

OFFICERS REPORT

Application No: Y16/0523/SH
Location: Land Rear 74 High Street New Romney Kent
Proposal Erection of 6 dwellings (resubmission of Y08/0758/SH)

ASSESSMENT

Location of Site: Land rear of 76 High Street, New Romney, Kent

Proposal: Erection of a block of 6 No. 3 storey dwellings with parking to ground floor and associated access and turning facilities.

DESCRIPTION OF SITE

The site is located in the centre of New Romney accessed via the High Street through an undercroft access through Seafeld House, which provides a row of shops to the ground floor facing the High Street with five flats above accessed from the rear (through the undercroft). The site forming the application site previously contained garages and an industrial warehouse building, which was recently demolished. All buildings and resultant materials have been removed from the site except a single unit located to the western end of the site.

The site is located within the New Romney conservation area and is within close proximity to a Grade II listed building No. 78-80 High Street. To the north is St Martin's Field, an area of open space and to the east are the rear gardens of properties fronting Mabledon Close. A number of mature trees overhang the northern boundary of the application site but are positioned within St Martin's Field.

The surrounding area is predominantly made up of a mix of commercial and residential properties, with the commercial properties principally fronting the High Street with flats/business premises above with the more domestic residential properties surrounding the town centre. Most residential properties are generally two storey in character (some with rooms in the roofs) with the larger three storey properties fronting the High Street.

THE PROPOSAL

The proposals aim to provide a terrace of 6 town house style dwellings with the principle frontage facing St Martin's Field with access from the High Street through the existing undercroft access. They would be arranged over three floors with ground floor parking/cycle/storage area, first floor living/dining and kitchen area and second floor bedroom accommodation. 5 x 3 bed houses and 1 x 2 bed house are proposed.

Parking is provided on the basis of two spaces per dwelling (a garage and forecourt space) with turning facilities provided to the eastern and western ends of the forecourt parking area.

The application has been amended to address concerns related to the outdated design being another renewal of the permission granted in 2009. This 2012 extension has now expired. The amendments include lowering the roof heights to reduce the scale of the building, replacing the white render with grey painted timber cladding to address the local vernacular and the removal of rear steps from the first floor to the rear garden of one of the central houses. The houses would benefit from private rear gardens adjoining the boundary of St Martin's Field.

RELEVANT PLANNING HISTORY

Y8/0758/SH - Erection of a block of 6 No. 3 storey dwellings with parking to ground floor and associated access and turning facilities. Approved 27/08/2009.

Y12/0743/SH - Extension to time limit of Y8/0758/SH for the erection of a block of 6 No. 3 storey dwellings with parking to ground floor and associated access and turning facilities. Approved 08/10/2012.

CONSULTATIONS

New Romney Town Council - Recommend refusal. Contravenes policies BE1, BE4 and BE8. This Committee expressed severe concern regarding access/egress, particularly with regard to emergency vehicles, in particular Fire Brigade/Rescue. This Committee requests that the application is considered by the Planning Committee.

Voting: For: 0 Against: 6 Abstentions: 0

Despite the objection raised by the Town Council, the scheme of delegation (10.2.1fi) allows for applications to be determined under delegated powers where an objection is to the renewal of a previous planning permission without stating what circumstances have changed since the grant of the original permission which would justify a refusal. There is no requirement, therefore, in this instance for the application to be referred to the planning committee as the principle of the development proposed has been accepted and the proposal is for a similar application to that already approved.

Kent Highways - No objection.

Design and Conservation Officer - Concerns relating to the outdated design, scale and materials.

The application plans have been amended to address these concerns.

Arboriculture Manager - No objection subject to conditions.

KCC Heritage Conservation Unit - No objection subject to conditions.

Southern Water Ltd - No objection subject to conditions.

PUBLICITY

Neighbours notified by letter. Expiry date 15/8/2016

Site Notice.

REPRESENTATIONS

A letter has been received from St Martin's Field Charity confirming that access to the site from St Martin's field is strictly forbidden.

RELEVANT POLICY GUIDANCE

The following policies of the Shepway District Local Plan Review apply:

SD1, HO1, BE1, BE4, BE5, BE16, U1a, U2, U6, TR6, TR11, TR12

The following policies of the Shepway Core Strategy Local Plan apply:

DSD, SS1, SS2, SS3, CSD1, CSD8.

