

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

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

16 May 2014

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 28th May, 2014 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on Wednesday 16 April 2014

Decisions to be taken by the Committee

- | | | |
|----|--|---------|
| 4. | Development Control | 11 - 14 |
| | Introduction and Glossary | |
| 5. | TM/13/03598/FL - 1 Mill Cottages, Platt | 15 - 36 |
| 6. | TM/13/03625/FL - Cedar Bungalow, Trottiscliffe | 37 - 58 |
| 7. | 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

8. Exclusion of Press and Public

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

PART 2 - PRIVATE

9. 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 Mrs F A Kemp (Chairman)
Cllr Mrs E M Holland (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr C Brown
Cllr F R D Chartres
Cllr M A Coffin
Cllr S R J Jessel
Cllr Mrs S Luck
Cllr B J Luker

Cllr Mrs S Murray
Cllr T J Robins
Cllr H S Rogers
Cllr A G Sayer
Cllr Miss J L Sergison
Cllr Miss S O Shrubsole
Cllr M Taylor

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 16th April, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs E M Holland (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr C Brown, Cllr R D Chartres, Cllr M A Coffin, Cllr S R J Jessel, Cllr Mrs S Luck, Cllr B J Luker, Cllr Mrs S Murray, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole and Cllr M Taylor

Councillors O C Baldock and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 14/12 DECLARATIONS OF INTEREST

Councillor Miss Shrubsole declared an Other Significant Interest related to applications TM/13/03558FL and TM/130557/FL (The White Swan, 35 Swan Street, West Malling) as a member of her family worked for the firm of solicitors acting for the applicant. She withdrew from the meeting during the discussion of this item.

Councillor Mrs Luck declared an Other Significant Interest related to application TM/13/01952/FL (Mill Yard, 26 Swan Street, West Malling) as the development was adjacent to land in her ownership. She withdrew from the meeting during the discussion of this item.

Councillor Balfour advised the Committee of his role as Deputy Cabinet Member for Highways and Transportation at Kent County Council. As this did not represent either a Disclosable Pecuniary Interest or an Other Significant Interest he remained in the meeting.

AP2 14/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 5 March 2014 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO COUNCIL

AP2 14/14 DIVERSION OF RESTRICTED BYWAY MR221A, LONDON GOLF CLUB, SOUTH ASH MANOR, ASH

Further to Minute AP2 13/042 and following consultation by Kent County Council, the report of the Director of Central Services set out a new proposal to create a new length of footpath and bridleway for the

diversion of Restricted Byway MR221A. The report also set out responses to a second consultation.

The proposed diversion was shown on the plan at Appendix A to the report. It was noted that stopping up MR221A and the provision of an equally pleasant and safe alternative route would eliminate the potential risk presented to users of MR221A as a result of the practice facility. Furthermore the creation of a new length of bridleway and footpath would improve the network in the local area.

RECOMMENDED: That

- (1) the making of an Order under Section 257 of the Town and Country Planning Act 1990 to divert Restricted Byway MR221A at Stansted, as shown at Appendix A to the report, in order to enable the proposed development (planning application TM/09/03149FL refers) to be carried out be approved;
- (2) the confirmation of the Order, if unopposed, be approved; or
- (3) the Order be referred to the Secretary of State for Communities and Local Government for determination if any objections were sustained.

***Referred to Council**

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

AP2 14/15 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

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.

AP2 14/16 TM/13/03558/FL AND TM/13/03557/FL - THE WHITE SWAN, 35 SWAN STREET, WEST MALLING

- (A) Section 73 application to vary conditions (relating to hours of restaurant use and noise levels) of planning permission TM/99/00046/FL (as subsequently varied by permissions

TM/99/00835/FL and TM/01/00833/FL) for change of use to restaurant including alteration, restoration and single storey extension to existing building and replacement of garage block for staff quarters at The White Swan, 35 Swan Street, West Malling.

(B) Erect a temporary marquee for six months of the year for private functions at The White Swan, 35 Swan Street, West Malling

RESOLVED: That application (A) TM/13/03558/FL be

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

RESOLVED: That application (B) TM/13/03557/FL be

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

(1) Addition of condition:

6. A log book of noise incidents shall be maintained at the premises, which shall be made available for inspection by the Local Planning Authority.

Reason: To ensure the proper management of the restaurant use of the premises in order to safeguard the amenities of neighbouring occupiers.

[Speakers: Mr N N Levantis – applicant]

AP2 14/17 TM/14/00234/FL - BLACKMANS, TROTTISCLIFFE ROAD, ADDINGTON

Erection of 3 no. detached dwellings with provision of associated new access and parking facilities at Blackmans, Trottiscliffe Road, Addington.

RESOLVED: That the application be

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

- (1) Satisfactory completion of a Section 106 Planning Obligation to secure a contribution of £20,000 towards off site provision for affordable housing;
- (2) The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health; and

(3) Amended condition 12 as set out below:

12. No development shall take place until detailed longitudinal sections and cross sections through the two new accesses and driveways, including localised widening to accommodate the ability of two vehicles to pass, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

[Speakers: Ms Bailey – Addington Parish Council; Ms L Pereira, Mrs P Curtis, Mr G Curtis, Mr D Lane, Mrs M Tillett, Mr Donoghue, Mr Thompson, Mr Rogers and Mr G Burton – members of the public and Mr M Bor – applicant]

AP2 14/18 TM/13/03625/FL - CEDAR BUNGALOW, CHURCH LANE, TROTTISCLIFFE

Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park at Cedar Bungalow, Church Lane, Trottiscliffe.

RESOLVED: That the application be

DEFERRED for a Members' Site Inspection

[Speaker: Mrs Hunt – member of the public]

AP2 14/19 TM/13/01952/FL - MILL YARD, 26 SWAN STREET, WEST MALLING

Development comprising 4 no. two bedroom town houses and one retail unit plus associated parking and external works at Mill Yard, 26 Swan Street, West Malling.

It was reported that the applicant's agent had positively responded to concerns raised by local Members regarding the demolition and construction management for the development by providing a draft management plan.

RESOLVED: That the application be

APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health and the amended plans list set out in the supplementary report; subject to:

(1) Amended condition 11, as set out below:

11. Development shall not begin until a scheme for protecting the proposed buildings from noise, that includes noise attenuation measures to protect the residential properties from noise from the public car park and recycling centre, in line with National Planning Policy Framework 2012 paragraph 123 and Noise Policy Statement for England 2010, has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted buildings are occupied and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: In the interests of the residential amenity of the new development.

