
Burham Burham Eccles Wouldham	573097 161847	15 June 2010	TM/10/01437/OA
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Proposal:	Outline Application: Demolition of existing public house and redevelopment of site with 11 no.3 bedroom houses with associated access and parking facilities
Location:	125 Rochester Road Burham Rochester ME1 3SG
Applicant:	Blue Ribbon Developments

1. Description:

- 1.1 Members will recall that this application was deferred from the A3PC on 11 November 2010 for a Members site inspection. The site inspection visit occurred on 30 November 2010. A copy of the previous report is attached as an Annex.
- 1.2 Subsequent to the November Committee meeting and prior to the site visit the applicant submitted revised plans indicating a number of revisions to the proposal. The principal change is a reduction in the overall number of dwellings on the site from 12 to 11. Each house now has three bedrooms and the garage block to the north western site boundary has been deleted. The Rochester Road frontage of the development has been amended to provide a terrace of 4 dwellings at the north west end of the site and a single detached dwelling adjacent to the access. These dwellings now feature gabled roofs and the design has been enhanced to include a greater level of detailing. The plots have been enlarged by setting the front houses forward to align with the building line of the existing street scene. Each dwelling now has two parking spaces

2. The Site:

- 2.1 The site is located within the rural settlement confines of Burham village. The north-eastern boundary fronts onto Rochester Road. The site was previously occupied by the now demolished Fleur de Lys PH. The site has an area of approximately 0.22ha with a shallow slope running from north east to south west across the site. The site, at the time of demolition, featured no trees of merit, and following inspection none was considered worthy of a Tree Preservation Order bearing in mind normal criteria.
- 2.2 The site has residential development on three sides and allotments to the rear. Rochester Road is characterised principally by terraced properties, although newer development to the south east of this site is made up of detached houses with a built form that contrasts with the predominantly linear character of development in the village.

3. Planning History:

- 3.1 None relevant.

4. Consultees: (on amended plans)

- 4.1 PC: Still the wrong type of development for the important site at the centre of the village. The frontage will be a scene of parked vehicles and refuse bins. It does not meet the requirements for new family homes in Burham. The detached houses appear to have only single garages. The developer claims to compliment the street scene but this poor development of modern town houses is appalling and does not. We were village of the year in 2008 and the judges said the village was a good mix of old and new. This will ruin that mix. The committee has the power to reject this on the grounds that the village rejects it. We do not object to development but to this development. Double yellow lines should be put at this site before any development starts. There is already enough congestion along Rochester Road.
- 4.2 KCC (Highways): No objections subject to conditions. The access points are utilised from the previous use of the site, the Public House benefitted with having two separate parking areas that were individually accessed off Rochester Road. The proposals utilise these said access points which in turn cause no change in the highway layout. With regard to the width of the access onto the private drive, Kent Design Guide states that the minimum width should be 3m to enable Fire Brigade access. The access proposed is indicated to be 4.8m, this will not cause detriment to highway safety. Would not be able to support the idea of having a lay-by to the front of the site as this would have a detrimental impact on highway safety. This is because the lay-by would have reduced visibility for drivers joining onto Rochester Road together with passing vehicles not having adequate reaction times of seeing vehicles leaving the lay-by due to cars parked along Rochester Road. The parking spaces allocated within the development meet current Kent Highway Services parking standards therefore I believe that having a dedicated lay-by will be at the detriment to highway safety and will be difficult for residents to enforce.
- 4.3 DHH: No objections to provision of commuted payments for off-site affordable housing given possible management complications the scheme may present to any Housing Association due to the location and lower number of units.
- 4.4 Private Reps: 12/1X/3R/0S

Three further letters of objection received regarding the amended plans making the following comments:-

- Scheme still too dense and given recent changes to PPS3 and PPS7 there is no need now to develop at this density.
- Buildings not in the historic centre so development therefore should be of a density that reflects the site's surroundings.
- Town houses are not in keeping with the established residential area.

- There are no four bedroom houses on the site with adequate gardens that are suitable for families.
- Inadequate parking and inevitable overspill onto Rochester Road leading to a reduction in pedestrian safety due to a lack of visibility through the parked cars on such a busy road.
- Concerns regarding the presence of social housing.
- Loss of views across the site to Halling and Snodland beyond as the five townhouses to the front of the site would infill across the existing PH car park entrance so closing up the frontage.
- Loss of privacy as would be able to look straight into the bedrooms from the existing development opposite.

One additional letter received raising no objections but making the following points:-

- The revised plans are much more in keeping with the village, but would prefer to see only four houses on the front and 5 on the rear.

5. Determining Issues:

- 5.1 The principle of the development is acceptable as stated in the previous report. The current report covers the issues raised by the amended plans and whether these amendments overcome the concerns raised by the residents and PC.
- 5.2 The reduction in the number of units from 12 to 11 has reduced the density of the development to 50 dwellings per hectare. Recent change by the Coalition Government to the wording of PPS3: Housing means that there is no longer a national policy presumption against development at less than 30 dwellings per hectare – nevertheless PPS3 still requires the effective use of land and especially Previously Developed Land. It is not out of keeping when compared with the general range of densities found in Burham Village that vary between 40 and 65 dwellings per hectare. The lower density development to the south east of the site reflects the era of its design and sits easily, visually, within the general character of the village, including as development in depth if not in terms of density. The proposed development is also of a similar density to the housing recently approved on land owned by the PC adjacent to the Doctors Surgery (42 dph). Nevertheless the development must be assessed in terms of its character in relation to the village as a whole and its immediate environs – in my view it meets those tests.
- 5.3 The changes to the elevational treatment and the splitting of the front terrace into a row of four houses and a single detached unit enhances the character of the development. The buildings now have a more 'cottage' style with the terraced

houses featuring paired doors, porch canopies and contrasting brick banding. The roof design of all properties has been amended to feature gable ends and pitched-roof dormer windows. It is considered that the alterations enhance the appearance of the development over the original submission.

