

Borough Green
Borough Green And
Long Mill

561112 157760 6 April 2009

TM/09/00812/FL

Proposal: Demolition of an existing extension and garage and the erection of 3 no. dwellings on land at 24-26 Wrotham Road Borough Green and alterations to access
Location: 26 Wrotham Road Borough Green Sevenoaks Kent TN15 8DH
Applicant: Kent County Constabulary

1. Description:

- 1.1 The proposal is for the demolition of an existing flat roofed extension and garage and the erection of 3 dwellings, to be attached to the existing two detached dwellings on the site, which would result in a row of five terraced houses. Two of the new dwellings are to be positioned on either side of the existing dwellings, and one is to be sited between the dwellings. Eight parking spaces are to be provided at the front of the site, using the 2 existing access points which are each to be widened from 3.6m to 5.4m.
- 1.2 The scheme is identical to a planning permission granted under ref TM/04/01392/FL on 29 July 2004.

2. Reason for reporting to Committee:

- 2.1 At the request of a local Ward Member, in the light of concerns over highways issues, traffic noise and impact on the aquifer.

3. The Site:

- 3.1 The site lies within the village confines of Borough Green. The site lies on a Water Gathering Area and is close to a landfill site.
- 3.2 Access is to the A227, a classified road. The site is a flat site, surrounded by houses.
- 3.3 Two detached former police dwellings exist on the site at present, which are linked by a single storey extension. Historically it is understood that they served as an informal local police station. The buildings are no longer occupied as dwellings but are currently being used on a temporary basis by Kent Police for operational functions.

4. Planning History:

TM/04/01392/FL Grant With Conditions 29 July 2004

Demolition of existing extension and garage and construction of 3 no. new dwellings

5. Consultees:

5.1 PC (12/6): The PC opposes the details of the Noise Assessment as follows:

- The PC disagrees that the road carries predominantly light, local traffic. KCC and the PC have been working to secure a bypass around the village of Borough Green due to the high volume of traffic along the A227.
- Traffic passing along the A227 starts from before 5.30am, and this should be taken into account. Initial observations indicate that overnight levels are in excess of those allowed under daytime category NEC D.
- PPG24, Annex 2, Para 5 Night Time states “.. a level of less than 35 dB(A) is recommended to preserve the restorative process of sleep”. We have serious concerns regarding the claimed weighted internal figures of 34.2 dB(A) quoted in appendix 2 of the report.
- We note that the location of the measuring equipment was far from ideal and that perhaps incorrect correction factors may have been applied.
- We would argue that the night time recorded levels shown in Appendix 1 of the report are typical for this time of day, adjacent to the A227 and are equivalent to façade measurements of NEC C and NEC D, even if subsequently corrected by -5dB. PPG24, Annex 2, Para 14 states “..at a façade level of 70dB(A) or above, the internal limit for a bedroom of 35 dB(A) may not be achieved”.
- Since the applicant’s first permission in 2004 there have been other applications for change of use at an adjacent sand extraction quarry, just the other side of the A227 from 26 Wrotham Road. Current granted permissions allow for the use of mobile crushing and screening of waste building materials. This work has not started, but it is anticipated that there will be significant additional noise and dust produced by this site along with a permitted increase in HGV vehicle movements along the A227. Contrary to PPG24, these will have DIRECT effects on the amount of noise generated and will add to any measured figures for the applicant’s site.

5.2 KCC (Highways): No objections, subject to previous conditions and informatives

5.3 DHH: The acoustic report shows that the site falls into NEC B. As such noise is a factor to be considered. The mitigation methods suggested look capable of achieving a suitable internal level of noise. A condition should be used to safeguard the situation.

5.4 The submitted phase 1 preliminary investigation report regarding contamination is fit for the purpose of determining the application, subject to a condition requiring further investigation when development commences.

5.5 EA: Originally objected on the basis of insufficient information to demonstrate that the acceptable risk of pollution to the underlying principal aquifer was at an acceptable level, but subsequently removed that objection following receipt of Report on Phase 1 Preliminary Investigation (Evans and Langford LLP, May 2009). That report indicates that there may be some soakaway drainage systems present on site. If the systems are confirmed as being soakaways and are intended for re-use within the proposed development, no objection subject to conditions being attached to any permission granted.

5.6 SE Water : No response.

5.7 Private Reps (17/1R/0X/0S) One response received, objecting on the following grounds:

- The Police Offices will be gone, which is a vital service;
- Loss of light to adjacent property;
- Loss of access to fence of adjacent property to carry out repairs;
- Overdevelopment of the locality.

6. Determining Issues:

6.1 The proposal is identical to an earlier planning permission (TM/04/01392/FL) that expires on 29 July 2009 and is therefore effectively a renewal.

6.2 Whilst the site and surroundings have not undergone any significant changes that would affect the consideration of this application since the previous planning permission, there have been a number of policy changes, e.g. adoption of the TMBCs and the SEP.

6.3 Policy CP1 of TMBCS requires all development proposals to be of a high quality and to result in a sustainable environment.

6.4 Policy CP12 of the TMBCS identifies Borough Green as a Rural Service Centre, where residential development is considered acceptable in principle. Policy CP24 of the TMBCS requires all proposals to be well designed and of high quality and appropriate and respectful to the site and surroundings in terms of scale, density, siting, layout, character, appearance and design.

6.5 I am therefore of the opinion that the general principle of residential development remains acceptable given the predominantly residential nature of the surrounding locality. The density of the proposal would amount to 37 dph which I consider is an appropriate density for this location. The implications in terms of the existence of local police facilities is an operational decision for Kent Police and cannot be controlled through planning legislation.

