

Borough Green 560999 157326 4 September 2007 TM/07/03298/OA
Borough Green And
Long Mill

Proposal: Outline Application for the construction of 1 no. 2-bedroom and 1 no. 3-bedroom dwellings with communal amenity/garden space and 4 no. parking spaces
Location: Land Rear Of 19-29 Station Road Borough Green Sevenoaks Kent
Applicant: Mr Ruse

1. Description:

- 1.1 The application is in outline form with the matters of layout and access to be considered at this stage. The matters of scale, landscaping and appearance are reserved for future consideration.
 - 1.2 Whilst the scale of the proposed dwellings does not form part of this submission, the applicant has indicated that the ridge height of the dwellings would be 6.9m above ground level.
 - 1.3 The two dwellings would be contained within one 'L' shaped building. The long sides of the building measure 14m x12.5m. The first floor of the dwellings has been designed to be single aspect.

2. Reason for reporting to Committee:

- 2.1 The application has generated significant local interest and is controversial.

3. The Site:

- 3.1 The site lies within the settlement confines of Borough Green, to the rear of the dwellings at 19-29 Station Road. The application site occupies an area of raised land, part of which is used by local residents for casual car parking and the remaining area is overgrown with vegetation.
 - 3.2 Vehicular access to the site is from Station Road, via a private drive that provides access to a number of dwellings located within and to the rear of Station Road.

4. Planning History:

TM/80/146 Refuse 21.04.1980

Outline application for the erection of three houses

TM/80/923	Refuse	23.09.1980
Outline application for erection of a pair of semi detached dwellings with two garages		
TM/82/108	Refuse	21.06.1982
	Appeal dismissed	28.01.1983
Outline application for two semi-detached houses with garages		
TM/85/964	Refuse	23.09.1985
Outline application for detached bungalow and garage		
TM/94/0043/OA	Refuse	28.06.1994
Outline application for the erection of one bungalow		

5. Consultees:

5.1 PC: Objection.

- The bulk of the development is totally over bearing on the rear of the existing cottages in Station Road and to the east of the development.
- Does the proposed development reduce the overall and current parking provisions for all existing residents?
- Highways input of traffic levels is required in this already severely restricted area.
- Current site drainage is inadequate - standing water frequently occurs for long periods.
- New building construction works must not be permitted to prevent full access to existing properties or interfere with existing rights of way.
- Insufficient space for visitors/recycling/refuse/emergency vehicles.
- Attention is drawn to the existing bund mound (not shown on the plans – query the extent of its removal).
- Last para. of the supporting statement is incorrect – no recent changes to traffic flow, Station Road has been one way for 30 years.

5.2 KCC (Highways): The submitted plans show proposals to develop a vacant site to the rear of Station Road. The proposal is to provide a block of mews style two storey cottages with one or two bedrooms and parking provision.

This is an outline application and full details are not provided; parking requirements for two bedroom units could be up to two spaces each to meet the full parking provision

Access to the site is gained via an existing shared access from Station Road, which also serves a number of other properties within the cul de sac.

It is noted that some on-street parking takes place in Station Road, but is sometimes at a premium. A large public car park is situated a short distance away in Western Road and provides some free parking. The public car and on-street parking is managed and overseen by the local authority.

In this instance, I acknowledge that the application site is located close to the centre of Borough Green and its public transport, retail and social facilities.

The revised drawings show an amended scheme consisting of two dwellings, one 2 bed unit and one 3 bed unit. Two parking spaces are proposed per unit to accord with parking requirements, with suitable space to allow vehicles to turn and leave the road in a forward direction.

Additional comments on traffic generation

The whole area to the rear of the Station Road properties has been subject to a number of applications going back some time. The outcome of these applications has been a combination of refusals on highway grounds followed, more recently, by a grant of permission for a dwelling to the rear of 89 Station Road. Therefore there is a balance to be struck when considering this current application. This proposal is for 1 x 2 bed and 1 x 3 bed units. This is likely to generate in the order of 1 to 2 two-way (arrival and departure) movements during the peak times. Other associated movements will be spread throughout the remainder of the day. I am satisfied that these movements represent a nominal increase over the existing traffic movements using this access and can be accommodated on the adjacent highway network. Although the access is not ideal Station Road, a one-way street, is traffic calmed encouraging low speeds of the approaching traffic. With the site's proximity to the centre of Borough Green with its retail, social and public transport alternatives, it provides opportunities for a reduced dependency on the car.