(2) Addition of condition 32, as set out below:

32. No development shall take place until details of the finished slab levels of all the buildings to be erected, relative to a defined and enduring datum point, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

(3) Addition of informative:

4. The developer is advised to consider signing up to the Considerate Constructors' Scheme at www.ccscheme.org.uk

[Speakers: Mr K Scott – agent]

AP2 14/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 pm

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 16 August 2013

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

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

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

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

ventilation is recommended to habitable rooms and it is proposed that this will be implemented to both dwellings as part of the heating and ventilation energy efficiency system for the buildings. Heat recovery will be used as part of that system; all of these systems will be designed to meet the recently increased energy efficiency targets for Part L of the Building Regulations. As with any heating or ventilation system there will be an ongoing maintenance liability, but we believe this technology is becoming increasingly popular and occupants will be made aware of the need to maintain the installations. All of the above proposals can be submitted to the Tonbridge and Malling Borough Council for approval if required.

- *Some concerns were raised over the amount of amenity space available to the extended 1 Mill Cottages. We note Tonbridge and Malling Borough Council's policy. Additionally, we would wish to point out that the adjacent developments in Platt Mill Close contain several dwellings with considerably smaller gardens than we are proposing and would encourage Members to assess our proposals in context of these other precedents.*

2. Reason for reporting to Committee:

- 2.1 At the request of by Councillor Mrs Sue Murray due to concerns over access and turning.

3. Consultees:

- 3.1 The application is currently out to re-consultation on the amendments/additional information recently received and any additional representations received will be reported within a Supplementary Report.

4. Determining Issues:

- 4.1 The amendments to the overall size of the extended house and new build terraced house have been put forward by the applicant in an attempt to marginally improve the amenity space to the rear and reduce the overall width of the proposals. These changes do not alter the overall impression or layout of the scheme in my view. The scale, form and design of the scheme was considered to accord with policy prior to these changes and I remain of the view that the scheme remains in accordance with Saved Policy P4/12 of the TMBLP, Paragraphs 53, 57 and 58 of the NPPF, Policy CP13 and CP24 of the TMBCS and Policy SQ1 of the MDEDPD.
- 4.2 The construction management plan details how the applicant intends to phase the construction stages of the development and deal with on-site parking and storage of materials during construction works. This detail is intended to give an indication of how they may deal with these concerns and satisfactorily addresses these issues, so far as it goes, in my opinion. However, there are some additional

matters that could usefully be included, such as the parking of contractors' vehicles, and further detail would be expected through formal discharge of Condition 8.

- 4.3 The issue of levels was discussed at the MSI and the applicant has put forward drawings showing proposed levels in an attempt to overcome any concerns. The levels drawing clarifies that the extension and proposed house would be constructed at the same level as the existing slab level of 1 Mill Cottage with a matching ridge line as shown on the streetscene elevations. The ground immediately around the new house would also be reduced in level, with a graded bank sloping up to the level of the existing garden to the west of the house, a difference in levels of about 0.75m.
- 4.4 Finally, the applicant has sought to take account of the concerns raised by Committee Members in relation to turning and access. The revised proposals detail the removal and replacement of part of the boundary hedge to allow for an increase in width of the access point for the private drive which serves the application site and 5 other properties, along with the allotments and King George's Field recreation field. The width of the access point onto the A25 which serves the private road would increase from 5.6m at its narrowest point to 6.3m. The width of the private access road would increase to 4.2m whereas it is currently about 3m at its narrowest point. A new replacement hedge is to be replanted inside the newly-defined boundary.
- 4.5 The works to the private road and its access point with the A25 were not required by officers to support the recommendation for approval made to A2PC in March and therefore constitute benefits to the scheme over and above those necessary to secure a favourable recommendation in my view. The revisions to the access are nevertheless undoubtedly improvements to the scheme, in my view, and would secure an enhancement to the access to the benefit of users of the access road in perpetuity, provided a suitable condition requires the improvements to be implemented and retained.
- 4.6 In light of the above considerations, subject to additional conditions relating to levels and private access/road improvements, I recommend that permission be granted.

5. Recommendation:

- 5.1 **Grant Planning Permission**, in accordance with the following submitted details: Other existing site images dated 04.12.2013, Acoustic Assessment dated 25.11.2013, Design and Access Statement dated 21.11.2013, Existing Elevations A670-E-004 dated 21.11.2013, Existing Floor Plans A670-E-006 dated 21.11.2013, Proposed Floor Plans A670-P-105 dated 21.11.2013, Proposed Elevations A670-P-109 dated 21.11.2013, Proposed Elevations A670-P-110 dated 21.11.2013, Email dated 13.01.2014, Email dated 16.01.2014, Email dated 17.01.2014, Location Plan A670-E-008A dated 17.01.2014,

Proposed Layout A670-P-104C dated 17.01.2014, Drawing A670-P-500 dated 17.01.2014, Proposed Layout A670-P-104 D dated 14.02.2014, Drawing A670-P-106 D dated 14.02.2014, Parking Provision A670-P-500 A dated 14.02.2014, Proposed Elevations A670-P-109 D dated 14.02.2014, Email dated 14.02.2014, subject to the following:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. The scheme shall include details of the replacement hedge to be planted adjacent to the widened access track and bell mouth onto the A25. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

4. The existing low mixed hedge to the front, side and rear of the site shall be retained, other than as specifically approved to be removed for access, for a period of ten years from the date of this permission. Any areas of hedge removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

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

5. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
- (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

6. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

7. The scheme of noise attenuation hereby approved, as set out within Noise Report dated 22 November 2011 by F1 Acoustics Company Limited, shall be implemented in respect of Unit A prior to the first occupation of the extension to Unit A and in respect of Unit B prior to the first occupation of Unit B and in both instances shall be retained at all times thereafter.

Reason: In the interests of aural amenity of the occupants of the respective properties.

8. No development shall take place until a scheme for the management of demolition and construction traffic going to and from the site (including hours of operation and arrangements for the delivery of materials to the site and the associated parking of vehicles) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation is agreed in writing by the Local Planning Authority beforehand.

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

9. The development hereby approved shall be constructed in accordance with the levels details hereby approved unless agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

10. Neither the extension to the existing house, nor the new dwellinghouse hereby approved shall be occupied until the widening works to the shared access and drive as detailed within drawing number A670-P-501 date stamped 13 May 2014 have been implemented. The works shall be carried out in strict accordance with the details hereby approved and retained at all times thereafter unless otherwise approved by the Local Planning Authority.

Reason: In the interests of securing the offered improvements to this narrow access and drive.

Informative

1. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
2. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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.

Contact: Lucy Harvey

- 3.2 To the east of the application site lies the attached dwelling at 2 Mill Cottages which has previously been extended in the form of a two storey side extension.
- 3.3 The site lies within the built confines of Platt and sits on a classified road "A" road with the associated noise and traffic issues.

