

3.6 To the west of the application site are attached two storey residential units.

4. Planning History:

TM/84/10106/ADV Refuse 29 August 1984

Advertisement board 5.3m (17.6ft.) x 0.6m (2 ft.).

TM/99/00663/FL Grant With Conditions 2 June 1999

change of use of shop premises to single occupancy residential

TM/08/01909/FL Refuse 4 February 2009

Conversion of shop and living accommodation into small flats

Planning application reference TM/08/01909/FL is subject to an outstanding appeal to the Planning Inspectorate.

5. Consultees:

5.1 TC: No objection raised.

5.2 KCC (Highways): No objections raised. The previous application was for 5 flats to which no highways objections were raised. This application is for 4 flats and therefore no highway objections are raised on this one.

5.3 DHH:

Environmental Protection: No comments.

Waste Management Services: Has a range of requirements which will need to be addressed separately by the applicant to ensure that they can provide bin and recycling box provision.

Housing – Standards: No comments.

Housing – Enabling: No comments.

Contaminated Land: No objections to the proposed residential use. 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.

5.4 Private Reps: 23/0X/7R/0S + Art 8 + Press Notice: 7 letters of objection received + 1 petition with 95 signatures.

Objections raised:

- Planning permission has already been refused once.
- Lack of parking facilities at the site.
- Lack of parking facilities in the locality, including yellow line restrictions and the car park not allowing for 24 hour parking.
- Approval for multi-occupancy would make it more difficult for Emergency vehicle access.
- No. 78 exits directly on to the access way at the side of the property.
- When referring to the High Street car park in the Design and Planning Statement the word 'public' could be inserted within paragraph 4.3 to make it clear.
- The possibility of a locked gate being erected at the end of the footpath leading to the private parking area at the rear of the application site, to prevent parking from the development.
- The rear dormer is visible in the street scene, ugly, intrusive, overbearing and will detract from the appearance of the roofline.
- Roof windows are not in keeping with the building or sympathetic to the Conservation Area.
- Alterations to the shop front are not in keeping with the original shop front.
- Abundance of flats, some empty, in the area, which will unbalance required housing for the community.
- A single dwelling would be more in keeping - no. 94 granted before Snodland became a Conservation Area.
- Overdevelopment and over intensive use of the site.
- Lack of suitable space for additional wheelie bins and bin stores are a fire risk and have environmental health issues.
- Threat of theft by storage of bikes down a back alleyway.
- Building work will disrupt peace and quiet.

6. Determining Issues:

- 6.1 There are no policy constraints on the change of use of the premises from a retail use. Therefore, the principle of converting the shop with living accommodation to a solely residential use is acceptable in policy terms.
- 6.2 The relevant policies for consideration are Policy CP24 of the TMB Core Strategy, Policy QL1 and Policy QL6 of KMSP. Policy CP24 of the TMB Core Strategy requires good design and quality in new developments, and a respect for the site and its surroundings. Policy QL1 of the KMSP requires that developments respond positively to the scale, layout, pattern and character of their surroundings. Policy QL6 requires that development within Conservation Areas should preserve or enhance their special character or appearance of the Conservation Area, and that any development which would harm the character or appearance of a Conservation Area will not be permitted.
- 6.3 Planning application reference TM/08/01909/FL was refused planning permission by Planning Committee Members as it was considered:
- *The proposed front dormers will create a visually obtrusive and overbearing impact on both this building and wider Conservation Area. As such the proposal is contrary to Planning Policy Guidance Note No.15, policy QL6 of the Kent and Medway Structure Plan 2006 and policy CP24 of the Tonbridge and Malling Borough Core Strategy.*
- 6.4 The current proposal differs from the refused scheme in several ways:
- The dormers that led to the previous refusal have been deleted.
 - The number of flats has been reduced to 4 from 5 by using the roof space (now devoid of front dormers) solely as a bedroom.
 - One further small roof light is provided on the rear roof, now totalling two roof lights on the rear roof slope.
- 6.5 The key consideration in this case is whether the changes in this latest scheme overcome the sole reason for refusal and whether there have been any changes in circumstances that may bring other matters into the equation now.
- 6.6 As the dormer windows on the front elevation have now been deleted, it is clear that the applicant has dealt with the previous ground of refusal in its entirety. In terms of other matters that caused concern during the debate on the last application, it is also of note that the number of dwellings has been reduced. Since the last application there has been no change with regard to the issue of parking provision. There is, therefore, no justification for now seeking to refuse on grounds of the number or size of units or parking matters.

- 6.7 The issue of lack of suitable storage space for additional wheelie bins and bin stores was raised. A bin storage area with a 1m high wooden screen has been shown on the plans, however, concern has been raised that these are a fire risk and may have environmental health issues. No objections have been raised by the Environmental Health Department with regard to this provision, however, there are a range of requirements which will need to be addressed separately by the applicant to ensure they can provide bin and recycling box provision.
- 6.8 Concern has been raised that there will be a threat of theft if bicycles are stored in a bike store at the rear of the site. The bicycle store was added to the application following concerns that there was no vehicular parking or bicycle storage in the previous application. The storage of bicycles would be at the risk of the owner/occupiers and the bicycles can be secured.
- 6.9 In light of the above considerations, I am satisfied that the proposal meets the tests set by the earlier refusal and that no new issues have emerged which militate against the proposal.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 05.02.2009, Planning Statement dated 05.02.2009, Design and Access Statement dated 05.02.2009, Location Plan 0821-0000 dated 05.02.2009, Block Plan 0821-0001 PROPOSED dated 05.02.2009, Proposed Plans 0821-0002 dated 05.02.2009, Proposed Plans 0821-0003 dated 05.02.2009, Elevations 0821-0004 PROPOSED dated 05.02.2009, Block Plan 0821-0006 EXISTING dated 05.02.2009, Existing Plans 0821-0007 dated 05.02.2009, Existing Plans 0821-0008 dated 05.02.2009, Elevations 0821-0009 EXISTING dated 05.02.2009, Email dated 03.03.2009, Email dated 25.02.2009, Other VALIDATION CHECKLIST dated 03.02.2009, Elevations 0821-0005 PROPOSED dated 25.02.2009,

Conditions / Reasons

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. Before any works commence on site, arrangements for the management of demolition and construction traffic to and from the site (including the hours of operation) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of residential amenities and highway safety.

3. 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.

4. All materials used externally shall match those of the existing building.

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

5. The approved bicycle store shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To ensure adequate bicycle storage on the site.

6. The approved scheme for the storage and screening of refuse 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.

Informatives

1. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting 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 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.
3. The applicant is advised to note the provisions of the Control of Pollution Act 1974 with regard to noise and disturbance from construction works. Works should be undertaken between the hours of 7.30am and 6.30pm Monday to Friday; 8am to 1pm Saturday, with no working on Sundays or Bank Holidays. Advice regarding this matter may be obtained from the Director of Health and Housing, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.

Contact: Vicky Bedford