



Public Document Pack
TONBRIDGE & MALLING
BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbs.gov.uk

19 February 2014

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 27th February, 2014 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest
3. Minutes

5 - 10

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on Thursday 5th December 2013

Decisions to be taken by the Committee

- | | | |
|----|---|---------|
| 4. | Development Control | 11 - 14 |
| | Introduction and Glossary | |
| 5. | TM/13/02224/FL - Oakhurst Park Gardens, Hildenborough | 15 - 40 |
| 6. | TM/13/03128/FL - Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge | 41 - 54 |
| 7. | TM/13/03889/FL - Dry Hill Farm, Shipbourne Road, Tonbridge | 55 - 64 |
| 8. | TM/13/03905/FL - 20 Greentrees Avenue, Tonbridge | 65 - 72 |
| 9. | TM/13/03868/FL - 1 Barchester Way, Tonbridge | 73 - 80 |

10. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

11. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

12. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr R D Lancaster (Chairman)
Cllr Ms V M C Branson (Vice-Chairman)

Cllr A W Allison
Cllr Mrs J A Anderson
Cllr Ms J A Atkinson
Cllr O C Baldock
Cllr Mrs P Bates
Cllr P F Bolt
Cllr D J Cure
Cllr M O Davis
Cllr T Edmondston-Low

Cllr Miss J R L Elks
Cllr Mrs M F Heslop
Cllr N J Heslop
Cllr M R Rhodes
Cllr Miss J L Sergison
Cllr C P Smith
Cllr Ms S V Spence
Cllr D J Trice

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 5th December, 2013

Present: Cllr R D Lancaster (Chairman), Cllr Ms V M C Branson (Vice-Chairman), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr Mrs P Bates, Cllr P F Bolt, Cllr D J Cure, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr D J Trice.

Councillor Mrs Murray was also in attendance pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M Davis, Edmondston-Low and Miss Elks.

PART 1 - PUBLIC

**AP1
13/049** **DECLARATIONS OF INTEREST**

Councillor Ms Branson declared an Other Significant Interest in application TM/13/02727/FL in that a friend lived in a property which adjoined the application site and withdrew from the meeting during consideration of this item.

**AP1
13/050** **MINUTES**

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 24 October 2013 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3 PART 3 OF THE CONSTITUTION

**AP1
13/051** **DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health, or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed

under the relevant planning application shown below.

**AP1
13/052**

TM/13/02727/FL - 152-154 TONBRIDGE ROAD, HILDENBOROUGH

Change of use from residential (C3) and ground floor shop (A1) to restaurant and cafe (A3) on ground floor and beauticians and meeting area at first floor. Demolition of flat roof side and rear extension and removal of two storey rear extension. Construction of new single storey additions and alterations to front elevation at 152-154 Tonbridge Road Hildenborough Tonbridge.

Change of use from residential (C3) and ground floor shop (A1) to restaurant and cafe (A3) on ground floor and beauticians and meeting area at first floor. Demolition of flat roof side and rear extension and removal of two storey rear extension. Construction of new single storey additions and alterations to front elevation at 152-154 Tonbridge Road, Hildenborough.

RESOLVED: That the application be

APPROVED in accordance with the submitted details, conditions and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

6. The business shall not be carried on, and the premises shall be open to customers, outside the hours of 0800 to 1800 Monday to Saturday and 1000 to 1600 on Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

7. External seating shall be limited only to the areas identified on plan number 13/1779/100C. The use of these areas and the rear first floor terrace shall cease by 1800 hours Monday to Saturday and 1600 hours on Sunday with all customers vacating these areas by the relevant time on each day. The tables and chairs in the external seating areas shall be rendered unavailable for use in these areas from the above times on each day.

Reason: In the interests of residential amenity.

(2) Additional Conditions:

14. No seating shall be placed on and no food or drink shall be consumed from the first floor terrace hereby approved at any time.

Reason: In the interests of residential amenity.

15. No children's play equipment of any type, whether or not requiring planning permission, shall be installed or placed at any point within the rear garden, at any time, without the formal written approval of the

Local Planning Authority.

Reason: In the interests of residential amenity.

(3) Additional Informatives:

1. The applicant is asked to ensure that access to 150 Tonbridge Road is not obstructed at any time and to ensure customers are suitably aware of the shared nature of the access when entering the premises. The applicant is encouraged to discuss with the occupiers of 150 how the space between the two buildings is best managed to ensure that the private right of way is maintained.

2. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.

3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

In accordance with Council Procedure Rule 8.5 Councillor C Smith asked that his vote for refusal be recorded.

[Speakers: Mrs M Coles - Hildenborough Parish Council; Mrs K de Koningh, Mr B Keenan, Miss A Wakefield, Mrs P Pilbeam, Mr N Shaw, Mrs P Causer, Mrs N Conner, Mrs T Eustace, Mr D Braithwaite - members of the public and Mr N Condon - agent]

**AP1
13/053**

**TM/13/02307/FL - FORMER PRIORY WORKS, TUDELEY LANE,
TONBRIDGE**

Hybrid Application: Development of Priory Works involving (A) Detailed Permission for the erection of two and two and a half storey houses and three and three and a half storey buildings of apartments comprising a total of 183 units with associated access roads, parking, landscaping and provision of open space and (B) Outline Permission with all matters reserved except for access for the development of part of the site for B1 and/or B8 use comprising a minimum footprint area of buildings of 3820 square metres and a maximum height of buildings of 13m at former Priory Works, Tudeley Lane, Tonbridge.

RESOLVED: That the application be

APPROVED subject to:

(1) The applicant entering in a Section 106 Agreement covering the following matters:

- § The provision of on-site affordable housing;
- § A contribution towards public open space enhancements as set out in policy OS3 of the MDE DPD;
- § A contribution towards the provision of primary and secondary school places;
- § A contribution towards the enhancement of the public highway and public footpaths to be agreed with the Highways Authority;

(2) The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health; subject to

- § any revisions to Conditions and additional Conditions as appropriate and necessary, including any considerations regarding the outstanding legal agreement (final wording to be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Director of Central Services).

Members noted that following further investigation it was confirmed that there was not a requirement within the Town and Country Planning (Consultation) Direction 2009 to refer the application to the Secretary of State as stated in paragraph 7.2 of the main report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr L Prebble, Mr P White - members of the public and Ms T Puttock - agent]

**AP1
13/054**

TM/13/02989/FL - PLOT 1, 6 DERBY CLOSE, HILDENBOROUGH

Erection of a detached three bedroom chalet bungalow (revised scheme pursuant to extant planning permission TM/12/02948/FLX and withdrawn application TM/13/01500/FL) at Plot 1, 6 Derby Close, Hildenborough.

RESOLVED: That the application be

APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health.

**AP1
13/055**

**TM/13/02664/FL - PHILPOTS ALLOTMENTS AND PARKING,
RINGS HILL, HILDENBOROUGH**

Construction of an extended car parking area to provide 120 commuter parking bays at Philpots Allotments and Parking, Rings Hill, Hildenborough.

RESOLVED: That the application be

APPROVED, in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mrs M Coles - Hildenborough Parish Council and Mr E Simpson - applicant]

**AP1
13/056**

**TM/13/02224/FL - OAKHURST PARK GARDENS,
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 incorporation of additional land into individual gardens at Oakhurst Park Gardens, Hildenborough.

RESOLVED: That the application be

DEFERRED for Members' Site Inspection and to allow for further discussion to take place with the Director of Central Services concerning the non-compliance with the approved plans.

[Speakers: Mrs M Coles - Hildenborough Parish Council, Mr M Ingle - member of the public and Mr Webster - agent]

MATTERS FOR CONSIDERATION IN PRIVATE

**AP1
13/057**

EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2225 hours

This page is intentionally left blank

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

Hildenborough **554932 150703** **25 October 2013** **TM/13/02224/FL**
Hildenborough

Proposal: 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
Location: Oakhurst Park Gardens Hildenborough Tonbridge Kent
Applicant: Coombe Bank Homes

1. Description:

- 1.1 This planning application was deferred from Area 1 Planning Committee on 05 December 2013 in order for Members to undertake a formal site inspection and for further discussion to take place with the Director of Central Services concerning the non-compliance with the previously approved plans. It was also hoped that, as the applicant was represented at the meeting, heed would be taken of the concerns expressed in the debate which led to the site inspection, with regard to the opportunity for mitigating the impact of the works as executed compared to those as approved. A copy of my December report is annexed for ease of reference.
- 1.2 The Members' Site Inspection took place on 10 January, following which revisions to the scheme have formally been made by the developer. To summarise these revisions, it is now proposed to remove the existing close boarded fencing in the central open area between the two residential blocks and substitute post and rail fencing along with hedge planting. Additional screen planting in front of the close boarded fence located between the garage block and Plot 12 is also now proposed to soften the visual impact of the fence.
- 1.3 A roof is also now proposed to be constructed over the bin store which is located alongside the brick boundary wall with the adjoining Old Motor House, at the northern end of the site.
- 1.4 Further information has also been provided which explains that the central pathway, between the two residential blocks, is intended to comprise an area of gravel. From the rear of these blocks onwards the route is to be grass, turfed and seeded. Additional information has also been provided in respect of how the communal areas across the development will be managed. This states:

"In terms of the proposed management of communal areas, and the wooded area, my clients have set up a company named 'Oakhurst Park Gardens Management Company Limited' and each resident will be given one share (one twelfth) in the

company. The company has been formed to maintain the areas of communal land within the development such as car parking, turning areas, boundaries and lawns, paying of communal electricity supply to run the communal lighting and entrance gates etc.

The woodland will be looked after by the management company, therefore controlled by all twelve residents.”

- 1.5 For the avoidance of doubt I would like to take the opportunity at this stage to clarify that the incorporation of additional land into individual gardens previously referred to in the proposal description relates to the subdivision of the land to the south of the residential blocks and the incorporation of those subdivided portions into the 12 individual plots, each within a post and rail fence. The previously approved scheme instead provided for small private patios, which remain a feature of the current proposal, to the rear of each of the units, which were then proposed to flow into the communal private open space beyond.

2. Consultees (received since 05 December 2013):

- 2.1 Private Reps: 16/0X/1R/1S. Letter of objection states that:

- Amendments, whilst beneficial to the overall appearance of the development, completely miss the point that the site was planned as an entirely open communal garden to serve the 12 units;
- Disguising part of the fencing with foliage hardly aids the feeling of openness which was considered desirable;
- At a loss to understand what benefit a roof on the Bin Store provides to the residents or to us as neighbours – it is surely a retrograde step;
- Reference is made to the issues that arose at the previous Committee meeting;
- It is suggested that this application is invalid and there is general criticism of the procedures followed by the Council in dealing with the application.

- 2.2 Letter of support received from individual citing address as 10 Oakhurst Park Gardens advocating the amendments put forward.

- 2.3 Any further representations will be reported as a supplementary matter.