4. Planning History:

TM/49/10339/OLD grant with conditions 12 April 1949
(MK/4/49/92)
Addition.

5. Consultees: *Please note that the comments set out below were made in relation to the originally submitted scheme for extension and a detached house. Any additional comments received following the recently amended scheme for an attached dwelling will be included within the Supplementary Report.*

- 5.1 PC: Whilst we accept it is within the Rural settlement confines, we do not agree that this is a "minor" development or an infill (described as the completion of an otherwise SUBSTANTIALLY built-up frontage).
- 5.1.1 This proposes a reasonably large detached unit separated from the existing row of cottages that does not match the street scene. Historically these cottages were for the Mill workers and the Platt Mill development opposite has continued to reflect this, i.e. a row of cottages.
- 5.1.2 It proposes building on garden land that has not been previously developed and, as such, should be only allowed if exceptional circumstances are provided. This application again reflects the trend to extend and/or build larger properties and is not what we would call "sustainable" development in our village.
- 5.1.3 The parking spaces indicated are not acceptable. The original property (now Unit A) had a garage for 2 vehicles and ample turning space within the site curtilage. This proposes 1 space for Unit A and 2 spaces for Unit B. Neither are adequate for 3 bedroom houses and there is no alternative off-street parking.
- 5.1.4 The access road is a private road and very narrow, so to reverse either into or out of the spaces shown will cause nuisance to the other road users. They must manoeuvre within their own property. The access road is used for other residents and school children to access King George's playing field.
- 5.1.5 The access road adjoins the A25 on a bend at the top of a hill and is already dangerous. This proposal will only exacerbate the situation.
- 5.1.6 We would also question the final sentence on the applicants' design and access statement that "We believe that the scheme has been agreed in principal and anticipate officer support".

5.1.7 *PC Comments on additional information, being turning circles for parking spaces:*

Regardless of the additional parking space, we still object to this proposal, for the same reasons as previously recorded to you. It is still out of character with the street scene and will infill the remaining gap at the end of a row of old workmen's cottages. It still does nothing to match its surroundings. We would also maintain that "garden land" is garden whether or not it is at the rear or side of a property and as such requires exceptional circumstances to allow a large dwelling. We will still be presented with more traffic accessing and egressing via the A25, which is always a problem. The private road is access to a recreation ground, King Georges Field, used by families and schoolchildren and is not built for regular traffic use. Vehicles reversing and turning on this road will cause problems. All the other dwellings off this road can turn within their own curtilage. We would again request you refuse this application.

5.2 *KCC Highways: Comments on additional information, being turning circles for parking spaces:* The drawings indicate that 2 spaces are to be provided for each of the 2 properties and these are independently accessible in line with the guidance given in the Kent Design Guide Interim Guidance Note 3. Tracking diagrams have also been provided which show that cars can manoeuvre to and from the spaces without the need to reverse onto the A25 Maidstone Road. The application will not lead to any significant increase in traffic from the private road onto the A25. In view of the above, I can confirm that I do not wish to raise objection subject to the following conditions: Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

5.3 *Private Reps (11/1X/5R/0S + Site Notice)* The 5 objection letters received originate from three households. Comments received are summarised below:

- Privacy – Unit B would overlook adjacent gardens and property.
- Concerns regarding upkeep of the private track which is maintained by private funds. The increased use would accelerate the deterioration of the surface.
- Unit B will cast a shadow over the track resulting in the track not drying out efficiently thereby having a negative impact on surface conditions.
- Turning of cars will impinge on land outside ownership. Cars must be able to egress on to the A25 in a forward motion.
- Plans detailing the access road are inaccurate. You cannot turn a car within the lane, it is too narrow.
- The exit from the private road on to the A25 is dangerous with limited sight lines.

- If approved, a condition should be attached to ensure no cars, builders lorries or vans may use the private road or park on the main road/pavement adjoining the site. Any vehicle parking as such destroys the limited visibility splays for residents exiting on to the A25 as well as users of the pavement, particularly with children to the nearby school.
- Further comments relating to the amended parking and turning plans, being that they are inaccurate, and turning would not be able to occur in the manner shown. A new shared access off the A25 would be better.

5.3.2 One of the letters of objection raises no objection to the extension of the existing cottage aspect of the proposals.

6. Determining Issues:

- 6.1 The site lies within the built confines of Platt where policy CP13 of the TMBCS 2007 applies. Policy CP13 of the TMBCS allows for “minor development appropriate to the scale and character of the settlement.” The principle of minor development, such as a new dwelling, is therefore, in broad policy terms, acceptable.
- 6.2 Paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The PC has raised objection to the proposal on the grounds of it being on garden land. Residential garden land is precluded from the definition of Previously Developed Land (PDL) as defined within Annex 2 of the NPPF. This preclusion does not, however, result in a presumption against development, as implied by the PC. The removal of garden land from the definition of PDL merely sets out that the presumption in favour of development on PDL does not apply on such land. The test, therefore, is whether the proposal would “cause harm to the local area”. As such, once the proposal has been assessed against design policies with the NPPF and the TMBC policy framework (as set out below in detail), if it is found to fail the various visual amenity and streetscene tests, thereby resulting in “harm to the local area”, it would also fail Paragraph 53 of the NPPF by forming inappropriate development of residential garden.
- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment.
- 6.4 Policy SQ1(2) of the MDEDPD 2010 states that all new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area and the prevailing level of tranquillity, the distinctive setting of, and relationship between the pattern of settlement, urban form and important views.

-
- 6.5 Policy SQ8 of the MDEDPD relates to road safety, transport and parking. Policy SQ8 states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network. Paragraph 32 of the NPPF relates to the traffic impacts of development.
- 6.6 Paragraphs 57 and 58 of the NPPF relate to high quality design that adds to the overall quality of the area and is visually attractive as a result of good architecture and appropriate landscaping.
- 6.7 Saved Policy P4/12 of the TMBLP requires residential extensions not have an adverse impact on “the character of the building or the streetscene 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.
- 6.8 The proposed two storey side and rear extensions to Unit A (1 Mill Cottage) would, in effect, mirror the scale of extensions already added to the adjoining neighbour at 2 Mill Cottages. The eaves line, fenestration, materials and roof design all reflect those of the existing cottage and would, in my view, respect the site and its surroundings and the character of the area. The additional windows and the bulk and mass of the extension proposed to Unit A would not give rise to loss of outlook, overbearing impact, loss of privacy or light to neighbouring properties in my view. The two storey rear extension would not breach the 45 degree test for light and outlook. The extension, in isolation, would therefore accord with Saved Policy P4/12 of the TMBLP.
- 6.9 The proposed attached dwelling at Unit B would abut the (extended) side elevation of Unit A. The new unit has been designed to mirror the architectural style and form of the extended Unit A and perpetuate the materials, window size and rhythm. Accordingly, assess solely in aesthetic terms, I consider the proposed additional dwelling as now revised would not unduly impact on the character of the area or wider streetscene and goes some way to dealing with the PC’s concerns over streetscene impact.
- 6.10 The layout, siting, bulk and massing of Unit B would extend over garden land to the side of Unit A. In terms of the ability of the site to comfortably take the proposed new dwelling, I consider Unit B to be well sited within the limits of the site and it would not, in my view, result in a sense of overdevelopment. The new Unit B would retain a reasonably sized garden to the west side of the property and an acceptably sized garden and patio area to the rear. Accordingly, I consider the layout, siting, bulk and mass of Unit B would respect the site and its surroundings. Moreover, looking at the pattern of development in the immediate locally, encompassing 2 Mill Cottage, Platt Mill Cottage and across the A25 at Platt Mill

