
Report of 11 November 2010

Burham **573097 161847** **15 June 2010** **TM/10/01437/OA**
Burham Eccles
Wouldham

Proposal: Outline Application: Demolition of existing public house and redevelopment of site with 12 residential units comprising 10 No. 3 bedroomed houses, 1 No. 2 bedroomed house and 1 No. one bedroomed mews flat with associated access and parking facilities

Location: 125 Rochester Road Burham Rochester ME1 3SG

Applicant: Blue Ribbon Developments

1. Description:

- 1.1 This application seeks approval for a total of twelve dwellings on the site of the former Fleur de Lys Public House. The application is submitted in outline form but only the landscaping is reserved for future consideration.
- 1.2 The submitted details indicate a development consisting of a terrace of five houses (three no. 3 bedroom and two no. 2 bedroom dwellings) along the north-eastern frontage of the site, facing Rochester Road, a second terrace of five no. 3 bedroom houses and a single detached 3 bedroom house to the rear, and a single one bedroom flat above a row of car ports adjacent to the north-western site boundary. Apart from these car ports, parking is indicated as being in a central courtyard area, except for the detached house to the rear of the site which has an attached garage and drive, and the north-western end plot on the front terrace that has a garage to the side. The development is essentially of two storeys with the three bedroom houses having a room in the roof.
- 1.3 For clarification no planning permission was required to demolish the public house building. The building was also not considered worthy of listing, following a request by the Parish Council that this be considered.

2. Reason for reporting to Committee:

- 2.1 This item is reported to Committee at the request of Cllr Dalton and also due to the level of public interest.

3. The Site:

- 3.1 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 features no trees of merit.

3.2 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.

4. Planning History:

4.1 None relevant to this application

5. Consultees:

5.1 PC: Strongly object due to the impact of the works on the street scene, the fact that the works involve building on garden land, cramming on site, and insufficient garden space. The developer should re-produce a similar plan to the development on the adjacent site. By providing larger houses local families who have outgrown their existing houses could stay in the village. The design of this site is too important to the residents of Burham for it to be decided on developer monetary issues alone.

5.2 DHH: No objections subject to conditions.

5.3 KCC Highways: Do not consider that the development would have an adverse impact on traffic generation given the previous use of the site. No objections subject to conditions.

5.4 Private Reps: 12/0X/36R/0S + ART8

36 letters raising objections on the following grounds:

- Too many houses
- Completely change the character of this end of Burham
- Burham is an award winning village and this development does not reflect its character
- Burham needs larger family houses, not more terraces
- Three storey houses do not match the character of the rest of the village
- Do not need more affordable housing in the village
- Provision of affordable housing is the applicant pandering to the planning process
- Increased traffic hazard in the area

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- Insufficient parking on the site
 - Building styles do not reflect the style of the originals adjacent
 - Plans should be amended to show a suitable development like the one next door
 - Houses too small
 - Gardens too small
 - Public house should not have been demolished
 - Neighbouring properties could be affected by a loss of privacy and increased noise and disturbance from the development
 - Mews flat would overlook the garden of the adjacent property and its height and design give the impression of a fortress from the rear
 - Gardens are no longer brownfield sites

6. Determining Issues:

- 6.1 The principal considerations with this application are the principle of the development, the impact of the development on the surroundings, the provision of affordable housing and other developer contributions, and highways issues.
- 6.2 The site is within the village confines and therefore the development of the site for residential purposes is considered acceptable in principle. Planning permission was not required to demolish the public house that previously stood on the site. Although the demolition is mentioned in the application description, the works do not require any consent from the local planning authority and, in terms of the Planning Acts, could have been carried out at any time.
- 6.3 Government guidance, including that in the recently revised PPS3, encourages development on Previously Developed Land. Whilst this revised guidance removed *residential* gardens from the former definition of Previously Developed Land, it does not rule out building on garden land, but it does require that applications should respect the built form of their surroundings. The site is located between the terraced properties fronting Rochester Road to the northwest and the newer development to the south east which is less linear in form and includes buildings in depth, away from the Rochester Road frontage. Given the layout of the surrounding development, I do not consider that objection can be raised to the principle of built development on the whole of this application site.
- 6.4 The proposed buildings would occupy approximately 24% of the overall site area and the proposed density is approximately 54 dwellings per hectare. This level of site coverage is not dissimilar to that of the development to the south east, which

has a site coverage of approximately 19%. The scale of the development is therefore considered acceptable in these surroundings. The size of the houses and gardens across the site are commensurate with the general dimensions of other recent housing in the Borough generally, with the majority of the development made up of 3 bedroom family houses.

