
Snodland Snodland East And Ham Hill	569859 160591	7 May 2015	TM/15/01431/FL
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Proposal:	Demolition of an existing detached house and garage and the erection of a block of 8 no. single bedroomed flats with associated parking and amenity facilities
Location:	Dene Hall 269 Malling Road Snodland Kent ME6 5LE
Applicant:	Mr G Dunne

1. Description:

- 1.1 It is proposed to demolish the detached two storey dwelling on the site, known as Dene Hall, together with a double garage and to erect a block of 8 x 1 bedroom flats with associated parking and amenity facilities. Three units would be provided on each of the ground and first floors with a further two on the second floor. The proposed building would be positioned parallel with the southern boundary and would be 2.5 stories in height. The second floor units would be accommodated within the roof space, served by a mix of dormers and roof lights.
- 1.2 The building would have a maximum height at ridge level of 8.8m with an eaves height of 5.4m. The slab level of Dene Hall is currently set below that of Malling Road. The slab level of the new building will however be set "at grade" rather than set at a lower level to the highway.
- 1.3 The proposed residential development will be served by a vehicular access that would be slightly re-positioned to the west, close to the junction with Malling Road. A total of 8 parking spaces (one for each unit) would be provided. Five of these would be aligned at right angles to the eastern boundary of the site, with the remaining three at a slight angle to the west of the access, in front of the building. Some landscaping is shown along the southern and north western boundaries of the site.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr David Lettington.

3. The Site:

- 3.1 The application site lies within the built confines of Snodland, on the junction of Malling Road and Brook Lane, opposite the Freemasons Public House. To the south west of the site lies the Ham Hill Petrol Filling Station. The site contains a detached two storey dwelling house with separate double garage. The site falls away to the rear of the site backing onto the residential properties in Lakeside. The site contains a number of conifer trees fronting onto Malling Road. Vehicular access to the site is from Brook Lane and a large hardstanding area lies in front of the garage.

- 8 flats are excessive. There is no need for further flats.
- Proposal will add to parking problems in the area.
- Brook Lane is already parked up by residents and pub visitors.
- One space/flat is insufficient. No spaces are provided for visitors.
- Concerns about safety at the vehicle entrance onto Malling Road, near a bus stop used by children. There should be a pedestrian crossing.

6. Determining Issues:

- 6.1 This application is considered in relation to the following Core Strategy policies and relevant paragraphs of the NPPF. These include policy CP1 (sustainability), CP11 (development within the built confines of Snodland), CP24 (standard of development). Relevant policies from the MDE DPD include SQ1 (high quality design), and SQ8 (Highway safety).
- 6.2 In summary these policies recognise that new development can be accommodated within the built settlement confines of Snodland and the re-use of previously developed land should be promoted. High quality design is encouraged which should reflect the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting and appearance. New development should not result in harm to residential amenities of neighbouring properties and should not significantly harm highway safety.
- 6.3 In addition to the policy context it is necessary to have regard to the recent planning history for this site, including two previous appeal decisions and a similar approval for 8 flats in 2008. This planning history forms a key material planning consideration in the assessment of this case and is outlined as follows:
- 6.4 Planning application TM/07/00547/FL proposed the demolition of Dene Hall and the erection of a block of 9 x 1 bedroom flats with parking. The application was refused on the grounds that the building would create an undesirable form of development harmful to the character of the area, would represent a prominent feature in Malling Road and would involve the provision of parking places in close proximity to the neighbouring property resulting in noise disturbance.
- 6.5 This application was the subject of an appeal where the Inspector concluded that the development was unacceptable because the siting, size and scale of the building would represent a bulky and excessively dominant form of development out of keeping with its surroundings. Additionally the noise and disturbance arising from the use of the car park would have given rise to unacceptable nuisance to neighbouring residents. The appeal was dismissed.