Close, the proximity of dwellings to their side boundaries is relatively tight. Comparably, the proposed Unit B would be sited well within the boundaries of the application site.

- 6.11 The proposed windows to serve Unit B would overlook Maidstone Road to the south and the gardens of the site and private road beyond. I do not consider the proposed Unit B would be close enough to neighbouring dwellings to directly overlook their built property, being some 21m away at an oblique angle. Some additional overlooking of garden area for Cloggatts to the northwest may occur, however this is mainly driveway area and the property has a large plot and ample opportunity for private areas elsewhere in its garden.
- 6.12 In light of the above considerations, I am satisfied the proposal would accord with the visual and residential amenity requirements of Paragraphs 57 and 58 of the NPPF, Policy CP24 of the TMBCS and Policy SQ1 of the MDEDPD. In turn, the proposal would be appropriate to the scale and character of the settlement, in line with Policy CP13 of the TMBCS. For the same reasons, I consider the proposal would not cause harm to the local area and is therefore an appropriate development of garden land, in accordance with Paragraph 53 of the NPPF.
- 6.13 The proposed access, parking and turning arrangements for the site have resulted in the greatest number of objections received to the original scheme. The shared private access road off the A25 has been proposed as the method of access, as is the case for the existing cottage. At present, 1 Mill Cottage has a gate on to the access road and a single detached garage on garden land to the side. Given the size of the garden and the location of the garage, there is arguably sufficient space to turn a car within the site, however the driveway on site is linear and narrow and would require reversing on to the access road. There is not a formal driveway with turning in front of the garage to demonstrate that such a manoeuvre on site could, or habitually does, occur. Notwithstanding the above, the proposal before Members is for four independently accessible spaces directly off the private drive. The spaces are close to the edge of the site and would require the use of the access road to turn. I appreciate the concerns of residents nearby and, whilst it may be preferable for all users of this road to have on-site turning, that is not the test before the Council. KCC Highways has been consulted on the re-surveyed plans for the access road and the turning circle information. The Highways Engineers are satisfied that turning can occur within the limits of the access road, i.e. it is wide enough, and they consider the number of parking spaces to be appropriate. They also consider the small increase in use of the access would not give rise to harm to highway safety. Paragraph 32 of the NPPF is clear in setting out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Accordingly, the proposed access, turning and parking aspects of the proposal can be considered to accord with Paragraph 32 of the NPPF and Policy SQ8 of the MDEDPD.

- 6.14 The proposed dwelling, and the extension to the existing cottage, would lie close to the A25 and its associated traffic noise. The application has been submitted with an acoustic report which demonstrates that the site lies within NEC "C". Under Policy SQ6 of the MDE DPD, proposals within noise category C will not normally be granted. However, the specific noise attenuation measures set out within the acoustic report will ensure that internal noise levels will be acceptable. The scheme of mitigation includes acoustically screened mechanical ventilation where necessary. The scheme of mitigation accords with the second section of Policy SQ6 and, provided the scheme is required to be installed and retained by condition, the proposal can be considered acceptable in respect of its aural climate.
- 6.15 Due to the history of the site and its proximity to previous industrial uses, I recommend a condition be attached to any approval to safeguard against any the discovery of significant deposits of made ground or indicators of potential contamination during development works.
- 6.16 The existing hedge to the boundaries of the site is an attractive feature of the site and something which will greatly assist in softening the visual impact of the development within the streetscene. I, therefore, consider it reasonable to condition the retention of the hedge for a period of ten years and that, should the hedge be damaged or diseased within that period, the hedge shall be replenished with like-for-like standard stocks. A standard hard and soft landscaping condition would also be necessary.
- 6.17 I note the concerns from one of the neighbours regarding the potential hazardous highways implications should construction traffic park on the A25, even for a short period. I, therefore, recommend a condition be imposed which requires the submission of a management plan for construction traffic to and from the site.
- 6.18 In light of the above considerations, I recommend planning permission be granted, subject to the conditions listed below.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Other existing site images dated 04.12.2013, Acoustic Assessment dated 25.11.2013, Design and Access Statement dated 21.11.2013, Existing Elevations A670-E-004 dated 21.11.2013, Existing Floor Plans A670-E-006 dated 21.11.2013, Proposed Floor Plans A670-P-105 dated 21.11.2013, Proposed Elevations A670-P-109 dated 21.11.2013, Proposed Elevations A670-P-110 dated 21.11.2013, Email dated 13.01.2014, Email dated 16.01.2014, Email dated 17.01.2014, Location Plan A670-E-008A dated 17.01.2014, Proposed Layout A670-P-104C dated 17.01.2014, Drawing A670-P-500 dated

17.01.2014, Proposed Layout A670-P-104 D dated 14.02.2014, Drawing A670-P-106 D dated 14.02.2014, Parking Provision A670-P-500 A dated 14.02.2014, Proposed Elevations A670-P-109 D dated 14.02.2014, Email dated 14.02.2014, subject to the following:

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

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

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

- 4 The existing low mixed hedge to the front, side and rear of the site shall be retained, other than as specifically approved to be removed for access, for a period of ten years from the date of this permission. Any areas of hedge removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

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

- 5 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 6 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 7 The scheme of noise attenuation hereby approved, as set out within Noise Report dated 22 November 2011 by F1 Acoustics Company Limited, shall be implemented in respect of Unit A prior to the first occupation of the extension to Unit A and in respect of Unit B prior to the first occupation of Unit B and in both instances shall be retained at all times thereafter.

Reason: In the interests of aural amenity of the occupants of the respective properties.

