

<b>Aylesford</b> Aylesford North And Walderslade	<b>574706 163073</b>	<b>24 February 2015</b>	<b>TM/15/00494/FL</b>
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Proposal:	Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings
Location:	Former Bridgewood Service Station And Workshop 459 Maidstone Road Chatham Kent ME5 9RX
Applicant:	Mr Tilak Raj Bassi

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**1. Description:**

1.1 Full planning permission is sought for the construction of nine residential units to include six flats and three two storey dwelling houses. The proposed flats are arranged in two blocks; a two storey block of four situated perpendicular to the highway; and two flats to the rear of the site arranged in a two storey building running parallel to the highway. The houses would be arranged in a terrace to the north eastern part of the site and would be of a full two storey form. All of the properties would have off road parking bays (2 spaces per unit) to the frontages and a number of visitor bays would be situated on the new access road situated to the south east of the site. It is also proposed to install bin stores and landscaped areas throughout the site.

**2. Reason for reporting to Committee:**

2.1 Due to the high level of public interest.

**3. The Site:**

3.1 The application site comprises the land formerly occupied by Bridgewood Service Station which has now been demolished. The site slopes gently up from north to south and has a detached single storey dwelling to both sides. The wider street scene is characterised by predominantly single storey dwellings to the north and two storey dwellings south of the site. To the north east part of the site is an existing building which has been used as a car repair workshop (in a B2 use class) although is currently unoccupied. To the west of the site are the M2 motorway and the A229. The application site is situated within the built confines of Bluebell Hill village. The local landscape is of no special designations.

**4. Planning History (relevant):**

TM/04/02324/FL	Refuse	17 December 2004
	Appeal Dismissed	
Demolition of existing service station and erection of 12 no. 2 bedroomed flats with ancillary parking		

TM/13/02561/FL

Approved

14 March 2014

Erection of 5 no. new dwellings with associated landscaping and formation of new access road to dwellings

**5. Consultees:**

5.1 PC: Raise no objections.

5.2 KCC (Highways): Raise no objections subject to conditions.

5.3 Environment Agency: Raise no objections subject to conditions.

5.4 NHS: Requirement for contributions towards the provision of enhanced facilities.

5.5 KCC Economic Regeneration: Requirement for contributions towards enhanced community facilities.

5.6 Private Reps: 9/0X/17R+petition/0S. Objections centre on the following issues:

- Concern about asbestos from the demolition of the existing building
- Impact upon privacy of the neighbours
- Concern with regard to maintenance of boundary fencing
- Lack of parking
- Scale of development
- Flats are out of character with the local area
- Increase in traffic in the local area
- Over development of the site
- Bungalows/family housing would be more in character with the local area
- Not sufficient space for bins within the development.

**6. Determining Issues:**

6.1 The core principles contained within the NPPF seek to proactively promote development to provide a good quality choice of homes and to encourage the effective use of previously developed land which is not of high environmental value. Policy CP11 of the TMBCS seeks new development to be concentrated within the urban confines where there is the greatest potential re-use of previously developed land. Policy CP13 is specifically related to new development within the

confines of the rural settlements of which Bluebell Hill is one. This policy requires that any development is appropriate to the scale and character of the settlement.

