

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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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@tmbc.gov.uk

9 September 2015

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, 17th September, 2015 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
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To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 30 July 2015

Decisions to be taken by the Committee

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Introduction and Glossary

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8. 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.

Matters for consideration in Private

9. Exclusion of Press and Public 61 - 62

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

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.

MEMBERSHIP

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

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

Cllr B T M Elks
Cllr Mrs M F Heslop
Cllr N J Heslop
Cllr M R Rhodes
Cllr H S Rogers
Cllr Miss J L Sergison
Cllr C P Smith
Cllr Ms S V Spence
Cllr F G Tombolis

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 30th July, 2015

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr Ms S V Spence and Cllr F G Tombolis

Apologies for absence were received from Councillors Ms J A Atkinson, Mrs M F Heslop, N J Heslop, M R Rhodes and C P Smith

PART 1 - PUBLIC

AP1 15/25 DECLARATIONS OF INTEREST

Councillor Mrs Anderson declared an Other Significant Interest in application TM/15/01777FL (Faulkners Farm, Ashes Lane, Hadlow) on the grounds that her employers were involved in advising parties to the development. She withdrew from the meeting after making a statement.

Councillor Davis declared an Other Significant Interest in application 14/00193/COM (Hilden Grange School, 62 Dry Hill Park Road, Tonbridge) on the grounds that his legal firm had business dealings with the School. He withdrew from the meeting for this item and did not participate in the discussion.

AP1 15/26 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 2 July 2015 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 15/27 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 15/28 TM/14/04251/FL - ENTERPRISE HOUSE, AVEBURY AVENUE, TONBRIDGE

Demolition of buildings known as Enterprise House 1 and Enterprise House 2 and the construction of a total of 44 residential units (including 7 units to provide specialist accommodation for women who have suffered domestic violence along with ancillary support facilities), associated parking, landscaping, refuse storage and cycle storage at Enterprise House, Avebury Avenue, Tonbridge

RESOLVED: That the application be APPROVED in accordance with the following submitted details as set out in the supplementary report of the Director of Planning, Housing and Environment Health (tabled at the meeting):

Site Plan PL_1000 D dated 02.07.2015, Proposed Floor Plans PL_1001 D dated 02.07.2015, Proposed Floor Plans PL_1002 F dated 02.07.2015, Proposed Floor Plans PL_1003 F dated 02.07.2015, Proposed Floor Plans PL_1004 E dated 02.07.2015, Proposed Elevations PL_3000 D dated 02.07.2015, Street Scenes PL_3001 C dated 02.07.2015, Street Scenes PL_3002 D dated 02.07.2015, Street Scenes PL_3004 C dated 02.07.2015, Proposed Roof Plan PL_1005 D dated 09.07.2015, Street Scenes PL_2000 C dated 09.07.2015, Schedule DRAWING REGISTER dated 09.07.2015, Email PARKING dated 27.05.2015, Email PARKING SURVEY dated 29.05.2015, Survey PARKING dated 29.05.2015, Flood Risk Assessment SUPPLEMENTARY REPORT ON DRAINAGE dated 16.06.2015, Drawing ADD INFO 3RD FLOOR LEVEL dated 09.07.2015, Drawing ADD INFO LONGITUDINAL SECTION dated 09.07.2015, Drawing ADD INFO 2ND FLOOR LEVEL dated 09.07.2015, Drawing ADD INFO 1ST FLOOR LEVEL dated 09.07.2015, Tree Plan R482TCP Rev 2 dated 23.07.2015, Tree Protection Plan R482TPP Rev 1 dated 23.07.2015, Tree Report dated 23.07.2015, Report Desk study dated 29.01.2015, Transport Statement dated 04.02.2015, Email Fm agent-KCC statement dated 09.04.2015, Schedule of accommodation dated 22.12.2014, Statement Affordable Housing dated 22.12.2014, Details Engineering issues dated 22.12.2014, Design and Access Statement dated 22.12.2014, Flood Risk Assessment dated 22.12.2014, Energy Statement dated 22.12.2014, Ground Investigation Report dated 22.12.2014, Method Statement Remediation dated 22.12.2014, Drainage Layout FRA700 dated 22.12.2014, Topographical Survey 3520-1 dated 22.12.2014, Elevations 3520-2 dated 22.12.2014, Elevations 3520-3 dated 22.12.2014, Location Plan 0100 dated 22.12.2014, Drawing ADDENDUM TO D_A dated 16.04.2015

and subject to the following:

- (1) The applicant entering into a Unilateral Undertaking concerning the eligibility of future residents to the Borough Council's residents parking scheme;
- (2) In accordance with the conditions and reasons set out in the supplementary report of the Director of Planning, Housing and Environmental Health (tabled at the meeting); and
- (3) In accordance with the informatives set out in the main report of the Director of Planning, Housing and Environmental Health

[In accordance with Council and Committee Procedure Rule 8.6 of the Constitution Councillors P Bolt and Ms S Spence asked that their vote against the recommendation to approve be recorded.]

[Speakers: Mr Docherty, Mrs J Williams and Mr J Clines – members of the public]

AP1 15/29 TM/15/01777/FL - FAULKNERS FARM, ASHES LANE, HADLOW

Variation of conditions 1 and 6 to planning permission TM/14/02774/FL (Demolition of goat shed and siting of two new temporary buildings onsite, move proposed school fence south into Faulkners Farm courtyard (amended scheme to that previously approved under planning permission TM/14/00114/FL)) to enable the temporary school to operate until 30 December 2016 and to increase the number of pupils attending it from 158 to 185 at Faulkners Farm, Ashes Lane, Hadlow

RESOLVED: That the application be APPROVED in accordance with the following submitted details as set out in the supplementary report of the Director of Planning, Housing and Environmental Health (tabled at the meeting):

Report TRAFFIC MANAGEMENT PLAN received 22.07.2015, Travel Plan received 22.07.2015, Planning Statement received 29.05.2015, Proposed Layout DHA/10125/03 C received 29.05.2015, Location Plan DHA/10125/01 A received 29.05.2015,

and the conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

- (1) Amendment of condition:
 1. The temporary school use hereby permitted shall be discontinued, the buildings hatched on plan number DHA/10125/03C attached to this decision notice removed from the site, and the land restored to its former use on or before 30 December 2016 or within one month of the opening of any permanent school at Hadlow College, whichever is the earlier.

Reason: In the interests of preserving the open nature and function of the Metropolitan Green Belt.

(2) Addition of condition:

7. The use shall at all times be undertaken in accordance with the measures set out in the Travel Plan and the Traffic Management Plan hereby approved and both plans shall be monitored to ensure strict compliance at all times.

Reason: In the interests of highway safety and residential amenity.

(3) Addition of informative:

3. The Local Planning Authority request that the applicant liaise closely with the local community regarding progress towards completion of the new permanent school at Hadlow College and the associated removal of the temporary school buildings hereby permitted. Furthermore, the applicant is encouraged to consider any opportunities to provide support to Kent County Council Highways regarding local road safety improvement measures.

[Speakers: Ms J Andrews on behalf of Mr and Mrs Halligan – members of the public and Mr M Page – agent]

AP1 15/30 ALLEGED UNAUTHORISED DEVELOPMENT 14/00193/COM - HILDEN GRANGE SCHOOL, 62 DRY HILL PARK ROAD, TONBRIDGE

The report advised of works not in accordance with plans approved on 4 April 2011 under planning reference TM/10/03506/FL. It was reported that the approved drop off area with visitor and disabled parking bays to the front of the main school building had not been provided and the area remained in use for general staff parking.

RESOLVED: That an Enforcement Notice be issued, the detailed wording of which to be agreed with the Director of Central Services, requiring the provision of the forecourt area in accordance with the previously approved plans.

AP1 15/31 DIVERSION OF PUBLIC FOOTPATH MU93 (PART) TONBRIDGE

The report of the Director of Central Services referred to the refurbishment scheme at Town Lock in Tonbridge. As a result of the scheme amending the route of the public footpath (MU93) leading through the site a diversion to part of the footpath was necessary. It was also proposed to extend the footpath by 155 metres.

The existing route was shown on the plan, attached as Appendix 1 to the report, by a solid black line, the diverted route was shown as a broken black line between points A – B and the extension shown as a continuation of the broken line to point C. The new route would have a minimum width of 2 metres and be surfaced with block paving.