3. Determining Issues:

- 3.1 The Members' Site Inspection usefully allowed Members to stand within the application site and view the development as constructed. Members were also able to appreciate the relationship between the development and neighbouring properties and the land surrounding the application site. A number of issues arose during the Members' Site Inspection and these are discussed in detail below.
- 3.2 Dealing firstly with the various fences erected in a number of locations within the site, following further investigations after the last Committee meeting, it has become more apparent that one of the chief concerns of a near neighbour centres on the introduction of close boarded fences into the semi-public realm/view between the two blocks, and attached to the units that abut that area, and also similar fences at the sides of the square, which are perceived to currently intrude on the views into and through that area. It would appear that a predominant concern of the neighbour is that the introduction of the close boarded fences either side of the two blocks in particular has adversely affected the vista between the buildings which originally allowed views towards the countryside beyond the site.
- 3.3 These close boarded fences were observed by Members at the recent MSI and I explained at that time that the applicant had informally offered to remove certain close-boarded fences and replace with post and rail fences along with additional planting to provide an alternative form of screening. The applicant also indicated that other close boarded fences could be screened by appropriate planting. As explained in Section 1 of this report, the revisions to these fences have now come forward as a formal amendment for consideration.
- 3.4 It is true that close boarded fences are more commonly seen in suburban localities rather than in rural settings such as this and for this reason I consider that the removal of the close boarded fences either side of the central walkway will greatly assist in creating a more open setting. Post and rail fencing here, with associated planting, will open up the vista between the two blocks which is welcomed in terms of a positive approach by the developer to address the concerns, expressed by third parties and in debate, that the proposal did not adequately preserve the openness of the Green Belt or the rural characteristics of the locality. The close boarded fence located adjacent to Plot 12, on the side of the square, is now proposed to be screened by planting. Suitable planting would undoubtedly soften the appearance of this fence, thus mitigating its current suburban character and of course this fence is seen directly alongside one of the residential blocks and a garage block meaning that it is not causing any overt harm to levels of openness in any case.
- 3.5 Turning to the post and rail fences to the rear of the two blocks, which have been erected to create the 12 individual gardens, and which are also a particular concern of a near neighbour, I remain of the view that these fences themselves and the use of the land as private gardens would not cause undue harm to the

open nature and function of the Green Belt, as set out in my previous report, and provided that control is taken over unnecessary domestic paraphernalia. In particular, Members will have been able to witness that the post and rail fences are characteristic of the rural setting and that the site, rather than being exposed to wider countryside views, is well screened and fundamentally self-contained in terms of views in and out. As such, the impact on openness of the Green Belt and the visual amenity of the countryside is very limited and no more that would have been the case if fences, such as paddock fences, had been installed before this development commenced

- 3.6 I do believe that, now that the 12 houses are proposed to be served by large private gardens, the future incremental development of domestic sheds and outbuildings along with the installation of other domestic paraphernalia such as washing lines, garden furniture and so on, could have an increasingly suburbanising impact on the landscape and this could cause harm to the visual amenities of the site. In order to address such risks, I have recommended that a condition be imposed removing certain relevant “permitted development” rights across the application site. This would mean that the construction/installation of any domestic outbuildings and paraphernalia would require formal planning approval from the Council as would any alterations to the height, style or type of the post and rail fencing. It is my view that this will ensure that the intrinsic openness of the Green Belt across the site would not be compromised, having established that the existing post and rail fences would not cause any such harm. The recommended condition would require an application to be made for such development proposals in all instances and a judgement made on an individual basis as to the acceptability of such structures in terms of the size, design and specific siting.
- 3.7 One resident, at the Members’ Site Inspection, asked for it to be clarified that the units as approved by planning permission TM/06/00140/FL were only proposed to be served by small patio areas to the immediate rears of the dwellings. It is the case that the individual properties had a patio but of course they were also served by the communal open space. I recall that a neighbour objected to patios being described as gardens. Patios would have comprised the only private outside space serving each of the units and, as I explained during the Inspection, the original intention was then for the private patios to filter into the open space beyond, for the use of all residents as communal open space. As Members will have noted, the patio areas have in fact been subsumed into large gardens, created by the installation of a series of post and rail fences as discussed above. I would mention that, simply because the previously approved scheme only included small patios providing for private open space, it is not the case that this could be seen as the only acceptable solution and, for the reasons discussed above, I consider that the patios now leading onto the larger individual gardens are an acceptable alternative to the approved scheme.

- 3.8 Members queried how the central walkway was to be surfaced and the applicant has since provided details of this (set out in Section 1). The use of gravel for the northern portion of the walkway, transferring to grass for the remainder of its length, would suitably reflect the wider development in visual terms and would be in keeping with the locality. This would also suitably provide for sustainable surface water drainage by infiltration. I understand that the walkway is intended to provide access to the rear gardens which I consider to be a reasonable requirement.
- 3.9 Members were also interested to understand how the belt of woodland between the site and the B245 would be managed in the long term. This was clearly something that caused Members some concern in light of its current condition and the fact that it appears to have been in a state of decline now for a number of years. Although it has now become clear that a management company would assume responsibility for this area, I would recommend that, should Members be minded to grant planning permission, a condition be imposed requiring a detailed management scheme pertaining to all the communal areas, including the woodland, to be formally submitted for approval. For the avoidance of any doubt, Members should note that this area of woodland, along with several individual trees across the wider site, is the subject of Tree Preservation Orders.
- 3.10 When viewing the northern end of the site, Members were able to appreciate the relationship between one of the bin stores and the boundary shared with the Old Motor House which is defined by a high brick wall. The application has now been amended to incorporate a simple roof over this bin store to limit the impact of its use, by the new residents, on this neighbouring resident. I consider that a roof will assist in limiting noise and general disturbance arising from the bin store and as such this is a welcome modification. In the circumstances, I would suggest that the roof should be installed prior to the first occupation of any dwelling on the development and this can be secured by planning condition. One Member has mentioned that a brick built bin store would be preferable to the existing wooden structure, even with the inclusion of a roof. Whilst this may be seen as a *preferable* alternative by some, this does not necessarily mean that the timber store is unacceptable in terms of either visual or residential amenity. The bin store, being a small scale, simple structure is unobtrusive in visual terms and the inclusion of the roof would ensure that there would be no undue harm to residential amenity. It would therefore be unreasonable to insist upon a brick built structure in its place.
- 3.11 Discussion also took place as to the position of the newly installed footpath which runs through the woodland down to the B245 at the western end of the site. This footpath is intended to be for public use, rather than just for the benefit of the residents of Oakhurst Park Gardens and its installation was a requirement of the earlier planning permission TM/06/00140/FL as it was felt to have sustainability and highway/pedestrian safety benefits, in particular to allow pedestrians to avoid the need to walk on the carriageway of Bank Lane. Members may however wish to note that this is not an adopted public footpath. As such, it would fall to the

management company to ensure its long term maintenance. It will be necessary to attach a condition to any further approval given to require its retention, its permanent availability for use by the public and its long term maintenance for these two purposes.

3.12 To conclude, it is appreciated that to date some people, including existing neighbouring residents, have found the situation somewhat frustrating in that strict adherence to an approved scheme is not an automatic obligation, under planning law, on a developer. The law allows for the submission of retrospective applications and the submission of such an application both requires and allows the Council to consider the emerging scheme and, however frustrating the receipt of retrospective applications may be, they are a legitimate approach. However, the developer has, now, evidently taken into account the key concerns of Members and neighbours alike which were expressed during the debate that took place back in December and further exposed at the MSI. This has culminated in some very welcome amendments to the scheme which I consider sufficiently overcome any concerns that may have been held in these respects. I am therefore of the view that the grant of planning permission for the scheme (subject to the amendments recently put forward being implemented speedily by the developer) would now afford the Council the greatest degree of control over any future development across the site along with firm assurance about how the site can be used and managed once occupied.

3.13 In light of the above considerations, I recommend that planning permission now be granted subject to the imposition of a series of robust conditions which are set out as follows:

4. Recommendation:

4.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Plans and Elevations 12-OAK-BIN-01 A dated 24.01.2014, Email dated 24.01.2014, Site Plan 12-OAK-CON-01 D dated 24.01.2014, Elevations 12-OAK-119 Rev C dated 25.10.2013, Elevations 12-OAK-120 Rev C dated 25.10.2013, Elevations 12-OAK-121 Rev C dated 25.10.2013, Elevations 12-OAK-122 Rev C dated 25.10.2013, Elevations 12-OAK-123 Rev C dated 25.10.2013, Location Plan 19745/745 Rev 3 dated 25.10.2013, Email dated 16.08.2013, Letter dated 16.08.2013, Floor Plan 1 OAKHURST dated 16.08.2013, Floor Plan 2 OAKHURST dated 16.08.2013, Floor Plan 3 OAKHURST dated 16.08.2013, Floor Plan 4 OAKHURST dated 16.08.2013, Floor Plan 5 OAKHURST dated 16.08.2013, Floor Plan 6 OAKHURST dated 16.08.2013, Floor Plan 7 OAKHURST dated 16.08.2013, Floor Plan 8 OAKHURST dated 16.08.2013, Floor Plan 9 OAKHURST dated 16.08.2013,

Floor Plan 10 OAKHURST dated 16.08.2013, Floor Plan 11 OAKHURST dated 16.08.2013, Floor Plan 12 OAKHURST dated 16.08.2013, Floor Plan 12-OAK-105 Rev. A dated 16.08.2013, Floor Plan 12-OAK-106 Rev. A dated 16.08.2013, Floor Plan 12-OAK-109 Rev. A dated 16.08.2013, subject to the following:

Conditions:

- 1 Prior to the first occupation of the development hereby approved, the site shall be fenced in accordance with plan number 12-OAK-CON-01 D. The fences shall then be retained at all times thereafter.

Reason: In the interests of visual amenity.

- 2 Within 3 months of the first occupation of the development hereby approved, a landscape management plan including management responsibilities and maintenance schedules for all communal areas (including the area of woodland and the footpath which runs through that woodland), other than the privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval. The landscape management plan shall be carried out as approved at all times thereafter.

Reason: In the interests of visual amenity.

- 3 Prior to the first occupation of the development hereby approved, full details of the proposed scheme of planting identified on plan number 12-OAK-CON-01 D shall be submitted to the Local Planning Authority for approval. 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.

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 Prior to the first occupation of the development hereby approved, the bin store roof shall be constructed in accordance with plan number 12-OAK-BIN-01 A received on 24 January 2014 and shall be retained at all times thereafter.

Reason: In the interests of residential amenity.

- 5 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 Classes A, B and E (inclusive) of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto and no other structures or domestic paraphernalia, such as washing lines or children's play equipment, shall be placed on the land shown on Plan TMBC1 attached to this decision at any time, unless planning permission has been granted on an application relating thereto.

Reason: In the interests of maintaining the openness of the Metropolitan Green Belt.

- 6 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 of Part 2 of Schedule 2 of that Order, unless planning permission has been granted on an application relating thereto.

Reason: In the interests of maintaining the openness of the Metropolitan Green Belt.

- 7 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.

- 8 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.

- 9 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 10 No building shall be occupied until the area shown on the submitted plan as turning area 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 and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 11 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the recommendations outlined in the submitted tree report, BS 5837:2005 and the following requirements:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 12 The existing footpath which runs between the site and the access to Bank Lane and the B245, through the communal woodland, shall be made permanently available and retained for public use at all times.

Reason: To provide a safe pedestrian access to the site.

- 13 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 eastern elevations of the buildings 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 amenity and privacy of adjoining property.

- 14 The development shall be carried out in accordance with the following plans: Proposed Plans and Elevations 12-OAK-BIN-01 A dated 24.01.2014, Email dated 24.01.2014, Site Plan 12-OAK-CON-01 D dated 24.01.2014, Elevations 12-OAK-119 Rev C dated 25.10.2013, Elevations 12-OAK-120 Rev C dated 25.10.2013, Elevations 12-OAK-121 Rev C dated 25.10.2013, Elevations 12-OAK-122 Rev C dated 25.10.2013, Elevations 12-OAK-123 Rev C dated 25.10.2013, Location Plan 19745/745 Rev 3 dated 25.10.2013, Email dated 16.08.2013, Letter dated 16.08.2013, Floor Plan 1 OAKHURST dated 16.08.2013, Floor Plan 2 OAKHURST dated 16.08.2013, Floor Plan 3 OAKHURST dated 16.08.2013, Floor Plan 4 OAKHURST dated 16.08.2013, Floor Plan 5 OAKHURST dated 16.08.2013, Floor Plan 6 OAKHURST dated 16.08.2013, Floor Plan 7 OAKHURST dated 16.08.2013, Floor Plan 8 OAKHURST dated 16.08.2013, Floor Plan 9 OAKHURST dated 16.08.2013, Floor Plan 10 OAKHURST dated 16.08.2013, Floor Plan 11 OAKHURST dated 16.08.2013, Floor Plan 12 OAKHURST dated 16.08.2013, Floor Plan 12-OAK-105 Rev. A dated 16.08.2013, Floor Plan 12-OAK-106 Rev. A dated 16.08.2013, Floor Plan 12-OAK-109 Rev. A dated 16.08.2013.

Reason: For the avoidance of doubt and to reflect the submitted plans and in accordance with the spirit of the National Planning Policy Framework 2012.

Contact: Emma Keefe

Report of 5 December 2013

Hildenborough **554932 150703** **25 October 2013** **TM/13/02224/FL**
Hildenborough

Proposal: 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 incorporation of additional land into individual gardens

Location: Oakhurst Park Gardens Hildenborough Tonbridge Kent

Applicant: Coombe Bank Homes

1. Description:

- 1.1 Retrospective planning permission is sought for the construction of 12 houses on the former Oakhurst Manor site, being an amended scheme to that previously approved under planning reference TM/06/00140/FL. Following Oakdene Homes Plc obtaining planning permission for the 12 unit scheme, Coombe Bank Homes commenced development but not in accordance with the approved plans. This application therefore seeks to regularise the works that have taken place on site.
- 1.2 To summarise, the changes involve alterations to the visual appearance of the elevations of the buildings including, for six of the plots, larger floor areas than previously approved by virtue of the incorporation of single storey 'additions' (conservatories). Land previously intended to be retained as a single area of private open space has been subdivided and incorporated into the individual plots by the installation of chestnut post and rail fencing.

2. Reason for reporting to Committee:

- 2.1 Lengthy and controversial planning history.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt, outside any defined rural settlement confines.
- 3.2 The northern boundary of the site is framed by a loose-knit group of residential properties.
- 3.3 Access to the site is from Bank Lane, which is a narrow road. The site is well screened on the side boundary along the B245 (London Road) by mature trees. The land slopes down to the rear of the site and runs parallel to London Road.

