

Aylesford
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08.07.2005

TM/05/01526/FL

Proposal: Proposed new residential development of one bedroom flats at first and second floor and car parking at ground level
Location: Land Adjoining 91 Mill Hall Aylesford Kent
Applicant: Andrew Fleming

1. Description:

- 1.1 This proposal is for the erection of 2 no. one bedroom flats, with parking spaces underneath. The proposed includes a partially enclosed staircase attached to the southern side of the property. The proposed building will be constructed with brickwork at ground level, with timber boarding at first and second floors under a slate roof. The proposed living accommodation will be provided at first and second floors at a minimum of 8.0m AODN.
- 1.2 The applicant has submitted an acoustic appraisal which states that noise readings fall into NEC A for daytime and NEC B for night time. The applicant is proposing to achieve noise attenuation through the use of thermal insulating double glazed units together with through the wall or window frame ventilators.

2. The Site:

- 2.1 This application site lies within the Mill Hall industrial area as designated on the TMBLP Proposals Map. The site lies on the southern side of Mill Hall, opposite Scott Brothers Paving and just to the north of a row of Victorian terraced dwellings (Nos. 81-97 Mill Hall) at 90 degrees to the highway. To the west of site lies a 1980s single storey industrial unit, whilst to the east lies a timber garage and another row of Victorian terraced properties.
- 2.2 The site is currently disused, apart from some casual car parking. The land rises up from the public highway and is enclosed on three sides by close boarded fencing.

3. Planning History:

- 3.1 TM/90/1461 Approved 13.12.1990
Three lock up garages (not implemented).

4. Consultees:

- 4.1 PC: No objection in principle but we are concerned for the existing residents and would support any concerns they may have as this is a very small site and will add to the local parking problems.

- 4.1.1 We would welcome an acoustic assessment. No objection provided the sound insulation is sufficient to reduce the “anomalous noise peak” to the NEC A and B categories. We note the sound assessment does not take into account the noise effect on the neighbouring properties.
- 4.2 KCC Highways: The proposal could attract one parking space per unit plus one per three visitors parking. The applicant is showing the provision of three off street parking space of suitable size. The width of the room for manoeuvring in front of the bays scales in the order of 5.8m where a minimum of 6.0m would be required. In order to provide adequate manoeuvring room I require that the side walls finish in line with the pillars. This particularly applies to the space to the north, nearest the road. The removal of the protruding wall will ease access and provide pedestrian/driver intervisibility. Particularly important where drivers will be swinging in off of the public highway. Revised details are noted.
- 4.3 DHH: Housing: The proposed development of one bedroom flats will form a Category F House in Multiple Occupation and will therefore be required to comply with relevant fire safety and management standards.
- 4.3.1 Land Contamination: If permission is granted, it should be subject to the standard condition/informative.
- 4.3.2 Noise: The site is located close to industrial/commercial uses. There is a paving factory and storage yard opposite. Initially DHH had reservations about suitability of the site, noise grounds for residential development. The applicant submitted an acoustic appraisal pursuant to Policy P3/17 of the TMBLP 1998.
- 4.3.3 DHH lifts the objections to the application subject to the noise attenuation measures being required (these are suggested in the applicant’s letter).
- 4.4 EA: No objection. The site lies just outside of a Zone 3 flood risk as depicted by the Agency’s flood risk mapping. The applicant has stated that the development will be designed with car parking only at first floor level and above. It is stated that the first floor level will be set at a minimum of 8 metres above ODN, this is some height above the predicted ‘200 year’ static tidal level. It is essential that floor levels be set at this height, as the area does not benefit from an appropriate standard of defence in line with PPG25. With the above in mind, the Agency raises no objection. However, we would request that a condition of planning is attached to any granted permission stating that all living/sleeping accommodation should be set no lower than 6.6 AODN to significantly reduce the risk to life to future occupants. Consideration should be given the type of surface water disposal given the local geological and hydrogeological characteristics of the site.
- 4.5 MKW: No response.

4.6 Private Reps: 13/0X/0S/1R. One letter received objecting on the following grounds:

- Application site plan is incorrect, as includes the front garden of neighbouring property;
- Concerned that Mill Hall is narrow;
- Lack of parking spaces along Mill Hall.

4.7 A8 Site Notice & Press Notice: No response.

5. Determining Issues:

5.1 The main issues to consider are whether the proposal is appropriate development, where the proposal detracts from the visual amenity of the locality and whether the proposal will harm the residential amenity of nearby dwellings.

5.2 The application site lies within the employment designation P5/9(e) of the TMBLP 1998. Under this policy proposals for uses other than B1 (Business Use), B2 (General Industrial Uses) and B8 (Distribution Use) will not be permitted except where they would have no serious implications for the quantitative or qualitative supply of land for employment purposes. This is a very small site (0.02 hectares) adjacent to a number of residential properties to south and east. The Mill Hall area has also been subject to a number of recent planning permissions for residential land on employment such as Aylesford Scrap Metal, Texaco and the bungalow site, where the loss of far greater parcel's employment land was found to be acceptable. Therefore, I am satisfied that a precedent has been set in this particular location to release this very minor parcel of employment land for housing.

5.3 In addition, to the above, Members will be aware that as part of Local Development Framework, the Council has produced a Preferred Options Consultation for Core Strategy and Development Land Allocations for consultation (ends mid November). Under this document, it is proposed to delete the eastern section of the employment allocation for Mill Hall. The application site falls within the eastern part of Mill Hall proposed to be change from employment to predominantly residential. Whilst, this Preferred Options Report is a material consideration for development control purposes, it has very limited weight at this stage of the process. But it must be borne in mind that the current version of PPG3 – Housing assumes that where practical land may be moved out of employment use to provide for housing.

