

1.5 For the purposes of this report, application A relates to the application for full planning permission: TM/07/00274/FL; and application B relates to the corresponding Listed Building Consent: TM/07/00273/LB.

2. The Site:

2.1 The application site comprises Rosalinds Cottage and part of its existing domestic garden. Site boundaries adjoin two new proposed residential dwellings to the south, Crossing Keepers Cottage to the south west, Brassey Community Centre to the north and Medway Court to the east. The application site also includes the existing access point to Station Road, and the proposed access to the bridge approach of Station Road along the eastern boundary.

2.2 Both Rosalinds Cottage and Crossing Keepers Cottage are listed buildings. The site lies within a Conservation Area, Area of Archaeological Potential and a floodplain.

3. Planning History:

3.1 No relevant planning history.

4. Consultees:

4.1 PC: No objection (comments relate to both A and B).

4.2 EA: Comments not yet received. Any comments received will be reported on in the supplementary report (comments relate to A only).

4.3 DHH: No objections to the proposed residential conversion. To safeguard the situation with regard to the use of external amenity areas I recommend that any consent that might be granted be subject to the standard contaminated land condition (comments relate to A only).

4.4 KCC Heritage: Comments not yet received. Any comments received will be reported on in the supplementary report (comments relate to B only). However, it is noted that KCC Heritage have commented on TM/07/00289/FL which relates to the erection of two dwellings in the curtilage of Rosalinds Cottage. Given that those comments relate to the greater application site, I consider them also relevant to this application. They are detailed below:

4.4.1 No objection. The site of the application lies towards the southern extent of the medieval town of Aylesford. Remains associated with the extent of the medieval settlement may be revealed during groundworks and I recommend a condition be placed on any forthcoming consent: requiring an archaeological watching brief to be undertaken.

4.5 Statutory Listed Building consultees (Amenity Societies): No response (comments relate to B only).

- 4.6 KCC Highways: No objection. It is noted that further details relating to parking provision, manoeuvring and access layout were provided and consulted on. Furthermore, the Highways Authority comments related to two applications on the Brassey Community Centre site: this application, and TM/07/00289/FL relating to the erection of two dwellings. Comments relevant to this application are detailed below.
- 4.6.1 The submitted plans show proposals to convert the existing [five] bedroom cottage into two separate units, one two bed and one three bed. The application site is located close to the village centre, but in this location I would expect the full parking provision of two spaces per unit. The geometry of the road and parking restrictions do not permit conveniently located alternative parking.
- 4.6.2 The application site is currently accessed via an existing shared entrance. The proposals show the creation of a new driveway accessed from Station Road bridge approach which would be shared by [two] units (one of the Rosalinds Cottage conversion units and a proposed new house, which is the subject of a separate planning application (TM/07/00289/FL).
- 4.6.3 Access Bridge Approach Road: I am now aware that historically there has been an operational vehicle entrance at this location approved under a previous application. As the vehicle dropped kerbs are still in place and I am unaware of any material changes in circumstances I would accept the reopening of this access. The plan shows the reopened access to be 4.8m wide for at least the first 9.0m – that is acceptable to accommodate two-way traffic. The existing vehicle drop crossing will need to be widened to accommodate the additional width of driveway. The applicant will need to liaise with the Highway Manager regarding these works. All works to be done to his specification and satisfaction.
- 4.6.4 Amendments have been made to the access drive and the on site parking arrangements that I find acceptable. In order to accommodate the needs of all vehicles entering the site the turning head at the end must be available to all vehicles.
- 4.6.5 I would therefore support this proposal (comments relate to A only).
- 4.7 Private reps: (24/0X/0R/0S) + Art 8 and Press Notice (both A and B). No responses received.

5. Determining Issues:

- 5.1 The site is located within urban confines where the principle of residential development of this nature is acceptable, as provided for in policies HP2(C) of the KMSP 2006 and P5/3 of the TMBLP 1998. With regard to application A, the main issues are whether the proposal will adversely affect the listed building and its setting, the character and appearance of the Conservation Area, the amenities of

neighbouring residential properties and the safety and functioning of the public highway. With regard to application B, the key issue is whether the proposal will adversely affect the fabric, character and setting of the listed building.