4. Planning History (most recent/relevant):

TM/00/00124/FL Refuse 30 July 2001

demolition of existing building and construction of 16 no. apartments with associated car parking and bin store

TM/04/02119/FL Grant With Conditions 1 July 2005

Demolition of existing building and erection of 10 residential units

TM/05/03126/RD Grant 3 January 2006

Details regarding provision of secondary school places, scheme of acoustic protection, scheme of external decoration, scheme of soft landscaping and details of tree protection scheme (including the removal of a Beech tree), submitted pursuant to conditions 2, 3, 7, 15 and 16 of Consent ref: TM/04/02119/FL (Demolition of existing building and erection of 10 residential units)

TM/06/00140/FL Approved 30 January 2008

Residential development to construct 12 dwellings with garaging in two blocks following demolition of existing buildings

TM/08/03117/OA Application Withdrawn 19 January 2009

Outline Application: Redevelopment of Oakhurst Manor with 81 no. affordable dwellings (comprising a mixture of houses and apartments), shop unit and associated public open space, landscaping, access roads and car parking

TM/09/02992/OA Refuse 4 April 2011

Outline Application: Redevelopment of Oakhurst Manor with 81 affordable dwellings (comprising a mixture of houses and apartments), 1 shop unit and associated public open space, landscaping, access roads and car parking, (resubmission following withdrawal of planning application TM/08/03117/OA

TM/10/01066/FLX Application Withdrawn 5 January 2011

Extension of time of planning permission TM06/00140/FL: Residential development to construct 12 dwellings with garaging in two blocks

TM/10/01067/FLX Application Withdrawn 5 January 2011

Extension of time of planning permission TM04/02119/FL: Demolition of existing building and erection of 10 residential units.

TM/10/02943/RD Approved 10 December 2010

Discharge of conditions 2 (materials), 3 (joinery), 9 (junction details), 14 (landscaping), 15 (acoustic treatment), 17 (footpath details), 20 (levels), 22 (external lighting) and 23 (window reduction) submitted pursuant to TM/06/00140/FL (residential development to construct 12 dwellings with garaging in two blocks following demolition of existing buildings)

TM/11/00306/FL Approved 2 June 2011

Removal of Condition 21 (Affordable Housing) of planning permission TM/06/00140/FL: Residential development to construct 12 dwellings with garaging in two blocks following demolition of existing buildings

TM/13/01632/FL Application Withdrawn 18 July 2013

Section 73 Application seeking removal of condition 13 of planning permission TM/06/00140/FL (which required an area of private open space to be laid out and made available), (Residential development to construct 12 dwellings with garaging in two blocks following demolition of existing buildings)

5. Consultees:

5.1 Hildenborough PC: Since responding to the above planning application we have been told the closing date for comments on this application has been extended to 26 October. When we spoke to you prior to sending in our comments you were not in possession of all the background we required but subsequently we have been informed of its history and reasons for some of the conditions imposed. We would, therefore, like to add our own comments.

5.1.1 Our understanding is that on this site surrounded by Metropolitan Green Belt and adjacent to the Kent Downs Area of Outstanding Natural Beauty, permission was obtained for the development 12 houses (TM/06/00140/FUL) to be built with a surrounding private open plan area without subdivision by gardens.

5.1.2 There have, to the Parish Council's knowledge, been eight different planning applications for various numbers of dwellings, and removal of conditions placed on the original planning applications. In addition, we believe, attempts were made to fell mature trees on this site for which TPOs have now been imposed. We are most concerned to note that the current application is for retrospective permission.

5.1.3 We have, in the past, objected to planning conditions being removed and having now gained a fuller understanding of this development object to the removal of condition 13; *"the area shown on the approved plan as private open space shall be laid out and made available for use within three months of the completion of the development"*. We object to this by reason of the original reasons for its imposition

that in order to be commensurate with the original Oakhurst Manor, surrounding Metropolitan Green Belt and Kent Downs Area of Outstanding Natural Beauty the grounds should remain open in nature to preserve the characteristics of a green field site.

- 5.1.4 Further we understand that the Borough Council's Enforcement Officer was called to the site when deviation to the conditions imposed on the approved planning application was observed. No further action in response to this seems to have been taken place. The Parish Council were completely unaware of this. Further it seems to the Parish Council the sectioning up of the 'private open space' is a definite breach of condition 13, and further the building of conservatories on six of the houses without planning permission is in breach of the original plans approved by the Borough Council.
- 5.1.5 The Parish Council would like their objection to TM/13/02224/FL recorded for the reasons given above.
- 5.2 Seal PC: The proposed amendment seeks to remove conditions imposed with the original planning consent that sought to protect the open countryside in the MGB. The current proposal in creating separate garden areas instead of the parkland setting originally proposed, introduces an urban look and detracts from the surrounding area. The original planning consent removed permitted development rights to mitigate against increasing bulk of developed form. The proposed amendments remove that protection in detriment to the location, and increase the risk of light spill from the conservatories, and detracting from the night sky. Seal Parish Council (an adjoining Parish) object to this revised application and it should be refused. A large number of Seal parishioners were active in their objection to various proposals on this site, and were ambivalent to the original grant of permission, that is now proposed to be fundamentally altered in its visual context and setting in the local area.
- 5.3 KCC (H&T): No objections.
- 5.4 Private Reps: 16/3 letters of objection. Objections centre on the following grounds:
- Fencing significantly changes the character of the development and would harm the rural character of the area;
 - This is urban encroachment into the countryside;
 - Carving up land for gardens has created an inappropriate suburban appearance;
 - Question how the proposal actively seeks to protect the woodland and trees on site in light of damage caused by contractors during the course of the development;

- Development should not extend beyond the footprint of the original Manor house as originally stipulated;
- Do not agree that the failure to provide dedicated gardens to serve the new dwellings will adversely impact financial viability – similar developments nearby offer houses without individual gardens such as Fountains Park, Westerham;
- Site gives a rare opportunity to provide a large area of parkland which could be a significant selling point;
- Questions why the Council does not have a monitoring procedure whilst developments are undertaken meaning that responsibility falls on watchful neighbours to report serious divergences;
- Application makes a mockery of the original planning conditions;
- Location of bin store in close proximity to boundary of site will cause noise and odour nuisance to neighbours.

6. Determining Issues:

- 6.1 Members may recall that the planning history in respect of this site is long and involved. The key consideration in respect of this latest application is whether the development is, *in its own right*, acceptable in terms of its impact and not whether specifically it is materially different in its impact when compared to the approved 2006 planning application. It is quite correct that the 2006 permission does set a datum for acceptability but ultimately this scheme must be judge on its own merits
- 6.2 Since planning permission was granted for the 12 houses and associated garage blocks, the policy framework within which the Council is required to determine planning applications has changed considerably, with the publication of the NPPF in March 2012. The NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- 6.3 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate within the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It must be remembered that the principle of this scale of unit numbers was established when the decision was made to allow individual dwellings to be developed *in lieu* of the pre-existing older persons' accommodation that sat on the site previously in the form of a major block building.

- 6.4 The 'extensions' to six of the units within the development are small scale in terms of footprint and bulk and are seen entirely against the backdrop of the substantial townhouses themselves. Had the dwellings been completed and occupied, separate applications for the extension of these dwellings would have been considered as representing modest increases, not disproportionate to the original buildings and thus would have been in accordance with the requirements of the NPPF. I appreciate that the original case for permitting the scheme for 12 houses (which rested in part on the comparisons drawn between that scheme and an earlier scheme for 10 houses which itself post dated the older persons' complex) will be deviated from, to some extent, as a result of this increase in footprint but do not consider that this should now justify a refusal of planning permission.
- 6.5 Turning to the enlargement of the individual gardens serving the 12 units by subdividing the area previously shown to be retained as private open space (and protected by condition), Condition 13 of planning permission TM/06/00140/FL states that:
- "The area shown on the approved plan as private open space shall be laid out and made available for use within three months of the completion of the development."*
- 6.6 The reason given for the imposition of this condition was to ensure the availability of private open space for the recreational needs of the residents. A condition was also imposed on the planning permission restricting the installation of fences and means of enclosure usually considered to be permitted development.
- 6.7 The arrangements as actually installed are of an essentially rural character, being chestnut post and rail fences, which define the individual areas and these do not detract from the open aspect of this part of the Green Belt and provided, that other more imperforate styles of higher fence are not introduced in the future by occupants, the arrangements as installed would not substantively subvert the intention of the earlier condition
- 6.8 The NPPF does not cite the change of use of land or the installation of fences *per se* as being inappropriate development but the inclusion of the land into the individual gardens would normally be considered as inappropriate development, which is harmful by definition unless controls are applied to prevent adverse visual impact on openness.
- 6.9 It is my view that the change of use itself and the use of post and rail fencing is appropriate in this location. As I mentioned above, such fencing is a feature commonly seen in rural landscapes and I am satisfied that there would be no harm to the open nature or functioning of the Green Belt or the rural character of the locality.
- 6.10 I agree with objectors that the future incremental development of domestic sheds and outbuildings along with the installation of other domestic paraphernalia such as washing lines, garden furniture and so on could have an increasingly

suburbanising impact on the landscape as the dwellings become occupied and this could cause harm to the open landscape. In order to address such risks, officers are actively working to serve an Article 4 Direction to restrict future development within the areas in the applicants' control. I would also recommend that a condition be imposed removing relevant "permitted development" rights across the application site, including the area that would previously have been "combined" private open space had the development been undertaken in accordance with the previously approved plans. This should ensure that the intrinsic openness of the Green Belt at this point would not be compromised, having established that the fences themselves would not cause any such harm. Progress in this respect will be reported within the Supplementary report.

- 6.11 Another of the core principles contained within the NPPF centres on the need to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is supported by policy SQ1 of the MDE DPD. Having visited the site recently, it is my view that the development has been undertaken to a high standard and has resulted in an attractive private development within the rural locality. The changes from the approved scheme in terms of the elevational treatment are relatively minor and have in no way compromised the resulting development.
- 6.12 Finally, I have noted that one of the bin stores has been constructed directly adjacent to the northern boundary of the site, shared with a residential property. The area is enclosed by a close boarded fence and the boundary here is defined by a relatively high brick wall. As such, I do not consider that this arrangement would cause undue harm to the amenities of this neighbouring property
- 6.13 In light of the above assessment, I conclude that the proposed development meets the requirements of the NPPF, policies CP3, CP14 and CP24 of the TMBCS and I therefore recommend that planning permission be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Elevations 12-OAK-119 Rev C dated 25.10.2013, Elevations 12-OAK-120 Rev C dated 25.10.2013, Elevations 12-OAK-121 Rev C dated 25.10.2013, Elevations 12-OAK-122 Rev C dated 25.10.2013, Elevations 12-OAK-123 Rev C dated 25.10.2013, Drawing 12-OAK-BIN-01 dated 05.11.2013, Location Plan 19745/745 Rev 3 dated 25.10.2013, Email dated 16.08.2013, Letter dated 16.08.2013, Floor Plan 1 OAKHURST dated 16.08.2013, Floor Plan 2 OAKHURST dated 16.08.2013, Floor Plan 3 OAKHURST dated 16.08.2013, Floor Plan 4 OAKHURST dated 16.08.2013, Floor Plan 5 OAKHURST dated 16.08.2013, Floor Plan 6 OAKHURST dated 16.08.2013, Floor Plan 7 OAKHURST dated 16.08.2013, Floor Plan 8 OAKHURST dated 16.08.2013, Floor Plan 9 OAKHURST dated 16.08.2013, Floor Plan 10 OAKHURST dated 16.08.2013, Floor Plan 11 OAKHURST dated 16.08.2013, Floor Plan 12

OAKHURST dated 16.08.2013, Floor Plan 12-OAK-105 Rev. A dated 16.08.2013, Floor Plan 12-OAK-106 Rev. A dated 16.08.2013, Floor Plan 12-OAK-109 Rev. A dated 16.08.2013 subject to the following:

Conditions:

- 1 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 Classes A, B and E (inclusive) 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 maintaining the openness of the Metropolitan Green Belt.

- 2 The access shall not be used until the area of land within the vision splays shown on the plans approved under planning reference TM/06/00140/FL has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

- 3 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the plans approved under planning reference TM/06/00140/FL.

Reason: To ensure the safe and free flow of traffic.

- 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 junction between the service road and the highway has been constructed in accordance with details approved under planning reference TM/10/02943/RD.

Reason: To ensure the safe and free flow of traffic.

- 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 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 8 No building shall be occupied until the area shown on the submitted plan as turning area 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 and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 9 The scheme of landscaping shall be carried out in accordance with the details approved under planning reference TM/ 10/02943/RD. 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.

