

Aylesford	573030 158964	11 September 2012	(A) TM/12/01762/FL
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Proposal: (A) Conversion of property to 8 self-contained residential units, together with removal of rear additions of roof enclosure to enclosed loading area, additional floor added to rear building and internal and external alterations.
(B) Listed Building Application: Removal of add-ons at rear of listed building, removal of roof enclosure to enclosed loading area, conversion of existing to residential, additional floor added to rear building as part of re-modelling

Location: Aylesford Business Centre 17 High Street Aylesford Kent ME20 7AX

Applicant: Aylesford Business Centre

1. Description:

- 1.1 These applications were deferred from the meeting of Area 3 Planning Committee on 29 August 2013 for a Members' Site Inspection. The inspection took place on 4 October 2013.
- 1.2 A copy of my report to the 29 August meeting is attached as an annex, for ease of reference.

2. Consultees:

- 2.1 No further representations received.

3. Determining Issues:

- 3.1 The main issues are set out in my August report. The following additional comments are made in response to issues raised from the previous Committee discussion or at the Members' Site Inspection:
- 3.2 *Development which does not require planning permission & occupancy of existing office units:* At the site inspection it was clear that some of the units within the existing commercial site are let; this is not consistent with the information which was originally supplied by the applicant's agent in their supporting information. Since the time of submission of the application in July 2012 the General Permitted Development Order has been amended to allow for the change of use of B1 office space into residential accommodation, subject to certain caveats, without the need for an application for planning permission. This does not apply to those parts of the building which are listed buildings (i.e. the building on the frontage with Aylesford High Street) and would not include any operational development (involving new building works) or the use of new floorspace created within any extensions, such as the roof extension on the rear portion of the building.

However, notwithstanding those exceptions, the majority of the buildings on the site could be subdivided into multiple flats without the requirement for planning permission to be sought from the Council. There are 22 lettable units within the building, registered as separate rateable entities, 20 of which are office units which could be converted into residential accommodation under permitted development rights. Therefore, there is a significant permitted development “fall back” position for the site regardless of the actual occupancy of the existing office units.

- 3.3 *Formal position of the Environment Agency:* The Environment Agency has raised no objections to the application subject to conditions with regard to repairing and maintaining the culvert. It is understood that one of the neighbours has spoken with the Environment Agency directly; however, the formal position of the EA is to raise no objections to the application. These applications do not directly affect nor are they affected by any future works to the culvert.
- 3.4 *Contamination:* The applicant has provided a contamination survey with the application carried out by a qualified engineer. The survey contains a walkover survey, examination of the historical and environmental context, a conceptual site model and a preliminary risk assessment. The report concludes that there are no plausible sources of contamination and recommends that no further investigation is required. The Council’s Environmental Health specialist concurs with the findings of the survey and has not recommended any conditions be imposed on any planning permission that may be granted.
- 3.5 *Windows on flank elevations and rear elevation:* The development proposes no new windows to the eastern flank elevation. There is one *existing* window which overlooks the garden area of No. 13 but this is actually proposed to be reduced in size as part of the proposed development. The window is proposed to serve a landing area, and therefore could reasonably be conditioned to be obscure glazed and fixed shut (subject, possibly, to the provision of a ventilation top light). This would prevent overlooking from occurring to the neighbouring property and would improve the overlooking situation, compared to that which currently exists.
- 3.6 To the western flank there are two sets of windows proposed to be installed to serve the enlarged building to the rear of the site. These windows would all serve rooms used for primary habitable accommodation and would offer some degree of outlook onto the neighbouring property to the west (21C High Street). This neighbouring property is of a one-and-a-half storey form with no windows other than a hall window looking towards the application site. In light of this relationship, the development would therefore not unacceptably overlook this neighbouring residential dwelling.
- 3.7 On the part of the building at the rear of the site, including the proposed pitched-roof over existing flat roof extension, there are a number of windows which have been orientated to the north and therefore look towards the rear elevations of properties fronting onto Aylesford High Street. To the west of the site is the Little

Gem Public House which is a commercial property. Overlooking to this neighbour is therefore not an issue. To the east is a residential dwelling at No. 13. At ground floor level the dwelling has a large single storey conservatory. Oblique overlooking to the ground floor and garden area, from the proposed properties, is therefore not as easy as to first and second floor windows which are situated approximately 8-9 metres from the proposed windows. The windows closest to the neighbouring property are a bathroom window and a secondary bedroom window. It would therefore be reasonable to require by condition that the two windows closest to the boundary with No. 13 are obscure glazed and top-hung opening only in order to prevent the risk of direct overlooking to the neighbouring property.

