

## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

---

#### **GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 16 August 2013**

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer
CHO	Chief Housing Officer
CPRE	Council for the Protection of Rural England

DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
PC	Parish Council
PD	Permitted Development

POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCG	Tonbridge Conservation Group
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application

FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent
LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
ORM	Other Related Matter
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

**Snodland**                      **TM/14/02831/FL**  
**Snodland West**

**Demolition of existing and erection of one detached house and four detached bungalows and associated parking provision at 206 Birling Road Snodland Kent ME6 5ET for Clarendon Homes**

DPHEH:

At the Members Site Inspection held on Monday 20 April a number of matters were raised and these are discussed in detail below:

Members queried the building to plot ratios of the proposed development in comparison to those of the surrounding, established, built development. These are as follows:

The building to plot size ratio for plot 1 amounts to approximately 28.5% i.e. the house at plot 1 would cover approximately 28.5% of its curtilage. Plot 2 would equate to 36.4%, plot 3: 35.4%, plot 4: 35.9% and plot 5: 55.6%.

Some examples of building to plot ratios of surrounding built development include:

208 Birling Road: 30.3%

204 Birling Road: 25%

7 Gorham Close: 27.8%

8 Gorham Close: 30%

9 Dowling Close: 28%

10 Dowling Close: 15%

10A Dowling Close: 28%

Members may also wish to note that the overall density of the proposed development is estimated to amount to 27.7 dwellings per hectare (approximately).

With these figures in mind, it is my view that the proposed development is of a density and type that is largely characteristic of the surrounding area, although I appreciate that there are some variations and the calculations are not in themselves exhaustive.

Notwithstanding the above, I would stress that it is the nature of the proposed development and how it would relate and reflect the established character of the prevailing built environment that requires consideration in this case, rather than an objective focus simply on the numbers provided. As mentioned in my previous report and as highlighted in the Snodland Character Area Appraisal, this part of the town comprises a mix of house styles and sizes with clusters of houses arranged in cul de sacs including Gorham Close, Dowling Close and those accessed from St Benedict Road and with this in mind it is my view that the established character of the area would not be harmed as a result of this development.

Members may also wish to consider the following figures which outline the approximate distances between each proposed dwelling and its adjacent boundaries.

The house proposed on plot 1 would be situated 0.8m from the southern boundary with number 208 and 5.5m from the northern boundary. The bungalow on plot 2 would be situated 1m from the eastern boundary with 208 Birling Road and 10m from the southern boundary with 10A Dowling Close. It would be sited 7.5m from the northern boundary. The bungalow on plot 3 would be positioned 3.5m at the closest point from the southern boundary with number 10A Dowling Close and 9.2m from the northern boundary.

The bungalow on plot 4 would be positioned 1.5m from the southern boundary with 10A Dowling Close and 10.4m from the western boundary with 10 Dowling Close. Finally, the bungalow on plot 5 would be sited between 1m and 2m from the western boundary with number 9 Dowling Close (due to the slope of the boundary line) and 1m from the northern boundary.

Turning to other matters, discussion took place at the site inspection in relation to the proposed land levels and finished floor levels, particularly the levels connected with the bungalow shown as 'Plot 5', in relation to those in Dowling Close. Members took the opportunity to stand at the rear boundary of the site, between the existing tall hedge (to be removed as part of the development proposals) and the existing close boarded fence which demarks the actual rear boundary, to view the relationship with the neighbouring houses beyond. The submitted plans do include some site sections and identify finished floor levels and relative ridge heights but I appreciate that there is little information included as to the final surrounding land levels for example. A planning condition could be imposed which requires additional information regarding land levels and this is considered to adequately address this matter.