- 10 The scheme of acoustic protection approved under planning reference TM/10/02943/RD shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

- 11 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the recommendations outlined in the submitted tree report, BS 5837:2005 and the following requirements:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 12 The proposed footpath between the site and the B245 as approved under planning reference TM/10/02943/RD shall be implemented before occupation of the buildings and maintained as approved.

Reason: To provide a safe pedestrian access to the site.

- 13 The proposed buildings shall be constructed in accordance with the noise mitigation measures identified in the Noise Report dated 01.02.06 and additional requirements identified in the letter received on 09.08.06 as approved under planning reference TM/06/00140/FL.

Reason: The protection of the proposed occupiers from noise.

- 14 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 eastern elevations of the buildings 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 amenity and privacy of adjoining property.

- 15 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 of Part 2 of Schedule 2 of that Order, on the land shown on Plan TMBC1 attached to this decision, unless planning permission has been granted on an application relating thereto.

Reason: In the interests of maintaining the openness of the Metropolitan Green Belt.

Contact: Emma Keefe

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 5 December 2013

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 incorporation of additional land into individual gardens at Oakhurst Park Gardens Hildenborough Tonbridge Kent for Coombe Bank Homes

Private Reps: 4 further letters of objection received objecting on the grounds previously set out in the main report and also making the additional objections:

- Feel completely let down with the way the Council has dealt with this case since investigations began;
- Unbelievable that the Council invited a retrospective planning application to be made;
- Conditions previously imposed in order to retain the open parkland were not robust;
- No mention of the close boarded fences subdividing the 'main area of land' – the previous landscaping scheme showed absolutely no such fences;
- Permeable paving has not been incorporated – does this form part of the new application?

DPHEH:

The main Committee report quite properly concentrates on certain key aspects of the development as constructed, those being seen as the main, fundamental changes to the scheme from that previously approved. However, Members will of course be aware that the planning application before them seeks permission for the scheme in its entirety, not just those main aspects discussed at length in my main report.

For the avoidance of any doubt, the privacy screens between the units approved within the earlier landscape scheme were shown to be formed of 1.8m brick walls. Although the close boarded fences are different in appearance to the approved brick screens, the impact on the openness of the Green Belt would be comparable and have no greater and impact. The use of post and rail fences to separate the remaining areas of garden is appropriate in this rural locality and would not cause any harm to the openness of the Green Belt, being rural character fencing that in the normal run of things can be used to subdivided areas of land on the Green Belt without needing the Council's approval (for instance the "permitted development" subdivision of paddocks).

It is understood that a type of permeable tarmac has been used for the areas of hardstanding within the development. I have no cause to dispute this at this time but this can be investigated further. The landscaping scheme insofar as it is completed is

acceptable in visual terms it must be remembered that the requirement to carry-out landscaping only arises in the planting season *after* the completion of the development, so the site has not yet reached that stage. There was no evidence of the site frontage experiencing drainage problems when the site was visited in late October,

It is appreciated that the public find the situation somewhat confusing in that strict adherence to an approved scheme is not an automatic obligation on a developer. The law allows for the submission of retrospective applications and the submission of such an application allows the Council to consider the emerging scheme. While this may be highly frustrating to both the public and the Council Parliament has legislated to allow this to occur. As Members will be well aware that the Council is not able to justify enforcement action simply because a breach of planning control is occurring, it is required to assess the nature of the breach and reach a judgement of the planning merit of the works themselves. It is that assessment of merits that is set out in the main Report.

RECOMMENDATION REMAINS UNCHANGED

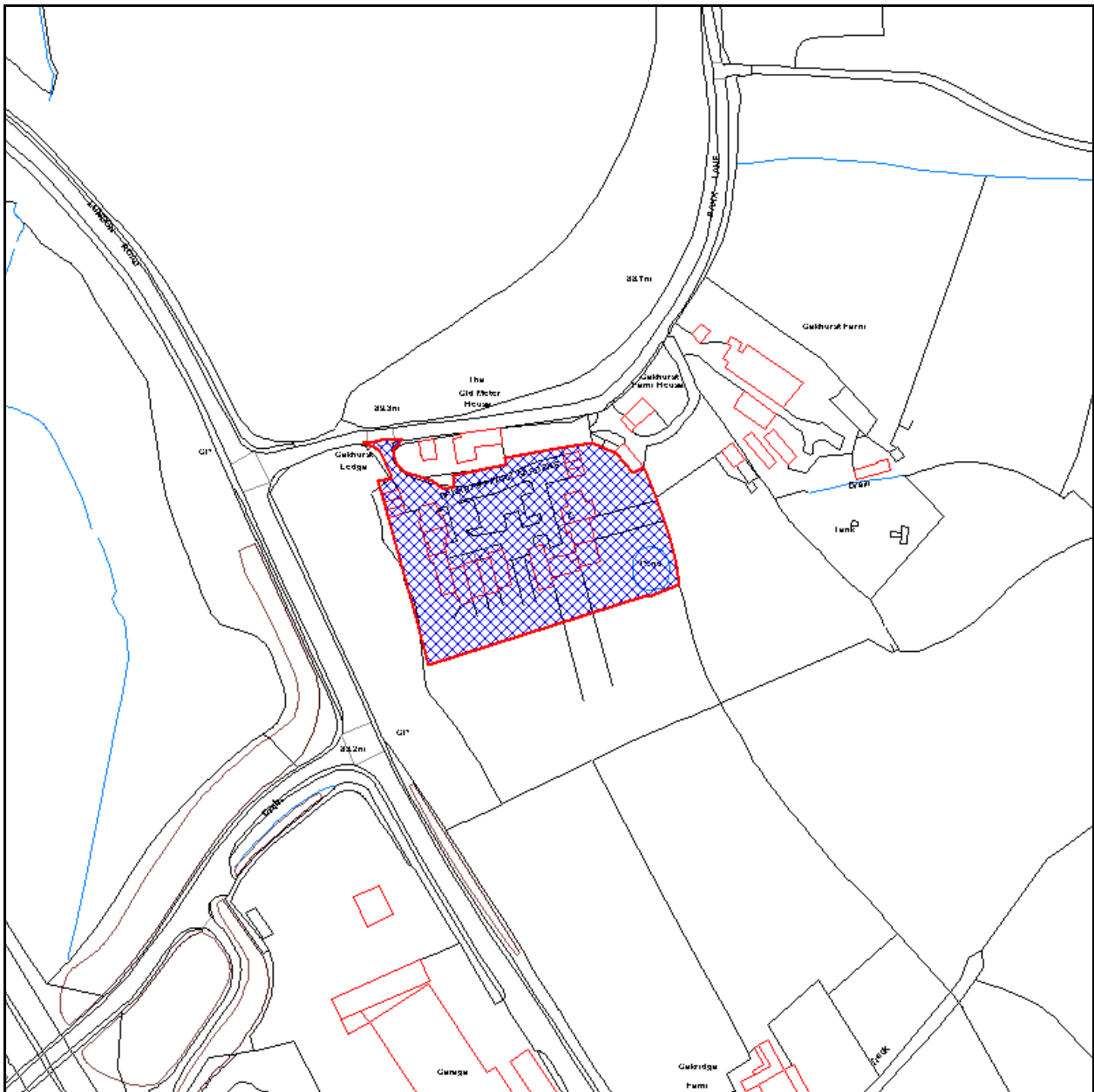
This page is intentionally left blank

TM/13/02224/FL

Oakhurst Park Gardens Hildenborough Tonbridge Kent

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 incorporation of additional land into individual gardens

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2012.



This page is intentionally left blank

Tonbridge **559068 145228** **10 October 2013** **TM/13/03128/FL**
Vauxhall

Proposal: Construction of a floodlit synthetic turf pitch, including fencing, on school playing fields
Location: Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR
Applicant: Tonbridge Grammar School For Girls

1. Description:

- 1.1 The proposed pitch would be located on the existing grassed hockey pitches located to the south of the school buildings. The area of the pitch measures 101m x 63m. It would be laid out either as a single hockey pitch playing length ways, or two separate hockey pitches playing width ways. A six lane athletics sprint strip would also be located along the northern side of the pitch. It is intended for the pitch to be used for football and athletics as well as hockey. The pitch could also be used as tennis courts during the summer. However, the pitch could not be used for all of these activities at any one time.
- 1.2 The pitch would be surrounded by dark green plastic coated weld mesh fencing measuring 3m high, although the sections behind the goals would measure 4.5m high.
- 1.3 In addition to use by the school for different sports, it is intended for the proposed pitch to be available for use by certain community groups outside school hours. The applicant has already received expressions of interest from the following groups to use the proposed pitch:
 - Weald of Kent School
 - The Judd School
 - K College
 - Sevenoaks Hockey Club
 - Edenbridge Hockey Club
 - Black Knights
 - Hillview School
 - Tonbridge Athletics Club
 - Tunbridge Wells Hockey Club

5. Consultees:

- 5.1 KCC (Highways): The new pitch would replace an existing sports pitch and would attract in the region of 45 visitors during weekday evenings. The information submitted indicates that there are 70 parking spaces on site and the peak period for the community use would be Tuesday and Wednesday evenings when up to 95 visitors would be on site for dance, netball and hockey (including the new pitch). Allowing for joint trips, participants being dropped off and those walking, the level of parking provision is considered to be adequate. The additional traffic generated by the new pitch would not be likely to lead to any significant congestion or safety problems on the adjoining highway. In view of the above, I can confirm that I do not wish to raise objection.
- 5.2 EA: We have assessed this application as having a low environmental risk. We therefore have no comments to make.
- 5.3 Private Reps (including responses to site and press notices): 30/1X/0S/21R. The 21 responses raise the following objections to this proposal:
- The use should be for the school's use only.
 - The use of the pitch by community groups would cause excessive noise at times when local residents expect peace (evenings and weekends).
 - Noise would be caused by the arrival and departure of the player's vehicles, their training staff, supporters, friends and families, as well as noise arising from the use of the pitch and supporters.
 - There are no changing facilities for the community groups, which means that community users would have to change around their vehicles, lengthening the time that people would be within the site.
 - If the pitch is allowed to be used for community groups, a far stricter window of use should be allowed.
 - Consideration must be given to the fact that disturbance to neighbouring properties is not just limited to the times when the pitch is in use, but before and after as well.
 - The flood lights will cause light pollution to nearby residential properties.
 - No collaboration has been undertaken by the developer with local residents, as is recommended in the NPPF.
 - There is a surplus of hockey pitches in the local area and the proposal is not required.

- The noise survey does not assess the noise impact upon the nearest residential properties, which are located in Taylors Close.
- The use by community groups would have an adverse impact upon the parking arrangements in Deakin Leas.
- The use of the pitch by community groups has to be considered alongside the use of the school's dance studio after school hours by a dance school and other groups who also rent space within the school (such as hosting 11+ exams).
- No additional car parking is proposed.
- The pitch would result in the loss of the existing open space with no land to compensate for this loss.
- The pitch would damage the character of this low density residential area.
- The school presently has difficulties with regulating the opening and closing of gates leaving users waiting in the Deakin Leas, early in the morning.
- The data contained within the noise assessment does not tally with the proposed operating hours specified within the application forms.
- Loss of wildlife habitat.
- The pitch would have an adverse impact upon privacy and pose a potential security risk.

6. Determining Issues:

- 6.1 It must be remembered that a development of much the same character has previously been approved for this site. (That permission was granted by Kent County Council). Whilst that permission is no longer extant (it expired in November 2013), it is none the less a material consideration indicating the acceptability in principle of such a facility.
- 6.2 Policy CP 11 of the TMBCS states that development should be concentrated within the confines of urban areas, including Tonbridge
- 6.3 The existing playing field within this school site is identified as an open space to which policy OS 1 of the MDEDPD relates. This policy states that development which would result in the loss or reduce the recreational, nature conservation, bio-diversity, landscape amenity and/or historic value of such open spaces will not be permitted unless a replacement site is provided. The playing field is clearly a recreational space used by the school. The proposed development is for an all

weather sports pitch that can be used all year round. Consequently, the proposed development would not result in the loss of the existing recreational open space within this site.