- 6.2 The application site is a disused former petrol filling station which has been demolished, leaving an empty and overgrown site which adds little to the appearance of the locality. The site is located within the built confines of Blue Bell Hill village, in an established residential area. Although the Council seeks to be supportive of the retention of business premises within the Borough, the petrol filling station and B2 unfettered usage of the site has the potential to cause significant noise and disturbance for neighbouring residential properties if brought back into use. The partial redevelopment of the site has previously been considered to be acceptable as reflected in the grant of planning permission for 5 dwellings on part of the site. The proposal seeks to create a comprehensive redevelopment of the site as a whole, including the former petrol filling station and the B2 unit. As such, the broad principle of developing this site for residential purposes is supported.
- 6.3 Policies CP24 of the TMBCS and SQ1 of the MDE DPD seek to ensure that all development is of a high quality design, and to protect, conserve and where possible enhance the character and distinctiveness of the local area. This includes the distinctive setting of and relationship between the pattern of the settlement, roads and the landscape, urban form and important views.
- 6.4 The application site is located on a part of Maidstone Road which is now a cul-de-sac, with the cutting for the M2 on one side. The dwellings on the same side of the road as the site are mostly bungalows and chalet style dwellings although there are two detached two storey houses and a pair of semi-detached two storey houses towards the end of the cul-de-sac. All of the properties are of varied design and appearance which leads to a mixed character in the local area.
- 6.5 The development proposes the construction of a total of 9 units comprising 6 flats and 3 houses. The dwellings would be constructed across the entirety of the site with a new access created to the south western corner. All of the dwellings would be well spaced and would have sizeable garden areas and parking provision. This would allow for a spaciousness to be created throughout the site and prevent a sense of overdevelopment. The dwellings would be set back from the road which would also allow for an area of landscaping to be planted along the site frontage. This would soften the appearance of the dwellings from the road and decrease their dominance within the street scene.
- 6.6 The proposed buildings would be of a two storey form which would reflect the scale of other dwellings within the wider locality and would prevent them from being overly prominent or incongruous. The proposed building on the site frontage which would accommodate four flats would run at an angle to the public highway.
- 6.7 As with the previously permitted development of five dwellings, the current proposal seeks permission for a small enclave of dwellings of a simple and

modern design. This design would not mirror the appearance of any of the other dwellings within the immediate locality and would not reflect the prevailing pattern of local development whereby all dwellings directly front the public highway. However, the development would allow for a visual cohesion across the site itself, creating a small development of individual character. Given the mixed appearance of properties more generally in the local area, and the size of the development proposed it is able to create an individual character of its own. Whilst the proposed dwellings would not front the public highway in the same way as other properties on Maidstone Road, or mirror them in design terms, it is considered that the proposed development would not significantly erode the established character of the locality and would in fact bring back into use a derelict piece of land which in visual terms should be welcomed.

- 6.8 The application site is situated between two residential neighbours, no. 455 to the north and no. 467 to the south. With regard to the residential amenity of these properties no. 467 would have the site access adjacent to its northern boundary and 4 visitor parking spaces. The new dwellings proposed to the rear of the site would be approximately 35m from the rear elevation of no. 467. Given this separation distance, the general topography of the site, and the angle of outlook from the new dwellings it is not considered that the new dwellings would result in a loss of residential amenity and privacy that would be harmful to the occupants of no. 467. The separating distance would also mean that the proposed dwellings would not perceivably or actually over dominate no. 467. No adverse impact would therefore be caused to the residential amenity of this neighbouring dwelling.
- 6.9 With regard to the residential amenity of no. 455 to the north of the site, this dwelling sits at a lower level than the application site. The proposed development would feature a pedestrian access along the southern boundary of 455. The nearest residential development proposed to no. 455 would be a two storey block of four flats. These flats would be approximately 36m from the side elevation of no. 455 and also separated by the communal garden area for the flats. Whilst it is acknowledged that the application site is higher than the neighbouring property it is considered that, due to the separation distance, the flats would not appear overbearing or lead to a significant loss of light or privacy to no. 455. The site layout is such that the flats would not result in an unacceptable level of overlooking of no. 455. The terrace of three houses proposed to the rear of the site would not result in an unacceptable loss of privacy to no. 455 due to the angle of outlook from the new dwellings. In order to protect privacy and minimise outlook into the immediate rear garden of no. 455 from the front elevation of the end terrace house, it is considered appropriate that the nearest window to the boundary should be obscure glazed. This window serves a bathroom and its glazing can be controlled by condition. The other window on the front elevation of unit 9 would serve a bedroom. This window would be positioned at such an angle to the neighbour that overlooking would not be able to occur. There are no windows proposed to the side elevation of unit 9.

