

East Peckham **567281 148892** **31 October 2011** **TM/11/02922/FL**
East Peckham And
Golden Green

Proposal: Construction of a new detached dwelling in the grounds of Hale Place and erection of garaging
Location: 29 Hale Street East Peckham Tonbridge Kent TN12 5HL
Applicant: Dr Julie Buchanan

1. Description:

- 1.1 It is proposed to erect a two storey detached house, which is between 6m – 12m in width and is 14m deep, with first floor eaves heights of 5m. The roof form comprises a main ridge (6.9m in height) running from west to east, with hipped projections on the northern elevation. The southerly roof plane is in the form of a cat-slide which extends to ground floor level. The materials to be used in the external walls are brick at ground floor with either timber boarding or clay vertical tiles at first floor. The roof would be finished with clay plain tiles, with parts of the southern plane to comprise photovoltaic cells.
- 1.2 It is also proposed to provide vehicle garaging through the extension of the garage located on the boundary between the application site and Hale Place (the dwelling to the south): vehicles for Hale Place (29 Hale Street) would enter the easterly section of the garage from the south, with vehicles associated with the proposed dwelling to enter the (extended) westerly section from the north.
- 1.3 Vehicular access is proposed to be taken from Hale Street via a bridge over a drainage ditch which runs along the western side of the highway (i.e. within the eastern section of the application site) to a parking/turning area located in front of the property. It will be necessary for some of the mature vegetation at the frontage of the property to be removed in order to provide this access and associated visibility splays (2.4m x 43m).
- 1.4 The application indicates that a comprehensive soft landscaping scheme will be undertaken, including additional planting to the northern boundary of the site. The submitted plans indicate the retention and protection of an oak tree and horse chestnut which are located on third party land just outside the northern boundary of the application site.
- 1.5 The proposed dwelling is of a lower height (the ridge height has been reduced by approximately 2m), smaller footprint and amended location to that proposed under reference TM/11/00653/FL. As a result of these alterations, the northern elevation of the house would be located approximately 2m further to the south, with the front wall to the dwelling located approximately 4 – 5m further to the east.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Rogers given the planning history of the site, including the fact that the most recent application (TM/11/00653/FL) was reported to APC2.

3. The Site:

- 3.1 The application site comprises the northerly half of the existing private garden to Hale Place. Hale Place is a large detached two storey dwelling with dormers within the roof planes, and a two storey flat roof extension on the rear (west) elevation. It has a formal postal address of 29 Hale Street: this report will refer to this property as Hale Place.
- 3.2 There are two dwellings located to the north of the site. The first is a two storey Grade II Listed cottage (Hale Place Cottage) set in much closer proximity to Hale Street (the highway) than either Hale Place, or the proposed dwelling. It is of a considerably smaller scale than Hale Place and has been extended through the addition of a contemporary single storey extension to the southern elevation. 45 Hale Street, to the rear of Hale Place Cottage, is a 20th Century two storey dwelling located in a backland position relative to Hale Street.
- 3.3 The application site lies within the confines of East Peckham, which is designated as a Rural Service Centre in TMB CS Policy CP12.
- 3.4 Although the majority of the site is located in Flood Zone 1, a band which runs from north-south along the eastern boundary of the site falls within the 1 in 100 year undefended flood plain as indicated in the SFRA Update (February 2011). This correlates with the position of a drainage ditch which runs along the eastern boundary of the application site. The SFRA Update (February 2011) also indicates that the whole site falls within the 1 in 100 year plus climate change undefended flood plain.

4. Planning History:

TM/90/11587/FUL Grant with Conditions 27 July 1990

Conversion and extension of existing coachhouse and out buildings into a dwelling and new garaging.