- 6.4 Policy CP 24 of the TMBCS requires all developments to be well designed and through such matters as scale, siting, character and appearance be designed to respect the site and its surroundings. Local residents have objected to the visual impact of the proposed pitch upon the character of the existing playing field, (including the impact of the proposed flood lights and fencing).
- 6.5 The pitch would be located within the grounds of a school on land that is currently marked out and used as sports pitches. The pitch would also be located within an area of the school grounds that is not visually prominent from public vantage points. In this context, the proposed pitch and its fencing would not cause unacceptable harm to the visual amenity of the locality in my opinion. Furthermore, whilst the floodlight columns would measure 15m in height, in the context of an established high school site containing large buildings, I do not consider their impact would be significantly detrimental upon either residential amenity in the form of light pollution or upon the character of the wider area. They would also not be significantly different from the previously approved scheme.
- 6.6 Many of the objections raised to the proposed development focus on the proposed community use of the proposed pitch and do not object to the school's use of this facility. The primary planning issues associated with the community use of the pitch relate to noise/ disturbance that may be caused to local residents and added detriment to the safe and free flow of traffic using Deakin Leas.
- 6.7 Initially, the hours of use for the pitch caused significant concern with local residents, particularly the weekday evening finishing time of 9.30pm as originally proposed. However, following negotiations with the applicant's agent, the finishing time has now been revised to 8.00pm. This is, of course, the same weekday evening finishing time as was previously approved by Kent County Council in dealing with the previous proposal in 2010. An 8.00pm weekday evening finishing time for the use of the pitch is considered to be reasonable and would not result in unreasonable noise disturbance to local residents in my opinion. The neighbours living adjacent to the site access would notice activity shortly after this finishing time as players leave the site via the sole vehicular access to Deakin Leas. However, even accounting for an extra 15 minutes or so for players to leave the site after the pitch use ceases, I am satisfied that the proposal would not cause unacceptable detriment to local residents at un-social hours of the evening. Similarly the weekend hours proposed are 8.30am to 6.00pm on Saturdays and 9.30am to 6.00pm on Sundays and Bank Holidays. Allowing for a 15 minute window on either side of these operating times for people to arrive before and leave after the pitch use, these operating times would not result in activities at unreasonable times of the day in my opinion. The hours of use of the pitch can be controlled by conditions, should Members be minded to grant planning permission.

- 6.8 Due to the nature of the proposed development, there is potential for noise disturbance caused not only by the arrival and departure of the participants and spectators, but also noise from the actual use of the pitch itself (from players and spectators). The submitted noise reports have been criticised because the hours of the day when noise levels were assessed did not tally with the proposed hours of use of the pitch. However, revised acoustic reports have now been submitted which contain sufficient information for the Council to assess the impact of the noise generated by the use of the pitch upon the amenity of local residents.
- 6.9 This shows that the noise levels arising from the use of the pitch would be between 1.3 dB and 3.8dB above the existing background noise levels at the site's boundaries with residential properties within Deakin Leas and Vauxhall Gardens. At the boundary of Taylors Close the predicted noise levels arising from the use of the proposed pitch are between 4.5 dB (weekend day) and 6.7dB (weekday evening). It is generally recognised that the human ear cannot readily discern a change in noise levels of less than 3dB. The predicted noise levels at the boundaries of the residential properties in Deakin Leas and Vauxhall Gardens would not, therefore, be significantly noticeable than existing background noise levels. The noise generated by the pitch would be more noticeable within the properties in Taylor Close. However, due to the now proposed operating hours for the pitch, the amenity of these neighbouring properties is not considered to be adversely affected by the likely noise levels generated though the use of the sports pitch.
- 6.10 With regard to the proposed flood lighting, the applicant has confirmed that the lighting would be controlled by a digital timer. It can be required by condition to be switched off at an appropriate time. The lighting has also been specifically designed to illuminate the pitch itself with little overspill beyond it. Indeed the submitted information indicates that the effect of the lighting at the boundaries with neighbouring residential properties would be minimal. I am satisfied, therefore, that the proposed flood lighting would not cause unacceptable harm to the amenities of neighbouring residential properties.
- 6.11 Much concern has been expressed by local residents regarding the cumulative impact of the proposed development and existing extra-curricular school events upon the amenities of local residents. This relates to congestion caused by parents and other users of the school facilities during different times of the day/day of the week and the resulting general disturbance/disruption to local residents caused by this. Information has been submitted by local residents regarding the school's range of extracurricular activities that currently occurs. Indeed, it has been reported by local residents that during a recent parents' evening, gridlock occurred within Deakin Leas due to apparently inconsiderate driving by parents trying to access the school, which included people stopping or parking across residents' driveways preventing them from accessing their own properties. It would appear from local residents' comments regarding this application that this was not an isolated incident.

- 6.12 In light of the existing problems that local residents face, they are concerned that the proposed usage of the pitch would add to the existing levels of disruption and harm to their amenity as additional groups of people will be visiting the school to use the pitch. The school has been asked to clarify the nature and use of the proposed pitch by community groups in order that the Council can assess as accurately as possible the potential intensity of use and possible impacts of the proposed development upon the amenities of local residents in terms of added disruption/inconvenience/noise when people would be arriving at or leaving the site. The range of specific uses on particular evenings will no doubt affect the numbers of people using the proposed facility and therefore the potential local impact through intensity of comings and goings. Additionally, there could be times when the use of the pitch could coincide with parents' evenings or other school events which could create a "perfect storm" scenario for local residents, which could be detrimental to their amenity. Ideally, we would guard against such eventualities.
- 6.13 However, the school has not yet been able to clarify the precise details of what organisations would be using the pitch, how long each session would last and how each session would be used by a particular community group (such as a hockey match, hockey training session, football match etc). Whilst it is important to know this information, the school has not been able to provide this level of detail at this time. Nevertheless, a condition can be added to a planning permission for the pitch that would require details of the community use to be submitted to and approved in writing by the Local Planning Authority. This would also include a requirement for the school to include a mechanism to continually review the approved community use scheme. It could also include the prohibition of non-school use coinciding with major school events. This would enable the provision of the pitch to be agreed in principle and for the school to make use of it for its own educational purposes whilst preparing full details of the intended community use prior to its actual use by the community groups.
- 6.14 In recommending this approach regarding the community use issues, I am mindful of the fact that no objection to the proposed development has been raised by the Highway Authority. It also has to be borne in mind that a similar proposal for the same size of sports pitch was granted planning permission for this site in 2010 by Kent County Council when the school was still under the control of the Local Education Authority. Permission has, therefore, already been granted in recent years in the context of the same Development Plan that applies today, for essentially the same development as is currently proposed. It is also the case that a condition similar to the one I am proposing in relation to the submission for approval of a scheme relating to community use was imposed on that permission by the County Council. It also must be considered that the school can make use of its existing facilities outside of school operating hours, for a number of activities that do not require planning permission from the local planning authority and which can and do cause congestion and inconvenience to local residents. However, it is,

of course, important to seek to ensure that the proposal does not cause significant further detriment to amenity than already occurs, hence my reference to the use of a condition to control the community use.

- 6.15 The users of the proposed sports pitch would be allowed to park within the school grounds where there are 70 spaces currently available. The revised operating hours of the sports pitch are such that school staff will have vacated the site before the community use of the sports pitch commences at 6.00pm on weekday evenings, leaving the car parking spaces for those using the sports pitch and other school facilities outside school hours. The current adopted Vehicle Parking Standards show that the level of car parking required to serve the proposed pitch will vary depending upon how many participants are using it at any one time. For the use of the proposed pitch for a hockey match, 20 car parking spaces would be required. If it were to host 2 five-a-side football matches at once, 16 car parking spaces would be required. The school has referred to the use of the pitch for 12 tennis courts. This would require 34 car parking spaces to be provided (based on a maximum of 48 players and a similar level of spectators being on site at the same time).
- 6.16 The school has submitted information that shows the different activities that are currently being undertaken within the site (outside school hours), the level of car parking used by those activities and that predicted to be associated with the use of the proposed pitch. (The school has assumed an average use of 30 car parking spaces being occupied by the users of the proposed pitch). Based on the information submitted by the school and the Council's adopted Vehicle Parking Standards, it is considered that an adequate level of car parking would be available within the site to serve the community use of the proposed pitch. However, I would recommend the use of a condition requiring 35 of the existing car parking spaces to be made available for use by those using the proposed pitch. Requiring details of the community use of the pitch to be submitted to and approved by the Borough Council would also help the school to plan its use with a view to minimising the times when other school users would be competing for the remaining parking spaces.
- 6.17 The proposed development would not require the removal of any trees within the site and the pitch would stand outside the Root Protection Area of the trees that stand along the southern and western boundaries of the site. The submitted arboricultural assessment recommends that tree protection fencing be erected during the course of construction.
- 6.18 In conclusion, whilst the concerns expressed by local residents are entirely understandable, it is considered that the provision of the pitch itself and use by the school would not cause significant harm to their amenity, the character of the locality or indeed highway safety. Furthermore, I consider that with careful planning and management the proposed pitch could also be used outside school times by community groups without causing additional significant detriment to the

amenities of the local residents, but this would have to be satisfactorily demonstrated by the school before the community use could take place. In light of these considerations and for the other reasons set out in this report, I consider that on balance, permission should be granted for this development subject to certain conditions limiting the use of this facility.

7. Recommendation:

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

Letter dated 13.01.2014, Other PARKING SCHEDULE dated 13.01.2014, Letter ADDITIONAL INFO dated 13.01.2014, Letter ADDITIONAL INFO dated 13.01.2014, Noise Assessment dated 16.12.2013, Letter dated 16.12.2013, Documents TERMS AND CONDITIONS dated 16.12.2013, Documents TIME TABLE dated 16.12.2013, Arboricultural Survey AR/3064/JQ dated 10.10.2013, Design and Access Statement dated 10.10.2013, Planning Statement dated 10.10.2013, Supporting Statement dated 10.10.2013, Waste Management Strategy dated 10.10.2013, Lighting DETAILS dated 10.10.2013, Photograph dated 10.10.2013, Location Plan SCC/TGS/101 dated 10.10.2013, Existing Site Layout dated 10.10.2013, Proposed Layout dated 10.10.2013, Site Plan SCC/TGS/102 dated 10.10.2013, Floor Plan SCC/TGS/103 dated 10.10.2013, Drainage Layout SCC/TGS/104 dated 10.10.2013, Elevations SCC/TGS/105 dated 10.10.2013, Section SCC/TGS/106 dated 10.10.2013, Section SCC/TGS/108 dated 10.10.2013, Email dated 22.01.2014, Noise Assessment dated 23.01.2014, subject to the following:

Conditions / Reasons

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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. No development shall take place until details of existing and proposed pitch levels, and any levelling works to be undertaken 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.

4. The flood lighting hereby permitted shall be installed and set up as detailed in the LTL Contracts report dated 11.06.2009, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenity of nearby residential properties.

5. All flood lighting within the site must be extinguished by 20.15 Monday to Friday and by 18.15 on Saturdays, Sundays, Bank and Public holidays, or within 15 minutes after last use of the sports pitches, whichever is the sooner.

Reason: In order to protect the amenity of nearby residential properties.

6. The flooding lighting hereby permitted shall be completely extinguished when the sport pitches are not in use.

Reason: In order to protect the amenity of nearby residential properties.

7. The sports pitch hereby approved shall not be used outside the hours of 08.30 to 20.00 Mondays to Fridays, 08.30 to 18.00 on Saturdays or 09.30 to 18.00 Sundays, Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

8. The development shall be carried out in accordance with the tree protection measures specified within section 10 of the Quaife Woodlands Arboricultural Report dated 2nd October 2013, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and wider locality.

9. The use of the pitch other than by the applicant shall not commence until details of a Community Use scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of time-tabling, access by non-Tonbridge Girls Grammar School users, management responsibilities and shall include a mechanism for reviewing the approved scheme. The scheme shall be implemented upon the first use of the pitch by non-Tonbridge Girls Grammar School users and shall be adhered to at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise detriment to the amenities of nearby residential properties.

10. The use of the pitch other than by the applicant shall not commence until details showing the provision of at least 35 car parking spaces within the application site to be made available for users of the pitch outside of school hours have been submitted to and approved in writing by the Local Planning Authority. The relevant car parking spaces shall be clearly marked out on site as being only for

the users of the pitch outside school hours, prior to the first use of the pitch by non- Tonbridge Girls Grammar School users and shall only be used by the users of the pitch hereby approved.

Reason: To protect the amenities of the locality and in the interests of highway safety.

- 11 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 Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority.

Reason: In the interests of amenity and public safety.

Informative

- 1 During construction the applicant is strongly advised to restrict hours of work to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturdays with no work on Sundays and Public Holidays. Therefore, the applicant is advised to apply for Prior Consent pursuant to the provisions of Section 60 of the Control of Pollution Act 1974 from the Director of Health and Housing (Pollution Control).
- 2 The applicant is advised to adopt considerate construction techniques for the duration of the development in order to minimise any detriment caused to local residents. For example, the applicant is advised to park all construction and worker's vehicles within the school grounds and employ measures to reduce dust nuisance beyond the site and to avoid vehicles leaving the site depositing mud or other materials on the public highway.

