

## REPORT SUMMARY

<b>REFERENCE NO - 18/502732/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a new building comprising of 4 apartments with associated amenity space and bins and cycle storage.			
<b>ADDRESS</b> 1 Marsham Street Maidstone Kent ME14 1EW			
<b>RECOMMENDATION</b> Grant permission subject to planning conditions			
<b>SUMMARY REASONS FOR RECOMMENDATION:</b> The proposal will provide an acceptable living environment, is in scale and character with its surroundings, is acceptable in design terms while safeguarding the character and setting of the conservation area and nearby listed buildings, will not result in any material harm to the outlook or amenity or properties overlooking or abutting the site while making a valuable windfall housing contribution towards meeting the Councils 5 year housing land supply figures.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Cllr English advises this is a sensitive location adjoining the conservation area with potential impact on the residents of 2 Marsham Street.			
<b>WARD</b> High Street	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr Nick Redman <b>AGENT</b> Designscape Consultancy Limited	
<b>DECISION DUE DATE</b> 17/07/18	<b>PUBLICITY EXPIRY DATE</b> 28/06/18	<b>OFFICER SITE VISIT DATE</b> 07/06/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
17/504548	Erection of an apartment block of 6 apartments with associated garden amenity space, cycle storage, and bins storage.  Refused on the following grounds: - Design of elevation fronting the conservation area appeared as a secondary elevation therefore unacceptable in design terms. - Proposed flats too small resulting in unduly cramped living accommodation.  Delegated report is Appendix 1	Refused	14/12/2017
16/506030	Erection of an apartment block of 9 apartments.  Appeal decision attached as Appendix 2	Refused	17.10.2016
16/507469	Two bedroom dwelling on eastern side of the application site expiring 21 <sup>st</sup>	Granted	21.12.2016

	December 2019.		
--	----------------	--	--

## **MAIN REPORT**

### **1.0 SITE DESCRIPTION**

- 1.1 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 but now converted into flats. The houses in 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.
- 1.2 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 Tree Preservation Order trees running along the western boundary of the application site.
- 1.3 Abutting the application site to the east is the rear garden of 2 Marsham Street and the flank elevation of 37 Wyatt 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.
- 1.4 In a wider context the application site and much of the area to the west and south lies within the Holy Trinity Conservation Area (CA) with Maidstone Town Centre sited a short walking distance to the west.

### **2.0 PROPOSAL**

- 2.1 The proposal has been submitted to address the reasons for refusal in connection with application ref: 17/504548 that are set out above. The current proposal is a single block of 4 no: 1 bedroom self contained studio flats each flat having its own access.
- 2.2 Two flats are shown as having enclosed ground patio areas with the rest of the area to the rear of the flats providing communal amenity space.
- 2.3 At the front of the block, two enclosures are proposed to provide secure cycle parking and waste storage. No on site parking is proposed.
- 2.4 The application is also accompanied by an arboricultural assessment and heritage statement.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF) July 2018  
National Planning Practice Guidance (NPPG)  
Development Plan: SP18, DM1, DM4

#### **4.0 LOCAL REPRESENTATION**

4.1 8 objections have been received to the proposal, which are summarised as follows:

- Concerns regarding anti social behaviour at 1 Marsham Street.
- Will result in loss of sunlight to adjoining properties and loss of natural light to 2 and 3 Marsham Street.
- Loss of outlook onto conservation area.
- Result in loss of privacy to adjoining houses.
- Concerns regarding waste storage and access for refuse disposal vehicles.
- Lack of parking will cause problems.
- Already sufficient affordable housing within the locality.
- Represents overdevelopment of the harmful to the character of the area and character and setting of nearby listed buildings and the conservation area.
- Will affect stability of adjoining development.
- Access by construction vehicles will cause harm.

#### **5.0 CONSULTATIONS**

5.1 **Kent Highways:** Does not trigger response under current consultation protocol.