- 6.6 The proposed scheme is situated within a residential area, with a chalet style dwelling to the north of the site, and other properties to the rear of the site, to the east. To the south lies an electricity substation. I am of the opinion that the proposal will not result in a significant loss of light to the neighbouring property of 1 Wye Road. That property has one ground floor side window serving a kitchen. There is a fence between the site and property at present which blocks out a significant amount of light. Furthermore, given that a kitchen is not usually regarded as a habitable room, I am satisfied that the proposal will not have a detrimental effect on its amenity to warrant a refusal.
- 6.7 The proposal has been designed to reflect the character and appearance of the existing properties. As such, I am of the opinion that the proposal will not harm the character and visual amenity of the surrounding locality.
- 6.8 The proposed dwellings are less than the 21m from the dwelling to the rear of the site, 38 Wye Road. The distance reduces to a minimum of 17m. However, it is proposed to set the proposed dwellings at an angle to this dwelling, and it is proposed to obscure glaze the windows that would be most likely to result in a loss of privacy. The new dwelling that 38 Wye Road would look directly onto would be 21m away. I am therefore satisfied that the proposal would not result in a significant loss of privacy. The circumstances surrounding consideration of this issue have not changed since the previous permission was granted.
- 6.9 The historic use of the site would generate traffic associated with the existing two dwellings, office and from the public visiting the site. I am of the opinion that the traffic generated by the proposed redevelopment is not likely to be worse than the potential associated with past use.
- 6.10 Given the proximity of the site to the village services and the mainline station and national guidance relating to the provision of on-site parking, I am satisfied that the number of parking spaces proposed is acceptable at an average of 1.6 spaces per dwelling. I am satisfied that there is sufficient turning on site. The access changes will allow two way traffic to enter and exit the site at both of the access points.
- 6.11 PPG24 relates to acoustic matters. Given the proximity of the site to the A227 classified road, the applicant has been required to demonstrate which Noise Exposure Category the site falls into, in accordance with Saved Policy P3/17 of the TMBLP. The applicant has carried out a noise survey which demonstrates that the site falls into NEC B during both the day and night. The mitigation methods suggested appear capable of achieving a suitable internal noise level.
- 6.12 I note the PC comments with respect to noise. Having carried out detailed consultation with DHH, I have no reason to believe that the information provided is not an accurate reflection of the noise experienced on the site. The start of traffic in the morning has been taken into account in the readings made, as they were for a 24 hour period. NEC categories explicitly factor in the effects of time. Whilst I understand that the monitoring position was not ideal, DHH advises that an

appropriate correction has been applied by the applicants consultants. The levels cited by the PC are "pre-correction". To warrant NEC 'C' L_{max} levels must regularly exceed the 75dB(A) limit several times in any one hour and also when the meter is set to the 'slow' weighting. The measurements do not indicate that the limit would be regularly exceeded.

6.13 Separate from road traffic noise, dust and noise from adjacent quarries can be dealt with by various bodies and legislation, including KCC, the Environment Agency and Environmental Health controls.

6.14 PPS23 (Planning and Pollution Control) has been published since the earlier planning permission. This adopts a precautionary approach with respect to the potential for contamination pollution. A Phase 1 Preliminary Investigation has been carried out with respect to contamination and the impact on the aquifer. The EA was initially concerned but now has no objections subject to conditions. I am satisfied that the report is fit for the purpose of determining the application in this respect, subject to a condition requiring further investigation during development.

6.15 Technical advice in terms of tree protection has changed since the previous application. Trees to the frontage of the site lie close to the proposed hardsurfacing, and therefore it is appropriate to require details of tree protection to be submitted prior to development commencing.

6.16 In conclusion, a grant of planning permission is recommended subject to conditions as outlined above.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by Design and Access Statement dated 06.04.2009, Location Plan DHA/7108/01 dated 06.04.2009, Site Layout DHA/7108/02 dated 06.04.2009, Site Layout DHA/7108/03 dated 06.04.2009, Elevations DHA/7108/04 dated 06.04.2009, Elevations DHA/7108/06 dated 06.04.2009, Floor Plan DHA/7108/05 dated 06.04.2009, Noise Assessment dated 26.05.2009, Contaminated Land Assessment dated 26.05.2009 subject to the following 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. 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.

4. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

5. The development shall not be occupied until the 2 access points have been widened as shown on the approved drawings and each provided with vision splays of 2m x 2m x 45° between the driveway and the back of the footway. 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.

6. 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.

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

Reason: In the interests of amenity.

8. 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.

Reason: To facilitate the collection of refuse and preserve visual amenity.

9. The first floor windows on the north and south flank elevations and the window serving bedroom 3 of the southernmost plot shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the dwellings are occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

10. No development shall commence until details of a method statement for protecting trees and their roots on the frontage of the site during construction work has been submitted and approved by the Local Planning Authority. This shall be implemented as approved.

Reason: To protect the appearance and character of the site and locality.

11. The scheme of acoustic mitigation shall be at least sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq in living rooms with windows closed. Additionally, if applicable where the internal noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78 LAeq (Slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the unit to which it relates.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

12. No development shall be commenced until:

(a) a site investigation has been undertaken using the information obtained from the phase 1 preliminary investigation to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with a risk 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 (method statement) 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 upon completion of the remediation a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

(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.

(e) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with the approved details in the interests of protection of the environment and harm to human health.

13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To ensure that the development does not place an unacceptable risk on groundwater. The site is underlain by the Folkestone Formation (a principal aquifer) and within the Source Protection Zones I and II for the Borough Green public water abstractions.

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 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.

2. The details to be submitted in connection with condition 2 shall include details of the surfacing to be used for the parking and access area at the front of the hereby approved properties. This material shall be a porous construction to avoid damage to the trees within the site.
3. With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800
4. No surface water shall be discharged to the public foul sewer.

Contact: Glenda Egerton