

## SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 27 February 2014

---

**Hildenborough**                      **TM/13/02224/FL**  
**Hildenborough**

**Construction of twelve houses, being an amended scheme to that previously approved under planning permission reference TM/06/00140/FL and including the addition of single storey additions to six of the houses, other elevational changes, and the creation of individual gardens at Oakhurst Park Gardens Hildenborough Tonbridge Kent for Coombe Bank Homes**

PC: Objects for the reasons previously reported.

Private Reps: 1 further letter of objection received reiterating previous objections and adding concerns that once occupied residents of the development will immediately replace post and rail fencing with close boarded fences and erect sheds/outbuildings, irrespective of what conditions might be imposed.

DPHEH: Dealing firstly with the concern that future occupants of the development will simply disregard conditions removing their permitted development rights, I would mention that the condition as recommended has been drafted in such a way to meet the tests contained within Circular 11/95 and therefore is enforceable. As such, it is considered that the Council has an appropriate mechanism available to control potentially harmful development should it occur in the future.

With this in mind, it is my view that it would be impossible to sustain a reason for refusal essentially on the basis that people *might* choose to ignore planning control. The likelihood (or otherwise) of non-compliance with a planning condition cannot be a material planning consideration, because enforcement powers exist to address that. As ever, the decision as to whether it is expedient to take enforcement action in any particular case is one that would need to be addressed at the appropriate time, taking account of all the circumstances of the case.

Since publication of the Committee Agenda, the neighbour at the Old Motor House has commented that the proposed roof to the bin store is visually unattractive and would not overcome his concerns regarding the impacts on his residential amenity arising from its position adjacent to the boundary shared with his property.

It is appreciated that it is the preference of this neighbour simply not to have a bin store in this part of the site but this is not sufficient grounds to seek the removal of the bin store. I consider that the bin store is a small scale, unobtrusive structure and the proposed roof is of such a design that would not cause it to be obtrusive in any way. Members will need to

make a judgement as to whether they consider the roof proposed is necessary in making this aspect of the development acceptable.

Some discussion has also taken place as to whether the position of the bin store complies with other requirements under the Building Regulations and by the Waste Collection Authority. I would mention that it is necessary for the local planning authority, in considering a planning application, to make an assessment as to the acceptability of the scheme as proposed by the applicant in terms of the material planning considerations. It is not the responsibility of the local planning authority - Officers or Members - to seek to redesign a scheme based on requirements arising from other legislation. The required assessment has been undertaken, and the position and scale of the bin store, including the proposed roof addition, is considered to be acceptable, in terms of visual and residential amenity.

Since publication of the Committee report, the question has been raised as to whether the landscape management scheme (condition 2) could include a requirement for details outlining how the management company will be funded and whether the developer will contribute to the funding stream. However, it is not for the local planning authority to enquire into the circumstances of *how* compliance with a condition is achieved, because this goes beyond the planning purpose of the condition (i.e. to mitigate a perceived harm). The requirement of the condition is to submit a management plan which satisfies the local planning authority that the woodland and other communal areas will be properly and suitably managed in perpetuity.

Members should also be aware that we understand that one unit within the development is currently in use under a license by an employee of the developer. It is quite common for developers to seek to have such a presence on site for security reasons but this is not treated as 'occupation' of the development for the purpose proposed in the application.

#### **MY RECOMMENDATION REMAINS UNCHANGED**

---

**Tonbridge  
Vauxhall**

**TM/13/03128/FL**

#### **Construction of a floodlit synthetic turf pitch, including fencing, on school playing fields at Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR for Tonbridge Grammar School For Girls**

Private Reps: 10 further letters of objection have been received since publication of the main Committee Agenda. The letters raise the same issues already discussed in the main report but also raise the issue of security risk arising from increased levels of activity by groups other than the school itself.

One letter of support has also been received from a parent of a pupil attending the school stating that additional outdoor sports facilities would give the pupils an important, much needed facility.

DPHEH: Local residents are concerned with how the school would police the community use of the proposed pitch and feel that the development poses a greater risk to the security of their properties. This issue is one that I would expect to be addressed by the school when submitting details pursuant to condition 9 (the community use scheme). It has to be remembered that the use of the pitch would not be for general public use, but instead by a limited number of clubs/schools and other organisations who would have booked their use of the pitch in advance of their use of it. Such planned and organised users should ensure that the pitch is used in a responsible and accountable manner. I consider it unlikely that the use of the pitch by community groups would result in a greater security risk to neighbouring residential properties, despite more people being present within the site. If any crimes against properties were to occur to the neighbouring properties, it would be possible to identify the group of people using the pitch at the time such crimes occur.

The extent of existing external lighting within the school grounds has also been queried since publication of the main report. To clarify, I can confirm that the existing hockey pitches/sports field are not served by floodlights. The car park and access from Deakin Leas is illuminated by low level bollard lighting.

### **MY RECOMMENDATION REMAINS UNCHANGED**

---

**Tonbridge**                      **TM/13/03889/FL**  
**Castle**

**Demolition of existing workshop building and garages and erection of two, two-storey three bed houses at Dry Hill Farm Shipbourne Road Tonbridge Kent TN10 3DJ for Derek Roberts Antiques**

Private Reps: 1 further representation has been received raising the same concerns that have already been discussed in the main report.

The applicant has confirmed that of the three car parking spaces shown outside the red line of the application site, one is owned by him and will be available for use by one of the proposed dwellings. Therefore, 2 car parking spaces would be available for each of the proposed dwellings. The other 2 spaces are owned by the owners of the adjacent property (Dairy Cottage).

Notwithstanding the additional car parking space that will be available, Members will be aware from my main report that the provision of the three car parking spaces shown in the

current application to serve the proposed development complies with the Council's adopted car parking standards in any case.

**MY RECOMMENDATION REMAINS UNCHANGED**

---

**Tonbridge**                      **TM/13/03905/FL**  
**Higham**

**Side and rear extension with loft conversion and rear dormer at 20 Greentrees Avenue Tonbridge Kent TN10 4ND for Mr And Mrs Phillip Greener**

No supplementary matters to report.

---

**Tonbridge**                      **TM/13/03868/FL**  
**Higham**

**Retrospective application for a garage and playroom at 1 Barchester Way Tonbridge Kent TN10 4HP for Mr T King**

Additional Information: Letter and photograph received from applicant in support of the application explaining that roofspace of the garage would only be used as a playroom. The applicant goes on to explain that he already has a registered taxi office in Tonbridge which suits his needs and there is no intention of using the building for business.

The applicant also states that the lorry situated within the rear garden currently is used for temporary storage and once the garage is completed, the lorry would be removed.

The letter is accompanied by a photograph showing the garage as partially constructed, and the relationship with the properties in Higham Lane.

DPHEH: It is appreciated that there is some local concern about the siting of the lorry within the curtilage of 1 Barchester Way presently. This is being used for the storage of items owned by the householder and could therefore reasonably be said to be a temporary storage solution for purposes ancillary to the related dwellinghouse. Although the applicant is stating that his intention is to remove the lorry shortly, it would not be legitimate to require its removal through the terms of the planning permission (by way of a condition for example). Should the lorry be moved from the site onto the public highway, separate licenses may be required but this would be subject to the weight of the vehicle (and the vehicle would need to be correctly taxed, insured and have a valid MOT).

**MY RECOMMENDATION REMAINS UNCHANGED**