Questions were raised about the possibility of surface water run off towards the properties at the rear of the site as a result of the existing slope of the site and the introduction of new hard surfacing in the form of the access road, new parking spaces and turning area. This matter is covered to some extent through the proposed landscaping condition which requires details of the types of hardstanding that might be used. In order to ensure a satisfactory level of permeable surfacing and that suitable drainage arrangements are provided, I would suggest that an additional planning condition is attached requiring details

of surface water drainage to be submitted for formal approval should Members be minded to grant planning permission.

Members took the opportunity to stand in the area proposed for the creation of the realigned access to serve the development. They saw that this is separated from the road frontage by an area of grass verge incorporating some trees which makes it possible for the drivers of vehicles exiting the site to pause safely before exiting the site. I would reiterate that there are no objections from Kent Highway Services on grounds of highway safety.

Members also took the opportunity to visit the neighbouring property at 10A Dowling Close and stood in the rear garden of this property. The owners of 10A Dowling Close raised a concern about the loss of an evergreen hedge growing within the site adjacent to part of their northern boundary. It is important to note that this hedge could be removed at any time without the need for planning permission. The applicants' agent has stated that it would not be possible to incorporate this into the landscaping scheme but they would be prepared to replace and extend a 1.8m high close boarded fence in this location.

A revised landscaping plan has been received showing a tree within the site (shown as being retained) previously referred to as a purple leafed plum but now correctly described as a hawthorn.

## **AMENDED RECOMMENDATION**

### **Additional Conditions:**

**17. Prior to the development hereby approved commencing a contoured site plan and scaled sectional drawings shall be submitted to and approved by the Local Planning Authority. The drawings shall show the precise relationship of the slab and finished floor levels of the proposed development, eaves and ridge heights of the approved buildings. In relation to the bungalow to be sited on plot 5, detail shall also be provided which shows this building in relation to the fence to be constructed along the western boundary of the site where it adjoins number 9 Dowling Close.**

**Reason: In the interests of the residential amenities of the occupants of the adjacent property.**

**18. Prior to the development hereby approved commencing, details of the surface water drainage arrangements for the whole site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.**

**Reason: To prevent overloading the surface water drainage system.**

**19. A 1.8m high close boarded fence shall be incorporated into the landscaping scheme to be situated along the southern boundary of the site with number 10A**

**Dowling Close. It shall be installed prior to the first occupation of the development hereby approved and retained at all times thereafter.**

**Reason: In the interests of the residential amenities of the occupants of the adjacent property.**

---

**East Malling & Larkfield TM/14/04275/FL  
Larkfield South**

**Erection of a two storey attached dwelling at 22 Heron Road Larkfield Aylesford  
Kent ME20 6JF for Mr & Mrs F Price**

PC (received since 19 March): Summarising their objections as follows:

- The proposal would have a detrimental impact upon the street scene; the new extra dwelling at two storeys will detract from the built environment in this location.
- Likely worsening of the on-street parking problem; there is much on street parking and it is noted that the proposed parking of two spaces next to the new dwelling plus the garage in the distant block would comply, however, the garage block is in reality 90 metres from the house and this distance means people are likely to park in the road.
- At the site inspection it was not clear if the second space in the garage block is in fact subject to rights of way for the other garage owners in the block.
- It would also be preferable if the parking spaces were specifically allocated to each of the properties so it is clear if the properties come into different ownerships.
- Should planning permission be granted the PC concur with the views expressed that the tree in the back garden and the hedge around the front of the site should be specifically retained as part of the landscaping scheme.

Private Reps (received since 19 March): 4 further letters of objection raising the following additional points:

- Concern the trees and hedging to the front would not be maintained and the area would be turned into a car park.
- The additional parking for number 22A has been used as a communal space for short term parking for at least 45 years and parking anything other than a medium sized vehicle causes an obstruction
- The garage is located 94 metres from the dwelling house not 57 metres



- If the application was granted hours of work and deliveries should be 0800-1700 and not at all at weekends or bank holidays.
- The occupants of number 22 have stated that they are also proposing a small single storey extension.
- The applicants never use the parking space adjacent to their garage, it is mainly used by other people
- Concern with regard to the access and highway safety
- Impact upon tranquillity of the area
- Concern the footpath into the square would in time be used for car parking
- Impact upon the sewer network