TM/04/04276/FL Grant with Conditions 15 February 2005

Proposed 3 bay oak framed garage

TM/11/00653/FL Refuse 8 July 2011

Construction of new infill dwelling in the garden of an existing dwelling and extension of existing garage

5. Consultees:

5.1 PC: No objection.

5.2 EA: No objection subject to the imposition of conditions to require:

- the development to be carried out in accordance with the approved FRA;
- all sleeping accommodation to be at first floor;
- all finished floor levels to be 150mm above external ground levels;
- details of a surface water drainage scheme to be submitted to and approved by the LPA.

5.3 DHH: A condition is requested regarding contaminated.

5.4 Private Representations (7/0X/4R/0S): Objections have been received on the grounds of harm to the setting of the adjacent LB, harm to living conditions of neighbouring properties, and concern that the elevations of neighbouring properties as shown on the submitted plans are not accurate.

6. Determining Issues:

6.1 Planning permission was refused for the most recent proposal for the erection of a dwelling at the site (TM11/00653/FL) for the following reason:

“The proposal by virtue of its siting, mass, bulk and height would be detrimental to the street scene and character of the area and would also be out of scale and visually dominant on the Listed Building at Hale Place Cottage. The proposal would be contrary to Policies CP1 and CP24 of the TMB CS 2007 and Policy SQ1 of the TMB MDE DPD 2010”.

6.2 The adopted Development Plan policy which was taken into account in the determination of that application was TMB CS Policies CP1, CP10, CP12, CP15 and CP24 and MDE DPD Policies CC1, SQ5 and SQ1: the same policies are relevant to this proposal. Since the determination of that application, the National Planning Policy Framework has been published (2012) and has replaced the national planning guidance set out in the various Planning Policy Statements and Guidance Notes.

6.3 The reason for refusal of the previous planning permission was related to the design, size and bulk of the proposal and its effect on the character of the area and setting of the adjacent LB: permission was not refused on grounds of the principle of development, impact on highway safety and location of part of the site in a flood plain. I am of the opinion that the changes to the planning policy framework which have arisen as a result of the publication of the NPPF do not

lead me to reach different conclusions to those arrived at previously in respect of these considerations: subject to the imposition of conditions, the proposal is acceptable in these respects.

- 6.4 Accordingly, the main determining issue is considered to whether the design, location and size of the dwelling as proposed will harm the character of the area and the setting of Hale Place Cottage, and the effect that the erection of this dwelling would have on the living conditions of neighbouring properties.

Design, impact on the character of the area and impact on the character and setting of the adjacent LB.

- 6.5 The proposed dwelling has been reduced in height and bulk as compared to the earlier proposal, and located 4m further away from Hale Place Cottage, at its closest point. The design of the property has also been simplified and the roof form is now more appropriately proportioned.
- 6.6 The effect of these alterations has resulted in a house which is considered to generally perform positively against the design aims as set out at paragraph 58 of the NPPF, and is of an appropriate scale and size relative to Hale Place Cottage (to the north) and the grander and larger Hale Place (to the south). Accordingly, I am of the opinion that the dwelling as proposed under this application will not challenge Hale Place and is positioned sufficiently far from Hale Place Cottage to not dominate or appear visually oppressive to this LB or its setting. I therefore consider that the reason for which planning permission was refused previously has been overcome.

Impact on living conditions of neighbouring properties

- 6.7 As detailed in Sections 1.0 and 3.0 of this report, the western and northern boundaries of the application site contain mature vegetation and it is proposed to supplement this along the northern boundary. The proposed dwelling has been moved further from Hale Place Cottage and 45 Hale Street. Although the rear elevation of the proposed dwelling would be 2m closer to 11 Henham Gardens (located to the west of the site), the distance between the properties would be over 30m and the position of the mature coniferous hedge along the boundary of the site would serve to protect the living conditions which the occupiers of this property could expect to enjoy.