RESOLVED: That

- (1) the making of an Order to divert part of the public right way MU93 Tonbridge be authorised; and
- (2) the confirmation of the Order be approved; *or*
- (3) the Order be referred to the Secretary of State for Communities and Local Government for determination if any objections are sustained

AP1 15/32 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.58 pm

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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 **556599 150106** **27 October 2014** **TM/14/03644/FL**
Hildenborough

Proposal: Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping
Location: Alexander Stables Vines Lane Hildenborough Tonbridge Kent
Applicant: Kent & Medway NHS Social Care And Partnership Trust

1. Description:

- 1.1 Members will recall that this application was first reported to Area 1 Planning Committee on 26 February 2015, although it was subsequently withdrawn from the Agenda as it became apparent that some neighbours had not received their letters informing them of the Committee date.
- 1.2 The application was subsequently reported to Area 1 Planning Committee on 9 April 2015, where Members resolved to defer consideration pending a Members' Site Inspection (MSI). That MSI took place on 13 July 2015 and the issues raised during that inspection will be discussed within this report.
- 1.3 Since the MSI, the applicant's agent has submitted additional section drawings which demonstrate the proposed dwellings in their wider context, specifically in relation to the closest two residential properties: Stone Lodge and Brambleside. The agent has confirmed that the additional section drawings are based on extended topographical survey detail, including nearby properties, surrounding levels and nearby trees, to ensure that the sections submitted are based on accurate and up-to-date information.
- 1.4 A copy of the previous main report (as previously presented to Area 1 Committee on 9 April 2015) is annexed for ease of information.

2. Determining Issues:

- 2.1 Turning to matters specifically raised during the MSI, a question was asked as to what alternative uses could be made of the existing buildings within the site without needing to be the subject of a planning application. Whilst it is noted that the current buildings are in a poor state of repair, they could reasonably be refurbished without the need for planning permission to provide a mix of uses. It is accepted that the most recent use of these buildings was for occupational therapy by the NHS; this being a D1 (non-residential institution) Planning Use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Under current permitted development rights defined within the Town and Country Planning (General Permitted Development) Order 2015, the use of the buildings within the site could change to (amongst others) the following without needing to be the subject of an application for planning permission:

- A clinic or health centre;
- Day nursery or school;
- Non-residential education and training centre;
- Public or exhibition hall;
- Place of worship;
- A temporary change of use (subject to a prior approval procedure) to a shop/retail use, financial and professional services, restaurant and café, or office use.

2.2 A number of the alternative planning uses as listed above, which could reasonably be undertaken by the applicant at this site with limited refurbishment works to bring the buildings back into a viable condition, may arguably be more harmful (in general residential amenity terms) than the redevelopment of this site for two new dwellings as proposed in this application.

2.3 Questions were raised during the MSI in relation to the general setting of the proposed new dwellings (in overall height and bulk terms) in the context of other existing properties in the locality. Specifically, Members requested that the applicant provide sectional detail showing the proposed heights of the new dwellings in relation to the nearest two residential dwellings – Brambleside and Stone Lodge.

2.4 That additional sectional detail has now been provided. This demonstrates that the two new dwellings will have overall roof ridge heights that sit lower than those of Brambleside and Stone Lodge although, as discussed within the main report (paragraph 6.7), the proposed new dwellings will be higher than the existing buildings as they would have a one and a half storey form with a height of approximately 7 metres rather than the overall height of 4m as at present. The additional sectional information provided by the applicant reaffirms my original conclusions within the previous Committee report, namely that *the development would not have a detrimental impact upon the openness of the Green Belt* (paragraph 6.7), *that the dwellings would be of an unassuming scale and bulk [...]* and *have been well designed to sit within the rural locality* (paragraph 6.11) and that the *separating distances would prevent an adverse impact being caused due to overlooking or by the development being unacceptably overbearing* (paragraph 6.13). I therefore remain of the view that these redevelopment proposals are acceptable in overall scale, bulk and amenity terms.

2.5 Concerns were expressed during the MSI in relation to drainage issues, particularly in respect of the localised build-up of surface water along the adjoining stretch of Public Footpath. As noted within paragraph 6.33 of the main report, the site and surrounding area can become waterlogged due to the presence of clay

subsoil. I note that the proposed development now offers some opportunity to improve land drainage by way of the installation of new surface water drainage systems. In this respect, I propose that an additional planning condition be imposed requiring the submission (and implementation) of an appropriate surface water drainage scheme as part of this development.

- 2.6 Questions were raised during the MSI regarding ownership of the adjacent Public Footpath, specifically in relation to maintenance of the path and residents claims of it being regularly waterlogged. It should be noted that whilst KCC (Public Right of Way) has responsibility over maintenance of the land (to ensure it remains permanently open) they do not own the land. In any event, the proposed redevelopment works would not have any direct bearing on this established footpath since the works are outside of the footpath boundary. As mentioned above, I consider that a new surface water drainage system within the site has the potential to improve ground conditions underfoot on the footpath.
- 2.7 Overall, as per the original recommendation within the previous report, I remain of the view that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within the Green Belt and the specific detail of the proposed development in terms of its impact on the Green Belt and the locality generally.
- 2.8 The previous recommendation is again set out in full below (for ease of reference), together with the inclusion of an additional planning condition covering a surface water drainage scheme.

3. Recommendation:

- 3.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 26.08.2015, Drawing DHA/10141/28 site sections dated 26.08.2015, Email Fm Agent dated 19.01.2015, Existing Plans DHA/10141/20 Ground figure dated 19.01.2015, Proposed Layout DHA/10141/21 dated 19.01.2015, Proposed Layout DHA/10141/22 Landscaping _ ecology dated 19.01.2015, Proposed Floor Plans DHA/10141/23 Plots 1 _ 2 dated 19.01.2015, Proposed Elevations DHA/10141/24 Plot 1 dated 19.01.2015, Proposed Elevations DHA/10141/25 Plot 2 dated 19.01.2015, Proposed Plans and Elevations DHA/10141/26 Garden shed dated 19.01.2015, Details DHA/10141/27 Ecology dated 19.01.2015, Letter Covering letter dated 27.10.2014, Habitat Survey Report dated 27.10.2014, Planning Statement dated 27.10.2014, Arboricultural Survey dated 27.10.2014, Location Plan DHA/10141/01 dated 27.10.2014, Existing Plans DHA/10141/02 Ground figure dated 27.10.2014, 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. No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. 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 2015 (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 parking space.

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as

may be approved shall be erected before first occupation of the building to which they relate.

Reason: To ensure that the development does not harm the character of the locality.

6. Prior to the commencement of development details of a mitigation and enhancement strategy for bats, reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve the habitat on the site.

7. The development shall be carried out in accordance with the recommendations of the Arboricultural Implications Assessment by Broad Oak Tree Consultants dated 20.10.14 and detailed on drawing number J49.47/01 Rev A.

Reason: In order to prevent the loss of trees on the site

8. No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

(a) A site investigation based on the recommendations in the Phase 1 Contaminated Land Assessment by Lustre Consulting 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.

(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.

9. Before occupation of either of the dwellings hereby approved the former stable buildings shown for removal on the approved plan shall be demolished and all materials arising there from shall be removed from the site in its entirety.

Reason: In the interests of residential and visual amenities.

10. Prior to the commencement of the development a management strategy for the area of proposed orchard as shown on the submitted site layout plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Type and maturity of the trees to be planted
- ii) Timetable for implementation
- iii) Persons responsible for implementing the works
- iv) Details of the initial aftercare and long term maintenance

The approved development shall thereafter be implemented in accordance with the approved details to a timeframe previously agreed in writing by the Local Planning Authority and all features shall be retained in that manner thereafter in perpetuity.

Reason: To safeguard and improve natural habitats within and adjacent to the site.

11. No building shall be occupied until works for the disposal of surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

Informatives

1. During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30- 18:30, Saturday 08:00-13:00; with no work on Sundays, Bank or Public Holidays
2. It is recommended that bonfires are not held at the site as this can cause justifiable nuisance for neighbours.
3. The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current

width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Contact: Julian Moat

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Report from 9 April 2015

Hildenborough **556599 150106** **27 October 2014** **TM/14/03644/FL**
Hildenborough

Proposal: Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping
Location: Alexander Stables Vines Lane Hildenborough Tonbridge Kent
Applicant: Kent & Medway NHS Social Care And Partnership Trust

1. Description:

- 1.1 Full planning permission is sought for the demolition of the existing buildings and the erection of two detached one and a half storey residential dwellings. The properties would also have a small shed in the rear garden area for the storage of bicycles and other ancillary domestic paraphernalia. The site is proposed to be accessed from the access road to Alexander House to the western side of the site, across an area of land which is proposed to be planted as an orchard. The dwellings would have a hardstanding area to the front for car parking and turning with a landscaped area to the southern boundary with the open field.
- 1.2 The application was withdrawn from the Agenda prior to the Area 1 Planning Committee of 25 February 2015 as it became apparent that some neighbours had not received their letters informing them of the committee date.

2. Reason for reporting to Committee:

- 2.1 At the request of the Ward Member Cllr Rhodes and in the public interest given the Green Belt setting.

3. The Site:

- 3.1 The application site currently comprises a small complex of single storey brick buildings which were originally used as stables, and which the applicant has stated were most recently in use for occupational therapy by the NHS. These buildings are now redundant as they have not been used in recent years.
- 3.2 The southern boundary to the site is open to agricultural fields, with a small low level fence demarcating the boundary between the application site and the surrounding land. The northern and eastern boundaries are marked by dense and mature hedgerows and trees which largely screen the site from the neighbouring dwellings to the north and the public footpath which runs along the eastern boundary.
- 3.3 The site is accessed from a shared access road which runs to the west of the site, connecting to Vines Lane which is to the north. Views into the site from the access road are readily available due to the open nature of the western boundary.

