

3.2 TM/04/00211/CA Refused 18.10.2005
Conservation Area Consent: Demolition of existing petrol filling station.

3.3 TM/01/01543/FL Refused 31.08.2001
Demolition of existing petrol filling station and construction of two bedroom house.

4. Consultees:

(A) TM/05/01893/FL (relating to original plans):

4.1 PC: We make no comment.

4.2 EA: No objection provided that conditions are imposed on any planning consent requiring investigations to be carried out into contamination.

4.3 DHH: Desk study assessment report has delineated a conceptual model for the site has identified pollutant linkages and concludes that the site carries a relatively high environmental and human health risk in its current condition. A three-staged condition following PPS23 is required for the development;

4.4 KCC (Highways): No objection.

4.5 Private Reps: Art 8 Site and Press Notice + 6/0X/0S/5R. 5 responses received, objecting on the following grounds:

- The existing structure is an important part of the street-scene of Mereworth. To remove a building and replace it with a new building would have a detrimental impact on the character of the street-scene;
- The proposal would have a detrimental impact on the privacy of the adjacent property. The applicant states that there is sufficient tree cover to afford privacy, but this is only the case for the summer months;
- The existing structure currently has a fine covering of wall plantation forming part of the street-scene and adjacent parking area. This would be destroyed;
- The proposal will have an impact on local traffic, noise, smell. The design has no room for off-street parking and therefore there will be even more on-street parking associated with the proposal. The area is already congested with parents collecting their children from school;
- The current usage of the land is welcomed by the majority of residents. In the absence of any other commercial use in The Street, the current tenant provides a useful neighbourhood watch;
- The proposed new building would be very cramped;

- If demolition is refused the owner of the motor cycle restoration business currently occupying half the premises intends to purchase and restore the property fully;
- Although the old 'Globe' Filling Station has not been in operation for a long time, the old 'Globe' sign still serves as a landmark;
- Mereworth has already lost most of the businesses which were operating in The Street. This building is one of the last buildings which give the village of Mereworth its special character;
- There would be virtually no space between the existing detached dwelling at 81 and the proposed dwelling;
- The proposed dwelling would dominate, overlook, overshadow and cause a loss of light to neighbouring residential properties;
- The application site is contaminated and may require a resting period once decontamination has taken place;
- It appears that petrol tanks are possibly partially situated under the adjacent drive. How can work be carried out without neighbouring consent?;
- The submitted plan shows that a space has been left to the rear left of the proposed property and the front right of the detached garage. This space is not a right of way, but there is no indication of its purpose;
- The site is prone to flooding.

(B) TM/05/01902/CA:

4.6 PC: No comment.

4.7 Private Reps: Site and Press Notice + 5/0S/0X/5R. Five letters received, objecting to the application on the following grounds:

- The existing building is charming and appropriately proportioned and positioned and enhances the environment;
- The existing building is a reminder of days when small businesses flourished in villages. Mereworth has already lost most of the businesses which were operating in The Street;
- A new detached dwelling would be cramped and incongruous;
- If demolition is refused the owner of the motor cycle restoration business occupying half the premises has the intention to purchase and restore the whole property;

- The existing property has been used for commercial and business use for a long time and has been used in connection with the motor trade since the 1930s;
- Whilst the Globe Filling Station has not been in operation for a long time, the old 'Globe' sign still serves as a landmark;
- The property has intentionally been allowed to get into a state of disrepair, causing an eyesore;
- Any new building would look out of place next to Laurel Cottage, the oldest property in The Street.

5. Determining Issues:

(A) TM/05/01893/FL:

- 5.1 The main determining issues associated with this proposal are whether the design of the proposal is acceptable within the Conservation Area, and the impact that the proposal would have upon the surrounding locality.
- 5.2 The previous proposal (TM/04/00210/FL) was refused on the grounds that:
- 'the loss of the existing building would be detrimental to the character and amenity of the Conservation Area and that the replacement design and appearance of the proposed new dwelling would not adequately reinstate the character lost or mitigate for the harm caused by the loss of the existing building'.
- 5.3 The proposal has been redesigned from the previous proposal and incorporates detailing and design elements from the existing building and other dwellings within the street.
- 5.4 The adjacent properties are residential and the previous proposal was not refused on the grounds of the principle of a residential use of the site. Therefore, I do not consider that a residential use would be detrimental to the surrounding locality.
- 5.5 Policy ENV15 of the KSP states that 'development should be well designed and respect its setting'. The application site is small in comparison to other surrounding sites, which means that proposals for new development require a careful and sensitive design in order to preserve or enhance the character and appearance of the Conservation Area.
- 5.6 Policy P4/4 of the TMBLP reflects the KSP policy and PPG15, by requiring development proposals within the Conservation Area to demonstrate that the proposal will preserve and enhance the character of the area.

