

**Aylesford**  
Aylesford North And  
Walderslade

**25 April 2017**

**TM/17/01135/FL**

Proposal: Retention of six apartments and three houses with associated landscaping and formation of new access road to dwellings. Revised scheme to that approved under TM/15/00494/FL 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: Creo De Vere Ltd

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## **1. Description:**

- 1.1 This planning application proposes the retention of the six apartments and three houses that are nearing completion. The application is a revision to the scheme granted under TM/15/00494/FL as the scheme as built differs from the approved plans in a number of ways in that the external finishing materials vary and rooflights have been added to the north facing roof slope of unit 3, the east facing roof slope of unit 4 and the north and west facing roof slopes of units 6, 8 and 9.
- 1.2 Internal reconfiguration has led to the provision of a 2.4m by 1.8m first floor study to units 8 and 9 and units 3,4,6,8 and 9 now feature a bedroom in the roof space. There has though been no change in the overall number of bedrooms in each unit, nor in external bulk and form of the buildings. The parking layout within the site has also been amended to increase the number of parking spaces from 18 to 24.

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

- 2.1 At the request of Cllr Sullivan due to the planning history of the site.

## **3. The Site:**

- 3.1 The application site comprises the land formerly occupied by Bridgewood Service Station and the adjacent car repair workshop, both of which have been demolished and replaced with the development of six apartments and three houses that is nearing completion.
- 3.2 The site slopes gently up from north to south and has a detached single storey dwelling to both sides. The land to the rear of the site falls away so that the houses fronting Hallsfield Road are considerably lower than the application site. The wider street scene is characterised by predominantly single storey dwellings to the north and two storey dwellings south of the site. To the west of the site are



TM/16/03478/RD      Approved      17 January 2017

Details of conditions 2 (samples) and 3 (colour) submitted pursuant to planning permission TM/15/00494/FL (Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings)

TM/17/00079/NMA

Non material amendment to planning permission TM/15/00494/FL: Velux windows on units 3 and 4

TM/17/00246/FL      Application Withdrawn      28 March 2017

Section 73 application to vary condition 17 to insert roof lights

## **5. Consultees:**

5.1 PC: No objection

5.2 KCC (H+T): No objection

5.3 Private reps: 10 + site notice/0X/19R/7S

19 letters of objection received raising the following objections:

- Applicant should be made to build the two storey houses approved and not allowed to extend into the roofs to create additional bedrooms as the plans for this were refused so consequently the current application should also be refused;
- Building larger than previously approved;
- Applicant building out refused scheme;
- Unnecessary to build into attic spaces;
- Out of character with surroundings;
- Additional parking should not be permitted but the original landscaping approved should be provided;
- Buildings exceed what was given permission for and should therefore be refused;
- Loss of privacy from installed roof light windows;
- No positive benefit for the local area;

- Rubbish piled against the boundary fence, leading to damage to neighbouring property;
- Eco credentials of development are impressive but do not justify the actions of the developers;

7 letters of support have also been received making the following points:

- Roof lights could not cause overlooking;
- No increase in the number of bedrooms contrary to the view of the objectors;
- Additional parking is an improvement;
- Development fully in line with local and national planning policy.

## **6. Determining Issues:**

### Procedural matters:

- 6.1 Section 73A of the Town and Country Planning Act makes direct provision for the determination of planning applications on a retrospective basis. Whilst it is very often frustrating for objectors to be confronted with such scenarios, we are bound to assess these applications in precisely the same way as we do with prospective submissions i.e. in accordance with the development plan unless material considerations indicate otherwise. This, of course does not automatically mean that retrospective applications will be granted but rather the consideration of the scheme as it currently stands must take place afresh.

### Planning considerations and assessment of current scheme:

- 6.2 Given the location of the site within the rural settlement confines of Bluebell Hill village, the principle of the development in its revised form remains acceptable in the broadest of terms. The main policies relating to development of this nature require a high quality built environment that respects the site and its surrounding context.
- 6.3 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. 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 previous planning permission forms the “benchmark” against which any subsequent assessment must follow. The main issues to consider in the assessment of this application therefore can be summarised as follows:

*Intensity of development:*

- 6.5 The number of overall units within the development remains as previously approved as does the layout. The submitted drawings indicate that the number of bedrooms is as approved but with the addition of a first floor study to units 8 and 9. The intensity of the development has therefore not altered over the approved scheme.
- 6.6 I would also highlight that there is no basis in terms of adopted policy to seek to cap the number of bedrooms within a residential development such as this; additional rooms within the individual units do not automatically render the scheme unacceptable. Instead, an assessment must be undertaken as to whether the resultant impact of the additional rooms would cause unacceptable harm. With this in mind, I can advise that in this instance, as the increase has not resulted in an enlargement of the built form, the differing internal configurations would not give rise to any further impact that would justify a refusal of planning permission. This is discussed further below.