- 8 No development shall take place until a scheme for the management of demolition and construction traffic going to and from the site (including hours of operation and arrangements for the delivery of materials to the site and the associated parking of vehicles) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation is agreed in writing by the Local Planning Authority beforehand.

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

Informatives

1. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Contact: Lucy Harvey

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 5 March 2014

Platt **TM/13/03598/FL**
Borough Green And
Long Mill

Erection of one 3 bedroom (attached) dwelling with shared access and parking and two storey extension to existing house at 1 Mill Cottages Maidstone Road Platt Sevenoaks Kent TN15 8JE for Magnum Opus Developments (Sevenoaks) Ltd

Additional Reps:

KCC Highways: I can confirm that the details of this application have been carefully considered and attention has been paid to the concerns of the local residents.

The level of parking for the two properties is adequate with 2 spaces being provided for each house. The site has been visited and measurements checked; tracking diagrams have been submitted. Cars will be able to turn to and from the parking spaces within the private access road and this will not be likely to lead to any highway safety problems. Traffic flows will be increased by the additional dwelling; however this is not a significant intensification of use of the existing access where there is no record of personal injury crashes within the latest 3 year period.

In view of the NPPF advice which states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe', I do not believe that there are grounds for a highway related objection.

PC: Regardless of this revised information, we still object to this proposal.

Whilst we note your comments in your report re: garden land, we still feel that this proposal is subject to the required "exceptional" circumstances that should be applied. Our continued reservation, as expressed before, is the additional traffic movements. With all due respects to Kent Highways, they are not interested in private access roads and we would query whether they have visited the site or just formed their opinion from a drawing.

We attach a plan showing the access track and its route to King Georges Field. This is the only route to the recreational ground used continually by school children and others, including junior football clubs. It is a very narrow track and vehicles manoeuvring in and out of this proposal are definitely a hazard. It is also used, obviously, by the other existing resident occupants. Whilst it may be perfect to turn and manoeuvre on paper, it is a different matter during rain, bright sunshine, darkness, etc. Not many drivers are that perfect, especially when a group of children come running down this track.

We would suggest that if the committee members visited the site, they would share our concern.

Additional Neighbour Reps:

Two neighbours have written in with additional objections (totally 5 additional e-mails/on line comments). The additional objections are (in summary):

- Reiterating previous concerns in relation to parking, access and turning.
- The lane is not wide enough and will require multiple manoeuvres and dry steering which will harm the surface.
- The lane will be used for parking causing an obstruction.
- Vehicles will need to reverse on to the A25.
- If three of the four bays were in use the final car would not have room to swing in to/out of the space.
- The lane should not be used for building material or construction vehicles. Access for all users should be maintained 24/7.
- Any cost of repair to the lane resulting from damage caused by the developer should be at their cost.
- No turning facilities will be provided within the access track (i.e. residents within the track will not allow vehicles to turn using the mouth of their driveway).
- Shouldn't all new dwellings have their own on site turning?

Both objectors also question how the Committee Report can be prepared in advance of all consultee periods having expired. They also question whether site visits were carried out by the Council and KCC Highways advisor. One of the neighbours questions whether assurance was given by TMBC Planning of the likelihood of planning permission being granted prior to the application.

DPHEH: The issue of access, parking and turning have all been discussed within the main report. However, KCC Highways have confirmed that they have visited the site in person and all measurements have been checked. KCC Highways remain satisfied that the access arrangement, turning circles and amount of parking proposed are acceptable.

The practice of reporting a case to APC2 while there are outstanding consultations is common practice. It should be noted that the re-consultation was on an amended design and layout. Accordingly, the consultee responses on the main principles of the development could be reported to Members within the main Committee Report with any Supplementary comments being reported on the night.

The pre-application advice service offered by the Local Planning Authority to developers is a routine part of the service provided. Any pre-application advice is not binding, should an application be submitted in the future and remains the informal view of the Officer and not the official view of the Council. Advice is made on that basis and there is never any assurance given to a developer or householder that permission will be secured.

It has recently come to light that in December 2013, a judgement was handed down in the case of **R (Embleton Parish Council) v Northumberland County Council [2013] EWHC 3631 (Admin)** which provides some further clarification on the extent to which

technical tests, such as the Noise Exposure Categories (NECs) which previously formed part of PPS24 and remain extant in Policy SQ6 of the MDE DPD, could be relied upon in light of the publication of the National Planning Policy Framework. This judgement appears to suggest that there is no justification in continuing to adopt the NECs as a basis for assessing the acceptability of the acoustic environment. The test within the NPPF is whether “significant adverse impacts on health and quality of life” would occur. It is considered that the mitigation measures for acoustic protection set out within the Noise Report submitted would ensure an acceptable internal noise level and, as such, my recommendation remains unchanged.