Therefore, in principle, I would on balance support this application.

5.3 DHH:

- Environmental protection: No objection.
- Waste management: Advice is provided about the Council's refuse collection operations.
- Housing: No comments.
- Contaminated Lane: On the basis of historical map data, the site is not identified as a site for potential concern.

5.4 Private Reps (including Art 8 Site Notice): 26\OS\0X\32R. One of the objection letters is signed by 18 different local residents who live within Station Road, Borough Green. The reasons for the objections are as follows:

- The proposal is an over development of this site.
- The proposal does not take into account visitor parking.
- Residents have used this land for a long time for parking their cars and it will not be available with the result that parking will have to take place elsewhere. These people have a right of easement over this land.
- The access is already narrow and further movements would cause further problems with access by local residents and the emergency services.
- The traffic flow in Station Road has not recently improved as Station Road has always been one way and the traffic calming measures have only slowed down the traffic marginally.
- The visibility when moving onto Station Road is very poor as vehicles continuously park on double yellow lines at the front of 25-29 Station Road.
- The area has existing surface water drainage problems. The current soakaway has never been effective.
- The proposal would overshadow and overlook neighbouring properties
- An application for a single dwelling was refused before. The impacts of this proposal would be worse than the previously refused scheme.
- The site location plan shows land that is not within the applicant's ownership.

6. Determining Issues:

- 6.1 The main determining issues with this development are the principle of the development and its impact upon highway safety and the amenity of adjacent residential properties.
- 6.2 Policy CP 12 of the TMBCS allows for residential development within the settlement confines of Borough Green. Therefore, the principle of constructing dwellings on this site is acceptable.
- 6.3 Policy CP 24 of the TMBCS requires developments to be well designed and of a high quality. It also requires developments to be of a scale, density, layout, siting, character and appearance that respect the site and its surroundings. It goes on to state that developments that would be detrimental to the built environment, amenity, functioning or character of a settlement will not be permitted.
- 6.4 The site is located within an area of little merit in terms of character. It lies within an area enclosed by residential development and which is used to provide vehicular access to car parking spaces serving the residential dwellings within Station Road and Spencer Cottages. Development is already present in this locality and, as such, the proposed development would not be out of character with the general pattern of development within this part of Borough Green.
- 6.5 Whilst this is an outline application with the matter of scale reserved for future consideration, from the information submitted regarding the layout, maximum height of the building and its length & width, it is possible to gauge the size and scale of the proposed building. The proposed dwellings would be lower in terms of eaves and ridge height than the existing dwellings at 19-29 Station Road and also at Spencer Cottages. They will also be narrower in terms of depth (5m wide). In light of this, I consider that the development would be of a size that is not out of keeping with existing dwellings within the locality.
- 6.6 I note the comments of the local residents regarding over development of this site. It is true that the proposed dwellings would not benefit from private rear gardens. However, the development has been designed to incorporate a shared garden at the front of the proposed dwellings that would provide private external space for the benefit of the occupiers of the building. The site is compact, but I do not consider the proposal to be overdevelopment.
- 6.7 The proposed building would be located 13.8m away from the rear elevation of the dwellings located at 19-29 Station Road. (This distance is measured from the back of the single storey rear extensions of the dwellings within this part of Station Road.) I consider that this separation, together with the relatively low ridge height of the building, would be sufficient to not significantly detract from the outlook of the existing dwellings at 19-29 Station Road.