Contact: Matthew Broome

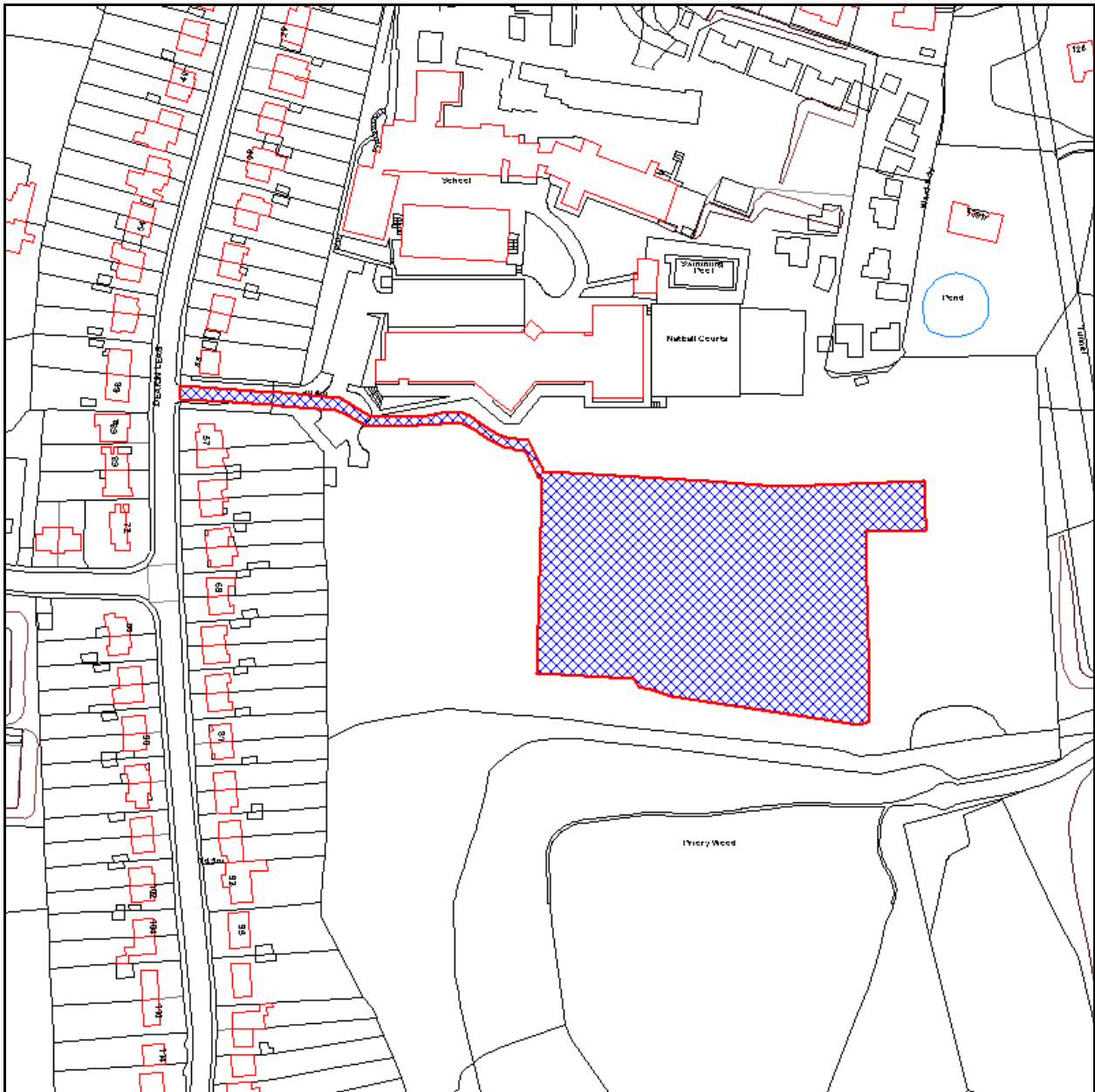
This page is intentionally left blank

TM/13/03128/FL

Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR

Construction of a floodlit synthetic turf pitch, including fencing, on school playing fields

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2012.



This page is intentionally left blank

Tonbridge Castle **559229 147160** **8 January 2014** **TM/13/03889/FL**

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

1. Description:

1.1 It is proposed to demolish the existing workshop building and build a pair of semi-detached dwelling houses in its place. The building would measure 16.4m in length, a maximum of 10.2m in depth and would stand 7.5m high at ridge level. The dwellings would be built from facing brickwork, white painted timber weatherboarding and the pitched roof elements would be clad with plain clay tiles. The windows and external doors would be of timber construction and the windows would be painted white.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Branson given the constrained nature of the site and concerns over the relationship to neighbouring properties.

3. The Site:

3.1 The site is located within the urban confines, to the east of Shipbourne Road. The site lies within the Tonbridge Conservation Area (Sub Area E2). The site contains a brick and timber building currently used as a workshop, but was once used as a farm building.

4. Planning History:

TM/56/10166/OLD grant with conditions 3 July 1956

Builders Yard.

TM/76/11078/FUL Refuse 25 February 1976

Change of use of three garages to use as furniture storage building.

5. Consultees:

5.1 KCC (Highways): No objection.

5.2 Private Reps (including site and press notices): 0X/0S/2R. Two letters have been received, one from a local resident and one from a planning consultant on behalf of a local resident. They raise the following objections to the proposed development:

- Loss of privacy from the proposed dwellings.
- The building would appear overbearing from the neighbouring properties due to its size and close proximity to the boundary.
- The building would result in a loss of light to the neighbouring dwelling and its garden located to the north of the site.
- The demolition of the existing building would harm the setting of the adjacent Listed Building and Character of the Conservation Area.
- The proposed replacement building would harm the character of the Conservation Area and the setting of the adjacent Listed Building, due to its size, position and design.
- The development would appear cramped and fail to respect the cluster of buildings in this locality.
- The development is contrary to development plan policies CP 1, SQ 1 and SQ 2, as well as current Government policy contained within paragraphs 60 & 61 as well as section 12 of the NPPF.

6. Determining Issues:

6.1 Current Government guidance contained within the NPPF promotes the presumption in favour of sustainable development which should be seen as a golden thread running through the decision taking process. This is defined within paragraph 14 of the NPPF as:

“approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.”

- 6.2 The site lies within the urban confines of Tonbridge, where policy CP 11 of the TMBCS supports the principle of locating new development. The site is located close to the town centre and the proposed dwellings would be located on previously developed land. In light of the above, I consider that the principle of locating dwellings within this site is acceptable in broad policy terms.
- 6.3 Of course, many other considerations have to be taken into account. Policy CP 24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. All proposals must, in terms of scale, siting, layout, density, character and appearance, be designed to respect the site and its surroundings. Policy SQ 1 of the MDEDPD reinforces this by requiring developments to protect, conserve and, where, possible, enhance the character and local distinctiveness of the area.
- 6.4 Section 12 of the NPPF relates to development and the historic environment. It states at paragraph 131 that when determining planning applications, account should be taken of the desirability of preserving and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.
- 6.5 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), relates to developments within Conservation Areas. It requires that when exercising powers in respect of land or buildings within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area.
- 6.6 The site, the subject of this application lies within Sub-Area E2 of the Tonbridge Conservation Area (Shipbourne Road). The Conservation Area Appraisal makes no reference to the site, the subject of this application, or the building within it. The appraisal notes that the use of traditional materials is predominant in this area with buildings built from red brick or painted render, with some weatherboard and hung tiles. Roofs are slate or tiled. The appraisal refers to the “haphazard character of Shipbourne Road” contrasting with “the more formal planned character of Asburnum Road or Manor Grove”.
- 6.7 I note the concerns of the local resident regarding the loss of the existing building. However, it is not a Listed Building. It is of red brick construction, although it does contain white coloured weatherboarding on its front elevation at first floor level. The roof is clad with clay plain tiles and diamond shaped patterns have been laid within the roof by using different shaped roof tiles. The building once formed part of Dry Hill Farm, before the surrounding area was developed. However, the building is not considered to be of such historical or architectural importance that its replacement with another would automatically result in detriment to the character or appearance of the Conservation Area.

- 6.8 The proposed building would occupy a similar position within the site as the building it would replace. The dwellings would be located further to the south of the position of the existing building, adjacent to the edge of the access road that serves this and neighbouring properties. It is larger than the building it would replace in terms of height, length and depth and it is true that the site is not extensive in terms of its area. However, the area close to the site is characterised by different sized buildings and plots and there is no one set pattern or size of development in the locality.
- 6.9 The proposed development, in terms of scale, form, height and design would not appear as a cramped over development of the site, given the particular context of the local area. The dwellings would have a traditional form and design and it is proposed to construct them from stock brickwork, white-painted, timber cladding and plain clay roof tiles. The windows would also be of timber construction and painted white. The dwellings would have an external appearance that is traditional and the materials are those cited within the Conservation Area appraisal as being a key feature of the Conservation Area. The overall character of the proposed building is not altogether dissimilar to that of the building it would replace and I consider this to be a sensitive development in terms of how it would relate to the historic environment and it would not detract from the local distinctiveness of this part of Tonbridge. Consequently, I do not consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and I also consider that it would not harm the setting of the Grade II Listed Building at Dry Hill Farm located to the south west of the site.
- 6.10 One of the objectors considers that the proposal does not comply with paragraphs 60 and 61 of the NPPF. These relate to the quality of design of a development. In light of my comments in the preceding paragraph, I do not consider this proposal to be contrary to paragraphs 60 or 61 of the NPPF either.
- 6.11 With regard to the issues concerning residential amenity, the two storey section of the building would be located closer to the boundary with the neighbouring residential property at 21 Haydens Mews, than the existing building. However, this residential property has a large rear garden and the position/orientation of the proposed dwellings is such that they would not unduly dominate the outlook from this neighbouring property in my opinion. Two first floor windows are shown to be located within the flank wall of the dwelling facing this neighbouring residential property. However, one can be required to be obscured glazed and fixed shut as it would serve only a stairwell. A bedroom window originally faced this direction, but this has now been altered to a bay window with three sides, two of which can be obscured glazed and fixed shut, The other panel would face south, away from the dwelling house and private garden area within the neighbouring residential property, thereby protecting its amenity.

- 6.12 Concerning the neighbouring property 'Appledore', which lies to the north of the site, the proposed dwellings would cause some overshadowing to occur to the southernmost section of the garden of this neighbouring property. However, the majority of the residential curtilage of this property would not be adversely affected by this proposal. Furthermore, due to the distance separating the proposed dwellings and the existing one at 'Appledore', I am also satisfied that they would not cause an unacceptable loss of light to this neighbouring dwelling house. One of the letters of objection considers that the proposed dwellings would have a greater degree of dominance and overbearance when viewed from 'Appledore'. However, due to the scale, form, height, design and position of the dwellings, I do not consider that they would have such an overbearing impact, particularly when considering the fact that the dwellings would replace an existing two storey building in a similar position.
- 6.13 The two dwellings would be served by a total of three car parking spaces provided communally in front of them. In this location, the adopted car parking standards require 1 space to be provided for 3 bedroom dwellings. The Highway Authority has not objected to this proposal and it is considered, therefore, to be acceptable in terms of highway safety impacts. The site is considered to be a sustainable location in which to build houses, with good access to shops, services and public transport.
- 6.14 A desk based Environmental assessment has been submitted which recommends that site investigation be conducted to clarify the risk of contamination within made ground located within the site. A condition can be used to require such investigation to take place (together with any mitigation that is considered to be required).
- 6.15 A Bat Scoping report has been submitted with this application. It concludes that no evidence of bats was found whilst investigating the building itself and suggests that the building's potential to support bats is "Moderate". However, the report recommends that as bats are most active between the months of May and October, summer emergence or pre-dawn re-entry surveys are undertaken to determine whether the building is used by bats. Given that no physical evidence of bats was found within the building, including bat droppings, and that mitigation measures such as bat boxes can be undertaken, I consider that this matter can be dealt with by a suitably worded condition.
- 6.16 For the above reasons, I consider that this proposal is acceptable in planning terms and recommend that permission be granted for this development, subject to a number of conditions.

7. Recommendation:

7.1 Grant Planning Permission as detailed the following submitted details:

Email dated 23.12.2013, Email dated 07.01.2014, Certificate B dated 08.01.2014, Bat Survey dated 17.12.2013, Design and Access Statement dated 17.12.2013, Desk Study Assessment dated 17.12.2013, Notice ARTICLE 11 dated 08.01.2014, Existing Floor Plans 1231/P/01 dated 17.12.2013, Block Plan P02 dated 17.12.2013, Existing Elevations 1231/P/03 dated 17.12.2013, Location Plan P04 A dated 23.12.2013, Site Plan P10 A dated 10.02.2014, Proposed Plans and Elevations P11 A dated 10.02.2014, Proposed Plans and Elevations P12 A dated 10.02.2014, Roof Plan P13 A dated 10.02.2014, Proposed Elevations P14 A dated 10.02.2014, Proposed Elevations P15 A dated 10.02.2014, Proposed Elevations P16 A dated 10.02.2014, Proposed Elevations P17 dated 10.02.2014, Section P18 A dated 10.02.2014, Section P19 A dated 10.02.2014, 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. 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.

