

5. Determining Issues:

- 5.1 The determining issues are set out in my previous main and supplementary reports to the APC3 meeting in May and November 2007. As outlined above, the application was deferred to request further information from the applicant. The key issues relating to 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 (application A); and whether the proposal will adversely affect the fabric, character and setting of the Listed Building (application B) remain as discussed in my previous main and supplementary reports.
- 5.2 Issues pertaining to flooding were discussed in detail in the supplementary report to the November APC3 meeting and remain unchanged. However, further information has been received from the applicant detailing the incorporation of flood mitigation measures into the proposed scheme and consideration is now given to the effectiveness of the measures and their effect on the fabric and character of the Listed Building.
- 5.3 Flood impact mitigation works proposed for Rosalinds Cottage are:
- The sleeping accommodation in the proposed dwellings in the Listed Building is to be kept at first floor level which (as existing) at a minimum of 6.81 is well above the flood level.
 - As only part of the ground floor building remains as raised timber floor it is proposed to replace this last section with an insulated concrete slab and block up the air bricks in the wall.
 - New metal kitchens to be installed.
 - Existing gypsum plaster on masonry (not lath) will need to be carefully removed and then rendered to 300mm above the flood level (a line just above the existing window sill level).
 - Raising services intakes above flood levels and relocating existing and new services and boilers above the flood level.
 - Installing new sealed and secured manhole covers to external drainage and inspection eyes.
 - Installing one way valves to drainage pipes and sealed drainage into the existing sewerage system.
 - Rain water drainage to discharge into soakaways and using permeable paving/gravel in roadways and parking to mitigate the effect of additional hard surfacing in the landscaped area.

- Banking up locally in the garden to allow for ramped access to level thresholds and provide a safe means of escape via higher ground to a place of safety or location for safe evacuation by emergency services.
- Flood warning and evacuation policies and methods to be agreed and notified to owners/tenants/occupants.

- 5.4 I consider that all of the proposed works are minor or internal to the Listed Building and will result in a safer dwelling/building should the site flood. Of the proposed works, only the replacement of a small section of raised timber flooring at ground floor level with concrete slab flooring, and the replacement of existing gypsum plaster with render to 300mm above the flood level will affect the fabric of the Listed Building. With regard to the flooring I note that only one ground floor room of Rosalinds Cottage has raised timber flooring, and thus the replacement of this with concrete slab, in keeping with the remainder of the floors of the building, will not be detrimental to the fabric or character of the Listed Building. The replacement of gypsum plaster with render on internal walls will not significantly alter the internal appearance or character of the building. The remainder of the works proposed to the Listed Building are very minor, such as the blocking up of existing airbricks, or involve potential banking/landscaping works that will not affect the fabric, appearance, character or setting of the building. Flood warning arrangements can be agreed between the applicant and the Environment Agency.
- 5.5 The applicant has also provided further information justifying the need for the proposed development (and the adjoining two dwelling development being considered under TM/07/00289/FL) based on raising funds for The Brassey Trust, a registered charity, to allow for the refurbishment and maintenance of Rosalinds Cottage and to allow for the continuation of the Trust's activities. The figures provided by the applicant outline that the conversion of Rosalinds Cottage into two dwellings and the development of two dwellings within the curtilage (refer application TM/07/00289/FL) will cover the cost of all works and result in a surplus to allow the Trust to continue its activities, and form the basis of a contingency fund for any further works that might be required as a result of flooding. It is concluded that the proposals being considered under this permission and TM/07/00289/FL will provide a more secure future for the Listed Building and The Brassey Community Trust.
- 5.6 The Environment Agency's continuing objection to the proposal is noted, however, I now consider that the latest proposed flood mitigation measures proposed will result in a reduction of flood risk to the site, and will not result in unacceptable consequential effects on the fabric / setting of the Listed Building and the character and amenity of the Conservation Area. In light of the revised details on protection I feel able to revise my recommendation. I have also reviewed the surrounding procedural matters and can now confirm that the grant of planning permission contrary to the Environment Agency's outstanding objection would not require referral to GOSE by this Council.

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, Letter dated 05.12.2007, 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 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 existing 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 layout as vehicle parking space has been provided, surfaced and drained. 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 without provision of adequate accommodation for the parking 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 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 the 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 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.
4. Surface water from private areas is not to discharge onto the public highway.
5. 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.

(B) TM/07/00273/LB:

- 6.2 **Grant Listed Building Consent** 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, Letter dated 05.12.2007, 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).

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

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