- 5.7 I am satisfied that whilst the building will take up a significant proportion of this compact site, the scale of the development will not look out-of-place in the context of the surrounding properties. The design has been significantly improved since the previous application was considered, and I am now satisfied that the siting of the building in relation to the neighbouring property is acceptable, in accordance with policy P4/4 and P4/11 of the TMBLP.
- 5.8 I am satisfied that the design of the building has been satisfactorily amended to reflect appropriate elements of the design of the surrounding properties and is in keeping with the wider street scene. A condition can be used to require details of joinery and materials to be submitted to ensure that the finer details of the proposal are in keeping with the context provided by the surrounding buildings.
- 5.9 Policy Annex PA4/12 of the TMBLP states that windows which have a flank outlook into the private garden area of an adjoining property will not be permitted. The internal layout of the proposal has now been amended. The windows to the first floor of the proposed dwelling serve a bathroom and landing. The plans show that these windows would be obscure glazed. I am of the opinion that these windows will not result in a significant loss of privacy to the private garden area of the adjacent property. I am of the opinion that the proposal will not result in a significant loss of light or overshadowing to adjacent properties.
- 5.10 No parking is proposed for the new house. Under KCCVPS, the house could attract a requirement for up to two parking spaces. Under current standards the existing use might attract a requirement for up to four spaces. There is currently no off-street parking attached to the site. The lay-by opposite the site is public highway and there are currently no waiting restrictions along this part of The Street. It is likely that suitable space will generally be available for casual use of the lay-by, as it would have been for previous occupiers of the garage.
- 5.11 I note the concerns raised relating to the loss of existing wall plantation. However, this could be removed at any time without requiring consent.
- 5.12 I note the concerns relating to contamination on the site. The applicant has submitted a desk study assessment report which concludes that the site carries a relatively high environmental and human risk in its current condition. In light of this I consider that any planning permission should be subject to a condition requiring that further investigations and satisfactory remediation to be carried out.
- 5.13 I note the concerns relating to flooding. The site is not situated within a floodplain and therefore I am of the opinion that the proposal will not be subject to significant flooding issues.
- 5.14 Intentions of potential purchasers are not material planning considerations.

- 5.15 I note the concerns raised relating to the 'Globe' sign. However, the property is not Listed and the sign could be removed at any time. I do not consider there to be sufficient justification for its retention.
- 5.16 In light of the above, I am satisfied that subject to a number of conditions the proposal is acceptable and in keeping with the character of the Conservation Area.
- (B) TM/05/01902/CA:
- 5.17 The main determining issue associated with this proposal is whether the loss of the existing building will be significantly detrimental to the character of the Conservation Area, in light of the proposed replacement building.
- 5.18 Policy P4/5 of the TMBLP states 'the Borough Council will seek to retain buildings which make a positive contribution to the character or appearance of the Conservation Area'. It states that Conservation Area Consent applications for the demolition of a building within a Conservation Area will be considered with detailed information about what is proposed for the site after demolition, including a full planning application where replacement buildings are proposed.
- 5.19 The existing structure, although not Listed, is a historic building that I feel makes a positive contribution towards the Conservation Area. However, I am of the opinion that the design of the building that is proposed to replace the existing building would preserve the character of the Conservation Area. It is proposed to incorporate existing design and detailing of the existing building and other buildings within the street.
- 5.20 I note the concerns raised relating to the 'Globe' sign. However, the property is not Listed and the sign could be removed at any time. I do not consider there to be sufficient justification for its retention.
- 5.21 On balance, I am of the opinion that the proposal will not be significantly detrimental to the character of the Conservation Area, and that this character will be preserved.

6. Recommendation:

(A) TM/05/01893/FL:

- 6.1 **Grant Planning Permission**, as detailed in plan nos. 773/20 and 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 pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 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.

- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the north, east or west elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.*

- 4 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise responsible person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C and D, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of amenity.*

- 6 No development shall take place until details of any joinery to be used 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.

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

- 7 The windows on the north elevation 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. (R003*)

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

Informatives:

- 1 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 Chief Solicitor, 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.
- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (Q040)

(C) TM/04/01902/CA:

6.2 **Grant Conservation Area Consent**, subject to the following conditions:

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent. (Z023)

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides. (C004)

Reason: To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity.

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