MY RECOMMENDATION REMAINS UNCHANGED

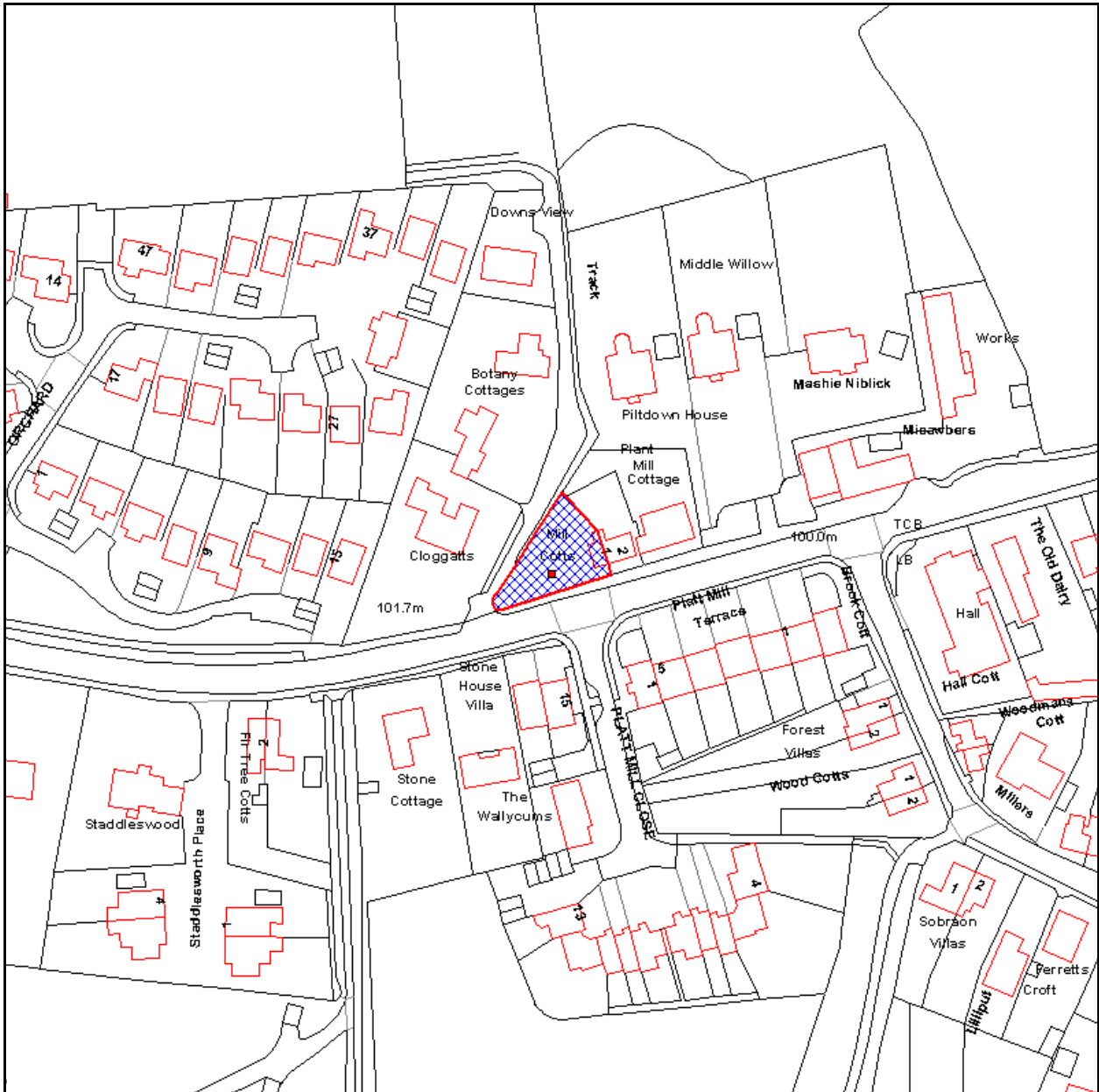
This page is intentionally left blank

TM/13/03598/FL

1 Mill Cottages Maidstone Road Platt Sevenoaks Kent TN15 8JE

Erection of one 3 bedroom (attached) dwelling with shared access and parking and 2 storey extension to existing house

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



This page is intentionally left blank

Trottscliffe **564061 160224** **22 November 2013** **TM/13/03625/FL**
Downs

Proposal: Demolition of Cedar Bungalow and outbuildings and erection of
3 terraced dwellings, landscaping and car park
Location: Cedar Bungalow Church Lane Trottscliffe West Malling Kent
ME19 5EB
Applicant: Valley Homes (Kent) Ltd

1. Description:

1.1 This application was originally reported to A2PC on 16 April 2014 and was deferred to allow for a Members' Site Inspection (MSI). The MSI was subsequently held on 13 May 2014. The committee report for 16 April 2014 is attached as an annex.

2. Reasons for reporting to Committee:

2.1 The application is reported to Committee following its deferral from A2PC in April as set out above. The application was originally reported to A2PC at the request of Cllr Kemp owing to the history of the site and the local concerns raised during the application determination.

3. Consultees:

3.1 None received since the last Committee.

4. Determining Issues:

4.1 There are a number of matters which arose during the recent MSI which I consider it worthwhile clarifying. These are addressed in turn as follows:

- Village confines/Green Belt/Conservation Area boundaries – As stated in paragraph 3.1 of the original report, the application site (i.e. red line area) is located within the village confines of Trottscliffe and within the Trottscliffe Conservation Area. The boundary of the village confines runs along the rear garden of Cheviots to the east of the application site, and northwards along the Cedar Bungalow vehicle access track and through the middle of a collection of old buildings to the rear (north) of the application site towards Green Lane; with the land beyond the village confines being defined as Metropolitan Green Belt. The boundary of the Conservation Area follows the access track serving the application site, then continues northwards towards Green Lane.
- Distance to the adjacent property to the west (2 Trosley House Cottages) – The western most proposed dwelling (House 1) would be 1.2 metres from the boundary between the application site and 2 Trosley House Cottages at its

widest point, reducing to a distance of 0.75 metres at the point of the chimney breast. It should be noted that the garage of 2 Trosley House Cottages has been constructed tight up to this boundary.

- Distance to the terrace of properties to the south (1-4 Pine Cottages) – The proposed 3 unit terrace has a staggered frontage. The western most dwelling (House 1) would be located 20 metres at its closest point to the frontage of 1 Pine Cottages, ranging to 22 metres with 2 Pine Cottages. Proposed House 2 and House 3 would range between 26 and 30 metres from the front façade of nos 3 and 4 Pine Cottages. As noted in paragraph 3.7 of my original report, 1-4 Pine Cottages are set at approximately the same level as Church Lane which is approximately 1–1.5 metres lower than the height of the application site. The dwellings on opposite sides of the road would be separated by the new parking/turning area associated with the new dwellings, the landscaping strip to the front of the application site, Church Road and the front gardens of 1-4 Pine Cottages.
- Proposed ridge height of new dwellings – Although exact finished floor levels of the proposed dwellings have not been provided on the submitted plans (*these are proposed to be controlled by planning condition*), it is indicated that the overall ridge height of the terrace will sit at a level just below the main ridge height of the pair of semi-detached dwellings immediately to the west (1 & 2 Trosley House Cottages).
- Use of vehicle access to application site and the land to the north beyond – Vehicular access would be provided to the new dwellings via the existing access to the site. A parking and turning area would be provided just off the existing site access road in front of the proposed new dwellings. The remainder of the access road (leading to the land owned by the applicant further north) would remain and be used to access two further parking spaces to the rear of House 3. This access road would continue to be used as a means of vehicular access to the land the applicant owns to the north of the application site. The proposed ownership and access rights over this vehicular access track are not specifically planning matters, but instead are legal matters which the applicant would need to address.
- Issues surrounding the other land owned by the applicant (i.e. the “blue land” and beyond) – The applicant owns further land to the north, north east and north west of the application site, all accessed via the vehicle access track leading from Church Road. This land is not subject to consideration as part of the current planning application.

4.2 In light of the MSI and further clarification provided above, my original recommendation (as set out again below) remains unaltered.

5. Recommendation:

- 5.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 28.11.2013, Notice dated 22.11.2013, Letter dated 22.11.2013, Design and Access Statement dated 22.11.2013, Ecological Assessment dated 22.11.2013, Desk Study Assessment G/121108/001 dated 22.11.2013, Topographical Survey ZET/CEDAR/001 dated 22.11.2013, Email dated 03.03.2014, Proposed Floor Plans 2916 4 dated 03.03.2014, Proposed Elevations 2916 5 dated 03.03.2014, 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 details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. No development shall take place until details of any joinery, eaves and dormer construction to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

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

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

6. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

7. No building shall be occupied until the gardens between the plots have been fenced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

8. There shall be no external lighting except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

9. No building shall be occupied until works for the disposal of foul and 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.