3.4 The site is located outside the built confines of Hildenborough village and is therefore in the countryside for development plan purposes. The site is located within the Metropolitan Green Belt; the local landscape is of no other special designations.

4. Planning History (relevant):

TM/05/02667/FL Grant With Conditions 3 January 2006

Demolition of existing stables and construction of 5 no. 1 bedroom units with communal rooms (for persons with learning difficulties).

5. Consultees:

5.1 PC: Raise objection on the following grounds:

- The site is within the MGB and the PC cannot find any very exceptional circumstances for the development of the three large detached houses or see how it will enhance the openness of the area.
- The development would demolish historic Victorian buildings.
- It is proposed to erect at least one detached house on undeveloped land.
- Overdevelopment of the site not in keeping with those buildings it is proposed to demolish and would not enhance the appearance of this otherwise rural area. The development is totally inappropriate to the rural area.
- Concern with regard to the impact upon ecology and the fact only one pond has been surveyed.
- The site is frequently waterlogged therefore drainage in the local area would need to be improved.
- Access would be provided from a narrow, single carriageway private road which serves as access for carers to those living in sheltered accommodation as well as all residents. The development would add to traffic problems experienced by all residents as well as those living in the area as a result of speeding traffic on Vines Lane.
- Safety concerns with regard to the volume of traffic on the site and access roads to the site.
- The loss of mature trees to accommodate the orchard, of particular concern would be the loss of the species of old apple if it is present on the site.

5.2 KCC (Highways): Raise no objections subject to conditions.

5.3 KCC PROW: Raise no objections.

5.4 Natural England: Raise no objections.

5.5 Private Reps: *Original Consultation*: 11 + site notice/0X/18R/0S: Objections raised on the following grounds:

- The development does not meet the tests of paragraph 89 of the NPPF - the exception of the previously developed land should not apply to the whole site as not all of the land has been previously developed.
- The fact that the land was previously developed does not allow comprehensive development that would undermine the purposes of the Green Belt.
- The proposed development would have a greater impact upon the openness of the Green Belt. This is due to the fact that the existing built form is relatively low key within the landscape due to its single storey form. The proposed development would significantly increase the bulk and massing of the built form on the site and would dominate the site.
- The positioning of housing units across the whole site will be of detriment - especially the positioning of plot 1.
- The applicant has not demonstrated Very Special Circumstances to justify the development as the condition of the site is not so exceptionally poor as to justify new buildings within the Green Belt.
- The conversion of the existing buildings as a fall-back position would be favourable in terms of maintaining the openness.
- The previous planning permission was granted due to the Very Special Circumstances of the need for the accommodation, without this the development would have been inappropriate. The proposed development is larger than that previously approved.
- The location of the site is unsustainable due to its distance from local services resulting in a car-dependent residential development.
- The site is subject to surface water flooding and it is unclear how adequate drainage would be provided as it is believed that the subsoil is clay and therefore soakaways would be inappropriate.
- The proposed development would result in the loss of terrestrial and reptile habitat. The mitigation measures are inadequate and would be difficult to enforce over the lifetime of the development.
- The development proposes new trees on land outside of their ownership.

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- The application states there would be improvements to the access but this is a track owned by Alexander House. They have not been informed of any works to the access.
 - Concern with regard to responsibilities for the access after the site is redeveloped.
 - Concern with regard to conflict between vehicles accessing the site conflicting with those at Holly Lodge. Plus those residents at Holly Lodge require emergency access at all times. This has not been given consideration in the submission.
 - The existing site is over developed at Holly Lodge and causes significant disturbance to local residents. The proposed development would cause intolerable disturbance to the neighbours even before any building starts.
 - The development would only benefit the applicant who has not considered the long term effects on the immediate neighbours.
 - Concern with regard to an intensification of use of the access to pedestrians, horse riders and other vehicles.
 - The development would blight the outlook for a number of neighbouring properties.
 - The development would block light and unacceptably overlook Owls Hoot.
 - The site is already being marketed for sale even though planning permission has not been granted - question the integrity of the planning system.
 - The dwellings are large in size with small gardens - would families living in the countryside want this?
 - Concern the development would set a precedent elsewhere.
 - The development would be unsettling to the very sick residents of Holly Lodge who currently enjoy a peaceful existence.
 - The development would place considerable burdens on the village of Hildenborough, the existing roads and limited public transport and schooling.
 - The fact that the NHS trust no longer has use for the site and so has let it degrade cannot be taken as an excuse to allow the development.
 - The private drive is not built for construction traffic and the building of Holly Lodge caused considerable damage to the driveway and gate posts.

- The bridle path and footpath run along the edge of the site. The ditches along the sides of the footpath are already nearly at capacity, the development can only exacerbate this situation.

5.5.2 Additional Consultation: 28/0X/6R/0S. Objections raised as follows:

- The development would increase vehicular traffic in an already busy country lane.
- The extent of hardstanding is unacceptable in an area of high water table and little opportunity for rainwater runoff.
- Although the height of the proposed buildings has been reduced, they would still dominate the existing adjoining properties and affect privacy.
- The omission of garages will most probably result in future applications to erect garages.
- Objections to the proposals do not relate to numbers of dwellings but rather the principle.
- Although the development would replace existing buildings it is the character of the site that would be altered inappropriately.
- The right thing to do would be to pull down the existing buildings and sell the land for grazing.
- The Council should not consider any dwellings to be acceptable.
- The land could not be considered to be brownfield land.
- Any dwelling of any sort with its associated activity would have a greater impact on the existing openness of the area.

5.5.3 Since 25 February, a further 3 letters of objection have been received raising the following additional points:

- The amendments have not resolved ecological issues.
- Once permission is granted for the two dwellings, the applicant will seek to develop the proposed fruit orchard.
- The application site is not brownfield land.
- The proposed development would not reduce the existing footprint when you take into account the driveways, hardstanding, dwellings and sheds. This would have a significant impact that far outweighs the existing single storey work sheds which have not been used since the 1990's.

- The Alexander House estate has already been over developed. This should be taken into consideration when any decision is made.
- Ongoing concern about services and the high water table on the site.
- The site has never and should never be used for residential purposes.
- Overlooking to Brambleside by 8 windows due to the repositioning of plot 2 and the removal of trees.

6. Determining Issues:

- 6.1 The NPPF along with policy CP1 of the TMBCS (2007) and policy CC1 of the MDE DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents. Policies CP1 and CP24 of the TMBCS 2007 and Policy SQ1 of the MDE DPD require high quality design which reflects the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting, character and appearance.
- 6.2 The application site is located outside the settlement confines of Hildenborough Village and therefore is in the countryside for development plan purposes. Policy CP14 of the TMBCS seeks to prevent the incursion of built development within such areas in order to protect the character and appearance of the countryside. The site is also located within the MGB. The purpose of the MGB is to check the unrestricted sprawl of large built up areas, preventing the merging of neighbouring towns and villages and to safeguard the countryside from encroachment. Paragraph 79 of the NPPF states that the essential characteristics of such areas are their openness and their permanence. Any inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This is supported by policy CP3 of the TMBCS.
- 6.3 Paragraph 89 of the NPPF states that certain forms of development are not inappropriate in the Green Belt. Included within the definition of development which is not considered to be inappropriate is limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield Land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.4 This current policy framework post-dates the planning permission that was granted in 2006 for the construction of 5 x 1 bedroom care units to extend across the application site and the neighbouring piece of land which is now proposed to be planted as an orchard. In any event, in that case, the very specific type of

residential accommodation represented very special circumstances due to the specialist needs of the end user. The occupation of the development was restricted by condition on the planning permission.

- 6.5 As highlighted above, since that time the policy context against which the application must be considered has changed. The NPPF makes provision for the redevelopment of previously developed land within the Green Belt as an exception to the definition of inappropriate development subject to certain criteria. Previously developed land is defined within the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The eastern half of the application site currently hosts buildings and their associated curtilage which runs to the boundary fence to the south and along the western side of the proposed boundary to plot 1. The entirety of the now proposed built development and the associated residential curtilages therefore falls within the area that meets the criteria to be considered as previously developed land on the site.
- 6.6 With these factors in mind, the proposed development is therefore not inappropriate development by definition, provided that it meets the criteria in the NPPF. As such, the acceptability of the development falls to be assessed in terms of the impact of the development upon the open nature and function of the Green Belt, when considering the reasons for including land within it, and other factors that may cause any other harm.
- 6.7 The existing buildings on the site are of a single storey form, with a total footprint area of 310m². These buildings are of a substantial construction although somewhat dilapidated due to their disuse in the most recent years. The proposed development would represent a reduction in footprint area from the existing buildings to a total footprint (including the shed buildings) to 286m². It is acknowledged that the proposed buildings would be higher than the existing buildings as they would have a one and a half storey form with a height of approximately 7 metres rather than the overall height of 4m at present. However, the detached nature of the proposed dwellings and the spacing between them would limit their impact upon the openness of the site when considered in relation to the existing buildings which have a larger footprint and greater mass due to their attachment to one another. It is proposed to retain an open boundary to the south to allow the site to remain open to the countryside, and the built development would be concentrated on the existing previously developed land. As such, on balance, it is considered that the development would not have a detrimental impact upon the openness of the Green Belt.
- 6.8 In order to protect the openness of the Green Belt in the longer term and to allow the Local Planning Authority to retain control with regard to the construction of additional ancillary buildings on the site, it is considered reasonable and necessary

to remove permitted development rights for extensions to the dwellings and the construction of outbuildings along with the construction of new fences, walls and other means of enclosure. This can be adequately secured by planning condition.