- 6.10 The proposed dwellings would be located towards the end of the garden area of no. 455, slightly away from the shared boundary and at an angle to the dwelling house. It is acknowledged that the application site sits on higher ground than no. 455 to the north. The distance of the development however from the neighbour and its most private garden area would mean that the proposed dwellings would not be unacceptably overbearing. In order to ensure that no ground raising would be able to occur which may unacceptably impact upon the relationship between the new dwellings and the neighbour, a condition requiring slab levels to be submitted would be imposed upon any planning permission.
- 6.11 To the rear of the site are properties which front onto Hallsfield Road. These neighbours are situated 95 metres from the application site. No adverse impact would be caused to their residential amenity through overlooking or by the development being overbearing to them.
- 6.12 An existing car repair building is located within the north eastern portion of the application site. The building and the land surrounding it have a lawful unfettered B2 use. This use, along with the position of the building itself in relation to the proposed garden area of Units 5 and 6, would have a detrimental impact upon the residential amenity of future occupants of the site through noise and disturbance as well as the building being overbearing to Unit 4 if the site was only part developed. In order to overcome these concerns it would be reasonable to require the B2 unit be demolished and the resulting spoil be removed from the site prior to the first occupation of the residential development.
- 6.13 Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated by the development can adequately be served by the highway network.
- 6.14 The development proposes the provision of two car parking spaces to serve each dwelling. This would be sufficient provision to serve the residential development and accords with the requirements of IGN3. Maidstone Road is restricted by double yellow lines and therefore it would not be possible for car parking to spill out of the site onto the public highway. The future use of the units for houses in multiple occupation would be likely to result in substantial pressure for parking in the development, especially given the lack of available on road parking. Although there is no indication within the submission that this would happen or is the intention of the developer, in order to ensure there is sufficient parking to serve the development in this instance, it is considered reasonable to remove normal permitted development rights for the conversion of dwellings to houses in multiple occupation.
- 6.15 KCC Highways has raised no objections to the proposed development in terms of site access and layout. The site accesses onto Maidstone Road which is a cul-de-sac and where vehicle speeds should be low. There would be good visibility

from the access road for both vehicles and pedestrians. Concern has been raised with regard to the increase in traffic associated with the proposed use. The construction of nine units would result in traffic movements; however, the lawful use of the site is as a petrol filling station/B2 unit which could result in considerable traffic movements if used to its full potential. The proposed development would therefore not result in a harmful increase in traffic movements over and above the lawful use of the site.

- 6.16 As there are issues with on road car parking in the locality, planning conditions relating to the parking of construction vehicles and space for delivery vehicles should be imposed in order to ensure adequate highway safety during the period of construction. As such, subject to these conditions, there would be no adverse impact caused to highway safety.
- 6.17 The application site has been laid out with bin stores inside the development for residents to keep their bins in a tidy manner. It would be necessary for the bins to be walked to the edge of the highway on bin collection day, however, the visual benefits of setting the stores back into the site would outweigh the need for residents in needing to wheel their bins to the site entrance and this is not an uncommon requirement of developments of this scale and nature in any case.
- 6.18 Due to the former use of the site there is potential for contamination to have occurred historically. The site was decommissioned when the buildings on the site were demolished and at this time the fuel storage tanks were removed; however, no remediation works were carried out. The submitted contamination report identifies that elevated levels of hydrocarbons were found within the ground. This contamination report was originally commissioned for a commercial end use and therefore the site specific target levels derived in the risk assessment are not relevant to the proposed residential development. In light of this, it is necessary for the site to be reassessed with the proposed end use with residential gardens in mind. This can be controlled by way of a planning condition should Members be minded to grant planning permission.
- 6.19 Requests for financial contributions have been received from the NHS and KCC Economic development. Since the time of the original submission the number of dwellings has been reduced to 9 and the development therefore no longer meets the threshold for such contributions.
- 6.20 Neighbours have raised issue with regard to the potential for asbestos in the existing building. This is not a material planning consideration as the control of asbestos is regulated by the Health and Safety Executive. However, it would be prudent to draw this matter to the attention of the applicant by way of an Informative.
- 6.21 Taking into account the above, the proposed development would represent an acceptable re-use of a currently unused site. Subject to conditions, the development would not have a detrimental impact upon the visual or residential

amenity of the locality, would not have a harmful impact upon highway safety and would resolve contamination issues. As such, the development would comply with development plan policy and I recommend that planning permission is granted