The following Supplementary Planning Documents and Government Guidance apply:

- National Planning Policy Framework
- Kent Design Guide
 - Strategic Flood Risk Assessment

APPRAISAL

Principle of Development

The principle of development has been accepted by previous application Y08/0758/SH granted in August 2009 for the same development and subsequent extension of time limit application granted in October 2012. Whilst the Core Strategy Local Plan has been adopted there are no specific policy amendments that are a sufficient material considerations which have changed significantly since the original grant of permission and subsequent extension of time limit application. As such, it is considered that the principle of development is acceptable in this location.

The application site is located within FZ3 however the SFRA identifies the site is at low risk of flooding and sequentially suitable. The application has not been supported by a site specific FRA due to this previously being provided with the earlier application. As such the update to flood risk in the SFRA has not been taken in to account (reducing the risk in this location).

Visual Impact

The only new consideration to address from those of the previous applications is the view of the design and conservation consultant who considers the proposed development to be old fashioned and is excessive in scale in relation to the surrounding buildings. Whilst the design, bulk and scale is similar to that previously approved, the design has been amended further to these comments to incorporate grey painted timber weatherboard cladding to replace the white render and to create a more rural feel to the development and the roof ridge heights have been lowered to reduce the perceived scale of the development from St Martin's Field.

Whilst the application drawings state a slate tile is proposed it is recommended that condition details require a clay tile.

The application site, whilst not particularly visible from the High Street, except through the gap created by the existing access way, is highly visible and prominent from Fairfield Road and from the green of St Martin's Field. Currently, the view across the green is the unkempt rear elevation of Seafield House with its continuous ridge line, single storey flat roofed addition, poorly detailed window/door design and external equipment associated with the ground floor retail units (air conditioning units, vent/extraction pipes etc). Therefore, currently one of the most important views from within the historic conservation area, is the one that is most harmful to the character and appearance of the conservation area as a whole. This is further exacerbated by the very open nature of the St Martin's Field green, which affords views of the site from many directions.

It is considered, therefore, that the proposed design does create a varied and interesting roof form, creates a vertical emphasis and domestic character to the dwellings more in keeping with the character of surrounding properties and utilises materials which have been used locally on surrounding developments to create a rural settlement appearance. The positioning of the existing trees on the boundary of St Martin's Field with the application site will also help soften and integrate the development in the surrounding built form and the application offers the opportunity for further landscape treatment to the boundaries, secured by condition.

With regards to the relationship with the flats to the south, the previous permission included the requirement for windows on the south elevation of the proposed dwellings to be obscure glazed. The rear of the flats can be viewed in to at first floor level from anyone accessing the rear of the site (which had a former use) due to the shared flat roof walkway, serving 4 flats. The flat roof area of the flats is used for storage as well and therefore my view is that it is a communal public access rather than private area.

The distance from the proposed south elevation of the townhouses to the rear elevation of the flats is over 16.5m, across a parking and turning area.

In my opinion the distance of 16.5m between windows is acceptable in this instance not to cause harm to amenity by inter/overlooking, given the communal access to the flats, the shared flat roof and the urban nature of the site. As such I do not consider the condition requiring obscure glazing is reasonable or necessary - in fact if it was included it would create unacceptable amenity for future occupants and should be a reason to refuse the scheme. Given the above it is not appropriate to impose such a condition on this application.

The proposal raises no other amenity issues and does not lead to unacceptable interlooking or overlooking of properties to the south of the site.

As such, it is considered that the proposed development would accord with Section 72(1) of the Act and the aims and objectives of policies BE4 and BE6 of the Local Plan, as well as the requirements of the NPPF, NPPG and the listed policies of the CS and adopted local plan.

Local Finance Considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant

authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. In this case, the minimum value of the New Homes Bonus as a result of the proposed development is estimated to be approximately £8k per year, for 4 years (subject to consultation outcome). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The site is located in charging zone B and the CIL levy in the application area is charged at £50 per square metre for new dwellings. Thus, based on a gross internal floorspace calculation of 725sqm, this development would be liable for a CIL charge of £36,250.00 to be paid within 60 days of commencement.

Human Rights

In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

CONCLUSION

In light of the above, it is considered that there have been no significant changes to material planning considerations that would warrant withholding permission for this proposed development subject to the conditions imposed on the previous permissions with the alterations discussed as above.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Richard Elder Position: Planning Consultant Date: 21.12.16

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name:

Position:

Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: ben geering

Position: head of Planning

Date: 22.12.16