- 5.2 The key policies to consider in relation to the proposal are policies QL1 and QL6 of the KMSP 2006, and policies P4/4 and P4/11 of the TMBLP 1998. Policy QL1 outlines that the design of development should respond positively to the scale, layout, pattern and character of the local surroundings and not be detrimental to the built environment, amenity or character of settlements, while policy QL6 sets out that the primary planning focus in Conservation Areas is to preserve or enhance their special character or appearance. TMBLP policies P4/4 and P4/11 essentially follow similar lines to the KMSP policies by requiring consideration of scale, mass, form, layout, siting, height, quality of design and materials and their impacts on adjacent buildings and the surrounding area, with particular regard to the preservation or enhancement of the character and appearance of Conservation Areas. With regard to listed buildings, KMSP policy QL8 and TMBLP policy P4/1 state that development involving the alteration or change of use of a listed building will not be permitted unless it would preserve the building and/or any special features and not affect the setting of a listed building. Also relevant is TMBLP policy P7/18 which requires the provision of off-street parking.
- 5.3 As the proposal does not involve the erection of any new buildings, or additions/extensions to the existing Rosalinds Cottage I consider that the proposal will not result in any adverse effects on the setting of the listed building, the character of the Conservation Area or the amenity of neighbouring residents. Landscaped private garden areas and parking spaces are to be provided on site, similar to those already existing in the curtilage of the building. Policy P4/4 refers to the importance of boundary treatment in maintaining the character of a Conservation Area. Given the location within the Conservation Area and the setting of the listed buildings, I consider it appropriate to require the submission and approval of a scheme of landscaping and boundary treatment for the site.
- 5.4 The only external alteration to the building is the removal of one small window on the eastern elevation at ground floor level, and the addition of French doors in its place. From the plans provided the proposed French doors and brick surround will be in keeping with the detailing of existing windows in Rosalinds Cottage. Accordingly, I consider that the proposed external alterations will not significantly change the fabric of Rosalinds Cottage or the character of the building or its setting. However, given the importance of maintaining the character of the listed building, I consider it appropriate to place conditions on both planning permission and listed building consent requiring the submission to and approval by the Local Planning Authority of external materials and joinery details.
- 5.5 Proposed internal alterations to Rosalinds Cottage include the removal of some walls, including some potentially load bearing walls and the installation of some new walls, including a common dividing wall between the two units. An additional

staircase is proposed to serve House 2, with the original being retained to serve House 1. Although the proposal results in changes to the internal layout of the building, it results in a more open layout with the removal of several small utility/bath rooms. Overall, these changes will not significantly affect the internal and external characteristics of the building.

- 5.6 With regard to the conversion of the single existing dwelling within the cottage to two dwellings, and given that changes to the building are minimal and will not result in adverse effects on the residential amenity of neighbours, the remaining issue is whether the proposal will result in adverse traffic effects.
- 5.7 One of the proposed residential units is to be accessed via the existing shared crossing fronting the railway approach on Station Road, with the second unit accessed by a reopened vehicle crossing located adjacent to the eastern boundary of the site on the bridge approach of Station Road. Historically there has been an operational vehicle entrance at this location approved under a previous application. As the vehicle dropped kerbs are still in place and I am unaware of any material changes in circumstances I would accept the reopening of this access. The plan shows the reopened access to be 4.8m wide for at least the first 9.0m – that is acceptable to accommodate two-way traffic. The Highway Authority has assessed the traffic effects of the proposal in combination with a second application relating to the site – TM/07/00289/FL for the erection of two residential units. It is considered that the proposed parking provision of two spaces per dwelling with associated turning area is sufficient and that the proposal will not result in an unacceptable increase in traffic generation. Accordingly, I consider that the proposal is acceptable in terms of P7/18 of the TMBLP.
- 5.8 Comments from EA are outstanding. However, EA commented on a previous application at Brassey Community Centre, TM/03/00035/FL, raising concerns about the need for floor levels to prevent the ingress of flood water and requiring that no sleeping accommodation shall be provided on the ground floor. Conditions relating to these issues were recommended, and supported on appeal, and I consider it appropriate to impose the same conditions on this application. However, EA's comments will be discussed in the supplementary report.
- 5.9 Although no private reps have been received in relation to this particular application, a private rep received for TM/07/00289/FL on the greater application site, raised concerns about the potential for wildlife, particularly newts, to be present on the site given their existence in the vicinity of the site. I have discussed the proposal with Natural England who have confirmed that they have several records of the Great Crested Newt being present in the Aylesford area. Great Crested Newts are protected under Section 9 of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As the proposal includes changes to parking and garden areas, I consider that these comments are also relevant to this application. Given the potential for Great Crested Newts and other protected species to be present in the area and the level of protection afforded by legislation,