- 6.9 In order to promote sustainable development in rural areas, paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances such as the re-use of redundant or disused buildings which would lead to an enhancement of the immediate setting. Although this proposal does not seek to re-use existing buildings on the site, these structures appear capable of conversion due to the fact that they are of substantial construction, and therefore such a scheme of conversion would be policy compliant. Notwithstanding the capability of the existing buildings for conversion, the wording of the NPPF highlights central government policy to be supportive of the provision of new housing development where this would not result in the provision of new buildings in the rural landscape. This is a material consideration in the determination of this planning application.
- 6.10 The application site is located to the rear of a string of dwellings generally fronting onto Vines Lane, clustering around the junction with Riding Lane. The dwellings have a loose knit semi-urban grain which is characteristic of development in rural areas and are generally well spaced with substantial gardens. The development would introduce two dwellings onto land which is currently occupied by a more intensive form of development. The former stable buildings are of no visual merit and their original form has been detracted from by the modern conservatory extension to the southern elevation. The buildings cover a substantial part of the application site and have a considerable mass due to their sprawling footprint. For these reasons there is no objection to the loss of the former stable buildings; indeed there would be visual betterment in some respects.
- 6.11 The proposed dwellings which would replace the existing built development would be of a detached nature and well spaced from one another with relatively spacious gardens. The dwelling houses would be of an unassuming scale and bulk with a one and a half storey form and 7 metre height and have been well designed to sit within the rural locality. The amount of built development on the site, including hardstanding areas and the boundary treatments, would allow the site to retain an open character which would maintain the visual grading of the built development into the countryside. The creation of the orchard area and the addition of boundary planting would retain the soft edge to the residential development along Vines Lane and would respect the loose knit grain which is intrinsic to the character of the locality.
- 6.12 The proposed development would be no more harmful in sustainability terms than the *conversion* of the existing buildings into residential accommodation or indeed their permitted use from 2006. The proposed development offers the opportunity to

provide a visual amelioration of the site with the provision of two new well designed dwellings. These factors balance in favour of the development.

- 6.13 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for an environmental and social sustainability. The closest neighbours to the application site are situated at Stone Lodge, 25 metres to the north west, and Brambleside, 32 metres to the north. One neighbour at Owls Hoot has raised concern that the development would cause an unacceptable loss of light and overlooking to their property. This dwelling is situated 40 metres from the end of the rear garden areas of the proposed dwellings. These separating distances would prevent an adverse impact being caused due to overlooking or by the development being unacceptably overbearing.
- 6.14 Concern has been raised by the neighbour at Brambleside that the development would cause an unacceptable overlooking to their property. This neighbour would be situated 30 metres from the rear elevation of the closest of the two new proposed dwellings. Although trees are proposed to be removed, some tree screen would remain between the site and the neighbour. Although some overlooking would be able to occur, the separating distance would prevent this from being at an intensive and harmful level.
- 6.15 Some local residents have raised concern that the development would impact upon the quiet enjoyment of the local area by the residents of Holly Lodge who require a quiet environment due to their medical needs. It is important to note that no objections have been received from Holly Lodge despite the property being notified of the application. These neighbours are situated over 40 metres from the proposed residential dwellings. The noise and disturbance from a small scale residential development of two houses would not have a significant impact upon the tranquillity of the locality overall, and could have less impact than the lawful use of the site. In light of this, it is not considered that the development would have a detrimental impact upon the specific needs of the residents of Holly Lodge.
- 6.16 Access to the properties would run to the western side of Stone Lodge. The existing access road serves Alexander House to the south and Holly Lodge (6 residential units for people with autism) to the west. The use of the access for two additional dwellings would cause some increase in vehicular movements. However, given the limited small scale of the development and the fact that the existing buildings could be converted into residential dwellings, this would not cause a harmful level of noise and disturbance to the neighbouring residential occupants.
- 6.17 The proposed dwellings are of sufficient size to provide adequate internal living accommodation and have access to external garden areas. This would prevent harm being caused to the residential amenity of future occupants of the dwellings.

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- 6.18 Paragraph 32 of the NPPF requires decision making to take account of a safe and suitable access to the site being achieved for all people; and improvements that can be taken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 32 clearly states that development should only be prevented where the residual cumulative impacts of development are severe.
- 6.19 A significant level of concern has been raised with regard to the impact of traffic movements upon highway safety. Particular issues which have been raised relate to access to the neighbouring residential care units at Holly Lodge, intensification of use of the access road, and use of the access onto Vines Lane.
- 6.20 The site is accessed by way of a single track access road from Vines Lane. This access road currently serves Alexander House and Holly Lodge as well as providing rear access to Stone Lodge. It is noted that the residential care use at Holly Lodge results in vehicular movements to and from the site which are more intense than the original dwellings they replaced. These matters were assessed at the time of the previous planning application and were considered to be acceptable. As such, this application can only consider the cumulative impact of the addition of two dwellings to this existing situation.
- 6.21 As highlighted by the NPPF, the assessment of highway impact is a severity test, with a requirement that development is only refused where the cumulative impacts of development are severe. The development proposes a minor development of two dwellings. These dwellings would result in additional traffic movements through the access and along the access road but would not significantly intensify the use of the access, especially when considered in relation to the potential lawful use of the site for occupational therapy purposes (D1). Furthermore, the buildings themselves could be converted into more residential accommodation which would have the same highway impact as that proposed as part of the current application.
- 6.22 The application site is located away from the service centre of Hildenborough and several letters of objection have raised the issue that this would increase the reliance upon the private car, especially as there are no footpaths along the edge of the highway or good public transport links. Paragraph 34 of the NPPF requires that new development that would generate significant movement are located where the need to travel would be minimised and the use of sustainable transport modes could be maximised. The proposed development would not generate significant traffic movement as discussed above, and therefore its location away from the village centre is acceptable in highway terms.
- 6.23 It is not proposed to make any alterations to the access onto Vines Lane; this land is not in the ownership of the applicants. KCC Highways has raised no objections to the intensification of use of the access onto the public highway.

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- 6.24 The development proposes the provision of two car parking spaces to serve each dwelling with a turning area within the site. This would prevent the need for vehicles to park on the private access road or on the public highway at Vines Lane. This is in compliance with the parking standards within IGN3 as set out by KCC Highways but in the form adopted by TMBC.
- 6.25 Access to and from Holly Lodge would not be adversely impacted by the proposed development as sufficient parking is to be provided within the application site. The access road to Holly Lodge and Alexander House is in a private ownership and therefore if the access was to become blocked this would be a private civil matter.
- 6.26 The application has been supported by an arboricultural report assessing the impact of the development upon the trees on the site and outlining mitigation measures to prevent damage to retained trees. The report identifies three trees which need to be removed regardless of the development occurring due to the fact that they are unsafe. It is also proposed to remove one apple tree which is of a Category C along with other small trees and shrubs. Trees around the boundaries of the site which are a mixture of Category B and C would be retained, maintaining the visual amenity value they afford to the landscape and providing a soft edge to the residential scheme.
- 6.27 In order to protect the trees during construction the report proposes a series of measures including the installation of fencing around the calculated tree protection areas (as shown on drawing number J49.47/01 Rev A); no storage of materials within the Root Protection Area's along with no lighting of fires; no levels changes on the site; and the routing of services outside of the RPA's. These methods are fully detailed within the arboricultural assessment and could be controlled by condition on any planning permission.
- 6.28 The proposed orchard is shown to be maintained as a wildlife area. No details of a management plan have been provided to ensure its long term maintenance and protection for such purposes. In light of this, I recommend that a condition be imposed to require submission and approval of details prior to the commencement of the development in order to ensure an appropriate detail can be agreed to prevent harm being caused to protected species, and for its retention and maintenance in perpetuity.
- 6.29 The application site has been identified as being suitable habitat for protected species including reptiles (slow worms and grass snakes) and newts, and as a foraging area for bats. A Phase 1 habitat survey has been submitted with the application to detail the presence of protected species on the site and to set out a methodology for protecting and mitigating harm.
- 6.30 The report identifies that the buildings themselves show no presence of roosting bats but that the site is passed over by bats foraging for food. The demolition of the existing buildings should therefore not result in the loss of bat roosts but a

precautionary approach is recommended to these works, timing demolition at appropriate times of year when the bats are least vulnerable to disturbance and under the supervision of a qualified ecologist.

