottle store kitchen extension and ladies W.C. new front porch

extension and internal alterations – APPROVED WITH CONDITIONS.

MA/87/0579 – Erection of single storey front extension to provide toilet accommodation and erection of front porch – APPROVED WITH CONDITIONS.

MA/86/1747 – Erection of conservatory to rear to form extension to bar area – APPROVED WITH CONDITIONS.

MA/82/1170 – Additional car parking and erection of garage with store – APPROVED WITH CONDITIONS.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to an existing public house known as the Ten Bells on the east side of Upper Street within Leeds village envelope. The site is within a Conservation Area with a Grade II* listed building to the north and a Grade II terrace of properties to the south.
- 1.2 The Ten Bells is an attractive public house, recently closed, which was probably erected in the 1730s. It makes a positive contribution to the character of the Leeds Conservation Area and in my view should be considered as a non designated heritage asset in its own right. It forms an excellent group with the listed buildings which flank it, Churchill Cottages and Vineys Cottages, the latter of which is Grade II*.
- 1.3 The Ten Bells is essentially built of red brick although the front elevation is rendered and painted. Roofs are covered in Kent peg tiles. To the front elevation the building is lit by sash windows with glazing bars, giving it a strong Georgian character. Its character and appearance is currently altered by a number of extensions which this application seeks consent to remove.

2.0 PROPOSAL

- 2.1 Planning permission is sought for the erection of a detached dwelling. This is proposed by virtue of the recent demolition of the existing pub building.
- 2.2 The proposed building would be located in an identical position to the existing pub building with a set back of some 9m from the road and a general central position within the site. The building itself would have a broad 'L' shape form and would measure some 15.5m in width and would have an overall depth of approximately 12.6m including the proposed front porch and projecting rear element. The building would include a pitched roof with additional pitched elements at two storey level. This roof form is also continued in the proposed porch to the front. The ridge height and eaves height of the building would measure approximately 7.9m and 5m respectively. There would also be a single storey sloping roof element to the northern facing flank elevation forming a utility room with a ridge height and eaves height of approximately 2.4m and 4.1m respectively.

- 2.3 This proposal would also see the car parking proposed on site to the front of the building with two spaces provided. Wide landscaping areas are proposed to front to soften the appearance of the building from the streetscene.
- 2.4 To provide some context to the site, it is important to discuss the recent planning history involving the development of this site. A previous permission was granted permission for erection of three additional dwellings within the curtilage of the existing pub. This includes one dwelling adjacent to the public house with two other properties located to the rear of the pub building. With this development, the existing pub building was to be retained and converted to provide two semi detached dwellings, a further later permission was allowed for its conversion to a single dwelling. This was on the basis that the building was of merit and was a non designated heritage asset despite not being listed. However, subsequent to this, a structural investigation found that many areas of the building were in a very poor condition and the building was subsequently demolished without formal planning permission. The council did not have the benefit of inspecting the building to investigate its condition prior to demolition.

3.0 SUMMARY INFORMATION

	Existing	Proposed
Site Area (ha)	-	0.0829ha
Approximate Ridge Height (m)	7.9m	7.9m
Approximate Eaves Height (m)	5.1m	5m
Approximate Depth (m)	16.2m	12.6m
Approximate Width (m)	15.5m	15.5m
No. of Storeys	2	2
No. of Residential Units	0	1
No. of Affordable Units	0	0

5.0 POLICY AND OTHER CONSIDERATION

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: ENV6, H27, T13, R11 of the Maidstone Borough Wide Local Plan 2000

6.0 LOCAL REPRESENTATIONS

No representations received

7.0 CONSULTATIONS

- 7.1 **Leeds Parish Council** - Raises objections with the following comments:-

We wish to object to this as we feel that the proposals do not represent a like for like development for the building that was demolished. It was a condition of the original planning application that the existing building was to be kept. As a Parish Council we were disappointed that this was demolished without permission or prior notice over a quiet weekend period, we feel that the building should therefore be replaced to the original design. We would wish to see this application refused and reported to the Maidstone Borough Council's Planning Committee.

