



3.2 The buildings in the local area are either large detached structures such as the petrol filling station, the Britannia Windows oastbarns or the 2.5 storey Freemasons Arms. The residential properties in Lakeside and section of Brook Lane, up to the junction with Lakeside are blocks of terraced properties are either 2, 2.5 or 3 storey houses. There is however, one pair of two storey semi detached dwellings in Lakeside behind the application site.

#### 4. Planning History:

TM/07/00547/FL	Refuse Appeal lodged	10 May 2007
----------------	-------------------------	-------------

Demolition of existing dwelling and garage and erection of a purpose built block containing 9no. one bedroom flats with associated parking and amenity areas.

#### 5. Consultees:

5.1 TC: Do not accept the changes addressed previous issues that caused our objection.

5.2 DHH: I am satisfied that the design of the development and the proposed noise mitigation will ensure that residents enjoy an acceptable aural climate and do not wish to object to the proposed development subject to a condition requiring the implementation and subsequent maintenance of the noise mitigation detailed in the acoustic appraisal.

5.3 To safeguard the situation with regard to the use of the external amenity areas I recommend that any consent that might be granted be subject to the standard contaminated land condition.

5.3.1 KCC Highways: This submission follows a previous application that was generally acceptable in highway terms, but was refused under other issues. However, the amended plans show a revised layout including new parking layout. The parking layout includes 5 spaces similar to the original design located along the eastern boundary and 3 to the west of the proposed access. Based on the submitted plans, concerns over the parking bays may be restricted. Revised drawing no. 07-45-01 rev E shows the parking layout revised to address previous comments relating to bays 8, 5 and 6. I therefore raise no objections

5.4 Private Reps: 17/0S/0X/3R. Three letters received, objecting on the following grounds:

- One bedroom flats are not required in Snodland;
- Loss of family home should be resisted;
- Flats will not fit in with local area;

- 
- Lack of parking spaces;
  - Loss of privacy;
  - Boundary wall details need clarifying;
  - Increase in traffic hazards;
  - Access is not safe for the amount of proposed traffic;
  - Proposal will harm the character of the area, particularly as it is in a very prominent entrance point;
  - Parking spaces are not overlooked;
  - Loss of row of leylandii trees;
  - Noise disturbance;
  - Proposed density is too high.

5.5 A8 Site Notice: No response.

## **6. Determining Issues:**

- 6.1 The main issues to be considered are whether the proposal will detract from the visual amenity of the locality, whether it harms the residential amenity of nearby dwellings and whether the proposal would result in hazardous highway conditions and whether the proposal overcomes the reasons for objecting to the scheme for 9 units which is under appeal.
- 6.2 The site lies within the built confines of Snodland and under policy CP11 of the TMBCS 2007, and thus the principle of residential development is deemed acceptable. The type of housing is acceptable, and the density meets the minimum advocated by PPS3. Whilst the principle of residential development on this site is acceptable it must respect the local character of the area and meet policy CP24 of the TMBC 2007 which aims to achieve good quality new development.
- 6.3 The applicant has attempted to address the following grounds of refusal for the 9 unit scheme:
- The proposed building by reason of its size and extent would create an undesirable form of development harmful to the character of the area and contrary to the aim of policy of policy P4/11 of the TMBLP;

- The position of the building adjacent to the site frontage would represent a prominent feature in Malling Road harmful to the street scene and the character of the area generally. This conflicts with policy P4/11 of the TMBLP;
- The position of the proposed car parking spaces in close proximity to residential properties would cause an unacceptable level of vehicle, noise and disturbance, harmful to existing residential amenities and contrary to aim of policy P4/11 of the TMBLP 1998.

- 6.4 The main pattern of residential development surrounding the site is blocks of terraced properties ranging from 2 storey high (2-24 Brook Lane – even), 2.5 storey high (9-15 Brook Lane – odd) and 3 storey high in Lakeside. The properties immediately to the south in Lakeside are two storey high. These blocks of terraces range from groups of 3 to 6 dwellings along Brook Lane and from 3 to 10 dwellings in Lakeside. A number of blocks of buildings are greater in depth and width than the current proposal. Therefore, the apartment block as a form of development is inkeeping with the local area.
- 6.5 The bulk and scale of the proposed apartment block has changed to 2 and 2.5 storey, rather than 2.5 and 3 storey previously sought. This has resulted in the provision of 8 residential units rather than 9. The design of the building has altered by introducing more traditional roof pitches and roof styles, with gabled ends, hipped roofs, as well as a catslide roof. This has also resulted in the bulk of the building being reduced, which is particularly noticeable at the eaves where the eaves heights have dropped from 7.3m and 6.4m down to 5.7m and 4.9m. The footprint of the building has also been slightly reduced. The bulk and scale of the proposed apartment block has been further broken up in appearance by creating a single storey element on the front elevation with a catslide roof. The proposed design also significantly enhances the appearance of the apartment block making it an aesthetically pleasing structure with a variety of different roof styles and pitches, which help to break up the overall scale and massing of the building.
- 6.6 In addition, the proposed apartment block has now been positioned away from the Malling Road and further into the site than the previous scheme thus reducing its prominence in the streetscene. The northeast corner of the building is now 13m from the back edge of the footway compared to 3m under the previous scheme. In addition, the southwest elevation which is first part of the building seen as you enter Snodland will only be two storey. The leylandii trees are to be removed, but they are not particularly attractive specimens nor worthy of protection. Whilst their removal will open up the site, the revised position of the apartment combined with the reduce scale and massing of the building will ensure that the proposal will not dominate the streetscene or detract from the visual amenity of the locality. Therefore, I am satisfied that the proposal adequately addresses the first two grounds of refusal from the previous application

