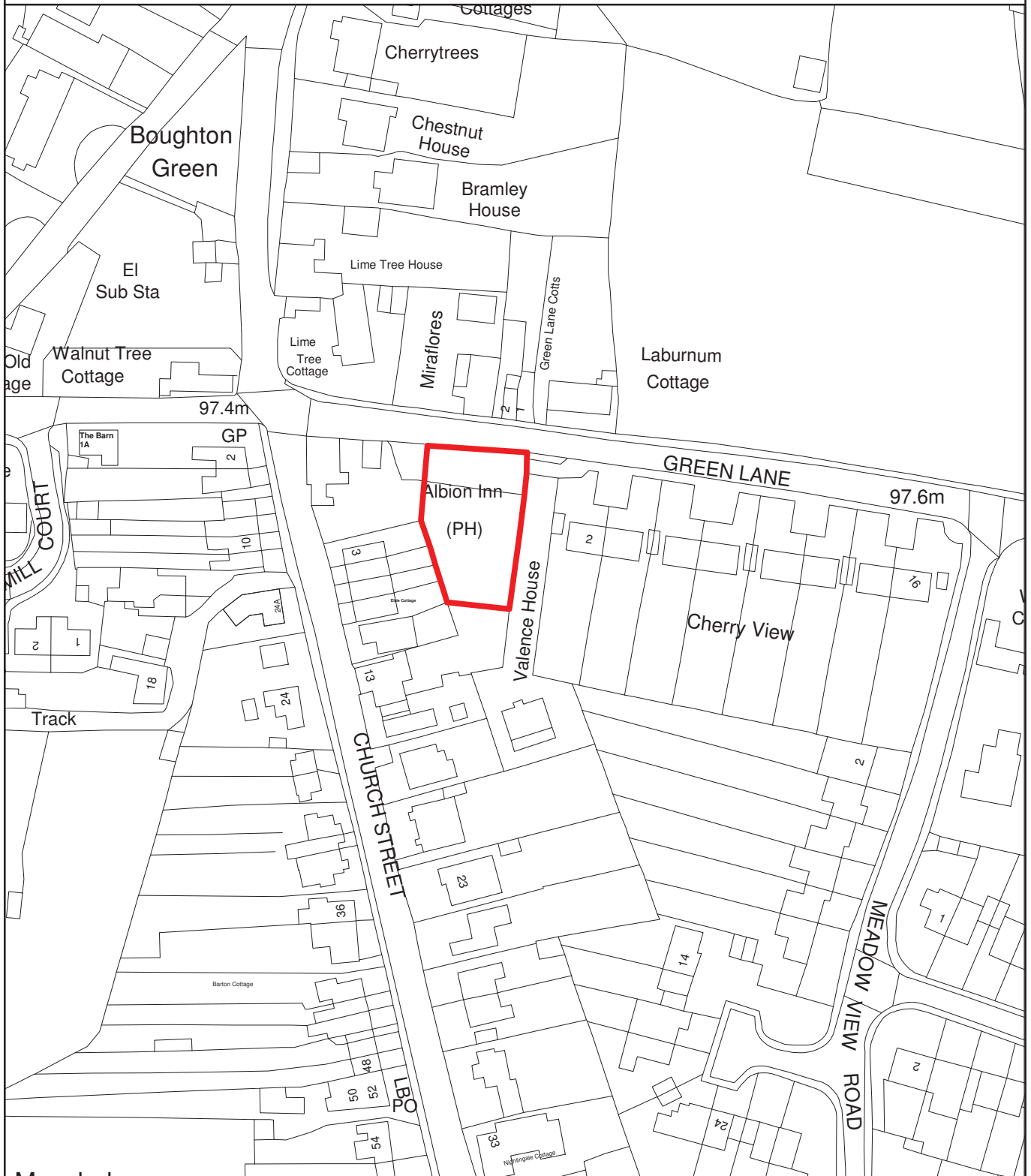


# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0028

GRID REF: TQ7651

ALBION INN, CHURCH STREET,  
BOUGHTON MONCHELSEA.



