

## SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 6 February 2014

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### **East Malling & Larkfield TM/12/03326/FL East Malling**

#### **Demolition of existing industrial buildings and construction of 10 houses with associated garages, parking, roadways and landscaping at Blacklands Mill Street East Malling West Malling Kent for Ms Annette Barnes**

PC: Welcomes the proposal to reinstate the ragstone wall along Bone Alley public footpath. This boundary has been a problem for some years and it would be a big improvement. As to employment issues it is accepted that this site has been identified as suitable for housing under Local Plans for some time but generally the Parish Council looks to the Borough Council assessing future employment land needs under the Local Plan Review.

Neighbours: Two further letters of representation have been received from neighbours raising the following points:

- Would like to see all rear dormers deleted from the proposed houses so that they have a similar appearance.
- The distance between the proposed houses and those in Middle Mill Road should be greater.
- Raise concerns regarding the condition of the ragstone wall/fence along the opposite side of Bone Alley that form the rear boundary of the properties in Middle Mill Road.
- The adjacent property to the south is served by a private sewer that passes through the application site. Request is made that consideration must be given to maintaining this sewer before, during and after any proposed development and that the developer needs to be aware of this private matter.

DPHEH: From a design point of view I do not consider there is a need for all rear dormers to be deleted so as to give a uniform appearance to the development. With regard to the distance between the existing and proposed houses I can confirm that this varies from 17-22m. These are scaled measurements taken from the submitted plans that vary according to the point at which they are taken. A distance of 17-22m is considered to be sufficient to avoid undue harm, given the existing pattern of development in the locality.

Condition 5 (to prevent the introduction of further windows in the roofs of the new houses) has been recommended to safeguard the residential amenities of the neighbours in the future. This is a condition that is often applied to planning permissions and is used in such

situations to ensure occupants do not have an automatic right (under permitted development provisions) to install new windows, once planning permission has been granted and the new houses have been built and occupied.

Given the current ground contamination within the site and in the interests of future safety it is also considered appropriate to add an additional condition removing Permitted Development rights associated with Class A (enlargement of a dwelling), Class D (construction of a porch) and Class E (outbuildings, swimming pools and fuel storage containers).

In response to the neighbour's comments about the sewer, Southern Water has been consulted on the application and identified the applicant's responsibilities regarding sewers in their response.

The rear boundary of houses in Middle Mill Road falls outside the application site and therefore cannot be taken into account in the determination of this application.

**AMENDED RECOMMENDATION:**

**Add the following condition:**

- 19. 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, D and E of Part 1 Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.**

**Reason: To safeguard the health, safety and amenities of the occupants of the properties.**

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**East Malling & Larkfield TM/13/00551/FL  
East Malling**

**Replacement of self-supporting fence situated behind existing ragstone boundary wall. In addition, replacement of small section of fencing with ragstone walling in keeping with adjoining wall fronting on house at Ivy House Farm 42 Chapel Street East Malling West Malling Kent ME19 6AP for Mr Jonathan Colvile**

EMCG: A further representation has been received including various photos of the previous fence and the current structure both during and after construction. The photographs are reproduced as an appendix to this document.

Neighbours: Four further letters received raising the following concerns:

- Due to personal experience of managing the transfer and containment of vehicle noise it is considered difficult to use computer modelling especially when turbulence of the air between high sided vehicles and the fence is considered as the noise will travel further than any prediction. Predictive software packages can only advise what may happen.
- Theoretical model used in the modelling is not appropriate for the reflective acoustic fence.
- Further information reinforcing residents claims regarding reflected sound and low frequency amplification taken from a motion picture and recorded audio production company's website.
- Concern about the impact the fence could have on air pollution and the impact upon health.
- Concerns about the height, motorway style appearance of the fence and noise problems which have blighted the area.
- Errors in the original report dated 29<sup>th</sup> August which is attached as an annex in the agenda. Incorrect heights are listed in this report. *[DPHEH comment: The concerns about fence height in relation to garden level, road level and the ragstone wall have been clarified in the current report.]*
- The original report states that 3 representations had been received, however 16 are available on the Council's website.

DPHEH: The concerns about fence height in relation to garden level, road level and the ragstone wall have been clarified in the current report.

With regard to the number of representations received, the details were correct at the time the annexed report was prepared last August. Various further representations have been received from the occupants of the three households opposite the application site since that time, the details of which have been included in my latest report.

The comments made about the theoretical model used to calculate sound attenuation have been addressed in the latest report.