Conclusion

- 6.8 An application for the erection of a dwelling at the site was refused last year on grounds of harm to the character of the area and setting of an adjacent LB. I am of the opinion that as a result of the amendments which have been made to the appearance, siting, scale and bulk of the dwelling, the proposed development is now of an appropriate design which has addressed this reason for refusal. I therefore recommend that planning permission be granted, subject to a number of

conditions which relate to other material considerations (including flooding and highways) which were considered to be acceptable during the consideration of the earlier application.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details:

Site Plan 0902/P/01 Rev A dated 10.01.2012, Tree Removal Plan 0902/P/04 Rev A dated 09.01.2012, Design and Access Statement dated 21.10.2011, Planning Statement dated 21.10.2011, Drawing 0902/P/02 dated 21.10.2011, Flood Risk Assessment dated 31.10.2011, Proposed Plans and Elevations 0902/P/10 dated 04.04.2012, Proposed Elevations 0902/P/11 dated 04.04.2012, Proposed Elevations 0902/P/12 dated 04.04.2012, 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 The development hereby permitted shall be undertaken in accordance with the plans and supporting documents listed above.

Reason: To ensure that the development does not harm the existing character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

- 3 No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58, 61 and 137 of the National Planning Policy Framework (2012).

- 4 Prior to the commencement of development, details comprising plans of the proposed and existing levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the dwelling shall be raised 0.3m above the existing ground level. The development hereby permitted shall be undertaken in accordance with these approved details.

Reason: To ensure that the development does not harm the existing character of the area and in the interests of flood mitigation in accordance with Policies CP1, CP10 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58, 61, 99 - 104 of the National Planning Policy Framework (2012).

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the northern or western elevations or roof planes of the dwelling 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 the living conditions of neighbouring properties, in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

- 6 Notwithstanding the provisions of Classes A, B or C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no extensions or other alterations to the roof and no extension or enlargement shall be constructed on the dwelling hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the living conditions of neighbouring properties, in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

- 7 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 in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

- 8 Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme shall be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Policy CP1 of the Core Strategy and Policy CC1 of the Managing Development and the Environment DPD of the Tonbridge and Malling Borough Council Local Development Framework.

- 9 The area shown on the submitted layout as vehicle parking and turning space shall be surfaced and drained prior to the first occupation of the dwelling hereby permitted, and shall be retained for the use of occupiers of, and visitors to, the dwelling. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (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 and turning space.

Reason: To ensure that adequate parking provision is provided at the site and to allow vehicles to exit the site in a forward gear having regard to the impact of the use on the highway network and the requirements of Policy SQ8 of the Managing Development and the Environment Development Plan Document and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 10 Prior to the commencement of development, details of the vehicular access to the site, including cross sections of the slope of the access and the method by which the access shall span the drainage ditch, shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with these details prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of highway safety, having regard to the impact of the use on the highway network and the requirements of Policy SQ8 of the Managing Development and the Environment Development Plan Document and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 11 Prior to the commencement of development, details of the visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The access shall not be used until the area of land within the agreed visibility splay has been reduced in level as necessary and cleared of any obstruction (including vegetation) exceeding a height of 1.05 metres above the level of the nearest carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: In the interests of highway safety, having regard to the impact of the use on the highway network and the requirements of Policy SQ8 of the Managing Development and the Environment Development Plan Document and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 12 Prior to the commencement of development, a flood warning and evacuation plan shall be submitted to the Local Planning Authority and approved in writing. The requirements of the plan shall be implemented prior to the first occupation of the dwelling hereby approved, and shall be in operation thereafter.

Reason: In order to protect the safety of residents in the event of a flood event, in accordance with the requirements of paragraph 103 of the National Planning Policy Framework (2012).

- 13 Prior to the commencement of development details of flood resilience and flood resistance measures to be incorporated in the design and construction of the development hereby permitted shall be submitted to the Local Planning Authority and approved in writing. The development shall be constructed in accordance with the approved details.

Reason: In order to protect the safety of residents in the event of a flood event, in accordance with the requirements of paragraph 103 of the National Planning Policy Framework (2012).

- 14 No development shall commence until details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The rate and volume of surface water discharge from the development should be no more than greenfield values. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

15 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.

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