- 6.31 The site is host to great crested newts and is in close proximity to three ponds which provide an aquatic habitat. The ecological report recommends that prior to the commencement of any development the newts will need to be trapped and relocated. The loss of the small area of habitat could be partially compensated for by the provision of the orchard area to the west of the site along with internal planting to the residential site to the east.
- 6.32 There is also a presence of reptiles on the existing site including slow worms and grass snakes. Once again the ecological report recommends a trapping and relocation exercise on the existing site prior to the commencement of development. As only part of the land is to be developed there is opportunity for relocation of species onto land to the west which would limit the harm caused due to the loss of habitat.
- 6.33 Details of a mitigation and enhancement strategy for protected species could be required by planning condition to ensure that any development did not cause harm to protected species and took the opportunity to ameliorate the local habitats.
- 6.34 The site has also been identified as having the potential for contamination due to its historic use as an agricultural building, along with the fact that other developments within the locality have required remediation. A condition requiring the submission of a contamination report and remediation strategy would be required by condition on any planning permission on the precautionary principle.
- 6.35 A concern raised by occupants of the neighbouring dwellings relates to surface water flooding. The application site is not situated within flood zones 2 or 3 but is situated approximately 190 metres away from these flood zones. Although it is noted that the site becomes waterlogged due to the clay subsoil, surface water drainage is a matter to be considered by way of the Building Regulations regime. Notwithstanding this, the development offers some opportunity to improve land drainage by way of the installation of new drainage systems. This should present the opportunity to prevent surface water flooding from occurring to the neighbouring dwellings.
- 6.36 A Public Right of Way runs from north to south east along the boundary to the application site. It is not proposed to place any development on the Public Right of Way as it is located outside of the application site. The existing buildings currently bound the footpath; these would be removed and a new boundary line established. These works would not impact upon the Public Right of Way. The ditches along the side of the footpath are the responsibility of the landowner but the footpath is already muddy and soft underfoot as it is sheltered by trees and the existing building. KCC PROW has raised no objections to the application as they do not consider the development would detrimentally impact upon the footpath.

6.37 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development, given its location within the Metropolitan Green Belt and the specific detail of the proposed development in terms of its impact on the Green Belt and the locality generally. It also accords with policies CP1, CP3, CP14 and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email Fm Agent dated 19.01.2015, Existing Plans DHA/10141/20 Ground figure dated 19.01.2015, Proposed Layout DHA/10141/21 dated 19.01.2015, Proposed Layout DHA/10141/22 Landscaping _ ecology dated 19.01.2015, Proposed Floor Plans DHA/10141/23 Plots 1 _ 2 dated 19.01.2015, Proposed Elevations DHA/10141/24 Plot 1 dated 19.01.2015, Proposed Elevations DHA/10141/25 Plot 2 dated 19.01.2015, Proposed Plans and Elevations DHA/10141/26 Garden shed dated 19.01.2015, Details DHA/10141/27 Ecology dated 19.01.2015, Letter Covering letter dated 27.10.2014, Habitat Survey Report dated 27.10.2014, Planning Statement dated 27.10.2014, Arboricultural Survey dated 27.10.2014, Location Plan DHA/10141/01 dated 27.10.2014, Existing Plans DHA/10141/02 Ground figure dated 27.10.2014, 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 written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the 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 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 parking space.

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

- 4 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, C and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: To ensure that the development does not harm the character of the locality.

- 6 Prior to the commencement of development details of a mitigation and enhancement strategy for bats, reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve the habitat on the site.

- 7 The development shall be carried out in accordance with the recommendations of the Arboricultural Implications Assessment by Broad Oak Tree Consultants dated 20.10.14 and detailed on drawing number J49.47/01 Rev A.

Reason: In order to prevent the loss of trees on the site.

- 8 No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

a) A site investigation based on the recommendations in the Phase 1 Contaminated Land Assessment by Lustre Consulting 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.

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.

- 9 Before occupation of either of the dwellings hereby approved the former stable buildings shown for removal on the approved plan shall be demolished and all materials arising therefrom shall be removed from the site in its entirety.

Reason: In the interests of residential and visual amenities.

- 10 Prior to the commencement of the development a management strategy for the area of proposed orchard as shown on the submitted site layout plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Type and maturity of the trees to be planted
- ii) Timetable for implementation
- iii) Persons responsible for implementing the works
- iv) Details of the initial aftercare and long term maintenance

The approved development shall thereafter be implemented in accordance with the approved details to a timeframe previously agreed in writing by the Local Planning Authority and all features shall be retained in that manner thereafter in perpetuity.

Reason: To safeguard and improve natural habitats within and adjacent to the site.

Informatives:

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 3 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 4 It is recommended that bonfires are not held at the site as this can cause justifiable nuisance for neighbours.

- 5 The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Contact: Kathryn Holland

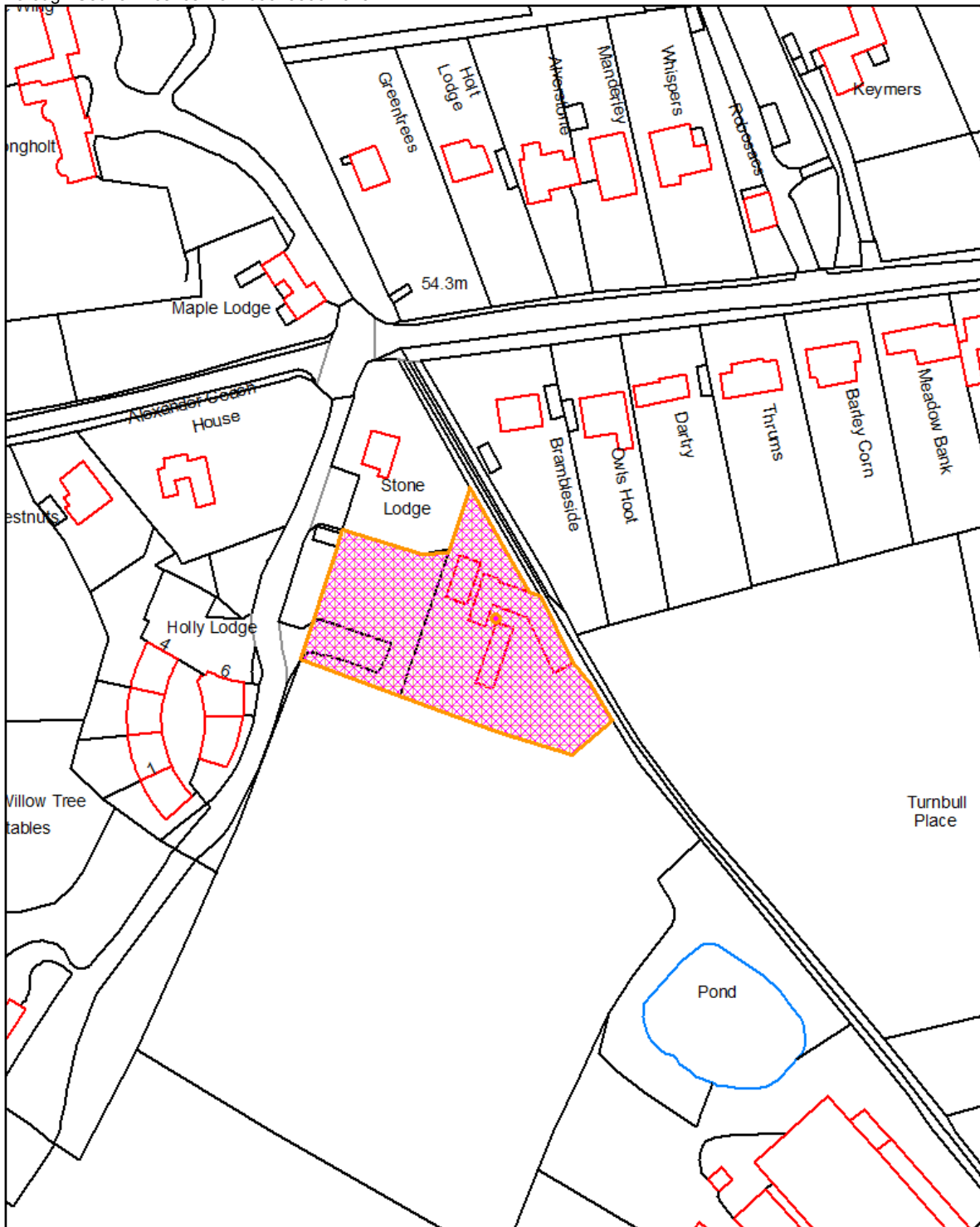
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TM/14/03644/FL

Alexander Stables Vines Lane Hildenborough Tonbridge Kent

Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping

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Hildenborough **557142 148988** **14 May 2015** **TM/15/01411/FL**
Hildenborough

Proposal: Demolition of existing garage and erection of replacement two storey side extension, single storey rear extension and front porch
Location: 22 Hardwick Road Hildenborough Tonbridge Kent TN11 9LA
Applicant: Mr Tom Nooen

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing attached garage and the erection of a two storey side extension, single storey rear extension and front porch.
- 1.2 The proposed two storey side extension would run the length of the western flank wall and would be set back from the existing front living room wall by just under 900mm. It is proposed to be set in from the common boundary with No.21 Hardwick Road by a minimum of 1m at the front corner. The proposed single storey rear extension extends across the rear of the proposed two storey side extension and part way across the existing rear façade. A new porch also forms part of the proposals.
- 1.3 The extension would provide a play room and summer room at ground floor level and a fifth bedroom and ensuite bathroom to bedroom 2 at first floor level.
- 1.4 Materials are proposed to be brickwork at ground floor level and white painted render to the side and rear elevation at first floor level and tile hanging to the front elevation at first floor level.
- 1.5 The proposal shows 2 off-street parking spaces to be retained at the front of the property.
- 1.6 The proposal being reported comprises amendments to the original scheme. In particular the two storey element of the proposed extension would be set back from the front elevation of the main dwelling and incorporate a single storey rear element, following concerns raised by residents of the neighbouring property.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Smith in order for consideration to be given to the impacts of the proposed development on the neighbouring dwelling.