The content of the resident's submission of information from a motion picture and recorded production company's website are noted. However, this information relates to recording sound in an enclosed studio and does not relate to sound in the open, as it is in Chapel Street. It is not relevant in relation to the recording/measurement of road traffic noise. The Council has already acknowledged that high frequency sound will not be reflected as much as low frequencies and hence low frequencies will be perceived as louder. However, their volume will not have increased. The submission also refers to the setting up of standing waves. This is not likely to happen in an open setting as the sound would not be

contained. It is therefore considered that the contents of the submission are not relevant to this application and should therefore not be taken into consideration in its determination.

The results of the Noise Monitoring Report carried out by the Councils Acoustic Consultant between 22<sup>nd</sup> and 27<sup>th</sup> January 2014 (referred to in paragraph 3.10 of my main report) have now been received. The average daytime LAeq over the six days for which measurements were taken was 63.2dB. This compares with the assumed level I had used in my calculations of 58dB LAeq; however, as I have mentioned before the attenuation calculation with regard to the fence is NOT a function of the existing noise level, it is a function of the distances involved. The average night-time LAeq over the 5 nights was 56.0dB

The measurements taken by the Council's Acoustic Consultant were carried out over a suitable period of time and showed a fairly consistent average noise level (LAeq), varying by only 2dB between highest and lowest for both daytime and night-time measurements. The 16-hour LAeq and 8-hour LAeq used for the daytime and night-time (respectively) are the appropriate metrics with which to measure daytime and night-time traffic noise.

In conclusion I believe that the noise report is suitable as it can be for assessing road traffic noise at Chapel Street.

#### **MY RECOMMENDATION REMAINS UNCHANGED**

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#### **Alleged Unauthorised Development**

**Aylesford**                      **13/00305/WORKM**  
**Aylesford**

**Holtwood Farm Shop 365 London Road Aylesford Kent ME20 7QA**

No supplementary matters to report.

#### **MY RECOMMENDATION REMAINS UNCHANGED**

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Appendix – Photographs provided by EMCG of fence and wall at Chapel Street.



**93 Mill Street  
East Malling  
Kent  
ME19 6BU**

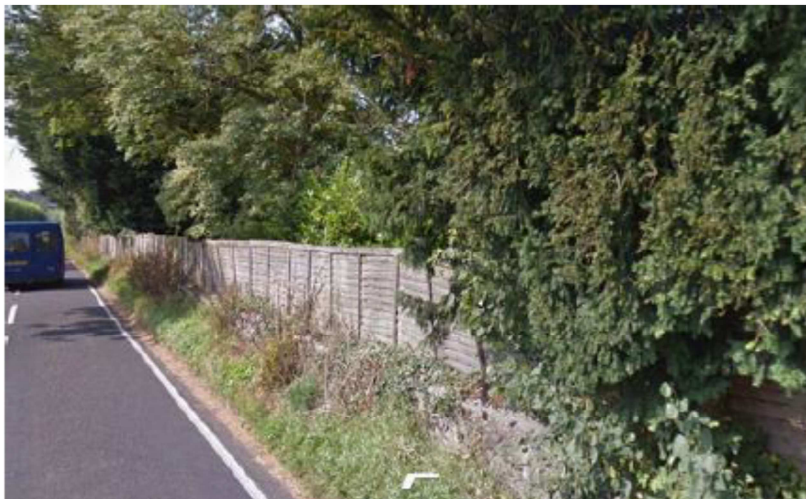
Hilary Johnson  
Development Control  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
ME19 4LZ

26<sup>th</sup> January 2014

Dear Hilary

Ivy House Farm fence and Ragstone wall, East Malling  
Application TM/13/00551/FL

I am aware that you have received several pictures of the fence and its impact on the Conservation Area as well as the neighboring properties but to ensure that all pictures are available for you and the Committee I submit the following: -



This photograph was taken prior to the work and clearly shows the 6ft wide panels, if you scale these the height is less than 2m as stated in the application



The above photograph was taken during the work and clearly shows the removed panels and the new posts, the difference in height appears to be closer to 1m not 0.4m as stated. Another reference point is the profile of the bushes between the two photographs.



The overwhelming impact of the height of the fence can also be assessed when compared to the height of the bus in the above photograph.





This photograph was taken prior to the removal of the old fence; note the relationship between the height of the fence and the road sign



The relationship between the top of the new fence and the road sign should be compared to the previous picture



View from neighbouring house, the red line indicates the intended height