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**Rob Jarman**  
Head of Planning and Development

APPLICATION: MA/13/0028 Date: 7 January 2013 Received: 20 September 2013

APPLICANT: Mr Joe Bains

LOCATION: ALBION INN, CHURCH STREET, BOUGHTON MONCHELSEA,  
MAIDSTONE, KENT, ME17 4HW

PARISH: Boughton Monchelsea

PROPOSAL: Erection of one pair of semi-detached dwellings with access as shown on drawing nos. 011/020/4-001 RevA, 011/020/4-003 RevA, 011/020/4-004 RevA, and 011/020/4-005 RevA received on 7th January 2013, tree report received on 6th June 2013, heritage statement received on 24th June 2013, and 011/020/4-002 RevB received on 20th September 2013.

AGENDA DATE: 31st October 2013

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Boughton Monchelsea Parish Council.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, H27, T13  
Government Policy: National Planning Policy Framework 2012 (NPPF)

## **2. HISTORY**

MA/11/1937 Erection of two detached dwellings – WITHDRAWN

MA/09/1467 Erection of two detached two storey dwellings with integral garages – WITHDRAWN

MA/08/1986 Erection of two detached two storey dwellings with integral garages – WITHDRAWN

MA/05/1219 Construction of seven houses with integral garages around a central courtyard – REFUSED

### **3. CONSULTATIONS**

3.1 **Boughton Monchelsea Parish Council** wish to see the application refused and reported to Planning Committee for the following reasons:

*"The Parish Council wish to see the application refused for the planning reasons set out below:*

1. *The development will create problems of overlooking with the consequential loss of amenity to adjoining properties contrary to Policy ENV2 of the Maidstone Borough-Wide Local Plan 2000.*
2. *Section 10 of the application form states that there are currently no parking spaces however the existing layby provides space for approximately 9 cars. The application form is therefore inaccurate and misleading.*
3. *The existing bus stop is not shown on the drawings and the existing bus lay-by would no longer exist, meaning that buses would be forced to stop wholly on the road in extremely close proximity to the junction of Green Lane and Church Street.*
4. *The Parish Council was successful some time ago in getting double yellow no-parking lines at the junction of Green Lane with Church Street to assist the bus turning at this junction. If pub customers and visitors to the new properties are forced to park their cars in the adjoining roads, this will be a further hazard and because enforcement of the no parking zone is difficult, will encourage parking on the yellow lines, to the detriment of the bus and other large vehicles using the junction.*
5. *It is reasonable to expect that there would be more than two cars per household for a four bedroom house. Each property is shown with just two parking spaces, therefore creating more pressure for parking at the dangerous junction between Green Lane and Church Street.*
6. *The development is situated directly opposite a designated Conservation Area (The Green). The design and layout is not sympathetic to its location, contrary to Policy ENV13 of the Maidstone Borough-Wide Local Plan 2000. The Borough Council undertook a conservation area appraisal of The Green in 2008. This appraisal included a potential area of enlargement which would encompass the land this development is sited on. We have been informed that the extension to the conservation area is something that the Borough Council will be addressing in the Management Plan which is due to be produced in the near future.*

7. *The land to be used for the development was until recently used as the pub garden and should be retained to provide a valuable open space and community amenity. The open space makes a practical and aesthetic contribution to the amenities of the village and its loss would be contrary Policy ENV22 of the Maidstone Borough-Wide Local Plan 2000.*
  8. *Section 15 of the application form states that there are no trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character. There are trees on the site and therefore the form is inaccurate and misleading.*
  9. *The amended plan shows a further 20% loss of parking capacity for the public house. This is of great concern to the Parish Council, particularly when members commented on the original application about the significant loss of public parking caused by the proposal. The pub is currently shut for business but this is not relevant to this application as the pub could be re-opened at any time."*
- 3.2 **Conservation Officer:** No objections subject to conditions re. samples of materials, external joinery details, submission of a detailed landscaping scheme with implementation details and a maintenance/ management plan and compliance with the arboricultural report.