7.2 Environmental Health Officer - Raised no objections with the following comments:-

There have been a number of applications in respect of this site relating to the change of use and conversion of the original building. The building has now been demolished and consent is being sought to replace the original building with a residential dwelling.

The main Environmental Health concern relates to traffic noise as the new dwelling will be sited adjacent to the busy B2163. I would therefore recommend that a traffic assessment condition is applied to any consent granted.

I note that provision has been made for the storage and collection of waste and recyclables.

Construction works may cause nuisance to nearby residents and therefore the normal informatives relating to construction activities should be applied to any consent granted.

Recommendation: No objection subject to the condition and informatives below.

7.3 KCC Highways - Raise no objections with the following comments:-

I have visited the site (24/6/14) and observed the construction that has currently been undertaken. The car parking allocation and forecourt proposed for the detached dwelling is to County Council standards and on behalf of the Highway Authority I confirm, subject to the following conditions, that I have no objection to this application.

7.4 Conservation Officer - Raises no objections with the following comments:-

The Ten Bells was a public house dating from the early 18th Century with later alterations and additions. It made a positive contribution to the character of the conservation area and in my opinion should have been considered as a non-designated heritage asset. Permission had been granted for its conversion to residential use, but in the course of these works the building was demolished; this demolition took place without prior consent and therefore constitutes a criminal offence.

Whilst structural reports have been submitted regarding the condition of the building prior to demolition I remain unconvinced that it was beyond feasible repair – the building showed no significant outward signs of structural failure and the fact that much pointing was missing, as related in the justification statement submitted, for example, is not an indicator of imminent collapse. Unfortunately the opportunity to inspect the building prior to demolition was not given and with the wholesale removal of the structure it is now impossible to judge its true condition. The Council needs to decide whether it would be expedient to pursue prosecution for unauthorised demolition or whether retrospective consent for demolition can be granted.

As regards the replacement building proposed, this closely mirrors the appearance of the demolished building and is therefore acceptable. As nothing remains of the original building, I have no objection to reinstatement along these lines. I raise no objections to this application on heritage grounds and recommend conditions re samples of materials, joinery details, the erection of a sample panel of brickwork for approval and removal of all PD rights.

9.0 CONSIDERATIONS

Principle of Development

- 9.01 The site is within the village envelope of Leeds and as a result new residential development is generally acceptable under policy H27 of the Maidstone Borough-Wide Local Plan (2000).
- 9.02 The loss of a public house for this use within a village has been fully considered under the previous granted consents. Policy R11 of the Maidstone Borough-Wide Local Plan (2000) concerns this and the proposal has complied with the elements of this under these previous permissions. The previous planning permissions establish the principle for residential development on this site in accordance with policy H27 of the Maidstone Borough-Wide Local Plan (2000). Therefore, I consider the principle of this development to be acceptable.

Visual Impact

- 9.03 The site is historically sensitive in that it is within the Conservation Area and between the Grade II* listed Vineys Cottages to the north and the Grade II listed Churchill Cottages to the south. The existing pub building itself was considered to be a non-designated heritage asset, although this now no longer exists. The proposed replacement building reflects some of the key characteristics of the former pub in its elevations which in my view attempt to acknowledge the historical context of this site and to create a sympathetic re-build of this building.
- 9.04 During consideration of the previous application for the conversion of the pub, significant negotiations were held with the developers to retain some features of the pub building. This principally comprised the roof turret to the rear of the building as well as the dormer windows and chimney. All these elements have been included within this proposed design which re-

creates them in a similar form and location within the building. The previous pub building included a number of modern extensions which detracted from its overall appearance which would have been demolished under the previous consents. The proposed building is of a scale and footprint which is identical to original form of the pub with an identical siting within the plot. This reinstates a dominant building within the site of an identical scale in an attempt to replicate the presence of the former pub building within the conservation area. As such, I am on the view that this building is acceptable in terms of its design and presence within this locality and would contribute to the surrounding conservation area and setting of neighbouring listed buildings.