5.2 **EHO:** No objection. Use of the land as a car park may have resulted in some site contamination. However subject to imposition of a contamination condition.

5.3 **MBC Landscape:** No objection subject to a condition requiring compliance with the Arboricultural Method Statement 163MAS/AIA03 and Tree Protection Plan163MAS/TPP03 dated August 2018.

#### **6.0 APPRAISAL**

6.1 A comparison of the current proposal with the proposal refused under ref:17/504548 shows that the width of the block has increased from 10 metres to just over 11 metres; while the block depth increased from just over 8 metres to just over 9.5 metres. The ridge height remains the same at just over 7 metres though the eaves height increases from just over 5 metres to just over 5.5 metres. Given that the siting of the block remains substantially the same it is considered that the individual and cumulative impact of these changes is marginal not adding materially to the impact of proposal on surrounding development.

6.2 Concern has been raised that the proposal will result in loss of daylight, sunlight and privacy to adjoining houses along with a loss of outlook. However as only marginal increases in the size of the development is proposed compared to that previously refused, objection on these grounds cannot be sustained. It is considered the key issues in this case are whether the proposal can be seen to materially address the reasons for

refusal in connection with application ref: 17/504548 being the design and cramped nature of the proposed flats.

**Design Considerations:**

- 6.3 The development refused under application ref: 17/504548 showed what was essentially a 'blind' elevation to the site frontage. The only articulation was an external staircase giving access to a door at first floor level. The appearance of this elevation was therefore very much that of a secondary elevation. Given the prominent location of this elevation fronting the CA it materially failed to meet the design threshold required for such a prominent heritage location.
- 6.4 The revised proposal shows this elevation completely redesigned. The revised proposal now appearing as a modest pair of cottages better reflecting the scale and detailing of development already permitted on the eastern half of the application site under extant planning permission ref: 16/507469. It is considered that these design changes (not only to the front elevation but to the building in general) mean the building now represents an acceptable form of development in keeping with the character and setting of the CA and listed buildings abutting the site to the south and west. The proposal is therefore considered to comply with policies DM1 and DM4 of the Local Plan.

**Flat sizes:**

- 6.5 The local plan does not specify minimum flat sizes and in the absence of adopted standards for planning purposes the national standards are a material consideration. The DCLG publication, Technical Housing Space Standards - nationally described space standard - dated March 2015 recommends a minimum gross internal floor areas of 39 square metres for a 1 bedroom flat.
- 6.6 The proposal refused under ref: 17/504548 show flat sizes ranging from 18.5 to 22 square metres. Given the flats were intended to provide self contained permanent accommodation they represented unacceptably cramped and poor quality accommodation which could not be approved, notwithstanding the demand for all types of housing within the Borough.
- 6.7 The proposed flats now range in floor area from just over 37 square metres to just under 45 square metres. All the flats have separate entrances, with both ground floor flats having small private enclosed patio areas. Whilst it is acknowledged that 2 proposed flats fall slightly the 39 square metres minimum recommended floor area, it is highlighted that the DCLG standards are only recommendations. Given the proposed flats all provide usable and well-proportioned accommodation overall, a marginal failure to comply with these standards is not considered significant grounds to refuse permission.

- 6.8 The proposed flats will provide an acceptable level of amenity in accordance with the provisions of policy DM1 of the local plan.

### **Amenity**

- 6.9 Concerns have been raised regarding loss of outlook across the site to the CA from adjoining properties. However this was not raised as an objection to the proposal refused under ref: 17/504548 and given the marginal size increase of the current proposal no material additional impact is identified.
- 6.10 It should also be noted that there is no right to a view as such and maintenance of the character and setting of the CA is safeguarded in the wider public interest. As such loss of individual views across the site CA cannot be taken into account in the determination of this application.
- 6.11 Regarding any impact on the house abutting the site to the east this house has first floor flank windows overlooking the site. However all windows on the east elevation of the proposed dwelling are 'blind' while the west elevation will have a screened outlook onto the public areas of Trinity Park and the former church.