DPHEH:

At the Members Site Inspection held on Monday 20 April a number of matters were raised and these are discussed in detail below:

There was some confusion about the way in which the proposed development had been described. The application describes the development as a two storey attached dwelling. For clarity this means the construction of a new end of terrace house. The new house has been designed to look like a two storey extension so that it would sit comfortably within the plot, with a visual association with the existing house. However, it should be noted that although in design terms the new house would look like an extension; it would be an independent unit of accommodation i.e. a new house.

Members asked how the development would affect the existing flank windows serving No.22. The proposed development would result in the loss of a landing window serving the existing dwellinghouse. This is a room which is not used for habitable accommodation and there is no requirement in planning terms for it to be served by a window. The existing Bedroom 3 is also served by a flank window which would be relocated to the front elevation to provide light to the bedroom. The existing windows within the flank of No. 22 could be blocked up at any time without the need for any planning permission.

The hedge to the front of the dwelling is proposed to be retained as part of the proposal. A landscaping condition is recommended within the main report to secure this. This condition can be amended to specifically reference the hedgerow to the front to be retained.

Much local concern was expressed at the Members Site Inspection concerning car parking. It is important to note that at the time the original planning permission was granted for housing in this location the only off road car parking to serve the house was in an on-block garage located in a parking court. Since this time, the applicants have created an off

road car parking area to the front / side of their house. This did not require the benefit of an application for planning permission and represents an improvement upon the original car parking situation. From the information submitted by the applicants, I understand that they also own an area of the parking court where it may be possible for them to park a car. Several neighbours have raised issue that there are covenants on the land to prevent vehicles parking in this location and that rights of way must be maintained to allow other users of the garages access. Members will be aware that the existence of covenants is not a material planning consideration. Instead, the current planning application must be assessed in terms of whether an additional house would cause material harm to highway safety arising from, for example, additional on street parking on the surrounding roads.

The Council's adopted vehicle parking standards are contained within IGN3 and require 1.5 spaces for a 3 bed house and 1 space for a 2 bed house in this location. The proposed development seeks to provide a total of 4 parking spaces, two to serve each unit which would be sufficient to serve the existing and proposed houses. A condition has been recommended to secure the provision and retention of the parking area shown on the block plan. A further condition can also be included to ensure that the existing garage and parking space identified be retained for car parking and no other use. This would not affect any potential rights of access or conflicts in movements in my view.

The amount of parking to serve both the existing and proposed houses meets the required standard set out in IGN3 and is therefore acceptable. Regardless of the covenants on the property it would be possible to impose a condition requiring the provision and retention of all of these spaces. If this was in breach of a covenant this would be a private civil matter to be pursued outside of the planning system.

Finally, clarification was sought with regard to the distance from the application site to the on block garage. It can be confirmed that this walking distance is 81 metres. This is an historic arrangement which would not be altered as a result of this proposed development.

## **AMENDED RECOMMENDATION**

### **Amend Condition 4:**

**4. Prior to the first occupation of the development hereby permitted a scheme of landscaping and boundary treatment which shall include the retention of the existing hedge to the northern and western sides of the site shall be submitted to and approved in writing by the Local Planning Authority. 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: To ensure that the development does not harm the character of the locality.**

**Additional Condition:**

**5. The garage and parking space outlined in blue on plan number 1140.01 A shall be retained at all times for the parking of private vehicles.**

**Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking.**

---

**East Malling & Larkfield TM/14/04280/FL  
East Malling**

**Retention of two garden sheds and pergola at 340 Wateringbury Road East Malling West Malling Kent ME19 6JH for Mrs Susan Kolien**

PC: The report to Area 3 in respect of these applications has been read and the PC agrees that planning permission should be granted as the scale and size of the buildings do not compromise the countryside location involved.