3. The Site:

- 3.1 The application site contains a detached dwellinghouse on the north side of Hardwick Road within the rural settlement confines of Hildenborough.

3.2 The application site has an existing driveway to the front for 2 cars.

3.3 The application property is angled slightly away from the neighbouring property to the west, No. 21 Hardwick Road, and has an existing attached garage located within relatively close proximity to this common boundary.

4. Planning History (relevant):

TM/82/10254/FUL grant with conditions 30 September 1982

Erection of detached house with integral double garage

5. Consultees:

5.1 PC: Initially no comments made, then a further response was received raising the following points:-

- It has been drawn to our attention the adverse impact on light to the neighbouring property, not apparent from the plans;
- We would like to see the locally distinctive features identified in section 4 of the Hildenborough Character Area SPD preserved.

5.2 Private Reps: 6/0X/2R/0S 2 letters of objection were received, both from the neighbouring property to the west (No.21 Hardwick Road), making the following objections:

- The gap shown between the extension and the boundary line is not accurate.
- Severe loss of amenity in terms of outlook and loss of sunlight.
- A daylight and sunlight assessment should be undertaken as the 45 degree rule is broken.
- The wall nearest the bay is non-reflective material.
- The proposed building is approximately 0.5m forward of the existing building line.
- Trespass will not be tolerated.
- The close proximity of the extension would have a negative impact upon No.21's foundations.
- The extension is contrary to the Hildenborough Village Local Plan.
- No's 17 to 22 Hardwick Road are given separate treatment as Hardwick Road East (para 4.2 of the Hildenborough Village Local Plan), a defined character

area, consisting detached houses on wide plots giving a spacious character - 22 has a significantly wider/larger plot than the others.

- Other houses have extended to the rear, maintaining the open and spacious character.
- There is no evidence of a design and access statement being provided.

6. Determining Issues:

- 6.1 The site is located within the rural confines of Hildenborough where the principle of development of this nature is acceptable in the broadest of policy terms. The proposed extension is considered to be relatively modest in size and, due to the location of the site within the confines of the village, there is no upper limit to the extent to which a property may be extended, *in principle*. Furthermore, it should be recognised that the dwelling is situated within a large plot which is sufficient in size to accommodate the proposed extension without amounting to an overdevelopment of the site.
- 6.2 With the principle of the proposed development having been established, it is necessary to ensure that the proposal would not harm the street scene and that the development is appropriate for the site and its surroundings. In this respect, Saved Policy P4/12 of the TMBLP requires residential extensions to not have an adverse impact on “the character of the building or the street scene in terms of form, scale, design, materials and existing trees; nor the residential amenity of neighbouring properties in terms of light and privacy, and overlooking of garden areas.” Policy P4/12 also has an Annex (PA4/12) which sets out further design guidance and amenity tests.
- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment and paragraphs 57 and 58 of the NPPF set out similar criteria.
- 6.4 Hildenborough Character Area SPD, refers to Hardwick Road (East), which the application site forms part of, as consisting of two storey detached houses reminiscent of 1930s styles. The SPD draws attention to the use of the plain brown tiled roofs and two storey tile hung bow windows, with lower storeys of brown brick and upper floors with white painted render or tile hanging. The SPD adds further that repeated designs and limited colour palette give the development cohesiveness and distinctive identity and that the detached houses have wide plots set back from the road giving a spacious character.
- 6.5 The proposed extensions and porch have been designed so that they would incorporate key features of the original dwellinghouse, such as the fenestration details and materials. Policy Annex PA4/12 advises that the front of proposed side extensions should be set behind the building line of the main dwelling in order to achieve a visual break in the line of the building frontage. The design of the proposed two storey extension has been amended in a positive way so that it

would be set back from the front elevation of the main dwelling by just under 900mm. These amendments were in response to concerns raised by the neighbouring resident. This would allow for the ridge of the roof to be reduced so that the side extension would be subservient to the main dwelling. The materials proposed are shown to be brickwork at ground floor level and white painted render to the side and rear elevation at first floor level, with tile hanging to the front elevation at first floor level, in keeping with the host dwelling. The front porch would have a ridged, tiled roof, whereas the rear extension would have a flat roof, incorporating 2 roof domes. I am satisfied that the proposed extensions are in keeping with the main building and that they would not have a detrimental impact on the area.

- 6.6 The Hildenborough Character Area Appraisal SPD refers to the distinctive identity of this section of the road, with detached houses located within wide plots set back from the road. It is not considered that the proposed extensions would be contrary to the identity and visual amenity of Hardwick Road, as the extensions would be in keeping with the design of the host dwelling and Hardwick Road contains a mix of housing types and designs, many of which have also been extended within relatively close proximity to common boundary lines, thus reducing open space between plots.
- 6.7 The redesign of the proposed two storey side extension would mean that the side element would be set slightly further back from the front elevation than the existing attached garage (which is to be demolished), increasing the distance between the extended property and the common boundary line with the neighbouring property to the west. This neighbour raised objections to the originally proposed scheme, which brought the proposed side extension further forward so that it was in line with the front façade of the main dwelling. The separation distance now being shown between the application property, as extended, and neighbouring property is not uncommon within this section of the road, and is similar to the relationship which already exists in respect of the application property's garage and the neighbouring property. As such, it is not considered that this built form would have a detrimental impact on the visual amenity and openness of the area through the replacement of the existing garage with a two storey extension. Additionally, taking into account the angle of the boundary and the fact that the application property is positioned away from this neighbour, it is not considered that the proposals would cause a terracing effect with the neighbouring property to the west.
- 6.8 No.21 does not have any windows within the flank elevation directly facing the two storey element of the proposed extension. The proposed single storey rear element is relatively low in height and would not extend past the depth of this property. As such, it is not considered that the proposed extensions would have a detrimental impact on the residents of No.21, in respect of an overbearing impact, nor that the two storey extension would appear as an oppressive or dominant feature when viewed from this neighbouring property.

- 6.9 Saved Policy Annex PA4/12 of the TMBLP states that in order to minimise any reduction in daylight into adjoining dwellings, and any impact on the outlook from such dwellings, extensions should be designed so as to fall within the 45-degree angle zone taken from a half of the way across the neighbouring habitable room window nearest to the boundary. This guidance typically relates to single and two storey rear extensions. Given the fact that there are no windows within the flank elevation of No.21 Hardwick Road, together with the degree of separation between the proposed extension to the application property and this neighbouring dwelling, the 45-degree test is met in respect of the front windows. As such there would be no demonstrable loss of daylight/sunlight which could be said to harm the residential amenities of the neighbours.
- 6.10 There are no windows proposed within the flank walls of the proposed extension facing towards the neighbouring residents. Therefore, I am satisfied that the proposals will not have a detrimental impact on the privacy of these residents.
- 6.11 In respect of encroachment, the grant of planning permission does not give the right to build on someone else's land and informatives will be added to this effect.
- 6.12 The proposals include the demolition of the attached single garage at the property; however, the plans indicate that two parking spaces will be retained to the front of the property. The provision of 2 off street parking spaces to serve each of the resultant dwellings is considered to be acceptable, despite the fact that the garage is being lost, taking into account the requirements of KHS IGN3. Furthermore, Hardwick Road does not contain any on-street parking controls and, if required at a later stage, the applicant could accommodate further off-street parking on the site.
- 6.13 The neighbouring resident has raised concern that a design and access statement was not submitted with the proposals; however, due to the nature of the scheme (a residential extension), such a statement is not required, under Central Government guidance.
- 6.14 In light of the above considerations, I recommend that planning permission be granted subject to the imposition of conditions.