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 05.05.2015, Proposed Plans and Elevations 4748-71 dated 05.05.2015, Proposed Plans and Elevations 4748-72 dated 05.05.2015, Proposed Plans 4748-73 dated 05.05.2015, Street Scenes 4748-74 dated 05.05.2015, Location Plan 4748-76 dated 05.05.2015, Email Fm agent dated 21.05.2015, Letter Fm acoustic consultant dated 21.05.2015, Noise Assessment dated 21.05.2015, Email Fm agent dated 21.05.2015, Site Plan 4748-70A Proposed dated 21.05.2015, Email Fm agent dated 11.05.2015, Section 4748-77 dated 11.05.2015, Email Fm agent dated 24.02.2015, Design and Access Statement dated 13.02.2015, Environmental Assessment dated 13.02.2015, Assessment Site specific risk dated 13.02.2015, Environmental Survey dated 13.02.2015, Report A,B \_C Pitting investigation dated 13.02.2015, Existing Site Plan 4748-55 dated 13.02.2015, Proposed Plans and Elevations 4748-57 Bin \_ cycle store dated 13.02.2015, Location Plan 4748-58 dated 24.02.2015, and subject to the following conditions:

**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 Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out only using the approved external materials.

Reason: In the interests of visual amenity.

- 3 The buildings hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

Reason: In the interests of visual amenity.

- 4 The area shown on the drawing number 4748-70A as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority

before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking,

- 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 including details of fencing and walling. 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

- 6 Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall only be carried out in accordance with the approved details.
1. Details of any flues, grilles and vents to be installed including location, dimensions, colour and material.
  2. Details of electricity and gas meter boxes and any external pipe work including their location on the buildings.

Reason: In order to protect the visual amenity of the locality and to maintain the high quality design.

- 7 Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.



- 8 The access details shown on the approved plans shall be completed prior to the use of the site being commenced and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

- 9 Prior to the first occupation of the development hereby approved the building to the north east of the application site in a B2 use shall be dismantled and removed from the site in its entirety.

Reason: In order to protect the residential amenity of the future occupants of the new dwellings from noise and disturbance.

- 10 No development, other than the demolition of any building, removal of hardstanding, ground investigations or site survey works, 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.

- 11 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of

noise in accordance with BS8233: have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, and 35 dB, 16-hr (day) in living rooms and 40 dB LAeq, 16-hr (day) in kitchens/dining rooms with windows at least partially open. The noise levels for gardens and other outdoor spaces should not exceed 55 dB LAeq, 1-hour. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: In the interests of the residential amenity of future occupants.

- 12 The bathroom window on the front elevation of unit 9 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the unit to which the window(s) relate is occupied and shall be retained thereafter in perpetuity.

Reason: To minimise the effect of overlooking onto adjoining property

- 13 Prior to the development hereby approved commencing details of the slab levels of the proposed buildings and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of visual and residential amenity.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class L of Part 3 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- 15 No piling or any other foundation designs using penetrative methods shall occur on the site without the prior written consent of the Local Planning Authority.

Reason: To prevent pollution of controlled waters.

- 16 The development hereby permitted shall not be occupied until the highways improvements including the reinstatement of the pavement along the site frontage and the installation of a vehicle crossover type have been carried out and brought into use.

Reason: In the interest of highway safety

#### 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

Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@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 The applicant is reminded that the existing building may contain asbestos and therefore advice should be sought from the Health and Safety Executive regarding its safe removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Contact: Robin Gilbert