- 6.5 The development proposed is shown as being principally made up of two terraces of houses of two storey appearance. Use is made of the two existing vehicular access points to the site from Rochester Road. The terraces proposed have very similar proportions to the existing terrace of houses to the north west of the application site and, given the linear terraced character of properties along the south-western side of Rochester Road, it could not be said that the development is out of character with the surrounding area. The rooms in the roof of the three central properties on this terrace do not materially change the character of the built form and the area as a whole, especially as 128 and 130 Rochester Road opposite the site have larger dormers to the front elevation.
- 6.6 With regard to the terrace to the rear of the site, this is set an adequate distance away from the surrounding properties to ensure that there would be no loss of light or privacy experienced by the neighbouring dwellings. The principle of having built development on the rear part of the site has also been established on the adjacent site, and the rear terrace proposed would follow the line established by the existing four houses to the south east. These properties are also two storeys high with rooms in the roof so the form of the development would be similar to other properties in the area.
- 6.7 The one bedroom flat above the car ports has been positioned in such a way as to ensure that there would be no significant loss of light experienced by the neighbouring dwelling to the north-west. The building has a significantly lower ridge height than the two main terraces and is positioned off the boundary with 129 Rochester Road. This limits its impact and I do not consider that it would appear overbearing. The windows to this elevation are all set into the roof and can be conditioned to be obscure glazed to limit the potential for overlooking. This would maintain the residential amenity of the neighbouring property. This garage building would also serve as a means of screening the parking area, in the centre of the application site, from the garden of the neighbouring property, thus reducing the potential for noise and disturbance.
- 6.8 With regard to the issue of affordable housing, Policy CP17 of the Tonbridge and Malling Core Strategy says that, in the rural areas of the Borough, affordable housing provision will be sought on all sites of five or more dwellings at a level of 40% of the number of dwellings provided. In this instance this would mean that five of the twelve units proposed should be affordable. However, both this policy and the adopted Affordable Housing Supplementary Planning Document make it clear that this level of provision is the starting point for negotiations and that it needs to be assessed on a site-by-site basis, taking account of matters such as

the viability of the development, and the location and character of the site. In this instance, given the current economic climate, it is not considered that a development requiring this level of on-site provision would be viable. The applicant has submitted evidence to support this argument and this position has been independently verified by consultants acting on behalf of the Borough Council. Current viability information indicates that the development would only be able to support the provision of two units of affordable housing. However, in a village location such as this, this level of provision would not be attractive to an RSL from a management perspective, due to the costs involved in managing a small, isolated stock. It is therefore considered in this instance that it would be more appropriate to seek a commuted sum in place of on-site affordable housing provision, with such a contribution being required through a legal agreement. This approach is supported by the adopted policies; it would be in line with the Council's priority of providing affordable housing, but also address local concerns over the provision of affordable housing on this site.

- 6.9 Given the marginal viability of the development and the Council's key priorities, it is considered that the provision of affordable housing should have precedence over seeking contributions from this development towards other facilities, such as public open space. It is therefore appropriate in this instance not to seek other contributions requested by other bodies in order to secure the maximum contribution towards affordable housing.
- 6.10 The highways implications of the development have raised concern amongst the objectors. The development though does utilise existing access points to the site and, given the size of the public house and its car park that previously occupied the site, would have a similar potential for traffic generation. The car parking provided within the site is in accordance with that required under IGN3 and the layout provides adequate turning provision for vehicles within the site. It is therefore not considered that the development would lead to a demonstrably worse traffic situation than exists at present.
- 6.11 Overall, whilst the concerns of the local residents are noted, it is considered that the scheme is in accordance with adopted planning policy and is therefore considered to be acceptable.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Floor Plan 1585-GA-301B dated 04.08.2010, Site Plan dated 02.06.2010, Site Layout 1585-GA-100 dated 02.06.2010, Elevations 1585-GA-200 dated 02.06.2010, Floor Plan 1585-GA-201 dated 02.06.2010, Elevations 1585-GA-300 dated 02.06.2010, Other dated 02.06.2010 and subject to:-

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

- The following conditions

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.

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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. Such measures as are approved shall be incorporated into the development, as built.

Reason: In the interests of amenity and public safety.

14. No development shall take place until details of the slab levels of the buildings 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