- 9.05 The finish to the development will be key in achieving a suitable appearance to the overall scheme. The comments of the parish council have been fully considered which specifically relates to this matter. The materials included within this scheme have been submitted to the council as part of a condition discharge for the new dwellings within this site as previously permitted. Therefore, the appearance and character of these materials in the context of the conversation area and listed building has been assessed and are considered to be appropriate. The comments of the parish council requesting the use of painted reclaimed bricks I do not consider to be reasonable in this case, particularly if the were to be painted. The choice of render to the frontage would be appropriate and would break up the facing brick of the side elevations and chimney. The conservation officer has raised no objections and considers the proposed building to be acceptable in its overall design and form. Although to secure suitable detail, conditions requiring a sample panel of brickwork to be constructed on site for approval and joinery details will be secured as suggested by the conservation officer. The permission will also include restrictions to permitted development rights to ensure the character of the building is maintained. As such, I am of the view that the design as proposed is acceptable in its overall appearance and character.

Residential Amenity

- 9.03 In terms of the impact upon amenity, clearly the consideration of this was fully considered under MA/12/2267 which originally granted the conversion of the pub to residential use. I do not consider the amenity impact upon neighbouring properties is significantly altered by the fact that a new building is now proposed and therefore, I conclude that there would be no significant impact upon the amenity of any neighbouring properties. This includes a loss of light, privacy, outlook or overshadowing. I also consider a suitable level of amenity would be secured for future occupiers of the building and the surrounding development under construction as previously approved.

Highways

- 9.04 In terms of parking, the proposed car parking for the dwellings would be in front of the building. This would be a similar highway situation to the existing use and previous granted consents in terms of access points. The parking provision level I consider to be acceptable and the Highways Officer raises no objections on highway safety grounds.

Landscaping

- 9.05 In terms of landscaping, some details of additional landscaping are shown on the submitted block plan which is similar in character to that approved under the previous consents. I consider this to be sufficient to soften the appearance to the development from the streetscene to the front. However, little details have been provided in terms of landscaping and therefore a further condition to cover this is considered reasonable.

Other Matters

- 9.06 The site has been developed following the previous granted planning consents and therefore there are no areas of grassland or dense landscaping within the site. Therefore, I do not consider there would be any significant ecological issues as a result of this development.
- 9.07 There are no significant environmental health considerations in this application although the traffic noise condition recommended by the Environmental Health Manager should be attached to any approval.
- 9.08 In terms of sustainability, the site is within the village boundary of Leeds and is considered to be sustainable. Code level 3 of the Code for Sustainable Homes will be secured by condition in accordance with the previous consents allowed on this site which have been implemented. It would not be reasonable to secure a higher level under this application.

10.0 CONCLUSION

- 10.1 In conclusion, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan and amenity impacts on the local environment and other material considerations. I therefore recommend that the application should be approved subject to the following conditions.

11.0 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 not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and the areas of hardsurface 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.

3. The development shall not commence until, a sample panel of brickwork is constructed independently on site for the prior inspection of the Local Planning Authority.

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.

4. 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:-

New external joinery in the form of large scale drawings.

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.

5. Notwithstanding the details shown on plan number 1034/092, 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 additional planting to the front of the building, 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: To ensure a satisfactory appearance to the development.

6. 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.

7. 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) 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.

8. No development shall take place until:

An acoustic survey, to identify the noise environment of the site, has been carried out.

Where habitable rooms will be exposed to unacceptable noise levels (in accordance with BS 8233), mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels (LAeqT) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (LAeq) free field. This excludes front gardens;

Reason: to protect residential amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

10. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. The dwellings shall not 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.

11. 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) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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.

12. The access road hereby permitted shall include the use of a bound surface for the first 5m of the access from the edge of the highway.

Reason: In the interests of highway safety.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 1034/001 RevA, 1034/001 RevB, 1034/002, 1034/003, 1034/004, 1034/005, 1034/006, 1034/007, 1034/008, 1034/090, 1034/091, Design and Access Statement and Application Form received 7th May 2014 and plan number 1034/092 dated March 2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives

1. There should be the provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
2. There should be the provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
3. Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.
4. Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
5. Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
6. 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.
7. Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
8. Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

9. The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.
10. 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.

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

- Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.
- Where practicable, all loose material on the site should be covered during the demolition process.
- During the construction, reconstruction, refurbishment or modification of the building and where practicable the exterior should be sheeted, enclosing openings etc. as necessary.

Case Officer: Kevin Hope

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.