

Mereworth **565946 154293** **14 July 2010** **TM/10/01731/FL**
(Mereworth)
Hadlow, Mereworth And
West Peckham

Proposal: Variation of condition 8 of planning consent TM/99/02352/FL to allow outside seating on patio area with erection of an enclosure of fence/gate
Location: Queens Head 133 Butchers Lane Mereworth Maidstone Kent ME18 5QD
Applicant: Mrs Linda Sutton

1. Description and Reason for reporting to Committee

- 1.1 This application was deferred from the Area 2 Planning Committee of 15 September 2010 for officers to carry out further negotiations with the applicant in an effort to find an alternative method of screening which would be more visually pleasing. The previous main and supplementary reports are attached as an Annex.
- 1.2 The revised scheme is to partially screen the patio on its southern flank with 2 panels of timber palisade 1.8m high and 2 panels of heavy duty trellis also 1.8m high. This will have a total length of 6.6m with a central gap of 1.39m for the ramp. There will be no gate to the ramp but the trellis will return up the sides of the ramp at a height of 0.9m for a distance of 0.9m.
- 1.3 A side gate 0.95m high will be inserted to allow access into the pub garden from the rear bar entrance door.
- 1.4 The screen fence will be set 1.2m back from the edge of the vehicular access to the converted dwellings.
- 1.5 All the timber is to be stained black and feature planting will be added to visually soften the screen. No details of the "feature planting" have been submitted at the time of writing this report but it is envisaged that this would be on the outside within the 1.2m setback from the access. Any further details submitted before the committee meeting will be included in a supplementary report.

2. The Site:

- 2.1 This is as described in the annexed report.

3. Planning History:

- 3.1 This is as described in the annexed report.

4. Consultees:

4.1 Any further comments will be included in a supplementary report.

5. Determining Issues:

5.1 The main issue in this case is the need for acoustic and/or visual screening of the patio area to protect residential amenity of neighbouring residents as required in CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 balanced against the requirements of PPS5 (Planning For The Historic Environment) and the streetscene requirements of Policies CP1 and CP24 and Policy SQ1 of the MDE DPD.

5.2 Members will recall that the fence previously proposed to be erected was an acoustic style with self closing gates in order to minimise noise disturbance. However, that would have had limited impact in terms of noise to first floor windows of neighbouring property and the necessary inclusion of the gates to allow for barrel etc deliveries would also have compromised the level of noise protection afforded.

5.3 In the light of Members' concerns over the oppressive visual impact of the acoustic fence, the revised scheme seeks to have a more open appearance which will not have any acoustic mitigation role but would serve in reducing the harm to visual amenity and ground floor privacy to the cottage opposite.

5.4 The revised design would be more in-keeping with the character and appearance of the Conservation Area and the setting of a listed building, according with PPS5.

5.5 Whilst this means that the concerns of DHH with regard to noise mitigation would not be met, conditions controlling amplification of music or speech to the side patio can be imposed.

5.6 This is a case where there is an inevitable conflict between safeguarding all forms of residential amenity and the interests of the setting of a listed building. However, subject to a condition specifying more detail on the "feature planting", I am of the view that the revisions comply with the changes requested by Members in the earlier resolution to defer this application.

5.7 I therefore recommend approval subject to re-imposed/amended conditions as detailed below.

6. Recommendation:

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 29.06.2010, Location Plan dated 14.07.2010, Photograph dated 14.07.2010, Letter dated 10.03.2011, Photograph dated 10.03.2011, Planning Layout dated 10.03.2011, Elevations dated 10.03.2011 subject to the following:

Conditions / Reasons

- 1 Prior to the introduction of tables and chairs to the side patio:
- (a) 1.8m high palisade/trellis fence with trellis returns of 0.9m high shall be erected in accordance with the details hereby approved and shall be retained thereafter.
- (b) The fence shall be landscaped in accordance with details to be submitted to and approved by the Local Planning Authority and the approved scheme shall be retained thereafter.

Reason: In the interests of residential amenity.

- 2 The acoustic protection details to the residential units approved under ref TM/02/00352/RD shall be implemented and retained as approved.

Reason: In the interests of residential amenity.

- 3 Spaces 1-5 (incl) of the vehicle parking and turning areas approved under ref TM/99/02352/FL shall be implemented and thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 4 The fume treatment system details approved under ref TM/01/02072/RD shall be implemented and retained as approved.

Reason: In the interests of residential amenity.

- 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 Classes A, B, C, D, E, F, G and H, 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 The fencing and gates details approved under ref TM/02/00351/RD shall be implemented and retained as approved.

Reason: In the interests of residential amenity.

- 7 There shall be no additional external lighting of the side patio without the prior submission and approval by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 8 There shall be no amplification of music or speech to the side patio.

Reason: In the interests of residential amenity.

Informative

- 1 You are advised to remove the frontage seating area in the light of the grant of this planning permission for the side patio as a seating area.

Contact: Marion Geary