- 
- 6.7 The final previous ground of refusal related to the creation of a large parking area which ran along the full boundary with 2 Brook Lane and 2 Lakeside. The parking areas were immediate adjacent to the rear gardens of these properties. The current proposal has sought to overcome such concerns by repositioning the parking areas to the front of the site and reduced the number of parking spaces provided. The parking spaces are no longer sited adjacent to the rear gardens to any properties. It should be noted that existing parking area lies adjacent to the side boundary with 2 Brook Lane and the proposal essentially matches the existing arrangement. DHH raises no objection to the proposed revised parking arrangement and therefore, I am satisfied that the proposed parking layout will not harm the residential amenity of nearby dwellings.
- 6.8 The proposed development will provide one parking space for each of the 8 apartments. The KVPS require a maximum of one parking space per residential unit. Therefore, the proposal complies with the KVPS. Following amendments required by the KCC Highways, the proposed parking layout and turning area is acceptable.
- 6.9 The proposed repositioned access is as the previous scheme and KCC Highways confirm that they raise no objections to the proposed access arrangements or to the increase in traffic movements resulting from the proposed development. The proposal was not previously refused on highway grounds. I am satisfied that the proposal will not result in hazardous highway conditions.
- 6.10 The proposal will not result in the loss of sunlight or background daylight to neighbouring properties, in light of its siting and orientation, combined with its physical relationship with nearby dwellings.
- 6.11 The proposal includes a number of first and second floor windows in the south elevation facing towards Nos. 1-5 Lakeside, which would potentially result in overlooking and loss of privacy. However, the windows in this elevation will be either high level windows or high level rooflights positioned at least 1.8m above the internal floor level. This will ensure that the privacy of the residents of Lakeside will be protected (but should be controlled by condition).
- 6.12 The new building is closer to 2 Lakeside than the earlier scheme. Nevertheless, given that it lies to the north of the existing dwelling I am satisfied that the relationship is an acceptable one.
- 6.13 In terms of the windows in the east elevation, the first floor windows face towards the rear gardens and windows of Nos. 2, 4 and 6 Brook Lane. The proposed windows serve a bathroom and a secondary window in a living room. Both these windows can be fitted with non opening obscure glazing and controlled by condition. Therefore, the proposal will not result in the loss of privacy to neighbouring properties.

- 
- 6.14 The application is accompanied by an acoustic appraisal, which indicates that very limited mitigation measures are required to ensure that the aural amenity of the future residents will be protected. DHH raises no objection to the conclusions of the report.
- 6.15 I note local residents have also raised concerns over the boundary treatment, surveillance of the parking areas and suggestions that Brook Lane is designated a Conservation Area. In terms of clarification of the boundary treatment, this is a matter which can be controlled by condition. Whilst the surveillance of the parking spaces is considered more than adequate as the parking spaces front onto the Malling Road footway and are directly overlooked by 8 windows and two doors from the proposed apartments.
- 6.16 In light of the above considerations, I am satisfied that the proposal will not detract from the visual amenity of the locality, will not harm the residential amenity of nearby properties and will not result in hazardous highway conditions, therefore, I recommend approval of this proposal.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** subject to the following submitted details: Letter dated 10.01.2008, Location Plan dated 10.01.2008, Noise Assessment dated 10.01.2008, Drawing 07-4501 E dated 12.02.2008 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. 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 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.

5. 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.

6. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

7. 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 any 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.

8. 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 roof of the building 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.

9. The first windows on the east 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.

10. The bottom cill of the first floor windows and roof lights in the south elevation shall be a minimum of 1.8m above the internal floor level. 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.

11. The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

12. The noise mitigation measures proposed within the Baseline Noise Assessment dated November 2006 shall be implemented prior to first occupation of the dwelling to which it relates and shall be retained and maintained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

13. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

14. 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. (R004)

Reason: To facilitate the collection of refuse and preserve visual amenity.

### **Informatives**

- 1 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of injuries by the use of sprinkler systems in all new buildings and extensions.
- 2 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.

Contact: Aaron Hill