- 3.8 *Increase in height of rear portion above the existing:* The development proposes an increase in height of the existing two storey flat roof building to a two storey building with a pitched roof in order to provide an additional floor of accommodation within a mansard style roof. The existing building measures 7.1m in height, whereas the proposed height would measure 9.1m resulting in a 2m increase. This is in comparison to the neighbouring dwelling (No. 13) which measures 9.4m to ridge. The addition of the pitched roof significantly improves the appearance of the current flat roofed block.
- 3.9 *Sunlight impacts on neighbours through increased ridge height:* The development would mean an increase in ridge height as identified above. Occupants of the neighbouring property (No. 13) are concerned that the development would result in an unacceptable loss of sunlight to their property. The previous Committee report identified that the development would not be unduly overbearing to the neighbouring property. The existing garden area and conservatory is already bounded by a two storey building along the whole length. The northern elevation of the new roof has been hipped; this would reduce the overall impact of the increase in height by sloping the roof away from the neighbours windows at first and second floor level. There would be some impact upon the neighbouring property, especially to the first floor windows, however this window serves a bathroom and not a room used for primary habitable accommodation. The window at second floor serves a bedroom, however, effectively would sit at a similar height to the roof of the new building. The hipped roof design, along with the relative height of the window at No. 13, would mean that no unacceptable loss of light would be caused to this room. Ground floor rooms and the garden area are already considerably impacted by the existing building. The increase in height would not substantially restrict light further to these parts of the residential curtilage of No. 13.
- 3.10 Given the potential to develop much of the site using permitted development rights and the possibility of controlling the potentially most harmful aspects of the development by condition, the development is considered to be consistent with reasonable planning considerations and the thrust of national policy to increase the supply of residential units.

4. Recommendation:

(A) TM/12/01762/FL:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 06.06.2012, Report SITE INVESTIGATION dated 01.06.2012, Flood Risk Assessment dated 05.09.2012, Flood Risk Assessment APPENDICES dated 05.09.2012, Location Plan 11/1067/01 REV B dated 11.09.2012, Elevations 11/1067/02 REV A dated 01.06.2012, Drainage Layout 11/1067/10 dated 01.06.2012, Proposed Floor Plans 11/1067/05 D dated 09.05.2013, Proposed Plans 11/1064/06 E dated 16.05.2013, Proposed Roof Plan 11/1064/07 dated 16.05.2013, Letter dated 05.11.2012, subject to:

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment

3. The following windows shall be fitted with obscured glass and shall be non-opening:

- A. First floor landing window on the eastern elevation serving Unit 7.
- B. Bathroom window in Unit 9, closest to No. 13 High Street, as shown on the plan attached to the decision notice.
- C. Bedroom windows in Unit 9, closest to No. 13 High Street, as shown on the plan attached to the decision notice.

This work shall be effected after the relevant room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 17 of the National Planning Policy Framework.

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. 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: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

5. The development hereby permitted shall not be commenced until such time as a scheme to ensure the improvement and maintenance of the culvert that passes under the property has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timings/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure the flood management of the site and off site is not compromised.

6. The development hereby approved shall be carried out in accordance with the details contained within the approved flood risk assessment by Thomas Mackay Environmental Solutions dated August 2012 and the letter from Geddes Walker Architects dated 5th November 2012 and shall not be altered unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of preventing flood risk to future residential occupants of the property.

7. Prior to the first occupation of the residential dwellings, the following flood resilience measures shall be carried out on the property:

- 1) Water proof render shall be added to the rear wall of the property to a height of 300mm from the base of the property
- 2) All air bricks shall be covered and fitted with passive closure devices.

Reason: To reduce the risk of flooding to the property and future residents.

Informative

1. The Aylesford Stream is designated as a "main river". Under the terms of the Water Resources Act 1991 and associated bylaws, prior written consent from the Environment Agency is required for all works in, on, under, or over main river or within 8 metres from the top of the bank and/or within 15m of the tidal defence. This is termed Flood Defence Consent.

(B) TM/12/01763/LB:

- 4.2 **Grant Listed Building Consent** in accordance with the following submitted details: Location Plan 11/1067/01 REV B dated 11.09.2012, Elevations 11/1067/02 REV A dated 01.06.2012, Proposed Plans 11/1064/06 E dated 16.05.2013, Proposed Floor Plans 11/1067/05 D dated 09.05.2013, Proposed Roof Plan 11/1064/07 dated 16.05.2013, subject to:

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 written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. No development shall take place until details of any joinery to be used 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 preserves the Listed Building and the features of special architectural or historic interest which it possesses and the requirements of paragraphs 131 and 132 of the National Planning Policy Framework (2012).

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