*"The site lies just outside the Boughton Monchelsea (The Green) Conservation Area. The Albion Inn probably dates from the mid 19<sup>th</sup> Century and is identified in the approved Conservation Area Appraisal as making a positive contribution to the setting of the conservation area. Indeed, the appraisal suggests that this site should be considered for inclusion within the conservation area. In my view the Albion Inn should be considered as a non-designated heritage asset.*

*The site for the proposed houses lies within land currently forming part of the pub garden which constitutes part of the building's setting, although there is no evidence that it has always fallen within the curtilage of the pub – old OS maps suggest that until at least 1908 the land was separated from the pub grounds by a fence or hedge and that the land formed part of orchards which continued to the east. The front part of the site currently is in the form of a lay-by which provides off-street car parking for the pub; immediately behind this is a line of trees which whilst they are not individually good specimens constitute an important visual feature at the entrance to the conservation area. The proposals for the two houses, together with some replacement parking for the public house, eat considerably into the garden of The Albion. Whilst the scheme as now put forward is an improvement over those previously submitted, the buildings having a smaller footprint and being of more appropriate design and scale, there will still be some impact on the setting of the conservation area and of the Albion Inn.*

*A Heritage Statement has now been submitted. Whilst this could be more comprehensive in its scope, I do not fundamentally disagree with its conclusion that the development would have no negative impact on the setting of the conservation area. I note that an arboricultural report has now been supplied and that the Landscape Officer is broadly satisfied with it. If the future of the existing trees can be safeguarded or suitable replacements planted I consider that this scheme is acceptable."*

**3.3 Landscape Officer:** No objections subject to conditions.

*"The applicant has submitted an Arboricultural Report by Sylvan Arb, dated 8 May 2013, following my previous comments of 20 May 2013.*

*This information is considered acceptable and shows the removal 8 individual trees and one group of Lawson Cypress, all being category C trees. It also considers the retention of three individual trees and four groups of trees; all except one Sycamore tree (category B) are described as trees of low quality and value. I have no objection to this proposal on arboricultural grounds subject to a condition requiring compliance with the Arboricultural report and a detailed landscape scheme with implementation details and a maintenance/management plan. However, where trees are of a low classification I would ideally like to see them removed and suitable replacement trees planted to achieve a higher quality and more sustainable scheme in the longer term."*

**3.4 KCC Highways:** No objections subject to conditions relating to retention of parking spaces, pedestrian visibility splays, and provision of footway.

*"The recommended maximum parking requirement for the pub would be in the region of 12 spaces in accordance with SPG4. Currently the pub has parking for 10 cars. The current planning application would result in the loss of 6 parking spaces for the pub, however the applicant has agreed, at our site meeting, to provide an additional parking space for the pub; allowing for 5 spaces and also a footway fronting the parking area on Church Street. Subject to these amendments to the scheme I would not wish to raise objection."*

**3.5 KCC Heritage:** Recommend a condition relating to archaeology.

**4. REPRESENTATIONS**

**4.1** 35 neighbour representations have been received (from 15 objectors) raising the following (summarised) points:

- Loss of and lack of parking for pub.

- Local parking problems.
- Highway safety implications.
- Hazard to bus users.
- Lack of parking for new dwellings.
- Not in keeping with area and existing buildings.
- Will harm Conservation Area and listed buildings.
- Loss of privacy/overlooking.
- Loss of light/overshadowing.
- Loss of green space, trees and biodiversity.
- Unclear which trees are being removed.
- Noise and disturbance from parking in local area.
- Site has been left to deteriorate.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 This is a full application for the erection of two houses as semi-detached properties at land to the east of the Albion Inn Public House, Green Lane, Boughton Monchelsea.

5.1.2 The application site mainly relates to a former garden area of the public house, which has not recently been used, and has been left unmanaged but it also includes a hard surfaced area to the front which is used for parking for the pub. It is immediately south of Green Lane, and east of the public house and its remaining garden, and a row of 4 terraced houses on Church Street. To the west is a private access to 'Valence House' which is south of the site. There are trees along the former garden boundaries including sycamores, holly, and cypress trees/hedging.