7. Recommendation:

- 8. Grant Planning Permission** in accordance with the following submitted details: Location Plan 14-059-01 Existing plans _ elevation dated 29.04.2015, Proposed Plans and Elevations 14-059-02 rev E dated 29.04.2015, Drawing 14-059-18 Parking arrangement dated 14.05.2015, Photograph Front elevation dated 14.05.2015, subject to the following conditions

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. All materials used externally shall match those of the existing building.

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

3. The parking spaces shown on drawing number 14-059-18 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 2015 (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.

Informatives

1. 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.
2. 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.

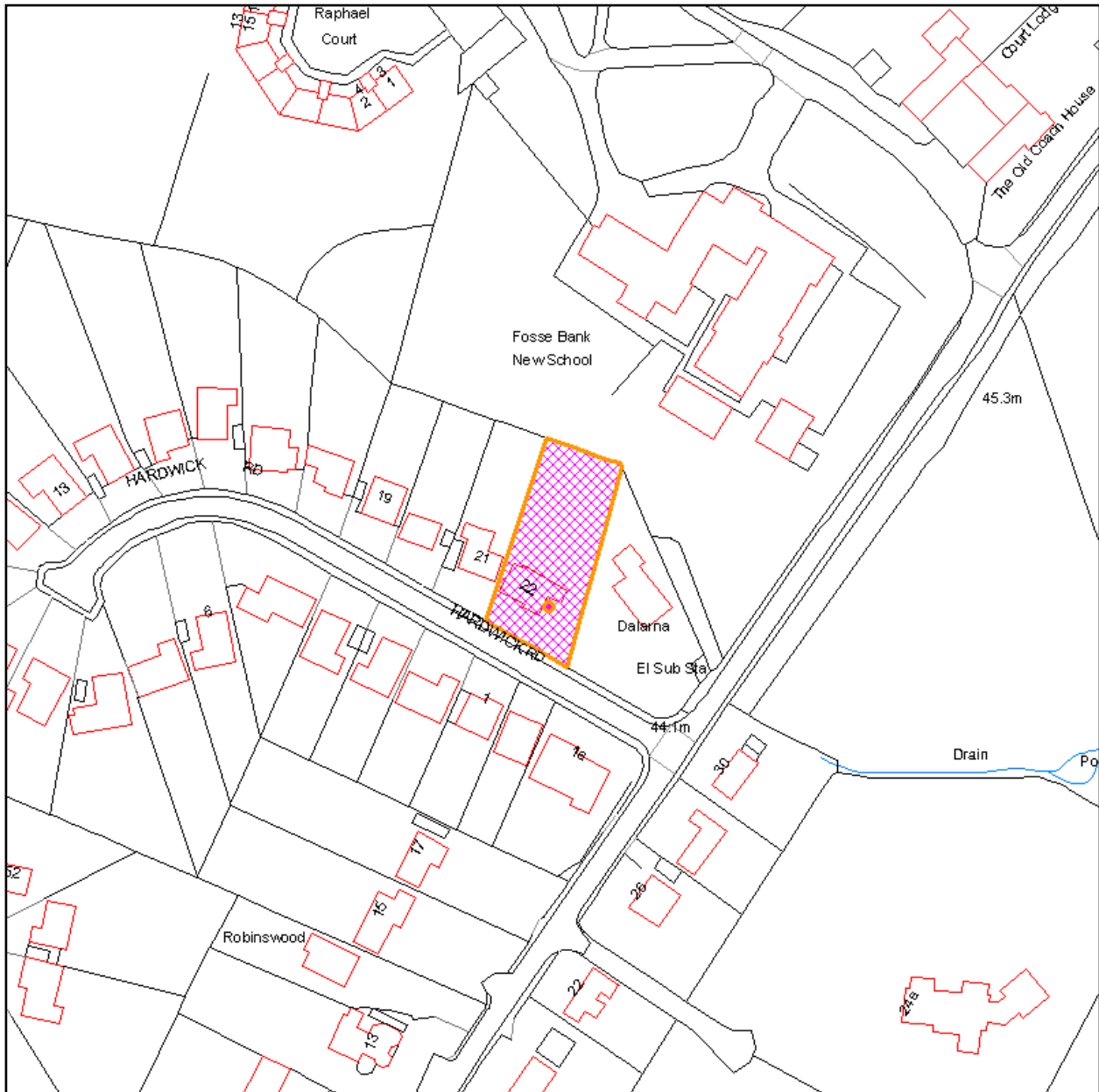
Contact: Vicky Bedford

TM/15/01411/FL

22 Hardwick Road Hildenborough Tonbridge Kent TN11 9LA

Demolition of existing garage and erection of replacement two storey side extension, single storey rear extension and front porch

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4. Planning History:

4.1 No.7 Church Road:

TM/14/01315/FL Application Withdrawn 13 June 2014

Proposed single and two storey rear and side extension to existing house

TM/14/02071/FL Application Withdrawn 22 July 2014

Part one/two storey rear, and two storey side extension

TM/14/02070/FL Application Withdrawn 28 October 2014

Proposed one/two storey rear, two storey side and front porch extension at 7 & 8 Church Road

4.2 No.8 Church Road:

TM/14/00747/TPOC Pending Consideration

Require oak tree which is covered in ivy and crosses several boundaries on neighbouring gardens to be felled as perceived as being a danger to nearby properties owned by the housing association and council

TM/14/01316/FL Application Withdrawn 28 May 2014

Proposed two storey and single storey rear and side extensions plus single storey front porch extension to existing house

TM/14/02070/FL Application Withdrawn 28 October 2014

Proposed one/two storey rear, two storey side and front porch extension at 7 & 8 Church Road

5. Consultees:

5.1 PC: Concern raised that this is overdevelopment of the site and not in keeping with the other properties in the road.

5.2 Private Reps: 12/0X/4R/0S plus site & press notice: 4 letters of objection received raising the following points:

- Overdevelopment of site,

- The extensions to this property is too large in relation to the existing property and plot – a combined total of 10 new rooms are being added to the existing properties,
- Proposed extensions out of proportion to other dwellings,
- The size of the extension will harm views and be out of character with the road, which is an attractive street where new development has been carefully controlled,
- Overdevelopment of a very narrow road,
- The proposed extensions are within close proximity to No.9 and would be oppressive and dominating, causing overshadowing and loss of daylight/sunlight from the west,
- The proposals will cause loss of afternoon sun to No.10 Church Road,
- Principal windows of the proposed extensions would overlook No.9's patio area,
- If each houses was submitted as a separate application both would fail the 45 degree rule, which would prevent excessive development, being circumvented in this case with a joint application,
- Next door to No.3 is a building site thanks to the grant of planning permission of an extension at No.2 Church Road,
- Another two houses having large extensions and works is unacceptable,
- Private bins have not been emptied due to access problems,
- Driveway access problems are experienced due to parking inappropriately in an already congested road and there is not space for two large houses,
- The construction of two new driveways would result in the loss of two on-street parking spaces which will worsen the parking problems in Church Road,
- Large houses will require more parking and the road is already experiencing parking problems due to commuters and users of Kelly Holmes' café,
- The Hildenborough Character Area SPD states that Church Road is "narrow and intimate" – this will not be the case with the addition of two four bedroom houses of this large scale. It goes on to say that negative features worthy of enhancement are "general lack of cohesive character and loss of enclosure associated with parking areas adjoining community

buildings and in front of residential properties” – this will be exacerbated with this development,

- The development and increase in parking congestion would harm the setting of Hildenborough Conservation Area,
- No.3 was not notified of the proposals.

6. Determining Issues:

- 6.1 The site is located within the village confines of Hildenborough where the principle of development of this nature is acceptable in the broadest of policy terms. The proposed extensions are relatively large but the location of the site within the confines of the village means that there is no upper limit to the extent to which a property may be extended, *in principle*. Furthermore, it should be recognised that both dwellings are situated within large plots which are sufficient in size to accommodate the proposed extensions without amounting to an overdevelopment of the site.
- 6.2 The Hildenborough Character Area SPD refers to the properties within Church Road, but outside of the Conservation Area, as dating from the 1930s. The semi-detached and terraced properties are stated to be of a uniform and cohesive design with brick elevations, pastel render or hung tiles on upper storeys and flat porch canopies. Church Road is described further as being narrow and intimate, with front gardens enclosed by fences and hedges. Negative features are stated to be loss of enclosure associated with parking areas adjoining community buildings and in front of residential properties.
- 6.3 With the principle of the proposed development having been established, it is necessary to ensure that the proposal would not harm the street scene and that the development is appropriate for the site and its surroundings. In this respect, Saved Policy P4/12 of the TMBLP requires residential extensions to not have an adverse impact on “the character of the building or the street scene in terms of form, scale, design, materials and existing trees; nor the residential amenity of neighbouring properties in terms of light and privacy, and overlooking of garden areas.” Policy P4/12 also has an Annex (PA4/12) which sets out further design guidance and amenity tests.
- 6.4 Policy CP24 of the TMBCS relates to achieving a high quality environment and paragraphs 57 and 58 of the NPPF set out similar criteria. Regard must also be had to the impact of the development on the statutory duty to preserve or enhance the character or appearance of the Conservation Area.
- 6.5 The proposal to extend the pair of semi-detached dwellings has been submitted as a joint scheme, with the proposed extensions having a similar appearance, almost representing a mirror image of each other. It should be noted, however, that there is no requirement for the pair of dwellings to remain as a pair in terms of their

external appearance when viewed from the street scene. It is, however, necessary to ensure the extensions are visually in keeping with the host dwellings and wider street scene.