*Visual impact and built form:*

- 6.7 I consider that the physical form of the buildings in terms of bulk, form and detailed design is acceptable in visual terms. There is some variation in these respects from the approved scheme, principally the change in facing materials and minor changes to the roof shape but these variations are minor and in visual terms would have no further impact on the site and the surrounding area.

*Residential amenity:*

- 6.8 It is recognised that the insertion of roof lights particularly within the north and east facing roof slopes of the development have the potential to impact on levels of privacy. It is for this reason that a planning condition was imposed upon the previous planning permission restricting such development in the future. The imposition of restrictive planning conditions does not mean that the type of development restricted can never take place, but rather that an assessment as to the impact must take place before any permission can be granted. It is important to equally recognise that such impact would be determined entirely by the exact position of such windows and their resultant relationships with their immediate surroundings.

- 6.9 The roof lights have been installed with a minimum cill height from the room floor level of 1.7m. This height is set because it is a commonly held principle that insertion of windows at such a height removes any potential for harmful overlooking to occur from them.
- 6.10 Notwithstanding this position, it is clear that one principle concern of neighbouring residents centres on the potential to be overlooked from these roof lights. With this in mind, Officers have visited the units in question and have inspected each of the roof lights to establish what can be seen from each of them. This analysis has shown that the roof lights, due to their height and position within the roof slopes, do not result in overlooking or a loss of privacy to any surrounding properties. The roof lights are therefore considered to be acceptable. It is considered appropriate to include again a condition restricting permitted development rights for the installation of additional windows to ensure that any future windows are not installed in positions that would have a negative impact on privacy levels.

Parking:

- 6.11 The scheme provides for a total of 24 parking spaces which is an increase of 6 over the permitted layout. The additional parking would result in the loss of some small areas of landscaping within the site itself but this would not be to the detriment of the overall character and appearance of the development when viewed in the existing street scene. The additional parking exceeds the minimum standard set out in IGN3, and is therefore considered to be acceptable.

Other material planning considerations:

- 6.12 For the avoidance of any doubt, the development as built does not replicate the scheme previously refused planning permission. The buildings retain the two storey character and appearance of the approved development and do not feature the additional height and east facing windows that raised previous concerns resulting in the earlier refusal. Linked to this, it should be remembered that it is not possible to control how the internal space in a dwelling is used and therefore it is not possible to restrict the internal use of the roof space.

Conclusions:

- 6.13 Whilst it is appreciated that there is local frustration about the retrospective nature of this application, and the way in which the developer has gone about various matters since the previous grant of planning permission, such frustrations cannot be material to the determination of this application. The previous grant of planning permission is an important consideration and a judgement must be made as to whether the scheme remains acceptable in planning terms. A careful and thorough assessment of the potential impacts has taken place and I conclude that in all respects the development is acceptable. As such, the following recommendation is put forward:

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Environmental Assessment dated 25.04.2017, Planning Statement dated 25.04.2017, Floor Plan P01 dated 25.04.2017, Elevations P02 dated 25.04.2017, Floor Plan P03 dated 25.04.2017, Elevations P04 dated 25.04.2017, Floor Plan P05 and elevations dated 25.04.2017, Drawing P06 slab levels dated 25.04.2017, Drawing P07 dated 25.04.2017, Drawing P08 dated 25.04.2017, Block Plan P09 dated 25.04.2017, Parking Provision P10 dated 25.04.2017, Planting Plan P11 dated 25.04.2017, Drawing P12 dated 25.04.2017, Drainage Statement P13 dated 25.04.2017, Site Plan P14 dated 25.04.2017, subject to the following conditions:

**Conditions:**

1. The area shown on the drawing number P11 CR 17010 rev A 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,

2. The scheme of landscaping and boundary treatment shown on drawing number P11 CR 17010 rev A 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

3. 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.

4. 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

- 5 The contamination remediation scheme approved under TM/16/02206/RD shall be implemented before the first occupation of the development or any part of the development hereby permitted.

(a) 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.

- 6 Internal noise levels shall be 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.

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

- 7 The bathroom window on the front elevation of unit 7 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

- 8 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

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevations or roof slope 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.



**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.

Contact: Robin Gilbert