5.1.3 The site is within the confines of the village settlement in the Local Plan and the Boughton Green Conservation Area abuts the north side of Green Lane so the site is within its setting. There are also two Grade II listed buildings within 20m being 'Lime Tree Cottage' to the northwest and 'Laburnam Cottage' to the northeast.

### **5.2 Proposal**

- 5.2.1 Permission is sought for two houses as semi-detached properties with off street parking to the front (2 spaces each). The building would be set back 7.6m from the edge of Green Lane with parking and gardens to the front where there is currently hard surface parking. The building's footprint would be 13.8m x 10m and it would be set in 0.7m from the east site boundary. The building's design draws from the Georgian characteristics of the public house with sash windows, a fully hipped slate roof, yellow bricks and chimneys. The ridge height would be 7.7m and eaves 4.8m.
- 5.2.2 The proposals would result in the loss of around 5 parking spaces for the pub leaving 5 spaces. A tree survey and report has been submitted and it is recommended/proposed to remove four sycamore and three cypress trees along the front, and three trees within the site all graded category C trees. It is also proposed to provide a new pavement along the front of the site.

### **5.3 Principle of Development**

- 5.3.1 The site falls within the village boundary in the Local Plan where policy H27 allows for minor housing development. The principle of the development is therefore acceptable. The key issues are the impact upon the character and appearance of the area, the setting of listed buildings and the Conservation Area, residential amenity, and highway safety/parking as considered under the Local Plan and the NPPF.

### **5.4 Impact upon the Character and Appearance of the Area**

- 5.4.1 The site forms an undeveloped space between the public house and large semi-detached houses on Green Lane further east. As outlined above, there are a number of trees along the site boundaries and hard surfacing to the front. Policy ENV22 of the Local Plan relates to open areas within settlements and outlines that regard must be given to their visual contribution, any need to uphold and improve the appearance of the locality, and to conserve wildlife habitats.
- 5.4.2 The sycamore trees at the front are visible beyond the vicinity of the site, and the site, combined with the managed pub garden to the west, do form an undeveloped space at this part of Green Lane. However, my view is that the site does not make such contribution to the local area that development should not be allowed. This is not a heavily developed location where open space can have significant value but is in a medium size village bounded by countryside with open agricultural land only 20m to the northeast. Nor is it of any high aesthetic quality in landscape terms.
- 5.4.3 The proposed layout would see the building suitably set back from the road providing a link between the building line of the pub and 2 Cherry View to the

east. New garden areas would be created to the front to break up the parking with a pavement in front, and I consider this would mark an improvement on the stretch of hard surfacing currently in place. Open space would still be retained in the rear garden and from the left over garden area for the pub. There would also be over a 22m gap from the pub and 11m to 2 Cherry View, ensuring good spacing. Overall, I do not consider development of the open space would be harmful to the area.

5.4.4 In terms of design, there is a mixture of building styles, ages, and sizes in the area. The proposals are simple but seek to follow the Georgian style of the pub and subject to suitable materials (yellow stock brick, real slates, timber joinery), I consider it would be appropriate in its context and I note the Conservation Officer has not raised any objections to the design. The height and mass of the building is also not out of character with nearby buildings.

5.4.5 The loss of trees along the front would be regrettable but they are category C trees (poor form or offering limited current or long-term potential) and are therefore not of sufficient value to preclude development. I consider some replacement trees which can grow alongside the development would help mitigate the loss in the long term. The landscape officer raises no objections subject to a condition requiring compliance with the Arboricultural report and a detailed landscape scheme with implementation details and a maintenance/management plan.

## **5.5 The Setting of the Conservation Area and Listed Buildings**

5.5.1 The Conservation Officer has been consulted and considers the development would not have a negative impact upon the setting of the Conservation Area. He considers the 'Albion Inn' itself to be a non-designated heritage asset but again that the development would not harm its setting. Nor are any objections raised in terms of nearby listed buildings. I agree with this conclusion and feel that the building's design, scale and the space left around it would be acceptable here.