Both extensions would be significantly set back from the front of the main dwellings and would have a lower overall ridge height, incorporating hipped roofs. These factors, combined, would ensure that the extensions would appear visually subservient to the host dwellings, which is considered to be acceptable. Sufficient distance between the flank walls of the extensions and the site boundaries would be maintained, ensuring that the extensions would not appear cramped within the plots and avoiding any potential for a terracing effect to occur. For these reasons it is not considered that the proposal will detrimentally impact the overall character of the street scene nor the character and appearance of the adjacent Conservation Area.

- 6.6 The extensions have been designed in such a way to ensure that there are no windows within the flank elevations facing towards neighbouring properties. As such, it is not considered that the proposal will cause any direct overlooking onto neighbouring residential properties.
- 6.7 Saved Policy Annex PA4/12 of the TMBLP states that in order to minimise any reduction in daylight and outlook into adjoining dwellings, and any impact on the outlook from such dwellings, rear extensions should be designed so as to fall within the 45-degree angle zone taken from a half of the way across the neighbouring habitable room window nearest to the boundary. Given the degree of separation that exists between the proposed extensions and the neighbours either side of the application site (6 and 9 Church Road), this test is met and as such there would be no demonstrable loss of daylight/outlook which could be said to harm the residential amenities of these neighbours.
- 6.8 Furthermore, as the proposed extension to No.7 Church Road would be angled slightly away from the common boundary with 6 Church Road, I consider that the extension to this dwelling would not appear as an oppressive or dominant feature when viewed from this neighbouring property. This is assisted further by the staggered and subservient nature of the extension.
- 6.9 Similarly, the extension to 8 Church Road would be well separated from its neighbour and the presence of a single storey garage, which is sited along the common boundary, acts as an intermediary feature in terms of built form.
- 6.10 It should also be acknowledged that both 6 and 9 Church Road are also served by relatively large rear gardens meaning that the extensions would not unduly dominate to the detriment of their residential amenity.
- 6.11 I consider that these factors combined mean that although the extensions would be visible from these neighbouring properties, their presence would not be so

oppressive or dominant as to cause harm to the residential amenities of these neighbours.

- 6.12 Concern was raised with the previous planning application regarding the expanse of hardstanding areas proposed at the site. The parking area has also been raised as an objection within this current scheme as it is considered that parking to the front of the residential properties is a negative feature worthy of enhancement, as stated within the Hildenborough Character Area SPD. However, the development of a hardstanding area on a standalone basis would be permitted development. The plans within this proposal indicate that two parking spaces would be provided to serve each of the resultant dwellings along with a small grassed area. This is considered to be a betterment to the shingle hardstanding areas currently in place and the provision of 2 off street parking spaces to serve each of the resultant dwellings is considered to be acceptable, taking into account the requirements of KHS IGN3.
- 6.13 It is noted that concern has been raised by the resident of No.3 Church Road that they were not notified of the proposals. The Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 3, Paragraph 15 (5) requires that the Local Planning Authority give requisite notice-
- (a) By site display in at least one place on or near the land to which the application relates for not less than 21 days; or
 - (b) By serving the notice on any adjoining owner or occupier.
- 6.14 Due to the degree of separation between the application site and this property the Council would not be required to notify these occupants via a neighbour letter. Site and press notices were used to publicise these proposals due to their proximity with the Conservation Area.
- 6.15 The residents of No.3 have also raised concern that they live next door to a building site and that their bins have not been collected due to access problems. These are not issues which can be taken into account during the determination of this application, which needs to consider the specific impacts of the proposal being put forward at the specific application site.
- 6.16 In light of the above considerations, I recommend that planning permission be granted subject to the imposition of conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: This was approved in accordance with the following submitted details: Design and Access Statement dated 19.05.2015, Location Plan 043 - PL - 001 dated 19.05.2015, Existing Floor Plans 043 - PL - 010 A dated 19.05.2015, Existing Plans 043 - PL - 011 dated 19.05.2015, Existing Elevations 043 - PL - 020 A

dated 19.05.2015, Proposed Plans 043 - PL - 101 A dated 19.05.2015, Proposed Floor Plans 043 - PL - 110 A dated 19.05.2015, Proposed Plans 043 - PL - 111 dated 19.05.2015, Proposed Elevations 043 - PL - 120 A dated 19.05.2015, Elevations 043 - PL - 121 Existing/proposed dated 19.05.2015, subject to the following conditions

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. 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. The extensions shall not be occupied, until the area shown on the submitted layout as vehicle parking space serving the associated dwelling 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.

Contact: Vicky Bedford

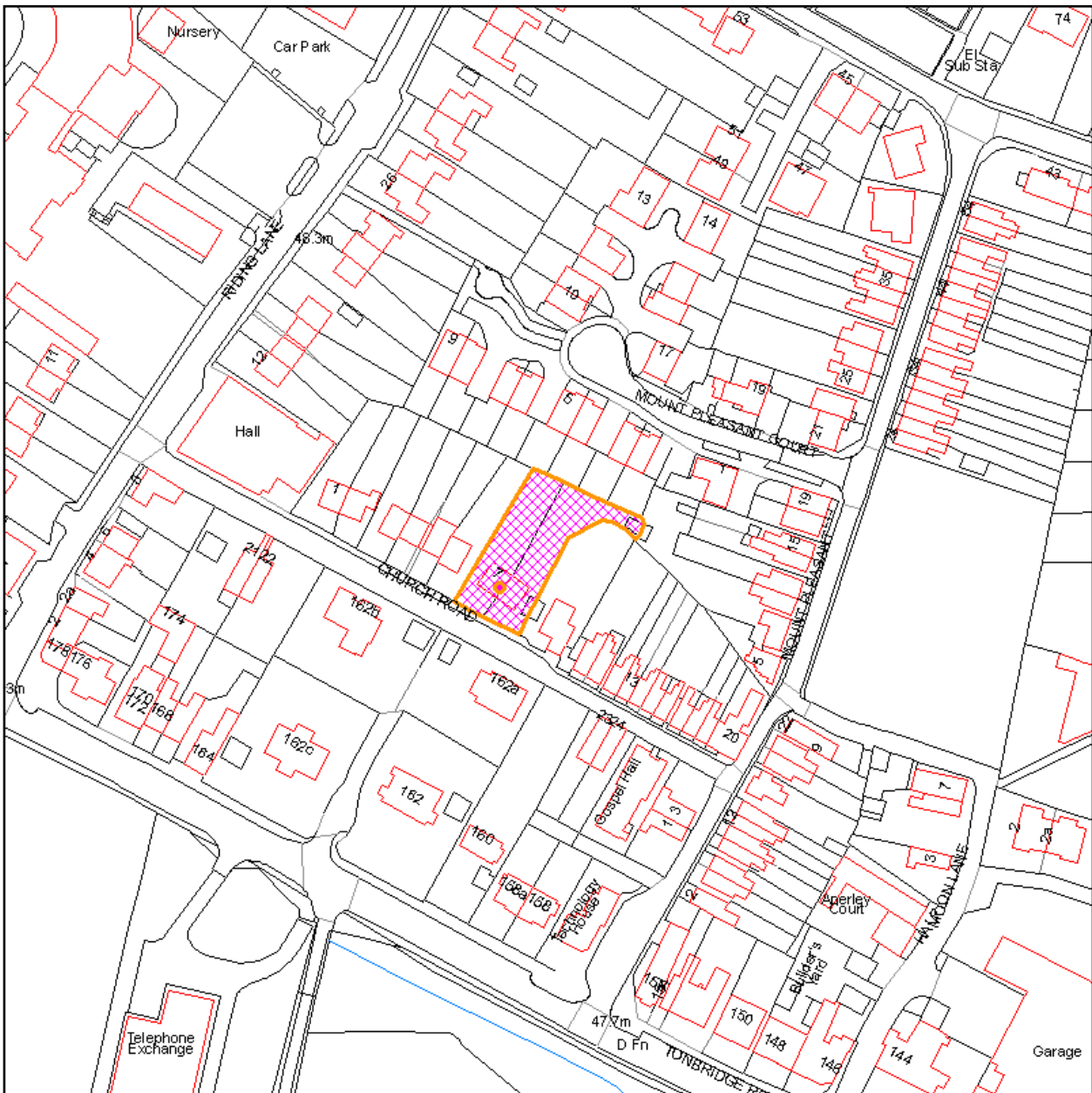
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TM/15/01642/FL

7 And 8 Church Road Hildenborough Tonbridge Kent TN11 9JL

Proposed two storey rear, and side extensions

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Agenda Item 9

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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