- 5.4 The development provides 2 vehicle parking spaces per property and, given the layout of the central courtyard area there would be an element of “ownership” of spaces. The spaces could be allocated but this would be a matter for the applicants to impose. Government guidance on parking provision has recently been updated with the publication of the revised PPG13. The changes to this document, and the earlier reworking of PPS3, have removed reference to maximum parking standards. Policy SQ8 of the MDE DPD requires that development proposals should comply with parking standards which will be set out in a Supplementary Planning Document. While there is as yet no SPD, the local parking policies standard to be adopted for Development Control purposes, by Planning and Transportation Advisory Board, is now as set out in the Kent Design Guide Review: Interim Guidance Note 3 Residential Parking. IGN 3 sets out minimum standards for parking provision on residential developments. In village locations such as this, 3 bedroom houses would be expected to provide 2 parking spaces. The development accords with this standard and the proposal would therefore comply with IGN3, the currently operating standard. IGN 3 standards are borne out of the results of Countywide survey work by KHS and are therefore considered an appropriate level of provision for the area.
- 5.5 Concern was expressed at the site inspection that both in terms of traffic generation and the manoeuvring of vehicles the scheme is deficient and unacceptable. KCC has confirmed that the design of the access drive accords with Kent Design for private driveways. The principal access to the site is in the same location as that which formerly served the public house. KCC is satisfied that turning movements into and out of this site access can be satisfactorily accommodated within the highway. The access is proposed to be 4.8m wide which would allow vehicles to pass. The traffic generation of the development has to be viewed in the context of the historic use rights of the site and its unfettered capacity for traffic generation. The building benefitted from an unfettered A4 use that could have been changed under “permitted development” rights to any use falling within classes A1, A2 or A3 with no limits as to hours of operation. These Classes include retail, professional services and restaurants, uses that could potentially generate more traffic movements than that of the proposed dwellings, which would typically create morning peak hour movements of less than 11 (or roughly one every 5 minutes).
- 5.6 Each dwelling now has three bedrooms and is of a size, both in floorspace and plot size, commensurate with modern housing development. There is no national housing space standard and indeed the Government has very recently announced its intention to discontinue the review of the upgrading of space standards for social housing.

- 5.7 Despite local concern, there is no evidence that the development would encroach onto neighbouring land.
- 5.8 Given the orientation of the site, the proposed development would not result in a significant loss of light or privacy to the surrounding properties.
- 5.9 The issue of affordable housing has been addressed in my previous report but to reiterate, the nature of the development is such that the Council's preferred option *in the particular circumstances at this site* would be a financial contribution in order to secure provision elsewhere rather than the normal expectation of two units on the site. There would therefore be no affordable housing on the site, however it has to be remembered that the Council cannot control who buys any house in the open market.
- 5.10 It is considered that the amendments are welcomed and have improved a proposal that is, in itself, policy compliant. It is therefore considered that the development is acceptable.

6. Recommendation:

6.1 **Grant Planning Permission** in accordance with the following submitted details: Floor Plan 1585-GA-301P1 dated 24.11.2010, Site Plan dated 02.06.2010, Site Layout 1585-GA-100 P1 dated 24.10.2010, Elevations 1585-GA-200 P1 dated 24.11.2010, Floor Plan 1585-GA-201 P1 dated 24.11.2010, Elevations 1585-GA-300 P1 dated 24.11.2010, Plans and elevations 1585-GA-401-P1 received 24.11.2010 and street scene and sections 1585-GA-501 P1 received 24.11.2010 and subject to:-

- The applicant entering into a Section 106 Planning Obligation to secure commuted payments towards the provision of affordable housing; and
- The following:

Conditions / Reasons

1. Approval of the details of the landscaping of the site (hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

Reason: No such approval is given

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990

4. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality

5. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic

6. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic

7. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic

8. The accesses shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety

9. The buildings shall not be occupied nor the use commenced until the area shown as parking space on the approved plans has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking

10. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting 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 Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

11. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity

12. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
- (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

13. An assessment of potential risk from indoor radon and a scheme for radon protection measures, if and where necessary, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of amenity and public safety.

14. No development shall take place until details of the slab levels of the building and section drawings through the site have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance or visual amenity of the locality.

15. The windows on the north-west elevation of the flat above the car port and the flank elevations on the houses shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

Informatives

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. Surface water disposal to be dealt with on site.
3. The applicant is also advised to take particular account of the climate the development is likely to experience over its expected lifetime and consider the scope for maximising cooling and avoiding solar gain in the summer through, for example, the layout and orientation of the buildings and landscaping. The applicant is urged to have regard to the Government's 'Code for Sustainable Homes' and Kent County Council's 'Kent Design Guide' for further details on the range of measures that could be considered.
4. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
5. The applicant is encouraged, through the design of the development, to minimise the future energy consumption of the proposal. Where practicable, consideration should be given to measures including the installation of photovoltaic cells and the appropriate use of Sustainable Urban Drainage Systems (SUDS).
6. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Legal Services Partnership Manager, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Robin Gilbert