## **5.6 Residential Amenity**

5.6.1 In terms of privacy, the single side windows would serve bathrooms and can be obscure glazed and high opening therefore preventing any overlooking. I consider rear first floor windows would be at a sufficiently oblique angle or distance from the terrace houses on Church Street and their gardens, to the southwest, to prevent any unacceptable loss of privacy. I do not consider any views between properties on the north side of Green Lane would be unacceptable as these front a public road. The houses themselves would benefit from sufficient privacy in their rooms and gardens.



5.6.2 With regard to light, the proposed building would be a sufficient distance from existing buildings so as not to cause any significant overshadowing or loss of light. It would be just over 15m from the nearest terrace house on Church Street and 11m from 2 Cherry View. I also consider that it would be a sufficient distance away from the Church Street houses so as not to result in a poor outlook or be overbearing upon the houses or their gardens. I do not consider any noise or disturbance from the use of two houses would be objectionable as considered by some local residents.

## **5.7 Highways**

5.7.1 Many local residents and the Parish Council have raised concerns regarding the loss of parking for the pub and other highway safety issues. Kent Highways have been consulted and I have met the officer on site to discuss the proposals. Firstly, no objections are raised in terms of 2 spaces for each house with no turning areas. Secondly, it is considered that the loss of 5 spaces (leaving 5) for the pub is not objectionable with the maximum requirement for this sized pub being 10 spaces. The officer has assessed any implications for 'knock-on' parking in the local area and does not consider this would raise any highway safety issues.

5.7.2 I have specifically raised the issue of the bus stop outside the site on Green Lane and the highways officer has not raised any objections to the proposals in this respect. The development and new pavement would be likely to preclude a bus pulling off the road slightly as it may do now, however, if this occurs it is on the applicants land not the public highway. It is not a lay by for the bus but a private land and a parking area for the pub. The highways officer also informed me that the preference is for buses not to pull off the highway.

5.7.3 Overall, no highway objections are raised by Kent Highways and as such there are no grounds for refusal on these matters. Conditions can be attached relating to retention of parking spaces, pedestrian visibility splays, and provision of footway as requested.

## **5.8 Other Matters**

5.7.1 The site is a former pub garden and there are no nearby ponds of any note. I do not consider it has any high ecological value that warrants further investigation and as such I consider there would be not be any harm to ecology interests.

## **6. CONCLUSION**

6.1 It is considered that the value of the site as an open area is not such that development should be precluded and the proposals are considered to be of

appropriate design and layout in terms of the impact upon the character and appearance of local area, including the setting of the Conservation Area and listed buildings. There would be no unacceptable impacts upon neighbouring properties and no highway objections are raised. I therefore consider the proposals to be in accordance with the Local Plan and NPPF and recommend approval subject to the following conditions.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

New external joinery in the form of large scale drawings which shall be of timber construction.

The development shall be carried out in accordance with the approved details;

Reason: To ensure an appropriate appearance and the character to the building in the context of the conservation area.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C and D to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

4. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s), pathways and driveways hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall include

real slates for the roof.

Reason: To ensure a satisfactory appearance to the development.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

6. Before the development hereby permitted is first occupied, both proposed first floor flank bathroom windows shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

7. The approved details of the parking areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

8. Pedestrian visibility splays of 2m x 2m with no obstruction over 0.6m above the access footway level shall be provided prior to the commencement of any other development and shall be subsequently maintained;

Reason: In the interests of highway safety.

9. No occupation of the development hereby permitted shall take place until the provision of a pavement outside the application site has been made. Full details

shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species, and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include replacement trees and hedging at the front of the site;

Reason: No such details have been submitted and to ensure an appropriate setting to the development.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

12. The development shall be carried out strictly in accordance with the 'Sylvan Arb' Arboricultural Report and plan (dated 8th May 2013).

Reason: To ensure appropriate protection of retained trees and vegetation.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

14. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

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

Drawing nos. 011/020/4-001 RevA, 011/020/4-003 RevA, 011/020/4-004 RevA, and 011/020/4-005 RevA received on 7th January 2013, tree report received on 6th June 2013, and 011/020/4-002 RevB received on 20th September 2013.

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

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.