4. 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 or east elevations of the building 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 amenity and privacy of adjoining property.

5. 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.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

- 6 No development shall take place until:

(a) Further bat emergence and/or pre dawn re-entry surveys have been undertaken in accordance with the recommendations set out in section 5 of the Greenspace Ecological Solutions report received 17.12.2013 and the findings of those surveys have been submitted to the Local Planning Authority.

(b) Details of any mitigation measures required (where evidence of bat roosts or activity within the site has been discovered) have been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures so approved shall be implemented prior to the first occupation of the dwellings hereby approved and shall be retained at all times thereafter.

Reason: In order to establish whether protected species are present within the site and to ensure that appropriate mitigation measures are undertaken if Bats are found to be active or roosting within the site.

- 7 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.

- 8 The north and east facing windows located at first floor level within the north and east elevations of the building shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening as shown on drawing nos. P14A, P15A, P16 A. This work shall be effected before the relevant dwelling is occupied and shall be retained thereafter.

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

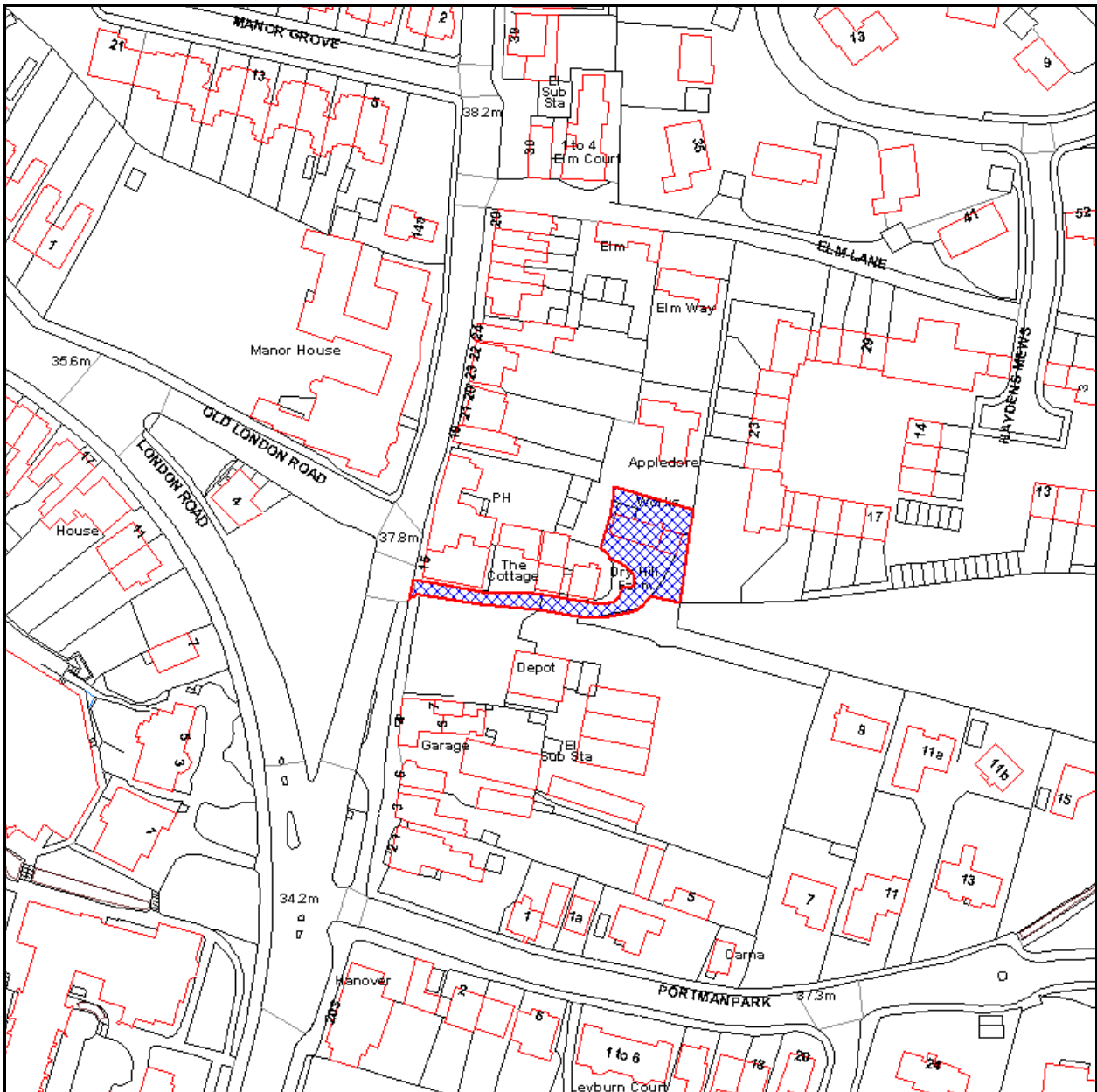
Contact: Matthew Broome

TM/13/03889/FL

Dry Hill Farm Shipbourne Road Tonbridge Kent TN10 3DJ

Demolition of existing workshop building and garages and erection of two, two-storey three bed houses

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2012.



This page is intentionally left blank

Tonbridge **560676 148089** **18 December 2013** **TM/13/03905/FL**
Higham

Proposal: Side and rear extension with loft conversion and rear dormer
Location: 20 Greentrees Avenue Tonbridge Kent TN10 4ND
Applicant: Mr And Mrs Phillip Greener

1. Description:

1.1 Permission is sought for various extensions to this semi-detached bungalow. The extensions comprise:

- A side and rear extension to allow for a new garage to the side with a kitchen/family room to the side/rear; the existing pitched and hipped roof will be extended sideways above the proposed garage; the rear extension, which will be located to the rear of the garage and extend across part of the rear elevation of the existing house, will have a flat roof, surrounded by a low false pitch, and a central raised rooflight.
- A rear conservatory extension across the remainder of the rear elevation, extending close to the party boundary with 22 Greentrees Avenue, which is the “other half” of the pair of semis.
- A roof extension including a flat-roofed dormer to the rear; this will increase the number of bedrooms in the house from 2 to 3/4 with two additional bathrooms proposed.

1.2 This proposal follows an application for a similar extension that was withdrawn at the end of last year (reference TM/13/03905/FL) following officer advice that the proposed design was unacceptable.

2. Reason for reporting to Committee:

2.1 High level of public interest.

3. The Site:

3.1 This is a semi detached bungalow in the urban confines of Tonbridge with a large garden to the rear. The house has a detached garage to the side and a conservatory/lean to extension to the rear. The house itself is set at an angle to Number 18, which is the unattached neighbour to the south, and thus allows a reasonable space to the side between these two houses.

3.2 The adjoining semi-detached bungalow, number 22, has a rear conservatory extension that is set off the rear party boundary with number 20.

4. Planning History:

TM/13/03423/FL Application Withdrawn 12 December 2013

Side and rear extensions with roof extension

5. Consultees:

5.1 Private Reps : 12/0X/8R/0S

Objections centre on the following grounds:

- Will alter the street view and character of this property and is out of character with the bungalows in the immediate neighbourhood;
- Would create an unbalanced appearance of the two houses;
- Area will look like a housing estate with more disruption, cars, noise and inconvenience to people in the area who are mainly old and enjoy peace and quiet;
- Bungalows are for the elderly;
- Concern that the alterations will facilitate use of the property as a business as owner is a builder; any permission should include a condition that prevents running a business from property;
- Would overlook rear garden and affect privacy of 22 Greentrees Avenue and reduce sunlight;
- Should not have side windows;
- Extension is too large and ugly;
- Rear dormer unbalances the building and dwarfs the house next door and will result in a loss of light;
- Will turn into a family home and thus reduce housing stock for elderly;
- Will result in parking on the road;
- There will be an increased level of noise as the party walls are thin;
- The area is occupied by retired people who appreciate the environment as two-bedroom bungalows are in short supply. Older people want to stay in the community with other retired people;

- The rear dormer should be reduced in size and take out the window nearest to no.22 to give them more privacy and less shadow.

6. Determining Issues:

- 6.1 The site lies within the built confines of Tonbridge meaning that the general principle of an extension of this size is broadly acceptable in policy terms. The main determining issues are therefore the impact of the proposed extension on the visual amenities of the locality and whether the proposed extension would have an adverse impact upon the residential amenities of the neighbouring property.
- 6.2 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and that it must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Saved Policy P4/12 of the TMBLP states that extensions to residential properties will not be permitted if they would result in an adverse impact on the character of the building or the street scene in terms of form, scale, design, materials and existing trees or if they would have a detrimental impact on the residential amenity of neighbouring properties in terms of light and privacy.
- 6.3 Comments have been received from 22 Greentrees Avenue together with other objections from residents in Greentrees Avenue concerned about the size and bulk of the extension and that it would be out of character within the area.
- 6.4 The proposed extension has been designed to fall within the relevant 45° angle zone as taken from the nearest habitable room window of adjoining properties. I am therefore satisfied that the proposal would not result in a significant loss of light to the adjacent dwellings such as to justify refusal on these grounds.
- 6.5 Although the extension would not be so demonstrably harmful to levels of daylight/sunlight for the neighbours to warrant refusal, I am concerned that the rear dormer is a somewhat bulky extension itself by virtue of its overall size and design. However, it is located just over 1.2 metres from the shared boundary with 22 Greentrees Avenue. Although the dormer could appear dominant when viewed from both neighbouring plots I consider that, provided suitable materials are to be used in its construction, this would help to reduce its impact.
- 6.6 However, under permitted development rights, it must be also be borne in mind that a similar sized box shaped dormer could be constructed on the original roof of the house. Such a dormer would potentially be located closer to the party boundary with 22 Greentrees Avenue. As such the “fall back” position that could be employed should this proposal be refused, could result in a more unacceptable overbearing impact and a loss of outlook from both neighbouring properties than that now proposed.

- 6.7 The works to the front of the house are considered to be in keeping with the overall design of the bungalow; it is not considered to unbalance the appearance of the pair of semi-detached dwellings, nor is it considered to be detrimental to the bungalow, the street scene or the amenities of neighbouring properties. The works concentrated to the side/rear of the bungalow will be exposed to limited public views, and have evolved due to the particular configuration of the boundary at this point. However, although this has resulted in a rather disjointed appearance to the ground floor extension, I do not consider that its appearance is detrimental to the extent of warranting a refusal on grounds of loss of outlook from adjoining dwellings.
- 6.8 The proposed development shows a parking space in the garage and a driveway that accommodates two car parking spaces. Two car parking spaces are sufficient to serve a four bedroom dwelling in this location and comply with the Council's adopted car parking standards prescribed within the IGN 3. Accordingly, the proposed development also complies with policy SQ 8 of the MDEDPD which requires proposals to comply with adopted car parking standards.
- 6.9 Whilst I can understand the nearby residents' concerns that bungalows for the elderly are being extended and used as family homes, this is not a sustainable reason to refuse a planning application in this instance.
- 6.9 Therefore on balance, given the fall back position that could be implemented under permitted development rights and the size of the extension when viewed in the wider locality, I am satisfied that the extension complies with the requirements of policy CP24 of the TMBCS, policies SQ1 and SQ8 of the MDE DPD and saved policy P4/12 of the TMBLP. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:
Existing Plans and Elevations 2013/19(23) REV1 sheet A-1 dated 18.12.2013,
Proposed Layout 2013/19(23) REV 1 sheet A-2 dated 18.12.2013, Proposed
Plans and Elevations 2013/19(23) REV 1 sheet A-3 dated 18.12.2013, subject to:

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 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.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