I consider it appropriate to require a walkover wildlife survey to be submitted to the Local Planning Authority prior to the commencement of any development on the site.

5.10 I note the comments of DHH with regard to contamination. However, given that this proposal involves no new building works, nor does it involve creating residential curtilage where this does not already exist, I do not believe such a condition to be justified on this occasion.

5.11 Therefore, I consider that the proposed conversion of Rosalinds Cottage into two residential dwellings will not result in any significant material changes to the fabric of the listed building, or adverse effects on the setting of the listed building, the character of the Conservation Area or the amenity of neighbouring residents; and that adequate access, parking and turning provision is proposed and flood plain and wildlife issues can be dealt with by conditions.

6. Recommendation:

(A) TM/07/00274/FL:

6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 25.01.2007, Supporting Statement dated 25.01.2007, Elevations 12 dated 25.01.2007, Elevations 11 dated 25.01.2007, Elevations 10 dated 25.01.2007, Elevations 06 dated 25.01.2007, Elevations 05 dated 25.01.2007, Floor Plan 04 dated 25.01.2007, Floor Plan 03 dated 25.01.2007, Floor Plan 02 dated 25.01.2007, Plan 13 dated 25.01.2007, Design and Access Statement dated 25.01.2007, Block Plan 07 dated 20.04.2007, Site Plan 01 dated 20.04.2007, Letter dated 01.03.2007, subject to compliance with 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 samples of all materials to be used externally 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 samples.

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

3. No development shall take place until details to a scale of not less than 1:5 of all windows and external joinery including fascia details 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 listed building or visual amenity of the locality.

4. The dwellings hereby permitted shall not be occupied until the area shown on the submitted site layout as vehicle parking space has been provided. Thereafter this space 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 it.

Reason: Development with provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

5. No building shall be occupied until the area shown on the submitted plan as 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 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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.

8. At no time shall sleeping accommodation be provided on the ground floor of the building.

Reason: In the interests of safety in the event of flooding.

9. Before any works commence on site, a walkover ecological survey of the site, or any part thereof identified by the Local Planning Authority shall be carried out by a qualified ecologist to determine how the site is used by Protected Species. Details of the survey and an assessment of the impact of the proposed development and any appropriate alleviation measures shall be submitted to and approved by the Local Planning Authority before any works on site are commenced. Such measures shall then be implemented concurrently with the development or in accordance with a programme first agreed with the Local Planning Authority.

Reason: To ensure that any protected species on the site are satisfactorily protected.

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. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
3. The applicant is reminded of the need to liaise with the Local Authority regarding refuse storage and collection and the Fire Service regarding emergency access.
4. Surface water from private areas is not to discharge onto the public highway.
5. The applicant must liaise closely with the Highway manager prior to and during the construction phase to ensure that safety is maintained at all times and to reduce the impact on the free flow of traffic in the vicinity. Suitable on site wheel washing facilities are likely to be required to prevent mud and debris being deposited on the public highway.

(B) TM/07/00273/LB:

6.2 **Grant Listed Building Consent** in accordance with the following submitted details: Report dated 25.01.2007, Elevations 12 dated 25.01.2007, Elevations 11 dated 25.01.2007, Elevations 10 dated 25.01.2007, Elevations 06 dated 25.01.2007, Elevations 05 dated 25.01.2007, Floor Plan 04 dated 25.01.2007, Floor Plan 03 dated 25.01.2007, Floor Plan 02 dated 25.01.2007, Plan 13 dated 25.01.2007, Design and Access Statement dated 25.01.2007, Site Plan 01 dated 20.04.2007, Block Plan 07 dated 20.04.2007, Letter dated 01.03.2007, subject to compliance with 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.