10. No development shall take place until details of proposed finished floor, ridge and eaves levels of buildings and ground levels within the application site have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development does not harm the character and appearance of existing buildings or the visual amenity of the locality.

11. No development shall take place until details of the construction and appearance, including the external materials to be used, of the proposed bank fronting onto Church Lane have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved bank details.

Reason: In order to control the development and to ensure that the development does not harm the character, appearance or the visual amenity of the locality.

Informatives

- 1 Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 2 During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 08:00 hours - 18:00 hours; Saturday 08:00 hours - 13:00 hours; and no work on Sundays, Bank or Public Holidays.
- 3 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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.

Contact: Julian Moat

This page is intentionally left blank

Report of 16 April 2014

Trottscliffe **564061 160224** **22 November 2013** **TM/13/03625/FL**
Downs

Proposal: Demolition of Cedar Bungalow and outbuildings and erection of
3 terraced dwellings, landscaping and car park
Location: Cedar Bungalow Church Lane Trottscliffe West Malling Kent
ME19 5EB
Applicant: Valley Homes (Kent) Ltd

1. Description:

- 1.1 It is proposed to demolish the now dilapidated existing small bungalow at the site and to erect a terrace of three no. 3 bedroom dwellings towards the frontage of the site, behind a new parking and turning area.
- 1.2 Since the application was originally submitted in November 2013, the proposals have been amended twice to alter the positioning of the row of terraced properties within the application site. The proposals, as being considered in this report, relate to the latest amendment to the application which was subject to consultations and neighbour notifications in March 2014.
- 1.3 The proposed terrace of three dwellings would have a stepped façade, with the western most dwelling, referred to as 'House 1' (adjacent to 2 Trosley House Cottages) set back approximately 1.5m behind the front building line of the garage of this adjoining dwelling. The remaining two new dwellings ('House 2' and 'House 3') within the terrace are set back some 3 metres from the front of 'House 1'. Overall, House 1 would be located some 9 metres north of the main frontage of the application site with Church Lane, whilst Houses 2 and 3 would range between some 16 – 21 metres from the Church Lane frontage.
- 1.4 Each of the dwellings would comprise of an entrance hallway, sitting room, utility/cloak room and open plan kitchen/dining/family area at ground floor, two bedrooms and a bathroom at first floor and a further bedroom and en-suite within the roof space. The dwellings would have north facing rear gardens, mainly laid to lawn and separated by close boarded fencing. House 1 would have the largest garden at 17 metres in length, House 2 would be 14 metres in length and House 3 would have the shortest garden (owing to two rear parking spaces) at 9 metres in length.
- 1.5 The proposed terrace would be of traditional appearance with brickwork at ground floor level above a ragstone plinth, plain clay tile hanging to the first floor elevation and plain clay tiles/fittings to the roof. Each dwelling would have a brick chimney and there would be three hipped roof dormers on the front (south) and rear (north) elevations, providing a single front and rear dormer to each of the three dwellings. It is proposed that white aluminium windows and timber doors are used

throughout, although all external materials proposed at this stage are indicative and would be subject to future approval as part of an appropriately worded planning condition.

- 1.6 As mentioned above, the application site sits on an elevated position, ranging approximately 1 – 1.5 metres above the level of Church Lane. Although exact finished floor levels of the proposed dwellings have not been indicated on the submitted plans, it is indicated that the overall ridge height of the terrace will sit at a level just below that of the ridge height of the main roofs of the pair of semi detached dwellings immediately to the west (1 & 2 Trosley House Cottages).
- 1.7 Vehicular access would be provided to the site via the existing access to the site. Six car parking spaces and a turning area would be provided in front of the proposed terrace, between the new dwellings and the boundary with Church Lane. A further two spaces would be provided to the rear of 'House 3' (the eastern most house within the terrace), accessed by an informal access track leading to land within the applicant's ownership behind the application site. Pedestrian access would be from Church Lane.
- 1.8 Owing to the level change on the frontage of the application site with Church Lane, it is proposed that a landscaped bank is created, planted with a number of native and specimen trees, low level shrubs and hedging. The final specification for this bank, which potentially could include a low level section of retaining ragstone walling, is yet to be determined, and would be the subject of further approval as part of a planning condition requirement.
- 1.9 The application is accompanied by an Ecological Appraisal, a Topographical Survey and a Desk Study in respect of potential contamination.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Kemp owing to the history of the site and the local concerns raised during the application determination.

3. The Site:

- 3.1 The application site is located within the confines of Trottiscliffe and within the Trottiscliffe Conservation Area (CA). The eastern boundary of the application site also comprises the boundary of the settlement with the Metropolitan Green Belt as well as defining the extent of the CA. The site and surrounding area lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and a water gathering area.
- 3.2 The application site comprises a broadly rectangular site located on the northern side of Church Lane. It is presently occupied by a relatively small and dilapidated single storey wooden bungalow, located within the southern part of the site, in

relatively close proximity to the western boundary of the site. It is surrounded by a small curtilage, broadly denoted by existing mature coniferous trees. Immediately to the north of the curtilage are located dwarf walls of what appears to be the remnants of horticultural glasshouses. To the north of this is positioned a low metal clad building seemingly used for the storage of agricultural equipment.

- 3.3 The application site together with the small area of land located to the west and the sizeable area of land located to the east were formerly part of a horticultural small holding. Vehicular access is available from Church Lane to the site (and adjacent land) along the eastern boundary of the site. The frontage of the application site is located approximately 1 – 1.5m higher than Church Lane.
- 3.4 The curtilage of the more easterly of a pair of semi-detached houses which front Church Lane (2 Trosley House Cottages) is located immediately to the west of the southern part of the site. The eastern elevation of this dwelling abuts the application site, there are no windows within the flank of this property.
- 3.5 Immediately to the north of the curtilages of 1 and 2 Trosley House Cottages is a square parcel of land which seemingly formed part of the horticultural smallholding; this land does not form part of the application site but is within the applicant's ownership. Access to this area of land is only available through the application site and immediately behind its northernmost extent.
- 3.6 To the east of the application site is open land (which seemingly formed part of the aforementioned smallholding) and the curtilage of Cheviots, a detached dwelling which has been extended considerably in the past.
- 3.7 A terrace of 4 dwellings (1 – 4 Pine Cottages) is located immediately to the south of the site, on the opposite side of Church Lane. These are at approximately the same level as Church Lane, which as detailed previously, is approximately 1m – 1.5m lower than the application site.
- 3.8 The dwellings located on either side of Church Lane within the vicinity of the application site are of varying age, design, form and position within their plots relative to the frontage of the site.