- 6.6 A second application was submitted under TM/08/00074/FL, this time to erect a block of 8 x 1 bedroom flats with parking. This was refused for similar reasons to the 2007 application and was also subject of an appeal.
- 6.7 In this case, the Inspector noted that the building would be set back from the road frontage, the overall roof height would be minimised and some articulation would be incorporated into the design of the elevations. The Inspector did not regard the appearance, scale or massing of the building as being incongruous or excessive in bulk for this site and noted that the area lacked any discernible uniformity in design. For these reasons the Inspector concluded that the introduction of this development would not cause any material harm to the character and appearance of the area or that the block would appear unduly out of place or dominant and the appeal was allowed.
- 6.8 Given the above planning history it is necessary to consider the differences between the current application for 8 flats and the scheme allowed at appeal, also for 8 units.
- 6.9 The building the subject of the current application is described by the applicant as displaying strong elements of the Kentish vernacular with a significant amount of design detailing and articulation. The building has been designed with gables and pitched roof dormer windows. The use of brick with timber weatherboarding to the first floor is welcomed and renders the overall design of the building acceptable within its wider setting.
- 6.10 The 2008 scheme involved setting the building deep into the ground, requiring a significant reduction in site levels with associated drainage and viability issues. The current application seeks to construct a building "at grade" rather than setting the entire structure down below prevailing ground level. Similarly the proposed maximum height of the building would be 8.8m, compared to the existing house which is around 8.4m. Whilst the proposed building would be marginally greater in height than that permitted in 2008 and also the existing building, it is not considered that this would make a noticeable difference to the visual amenities of the locality.
- 6.11 The building would be set back from the highway and would respect the building line of the adjoining row of houses in Brook Lane. There is a row of non-indigenous conifer trees along the western boundary, but it is proposed to replace these with more appropriate native planting. This can be secured by a planning condition.
- 6.12 IGN3 states that within sustainable urban locations one space for a one bedroomed flat is considered to represent an acceptable level of parking. The current proposal would provide a total of 8 spaces which therefore meets the identified standards. Confirmation has also been received that the re-positioned vehicle access meets adopted standards and would have adequate vision splays.

A number of conditions and informatives have been recommended to cover the highway aspects of the proposal.

- 6.13 Neighbours have also made reference to the lack of need for a block of flats in this location. The Council endeavours to provide a range of house types across the Borough to meet anticipated need. Demand is not determined by the planning system; however there is a Borough- wide need for this type of unit. The Council's SHMA 2014 identifies a need to focus on smaller units within the market sector (1 and 2 bedrooms) in the Medway Gap area, given the aging demographic as well as higher pricing levels and significant levels of under occupation. This development accords with this desire.
- 6.14 There has also been a request for a pedestrian crossing in Malling Road. Whilst such a facility may be of benefit for residents in the area, such provision would not be reasonably related to the development in question and could therefore not be required of the developer.
- 6.15 In association with the application a Noise Impact Assessment was carried out to evaluate the impact of noise on the site, which is primarily from the adjacent road network. The report suggests a series of mitigation measures to ensure that acceptable internal noise levels can be achieved inside the relevant rooms of the proposed development. It is agreed that mitigation measures will be required in relation to glazing, construction and ventilation. Specific details will however be required of the proposed acoustically screened mechanical ventilation system to be used. Noise insulation measures are incorporated between sensitive uses, such as bedrooms and the communal areas of the development, and this would be secured through the Building Regulations.
- 6.16 A block of 8 flats has previously been viewed by a Planning Inspector as an acceptable form of redevelopment for this site and this forms an important material planning consideration. Whilst there has been a change in the policy context with the introduction of the NPPF there remains a presumption in favour of sustainable development and, moreover, a strong emphasis placed on the need to provide housing, with a clear focus on concentrating such provision on previously developed land.
- 6.17 It is also acknowledged that there has been a change to the visual appearance of the proposed building, its slab level and height. Notwithstanding these alterations the site remains capable of accommodating a 2.5 storey building without resulting in overdevelopment or an overbearing impact. The design would be appropriate in this location and the building would not stand out as a dominant or obtrusive feature in Malling Road.
- 6.18 In conclusion the proposal would provide an acceptable solution to the previously accepted principle of a block of flats on this site. The standard of accommodation to be provided would be satisfactory, subject to the imposition of safeguarding conditions. It is therefore recommended that planning permission is granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 17.06.2015, Proposed Elevations KWTP/157 03 dated 17.06.2015, Design and Access Statement dated 26.05.2015, Letter dated 30.04.2015, Noise Assessment dated 30.04.2015, Email dated 07.05.2015, Design and Access Statement dated 07.05.2015, Location Plan dated 07.05.2015, Proposed Plans and Elevations KWTP/157/01 dated 07.05.2015, Block Plan dated 30.04.2015, Topographical Survey SOS-TOPO-101 01 dated 30.04.2015, 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. 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 floor 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 rooms are 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 rooms are 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.

15. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

16. The premises shall not be occupied until the existing vehicular access to the site has been closed permanently.

Reason: To ensure the safe and free flow of traffic.

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. 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 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.

3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
5. You are advised to discuss issues concerning the installation of noise insulation between sensitive uses (such as bedrooms) and the communal areas of the proposal, (in particular the stairwells and bedrooms adjacent to kitchen/lounges), with your Building Control consultant.
6. During the demolition and construction phases the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730-1830 hours, Saturday 0800 to 1300 hours, with no such work on Sundays or Public and Bank Holidays.
7. The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires are not held at the site.

Contact: Hilary Johnson