- 6.8 Due to the position of the proposed development and its height, I am also satisfied that the proposal would not cause a demonstrably unacceptable loss of light to the adjacent residential properties.
- 6.9 The scheme has also been designed to be single aspect in terms of the first floor accommodation. The proposed dwellings would not, therefore, overlook the rear gardens or habitable room windows of the dwellings located immediately to the north or west of the application site. I am also satisfied that, due to the position and layout of the proposed development, it would not cause an unacceptable loss of privacy to dwellings located to the east and south of the application site.
- 6.10 Turning to issues of highway safety, a number of matters have to be taken into consideration. The site has been the subject of several applications for residential development dating back to 1980. All previous applications were refused permission (and all, except for the two applications submitted in 1980, were refused permission on highway safety grounds only). The reason for refusing permission for these previous applications related to the increase flow of traffic associated with the proposals at the junction of the access road and Station Road.
- 6.11 However, Members may recall that planning permission was more recently granted on an adjacent site (land rear of 89 Station Road) for the erection of one dwelling (TM/03/01566/FL as amended by application TM/05/02292/FL). The means of vehicular access to this site from Station Road was the same as the means of access to the site the subject of the current application. The planning history of the current application site was taken into account when the Borough Council determined application TM/03/01566/FL.
- 6.12 The Local Highway Authority has not objected to any aspect of the proposed development and considers it to be acceptable. Indeed it considers that the traffic flows associated with the proposed development represent a nominal increase in traffic movements above those that already occur at the junction of the access road and Station Road. I agree with this assessment, bearing in mind that the peak hour traffic generation can be expected to be very limited.
- 6.13 Part of the rationale that led to the Council granting planning permission for the house the subject of application TM/03/01566/FL was that traffic calming had taken place within Station Road since the time of the previously refused schemes. Speed humps have been installed within Station Road and a speed table has been installed at the junction of Station Road and Wrotham Road. This junction has also been realigned to dissuade traffic from using Station Road as a 'rat run'.
- 6.14 In light of the above, I consider that the proposed development is acceptable in terms of highway safety. 4 car parking spaces would be located within the site, two for each dwelling which accords with current parking standards.

- 6.15 A number of local residents and the PC have raised concerns with the loss of the existing informal parking arrangements for the dwellings at 19-29 Station Road. The land within the application site has been used (presumably with the landowners consent) by local residents for car parking. Should permission be granted for the proposed development, this arrangement could not continue due to the position of the building and proposed car parking arrangements. However, it must be noted that this informal parking arrangement could be terminated at any time, whether a planning application for development on this site was granted or not. The application site owner could withdraw permission for the cars to be parked on this land.
- 6.16 Whilst this is not a matter for planning decision, a private right of way exists along the western boundary of the site that provides access to the rear of 19-29 Station Road. The proposed development has been designed to leave a 3m wide strip of land available along the western boundary of the site to enable access to the rear of 19-29 Station Road.
- 6.17 Local residents have commented that the access road serving this development is liable to flooding. The site does not lie within an area of identified flood risk; the problem appears to be caused by a lack of suitable drainage with the access road during times of heavy rain fall. The development within this site would have to meet requirements under the Building Regulations regarding the issue of surface water drainage within this site, and may prove an opportunity to address the flooding of the access road.
- 6.18 Comments have been made regarding the ownership of the site. The red line of the application has been amended during the course of the application and I am satisfied that the correct ownership certificate has now been submitted as part of this application.
- 6.19 In light of the above, I consider that this proposal is acceptable in planning terms and therefore recommend that permission is granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter 1238/2A/02/SR dated 08.11.2007, Letter dated 08.01.2008, Design and Access Statement dated 08.01.2008, Floor Plan 1238.02 A dated 08.01.2008, Proposed Plans 1238.03 A dated 08.01.2008, Proposed Plans 1238.05 A dated 08.01.2008, Section 1238.06 A dated 08.01.2008, Location Plan 1238.01 A dated 12.03.2008, Site Survey 1238.04 dated 27.11.2008, subject to:

Conditions / Reasons

1. Approval of details of the landscaping of the site, the appearance and the scale of the development (within the upper and lower limits for the height, width and length of each building stated in the application hereby approved) (hereinafter

called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. 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.

5. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation. (L001)

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. 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.

7. No development shall take place until details of the finished floor level and the ridge level Above Ordnance Datum (Newlyn) of the building hereby permitted 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.

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 north and west elevations 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.

9. 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. (D014)

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.

7.2 Information: The applicant is requested to ensure that:

- the right of way across the site is respected at all times during construction and subsequent occupation;
- detailed consideration is given to the resolution of the flooding on the access road as part of the development process.

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