### **Highways**

- 6.12 The application site is in a highly sustainable location close to the town centre and as a result the lack of parking on site is acceptable. Subject to a condition requiring provision of the secure cycle parking as proposed, the proposal is considered acceptable in relation to highway impacts.

### **Trees**

- 6.13 It was concluded in connection with the application refused under ref: 17/504548 that the proposed building was sited outside the canopy of all trees on the western site boundary apart from a small incursion beneath the canopy of a London Plane tree. Though some minor remedial work was proposed no root protection areas appeared to be affected while the orientation of the development away from the boundary trees minimised the likelihood for any future tree felling or significant remediation work.
- 6.14 As such it was considered the impact of the development on nearby protected trees is within acceptable limits. Though the site coverage has slightly increased this does not increase the risk to these trees now or in the future.

### **Wildlife**

- 6.15 The site is currently a vacant parking area with limited planting and tree cover along its western boundary with the church. As such the site is considered to have little wildlife potential.
- 6.16 Though there is a requirement to make additional provision for wildlife as part of the development process this has to reflect site conditions. In this case given the retention of existing trees and subject to a requirement to

provide nest boxes, it is considered the interests of wildlife will be safeguarded while enabling the development of the site to proceed.

### **Other matters**

- 6.17 On sustainability grounds and in order to minimise the possibility of flooding a SUDS (Sustainable Urban Drainage) condition should be imposed.
- 6.18 The concerns regarding changes to the character of the area as a result of permitting additional flats are noted. However it is considered the proposal will not result in material harm to the area for the reasons amplified above.

## **8.0 Conclusions**

- 8.1 The proposal is in scale and character with its surroundings, is acceptable in design terms while safeguarding the character and setting of the CA and nearby listed buildings, will not result in any material harm to the outlook or amenity or properties overlooking or abutting the site while providing an acceptable living environment.
- 8.2 As a further consideration policy SS1 of the local plan relating to housing land supply makes clear the significant contribution windfall sites will make in meeting Council's rolling 5 year housing land supply figures representing a material factor in the consideration of this proposal.
- 8.3 The proposal represents a balanced approach to unlocking the development potential of this constrained site and it is recommended planning permission be granted as a consequence.

## **9.0 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. Prior to the development hereby approved reaching damp proof course details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of amenity.

3. Prior to any part of the development reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS

scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention.

4. Following first occupation of any of the flats hereby permitted the size, design and siting of two house sparrow boxes and two open fronted bird boxes shall be submitted to approved in writing by the Local Planning Authority. The boxes shall be installed within 3 months of the approval date and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

5. Prior to any part of the development hereby approved reaching damp proof course details of the means of enclosure to the allocated amenity spaces shown on drawing no: 341/201 shall be submitted to and approved in writing by the Local Planning Authority. The approved details that shall include gaps for the passage of wildlife shall be in place before first occupation of the flats to which they relate and shall be retained as such at all times thereafter.

Reason: In the interests of amenity.

6. Prior to any part of the development hereby approved reaching damp proof course details of the size and design of the cycle and waste storage enclosures shown on drawing no: 341/201 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be in place before first occupation of any of the flats and retained as such at all times thereafter.

Reason: In the interests of visual amenity to make provision for sustainable transport.

7. The development hereby permitted shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of health and safety.

8. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out point 3 of the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of health and safety.

9. The development shall proceed in accordance with the requirements of the submitted Arboricultural Method Statement 163MAS/AIA03 and Tree Protection Plan 163MAS/TPP03 dated August 2018.

Reason: in order to ensure the retention and long term health of trees.

10. The development hereby permitted shall be carried out in accordance with the following drawing no's: 341/75, 76, 200, 201, 202, 203 and 1:1250 site location plan.

Reason: In the interests of amenity.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.