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

2. No development shall take place until samples of all materials to be used externally 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 samples.

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

3. No development shall take place until details to a scale of not less than 1:5 of all windows and external joinery including fascia details 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 or appearance of the listed building or visual amenity of the locality.

4. The standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent). (D009)

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

Contact: Kathryn Stapleton

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 24 May 2007

Aylesford (A) TM/07/00274/FL
Aylesford (B) TM/07/00273/LB

(A) Conversion of Rosalinds Cottage into two dwellings incorporating alterations;
(B) Listed Building Application: Conversion of Rosalinds Cottage into two dwellings incorporating alterations at Rosalinds Cottage 466 Station Road Aylesford Kent ME20 7QB for The Brassey Trust

EA: The Environment Agency's records indicate that the site lies within a Zone 3 tidal flood risk area, this is a High Risk area with a statistical 0.5% chance of flooding occurring in any one year. We are also aware that surface water flooding occurred on this site during 2004 as a result of the surcharging of drains; this was exacerbated by failure of an outfall structure to the River Medway. It is understood that remedial works have been undertaken to resolve the surface water drainage problems.

Considering this application, we appreciate that the site is already in residential usage though this application would result in an increase of residential dwellings within a known flood risk area. Defences against the risk of tidal inundation are present and are considered to offer protection against the tidal flood risk, though the level of protection they currently offer is not considered to take into account the content of PPS25, residential development should be considered against a design life of 100 years. The flood defences in situ would be expected to fall below the required level of protection when taking into account the expected lifetime of the development.

All planning applications within the flood risk areas should be accompanied by a Flood Risk Assessment (FRA) which details the nature of the risk to flooding and all measures proposed to mitigate against this risk. We note that reference is made within the Design and Access statement to the raising of floor levels and ensuring that no ground floor sleeping accommodation is included. However, more detail is required before we could be satisfied that the risk to flooding has been adequately considered.

The proposed finished floor levels should be detailed, as well as details of flood resilient measures to be incorporated into the building to reduce the impact of inundation. Measures to ensure suitable flood warning should also be detailed. At the present time, we are obliged to raise an objection to this application though we may be able to revise our current position in light of additional information.

Additional conditions relating to drainage details and contamination have been recommended should the LPA be mindful to grant planning permission.

DPTL comment: Further to receipt of the response from the Environment Agency, I have advised them that these applications were to be recommended for approval at this meeting. The EA has reiterated its concerns and indicated that, in their opinion, the absence of a Flood Risk Assessment would on its own be sufficient to justify a refusal.

They also say that they would seek to have the planning application referred to GOSE were the Borough Council to resolve to grant permission prior to these issues being resolved.

However, there is also a very clear indication that the EA considers that it may be possible to resolve their concerns, albeit that the route to achieving this is through the submission and consideration of a Flood Risk Assessment.

I believe there are other material considerations that are capable of outweighing the flood risk issues, on this particular occasion. Those other material considerations include the planning history of the site; that there is an extant planning permission for a dwelling on the site whose footprint would be larger than that of the combined footprint of the two new dwellings now proposed (thus providing a “betterment” in terms of loss of potential flood storage capacity); that this scheme is more likely to facilitate funding for the ongoing maintenance and refurbishment of several listed buildings than the currently permitted scheme; and that the proposal for conversion of Rosalinds Cottage will in itself provide for a more secure future for this listed building.

However, in the light of the EA’s continuing concerns, and given the very recently issued advice in PPS25, I consider that there is little choice but to defer consideration of this application in order to give an opportunity for further consideration of these matters in the light of a Flood Risk Assessment, which will need to be prepared and submitted by the applicant.

AMENDED RECOMMENDATION:

(A): TM/07/00274/FL and (B): TM/07/00273/LB:

DEFER