Contact: Rebecca Jarman

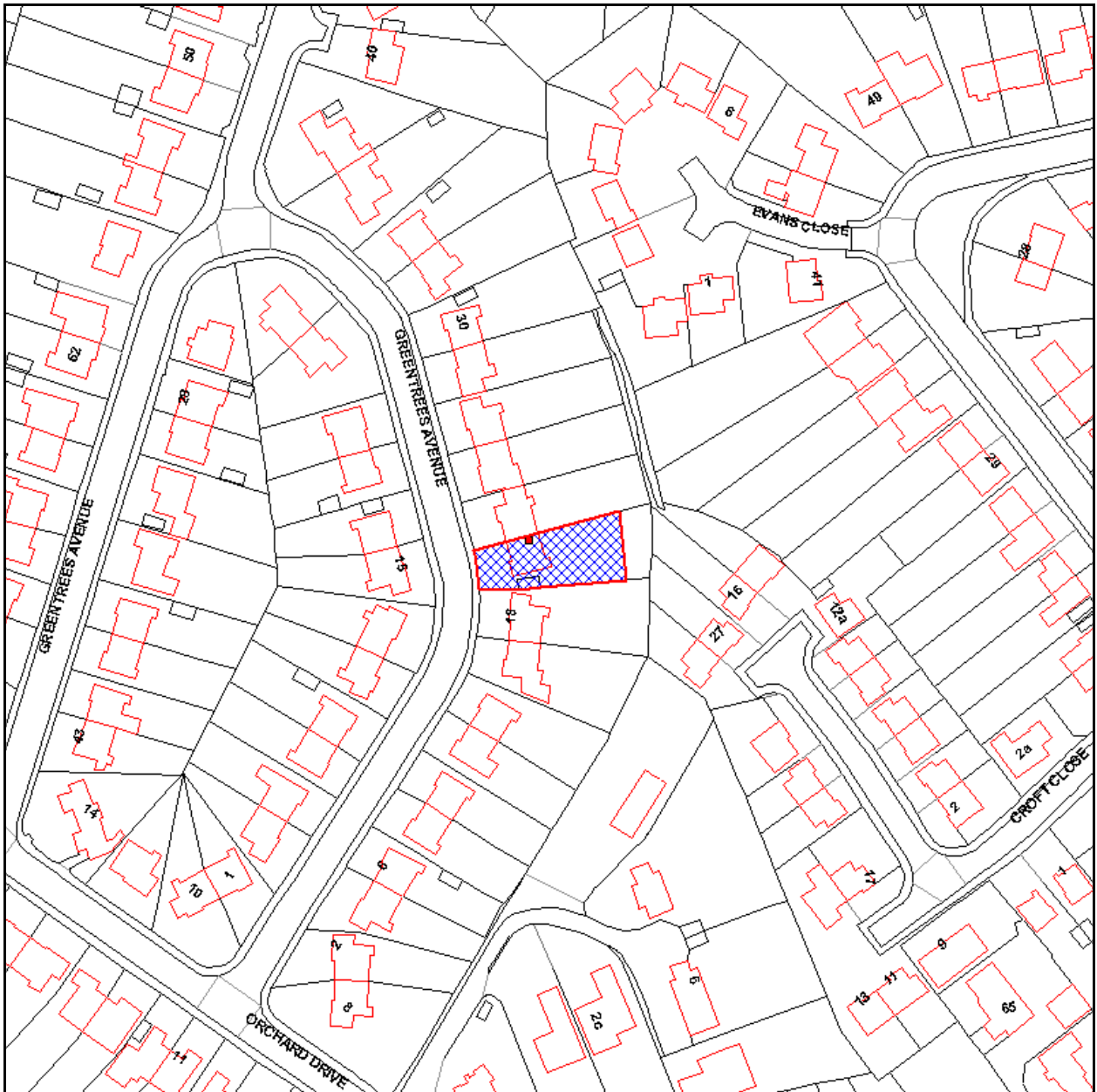
This page is intentionally left blank

TM/13/03905/FL

20 Greentrees Avenue Tonbridge Kent TN10 4ND

Side and rear extension with loft conversion and rear dormer

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2012.



This page is intentionally left blank

Tonbridge **560830 148602** **31 December 2013** **TM/13/03868/FL**
Higham

Proposal: Retrospective application for a garage and playroom
Location: 1 Barchester Way Tonbridge Kent TN10 4HP
Applicant: Mr T King

1. Description:

- 1.1 The garage is located within the rear garden, around 0.4m from the western boundary and 0.9m from the northern boundary of the application site. The garage has an irregular footprint and its rear and side walls follow the alignment that the boundary takes at this point. The front wall of the garage is between 3.5m and 4m behind the rear wall of the house. The garage has a maximum width of 9m at the rear reducing to 6.5m at the front. It is 6.3m in length. It is proposed to have a part pitched roof with an overall height of 6m and a part flat roof (height 2.9m) on that part of the garage that adjoins the ends of the rear gardens of properties in Higham Lane.
- 1.2 Within the garage itself the ground floor is to be used for garaging and the upper floor as a play room. The original plans were unclear with regard to the position of the first floor window and the extent of the first floor accommodation. Amended plans have been submitted that clarify the proposal – they show a window in the gable end at first floor on the rear elevation and clarification of the size of the first floor accommodation to reflect the extent of the proposed pitched roof.
- 1.3 Construction of the garage has been started and is currently up to eaves height. Works have stopped whilst the planning position is being resolved.
- 1.4 A detached garage was permitted to the side of this house as part of an application approved in 2009 (reference TM/09/02208/FL). This garage measured 6.3m long by 4.3m wide by just over 4m high with a pitched roof. This garage had not been built but the permission is extant as other elements of the permission have been implemented.

2. Reason for reporting to Committee:

- 2.1 High level of public interest.

3. The Site:

- 3.1 The site lies within the built confines of Tonbridge, within a residential area. The property itself is a relatively large detached dwelling set within a fairly substantially sized plot which has had a side extension built that was approved in 2009. The route the road takes from Higham Lane down Barchester Way means that the property is set at an angle when viewed head on from the public highway.

- The western wall of the garage will hinder maintenance of the boundary fence in the future, because of its proximity;
- A large oak tree in the garden of 146 Higham Lane is not shown on the plans;
- The garage should be limited to the parking of private cars only – the applicant runs a taxi business with cars and people carriers often parked on driveway or on road causing a hazard. Concern that the proposed building will be used as a taxi office;
- Trees along the western boundary have now been removed thus making the visual impact greater;
- If the garage is built it will remove the red lorry that has been parked on the site for the last 3 years;
- If the application is allowed, other similar buildings will then be built in the area;
- The size of the garage seems excessive;
- Concern about proposed use of the first floor accommodation – must be strictly for private not commercial use.

6. Determining Issues:

- 6.1 The application site comprises an established residential curtilage within the urban area. The principle of a detached building to serve the existing residential use is therefore acceptable in broad policy terms. The main issues to be considered are the design and visual impact of the garage and its impact upon the character of the area and the residential amenities of other nearby properties.
- 6.2 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.3 The detached garage is set well back within the site meaning that whilst it will be visible from certain vantage points, including the rear windows and gardens of neighbouring properties, it will not have a detrimental visual impact on the street scene. However although the garage/playroom will be visible from the rear of the

houses to the west of the application site fronting Higham Lane and it will affect their view across the fields beyond, Members will be aware that there is no right to a view that can be protected under planning law.

- 6.4 The neighbouring dwellings with the most potential to have their amenities affected by the proposal are again those fronting Higham Lane. The proposal would clearly increase the amount of built form towards the boundary shared with these neighbours, particularly by virtue of the positioning and height of the detached garage/playroom. However, the area that the garage/playroom would most directly affect is the very rear ends of the gardens serving the neighbours in Higham Lane, which are around 20m in length. I thus do not consider that the building has a detrimental impact on their visual amenities such as would warrant a refusal of planning permission, due to the distance involved. Moreover, the garage has been designed with a flat roof element on the side closest to these rear boundaries in order to reduce its impact. There are no flank windows proposed facing the rear gardens on Higham Lane, nor windows to the front.
- 6.5 Whilst the shape of the proposed garage, and the combination of a partly pitched and partly flat roof, are unusual, I do not consider that this in itself causes harm that would warrant a refusal of permission. Similarly, although I note the neighbours' concerns about the location of the garage away from the main house and at the end of the garden, it should be noted that permitted development rights would allow for the erection of outbuildings in a similar location, subject to limitations on size and height.
- 6.6 I note the nearby residents' concerns about the potential use of the garage and I do not consider that the erection of a building for business use would be appropriate in this residential area. I am therefore recommending a condition that limits the use of the garage to that incidental to the main use of the dwellinghouse.
- 6.7 In light of the above assessment, I consider that the proposal meets the requirements of the policies within the TMBCS and MDE DPD and as such the following recommendation is put forward:

7. Recommendation:

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

Letter dated 23.12.2013, Location Plan dated 31.12.2013, Floor Plan TK/2013/1 ground dated 23.12.2013, Floor Plan TK/2013/2 first dated 11.02.2014, Elevations TK/2013/3 dated 23.12.2013, Roof Plan TK/2013/5 dated 11.02.2014, Section TK/2013/4 dated 11.02.2014, subject to:

Conditions

1. The garage/playroom hereby approved shall only be used for parking or garaging of vehicles or for purposes incidental to the enjoyment of the adjoining dwelling house.

Reason: To ensure that the development is not used as a separate business use which may be considered inappropriate in a residential area.

Contact: Rebecca Jarman

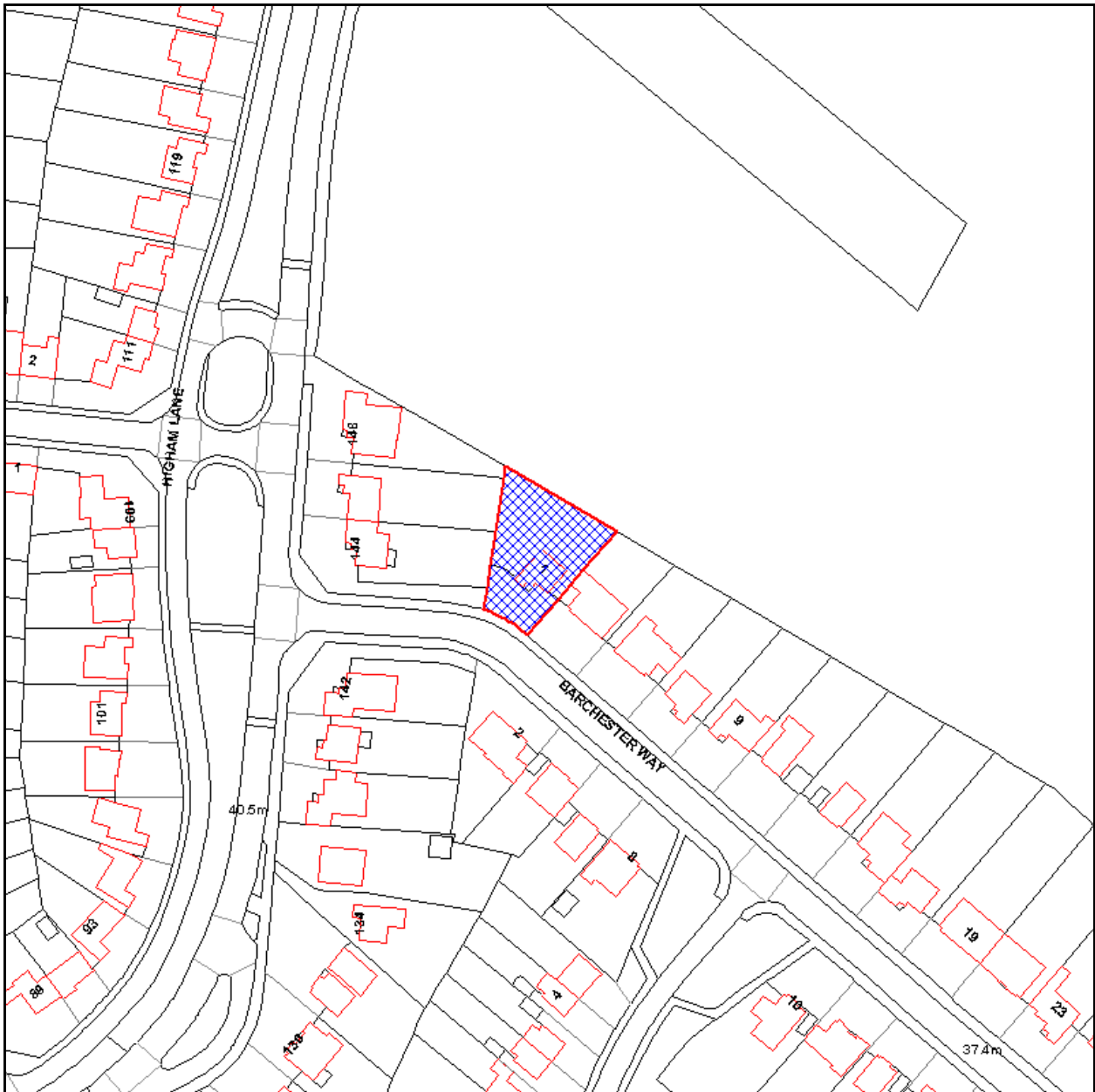
This page is intentionally left blank

TM/13/03868/FL

1 Barchester Way Tonbridge Kent TN10 4HP

Retrospective application for garage and playroom

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2012.



This page is intentionally left blank