
Borough Green Borough Green And Long Mill	561012 157179	27.09.2005	TM/04/02445/FL
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Proposal:	3 no. 3 bedroom dwellings and associated works
Location:	34 Maidstone Road Borough Green Sevenoaks Kent TN15 8BD
Applicant:	Mr And Mrs Jakobsson

1. Description:

- 1.1 Members will recall this application was deferred from the meeting of 18 May 2005. Members were minded to refuse but requested a report from the Chief Solicitor. This appears in Part 2 of the Agenda.
- 1.2 In the meantime, the applicant has submitted a further revised layout of the engineering and other works that will be necessary in the car park in order to reduce pedestrian and vehicular conflict and to create a safe and adequate access for the development.
- 1.3 As before, it shows one passing bay by cutting into the bank to Maidstone Road. However, this is now shown to have less angled splays to aid manoeuvrability. The vehicular entrance area to the A25 is now shown to be hatched to a much greater extent (12m rather than 8m) to prevent parking blocking the junction.
- 1.4 The existing steep pedestrian ramp from Maidstone Road into the car park is still shown to be replaced with a 15m by 1.5m wide ramp parallel to Maidstone Road.
- 1.5 The car park plan is now shown with parking bays marked. Parking bays to the east of the recreation ground entrance are shown as 2 parallel spaces to allow an access of adequate width.
- 1.6 The remainder of the development proposed is as described in the previous committee and supplementary reports (Annex 2).

2. The Site:

- 2.1 This is as the previous reports.

3. Planning History:

This is as the previous reports with an additional new application detailed below:

- 3.1 TM/05/02817/FL No yet determined – in abeyance
3 no. houses with integral garages and on-drive parking plus associated works to recreation ground car park (resubmission of TM/04/02445/FL)

3.2 In addition, the application to install floodlights to the tennis courts at the recreation ground was permitted in August, subject to the floodlights not being operated after 2200 hours.

4. Consultees:

4.1 The responses of consultees to the original scheme are detailed in the previous reports.

4.2 The revised car park proposals have been sent to the KCC (Highways) and the PC and any further representations will be reported in a supplementary report.

5. Determining Issues:

5.1 The determining issues are largely as previously reported.

5.2 The additional information provides further clarification regarding the engineering and other works that will be necessary in the car park in order to reduce pedestrian and vehicular conflict and to create a safe and adequate access for the development.

5.3 Members will note that a new application identical to that hereby reported has recently been submitted. However, no fee has been paid and the application is in abeyance at the request of the agent.

5.4 My recommendation to approve this application remains unchanged but is updated where appropriate.

6. Recommendation:

6.1 **Grant Planning Permission** as detailed by letters dated 01.10.2003; 12.07.2004; 08.12.2004; Certificate B date stamped 13.07.2004; drawings 103/04;106/01B; 106/02; 106/03; site location plan date stamped 03.12.2004; access details date stamped 27.09.2005 subject to:

- The applicants, Parish Council and any third party interests entering into a Section 106 legal agreement to ensure:
 - a) the provision and retention in perpetuity of passing bays in accordance with details to be first submitted to and approved by the Local Planning Authority;
 - b) the provision and retention in perpetuity of a signed and ramped pedestrian access in accordance with details to be first submitted to and approved by the Local Planning Authority;

c) the provision and retention in perpetuity of lined parking bays, of a marked direct pedestrian route and measures to prevent parking within the passing bays or proximal to the junction with the A25 in accordance with details to be first submitted to and approved by the Local Planning Authority;

d) all building materials to be stored only within the garden of the application site and not the Borough Green Recreation Ground Car Park;

e) all construction traffic to be parked only within the garden of the application site and not the Borough Green Recreation Ground Car Park.

- The following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five 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 there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The boundary treatment shall be implemented as approved before the first occupation of the dwelling hereby permitted and retained thereafter. 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. (L003*)

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.

- 3 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.

- 4 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.

- 5 No development shall take place until details of the sheds and refuse store have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 6 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 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 the roof or western flank elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.
(D013*)

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 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 Class A, B, C, D,

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

Reason: To enable the Local Planning Authority to control development in the interests of amenity.

- 9 No construction works on any of the dwellings hereby permitted shall be commenced until the access from the A25 and associated passing bays and ramped pedestrian access have been constructed in accordance with details that have been first submitted to and approved by the Local Planning Authority. The approved access road, pedestrian ramp and associated passing bays shall be retained for such use in perpetuity.

Reason: In the interests of highway and pedestrian safety.

- 10 There shall be no gates to the access road or to the driveways to the new dwellings hereby permitted.

Reason: To prevent vehicles blocking the vehicular access whilst any gates are being operated.

- 11 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.

- 12 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 13 No building shall be occupied until the area shown on the submitted plan as turning area 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 and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 14 The internal layout of the dwellings hereby permitted shall be constructed in exact conformity with the approved plans and there shall be no habitable rooms with windows or other openings to the front elevation of the dwellings hereby permitted.

Reason: In the interests of the residential amenity of the new development.

- 15 No development shall take place until details of the means of disposal of foul and surface water have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008*)

Reason: In the interests of preventing pollution and protecting amenity.

Informatives:

- 1 Details to be submitted pursuant to condition 9 shall be expected to show parking bays within the Borough Green Recreation Ground car park of a minimum depth of 4.8m and passing bays of overall minimum dimensions 4.1m by 8m.
- 2 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.
- 3 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 the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@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: Marion Geary