5.4 The proposed flats are relatively modern in design, with the living accommodation at first and second floor, whilst parking is provided at ground. Due to the lower ground levels within the application site compared to the row of terraced properties to the south, the proposed building will still be lower than its neighbours to the

south. Whilst the style and design is different from the dwellings to the south, the property lies immediately adjacent to a single storey industrial unit. The proposal includes a partially enclosed external staircase and oriel windows on the north and east elevations. The proposed building is more akin to those approved at nearby Aylesford Scrap Metal site. The proposed building will be finished externally with timber cladding, slate roofing and fairfaced brickwork at ground level. Therefore, on balance I am satisfied that the proposal will not detract from the visual amenity of the locality.

- 5.5 The proposed development includes two bathroom windows facing towards the nearby residential property of 91 Mill Hall. These windows should be controlled to be obscure glazed and non openable apart from any top hung lights. Thus the proposal will not result in the loss of privacy to neighbouring properties.
- 5.6 The proposal lies to the north of 91 Mill Hall and will not result in the loss of any sunlight to this property. In terms of background daylight, the neighbouring property has a ground floor habitable room at ground level. The main part of the proposed accommodation is 5.1m from 91 Mill Hall. Whilst the distance from the proposed enclosed stairwell is 1.6m to the window, it is set to the side. The neighbouring property stands on higher ground, with a floor level of 1.6m higher. The proposed stairwell just fails the 45 degree rule for background daylight. The applicant has been requested to move the whole building and stairwell 1m to the north in order to meet the 45 degree rule and the more detailed Building Research Establishment daylight tests. The applicant has verbally agreed to agree to this amendment and plans will be submitted shortly. Therefore, I am satisfied that the proposal as to be amended will not result in an unacceptable loss of light or aspect to the neighbouring property.
- 5.7 In highway terms, the proposal will result in the loss of an informal parking area, however, this area is not protected for parking by any planning condition. Therefore, the loss of this informal parking area can not be resisted. The proposed 2 No. one bedroom units will be served by three parking spaces which is just above the maximum requirements under KCCVPS. KCC Highways initially had some concerns over the accessibility of the parking spaces, due to a projecting frontage wall by the access. The applicant has been requested to remove this section and amended plans are to be submitted shortly which will meet this highway requirement, particularly as the dwelling is now closer to the highway. In addition, the existing Mill Hall road is not considered substandard or too narrow to support two additional dwelling.
- 5.8 The application site lies at the edge of the River Medway floodplain and is subject to policy P3/15 of the TMBLP 1998. The EA raise no objection, as the site lies just outside a Zone 3 flood risk area. The applicant is proposing to provide the sleeping and living accommodation at first floor, which will be 8.0m Above Ordnance Datum Newlyn. This is significantly above highest recorded flood levels

in this area and EA's request that the first floor accommodation be no lower than 6.6m AODN. Therefore, I am satisfied that the proposal meets policy P3/15 of the TMBLP 1998.

- 5.9 The application site lies within an industrial area and in close proximity to the railway and therefore could potentially be subject to noise disturbance. The applicant has submitted an acoustic appraisal following a request from the DHH and has also provided clarification on a number of points relating to adjacent industrial operators. The noise readings fall into a NEC category A & B for daytime and night time respectively. The DHH is satisfied subject to the noise attenuation measures relating to windows and ventilators, than the future occupants would have a satisfactory aural environment.
- 5.10 In light of the above considerations, I am satisfied that the proposal is appropriate, that it will not detract from the visual amenity of the locality and will not harm the residential amenity of nearby dwellings. Therefore I support this proposal subject to the receipt of satisfactory amended plans.

6. Recommendation:

- 6.1 **Grant Planning Permission** as detailed by letters dated the 04.08.2005, 07.07.2005 and 13.05.2005, noise assessment report dated 29.07.2005 and by flood plan received on the 16.05.2005 and by plans AF-FA-41A, AF-FA-02B, AF-FA-20B, AF-FA-21B, AF-FA-22B and AF-FA-40B subject to:

- the receipt of satisfactory amended plans for the minor relocation of the building;
- the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five 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 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 4 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs 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.

- 5 No building shall be occupied until the area shown on the submitted plan as a turning area has been provided, surfaced and drained. Thereafter it 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 to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 6 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.

- 7 No development shall take place until details of the means of disposal of surface water has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with these approved details and retained thereafter.

Reason: In the interests of pollution prevention.

- 8 The approved dwelling shall be constructed with a first floor level of no less than 8.0m Above Ordnance Datum Newlyn as detailed in letter dated the 13 May 2005 and that any sleeping accommodation shall be provided at first floor only.

Reason: In the interests of flood protection.

- 9 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 south elevation 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.

- 10 The windows on the south 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.

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

- 11 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 competent 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. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, 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.

- 12 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.

- 13 The noise attenuation measures as detailed in Noise report No. R4878-1 prepared by Isophon Limited and issued on the 29.07.2005, shall be implemented prior to occupation and shall be retained thereafter and maintained to ensure compliance with the aims of the report.

Reason: In the interests of the aural amenity of residents.

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 number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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 The applicant is advised that one bedroom flats will form a Category F House in Multiple Occupation and will therefore be required to comply with relevant fire safety and management standards. The applicant is advised to contact the Director of Health & Housing on 01732 876210.

Contact: Aaron Hill