
Report of 3 February 2011

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 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.

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- 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

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 3 February 2011

Burham **TM/10/01437/OA**
Burham Eccles Wouldham

Outline Application: Demolition of existing public house and redevelopment of site with 11 no.3 bedroom houses with associated access and parking facilities at 125 Rochester Road Burham Rochester ME1 3SG for Blue Ribbon Developments

The applicant: A letter has been received from the Applicants' Agent addressing the comments made at the last meeting and during the site visit, and also commenting on recent applications in the surrounding area and responses received following the consultation exercise on the revised plans. A copy of this letter is attached at **Appendix 1**.

DPTL: Given the changes to the layout of the development, proposed condition 15 is no longer required as the mews flat has been deleted.

AMENDED RECOMMENDATION:

Delete condition 15.

Appendix 1: Copy of text of letter from Agent re TM/10/01437/OA

Dear Robin,

Having viewed the officers report for this planning application, the applicants would like to confirm that they do not have any objections to the proposed planning conditions - save for condition No. 15 which is no longer needed now that the mews flat has been deleted from the scheme.

The applicants would like to reiterate that the various amendments that have been made to the proposals have been submitted in good faith in an honest and direct response to the various objections and criticisms that were raised by members and local residents. It is both significant and pleasing therefore to note that the Council has received just four letters in response to these amended proposals and that one of these letters raises no objections and recognises the improvements made to the scheme. The changes were of course made despite the fact that the Council's officers recognised that the original development proposals were policy compliant and acceptable in terms of their detail.

The applicants also feel that it is important that Members attention is drawn to the fact that, since the November meeting and related site inspection took place, a planning application for a development featuring a similar density and level of site coverage has been permitted under delegated powers under the reference TM/10/02755/OA. That application was for the development of a site located just a few metres away from the rear boundary of the Fleur De Lys site and proposed three bedroom houses with tandem parking spaces, and with rear gardens and internal floor areas smaller in area than those being proposed by this particular application. Moreover, that outline application was submitted and approved on the basis that no details of the design and appearance of the new houses were submitted by the applicant. The applicant in that case was the Parish Council.

With the above facts in mind, the applicant wishes to make the following observations on the latest objections submitted by the Parish Council:

It is difficult for any weight or credibility to be given to the PC's comments that these proposals represent '*the wrong type of development*' given that the PC has itself sought permission for a development featuring smaller houses, with smaller gardens and similar density and site coverage levels just a few metres away from this site.

The site frontage will not be '*a scene of parked vehicles and refuse bins*' because adequate facilities for refuse storage and car parking have been provided within the site and these will be hidden from the Rochester Road streetscene by the new frontage buildings.

There is no housing survey or other substantive evidence that identifies a need for certain types of '*family homes*' within Burham. In any event, all units being proposed are three bedroomed dwellings that feature gardens that are quite generous by modern day standards.

The detached houses each feature two parking spaces including their garages. Tandem spaces were proposed by the PC on its own site and accepted by TMBC & KCC so such an arrangement should be considered equally acceptable at this development.

This proposals do not feature 'townhouses' as is suggested. It proposes terraced dwellings with conventional two storey scale and height, albeit with their loft spaces being utilised to provide an attic bedroom. Townhouses are generally speaking large properties within urban areas that feature three or more storeys (sometimes **plus** attic and/or basement accommodation). National planning policy set out within PPS3 and local planning policy set out within CP1 of the TMBC's Core Strategy demand that previously developed land such as this is developed at the '**highest possible density**' compatible with the surrounding area. Given that terraced development stands immediately adjacent to the site and that terraced units are prevalent within the centre of the village, this proposal of mainly terraced units accords with the Council's own adopted planning policies. A low density development would not accord with the applicable planning policy framework.

It is an unqualified statement and pure subjectivity for the PC to suggest that this development will 'ruin' the mix of old and new development within the village.

The PC is wrong to suggest that the Committee has the power to reject a planning application purely because local residents raise objection. Under planning law the Local Planning Authority must identify that there would be material and demonstrable harm. Moreover, it is wrong for the Parish to claim that '*the village rejects*' the development. Burham has a population of approximately 1200 people according to the 2001 census data yet only 36 letters of objection were received by TMBC in response to the proposals in their original form. Following the submission of amended plans and the submission of detailed factual information in response to various misleading and inaccurate statements made in public by Cllr Davis and the PC (both at an open public meeting and the November meeting of Area 3) the number of objection letters received in connection with the revised proposals numbers just three. The applicant is of the firm belief that many of the original objection letters arose from totally incorrect public statements on planning policy and affordable housing that were made at the public meeting regarding traffic accident records, car ownership levels within the village, the loss of public houses within the village, the historic value of the Fleur De Lys, TMBC's planning policies, affordable housing policies, the types and sizes of units being proposed and the origin of potential occupants.

The applicant has no objection to the provision of yellow lines along Rochester Road in front of the site.

With regard to the latest written submissions from local residents, the applicant wishes to record that although it is true that PPS3 removes the 'minimum' density of 30 DPH, as is mentioned above, there has been no substantive change to the general thrust of national and local planning policy which prescribe that developments should take place at the highest density compatible with immediate surroundings.

The site lies within the historic centre of the village - this is a matter of fact given that there is historic terracing found immediately adjacent to the site, that Victorian community buildings lie close by and a small Victorian terrace can also be found to the southeast. Indeed, in its most recent communication the PC itself recognises that the site is within the centre of the village.

As stated above, there is no tangible evidence that there is any specific need for new four bedroom houses within the village.

The reference to loss of views across the site is unsustainable because loss of view is not a material planning consideration and, in any event, one of the principal characteristics of this side of Rochester Road (particularly within the village centre area) is its developed feel and the sense of enclosure created by the densely packed buildings along the south side of Rochester Road.

Loss of privacy is a technical, measurable issue and the planning officers have not identified any objections to the proposal on such a ground having applied the Council's adopted privacy standards.

Finally, the applicants wish to again make the point that it is entirely normal and expected for local residents to express some concerns when new development proposals such as these are advanced. Indeed, this was the case for the modern development located on the site immediately to the southeast which was strongly objected to by the PC and some local residents. The initial fears and concerns regarding that development clearly no longer remain because the local residents now applaud that scheme and those new buildings have become assimilated into the streetscape and accepted.

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

- 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

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 11 November 2010

Burham **TM/10/01437/OA**
Burham Eccles Wouldham

Outline Application: Demolition of existing public house and redevelopment of site with 12 residential units comprising 9 No. 3 bedroomed houses, 2 No. 2 bedroomed house and 1 No. one bedroomed mews flat with associated access and parking facilities at 125 Rochester Road Burham Rochester ME1 3SG for Blue Ribbon Developments

Private Reps: Two further letters received objecting to the development and making the following comments:

- Application description refers to 10 3-bedroom and 1 2-bedroom dwellings whereas the plans show 9 3-bedroom dwellings and 2 2-bedroom houses
- The site coverage of 24% is misleading as it does not include roadways and parking areas
- Members should view the site prior to making a decision
- Development should be considerably smaller

DPTL: It is acknowledged that there was a typographical error in the application description. This has now been corrected and the appropriate description is as given above.

The comment regarding the site coverage of the proposed development is making a like-for-like comparison with the neighbouring development i.e. not including roads and parking areas when calculating site coverage.

RECOMMENDATION REMAINS UNCHANGED