**RECOMMENDATION REMAINS UNCHANGED**

---

**East Malling & Larkfield TM/15/00273/FL  
East Malling**

**Retention of existing single storey garden room at 342 Wateringbury Road East Malling West Malling Kent ME19 6JH for Mr Mark Heaton**

PC: The report to Area 3 in respect of these applications has been read and the PC agrees that planning permission should be granted as the scale and size of the building do not compromise the countryside location involved.

**RECOMMENDATION REMAINS UNCHANGED**

---

---

**East Malling & Larkfield TM/14/03017/FL**  
**East Malling**

**Two detached single storey outbuildings to provide a home gymnasium and a garden store, an ornamental pond and garden pergolas at 354 Watringbury Road East Malling West Malling Kent ME19 6JH for Mr And Mrs T Binger**

Private Reps: One additional representation received fully endorsing Officers recommendation.

Additional Information: Since publication of the main report, the applicant's agent has made the following comments:

*"My clients understand that some of the fears and concerns that have been expressed about the proposed developments stem from the proposed use of brick elevations. It is also understood that there may also be some fears that the structures would be used for commercial purposes.*

*In terms of construction materials, the applicants only proposed brick because of maintenance issues with timber weatherboarding but they would be willing to construct the buildings with feather edged boarding instead given that that the use of bricks appear to be an issue. Accordingly, in the event that Members were to resolve to grant a planning permission then my clients would be willing for suitable conditions to be attached requiring approval of the external materials and/or the use of weatherboarding. The buildings would then appear much more like timber sheds or summerhouses which we believe is a more favoured form of construction by officers given the comments contained within the reports for outbuildings at nearby properties which you have recommended for approval and which we of course have no issues or objections to and in fact tried to imitate/draw inspiration from to a large degree in terms of layout/siting and linked decking and pergolas etc.*

*With regard to any fears about business uses, previously we understood that the fears raised were that the single large outbuilding was going to be an annex new dwelling and that is another reason why the proposals were altered from one single structure into two smaller outbuildings. The applicants wish to state categorically state that it is not their desire or intention for any formal business use to take place at the site - either from within the host dwellinghouse or the proposed outbuildings. The applicants would not expect to use their property for anything other residential use apart from perhaps any standard, normal ancillary home office type activities that many of us do in terms of homeworking sometimes. Again, my clients would be happy for any suitable condition prohibiting business uses should members be prepared to grant a permission."*

DPHEH:

The comments of the applicant's agent are noted; however these do not address the primary concerns regarding the proposal which relate to the siting of the buildings and their size. Whilst the inclusion of timber rather than brick might serve to soften the appearance

of the buildings to some extent, this would be very limited and would not, in my view, mitigate the impact arising from their overall size and position within the site.

**RECOMMENDATION REMAINS UNCHANGED**

---

**Alleged Unauthorised Development**

**East Malling & Larkfield 15/00131/WORKH  
East Malling**

**Invicta Works Mill Street East Malling West Malling Kent**

DPHEH:

Since publication of the main report, contact has been made by the owners of 12 Darcy Court who have explained that they are responsible for the construction of the brick wall. They have explained that they were not made aware through their solicitor of any restrictions at the time of purchasing the property. They state that the wall was constructed in order to screen cars parking in close proximity to their house, to reduce glare from car headlights and to reduce problems with noise. They also state that they consider the wall to be well built and appropriate for the location, representing a close match to the bricks used in the construction of the nearby buildings.

They have also explained that the close boarded fencing in question was erected by Clarendon Homes.

I appreciate the comments made by the resident but do not agree that the wall in question is an acceptable feature in this location, for the reasons set out in my main report. I note that the wall was constructed in the absence of any knowledge of the restrictions in place and I note the reasons given for its construction. I do not, however, consider that these factors mitigate the harm identified in this case.

**RECOMMENDATION REMAINS UNCHANGED**

---

This page is intentionally left blank