4. Planning History:

TM/63/10388/OLD	Refuse	30 July 1963
-----------------	--------	--------------

Outline Application for demolition of bungalow and erection of dwellings with garages and vehicular access for C.W.F. Longhurst.

TM/12/00296/FL	Refuse	4 December 2012
	Appeal Dismissed	4 September 2013

Demolition of Cedar Bungalow and outbuildings and erection of 4 detached dwellings, landscaping and car parking

TM/12/00297/CA	Refuse	4 December 2012
	Appeal Dismissed	4 September 2013
Conservation Area Consent: Demolition of Cedar Bungalow and outbuildings and erection of 4 detached dwellings, landscaping and car parking		
TM/13/00075/FL	Refuse	16 April 2013
Demolition of detached dwelling and outbuildings and erection of 3 detached dwellings and associated works		
TM/13/00076/CA	Refuse	16 April 2013
Conservation Area Consent: Demolition of detached dwelling and outbuildings		
TM/13/00077/FL	Refuse	16 April 2013
Demolition of detached dwelling and outbuildings and erection of 2 detached dwellings and associated works		
TM/13/00078/CA	Refuse	16 April 2013
Conservation Area Consent: Demolition of detached dwelling and outbuildings		

5. Consultees:

- 5.1 Trottiscliffe PC: The PC is pleased to see that the concerns regarding shadowing of the garden of the adjacent property [2 Trosley House Cottages] have been acknowledged, but still have some concerns over this. Although it is felt that this is an improvement on previous applications, it is regrettable that the new configuration leads to a considerably smaller garden to one of the properties ['House 3']. The PC still has concerns over the external materials and landscaping and requests that they be separately conditioned on any permission granted.
- 5.2 KCC (Highways): Subject to the provision and permanent retention of vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, has no objections to the revised proposals.
- 5.3 KCC (Archaeology): Has no comments to make on these proposals.
- 5.4 Environment Agency: Has assessed this application as having a low environmental risk and, therefore, has no comments to make.
- 5.5 Private Reps: 18/0X/17R/0S + site and press notice. The following concerns have been expressed to the initial and amended proposals:
- The proposed terrace would be constructed right up to the boundary of an existing house [2 Trosley House Cottages]. The proposed building would start near the front corner of the adjoining property, continuing past the garage and

would result in a large flank wall towering over the adjoining property. No other house in the village would be so adversely affected;

- The development would be completely out of scale in this ancient village environment where no neighbouring property is three storeys high;
- The application site is on an elevated position, above the ground level of Church Lane. Any building on this site will therefore appear more dominant in the street-scene;
- The proposed terraced houses, at a higher level than Church Lane will directly overlook the front rooms of no's 1 – 4 Pine Cottages;
- Inadequate parking provisions proposed – there is no overspill capacity in Church Lane;
- Increased traffic on Church Lane, an already narrow rural street;
- If the existing Cedar Bungalow is to be replaced, it should be on the basis of a “one for one” replacement, not a three for one ratio;
- The size of the dwellings and the rear north-facing gardens are too small – this will result in occupiers of the new homes who will not want to stay in the village because of the lack of space/storage room;
- The development is largely located on land which currently is used for agricultural purposes, very little of it is on the area used by the original house. This would seem to contradict the protection afforded by the area's status as an AONB;
- The application site is within a Conservation Area – conservation implies retaining the status quo, something not being proposed in this case;
- Concerns with site drainage arising from increased built development within a currently green site;
- Requests that a ragstone wall be created at the front of the site where there is a change in level down to Church Lane – this would help reduce the impact of car headlights shining on properties on the opposite side of the road [1 – 4 Pine Cottages]; and
- The proposed hipped dormer windows are out of keeping with the area.

6. Determining Issues:

- 6.1 Policy CP1 of the Tonbridge and Malling Borough Core Strategy 2007 (TMBCS) sets out the Council's overarching policy for creating sustainable communities. This policy requires, inter alia, (1) all proposals must result in a high quality

sustainable environment; (3) the need for development will be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible enhance, the quality of the countryside, residential amenity and land, air and water quality; (5) where practicable, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability; and (6) development will be concentrated at the highest density compatible with the local built and natural environment mainly on Previously Developed Land.

- 6.2 Policy CP13 of the TMBCS allows for the redevelopment of a site within the confines of an 'Other Rural Settlement' such as Trottiscliffe. This policy states that new development will be restricted to minor development appropriate to the scale and character of the settlement. In the case of redevelopment, development will only be permitted if: (a) the overall trip generation is projected to be lower than that associated with the former use; (b) if there is some significant improvement to the appearance, character and functioning of the settlement; or (c) there is an exceptional local need for affordable housing in terms of TMBCS Policy CP19.
- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must, inter alia, (1) be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings; and (3) development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.
- 6.4 The site is within the confines of the Trottiscliffe Conservation Area (CA) and the Kent Downs AONB (AONB). Policy CP7 of the TMBCS requires development to not be detrimental to the natural beauty of the AONB, whilst Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraphs 17 and 56 to 66 in the NPPF require development to be of a high standard of design and to reflect the character of the area.
- 6.5 In terms of the impact on the CA it is also necessary to refer to paragraphs 131, 132, 133 and 137 of the NPPF; these outline the importance of heritage assets that includes conservation areas. It is outlined that development that leads to substantial harm to a heritage asset should be refused unless it can be justified that the harm is necessary to achieve substantial public benefits that would outweigh the harm. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably. The statutory requirement to give special consideration as to whether a development proposal will preserve or enhance the character and appearance of a Conservation Area is furthermore set down in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

-
- 6.6 MDE DPD Policy SQ8 states that, inter alia, (2) development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network and (4) development proposals should comply with parking standards which will be set out in a Supplementary Planning Document. In this instance, the adopted parking standards are set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3).
- 6.7 Paragraph 17 of the National Planning Policy Framework 2012 (NPPF) seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The site of the existing dwellinghouse (Cedar Bungalow) is considered to be Previously Developed Land (PDL), however, residential garden land is specifically excluded from the definition of PDL within the NPPF. Accordingly, the grounds of Cedar Bungalow (i.e. its immediate curtilage) is not considered to constitute PDL. The definition of PDL in the NPPF states that "*it should not be assumed that the whole curtilage should be developed*". Whilst the majority of the site is not classed as PDL that, in itself, does not mean it is not capable of being developed as there are specific policies in the Local Development Framework against which to consider the principle of the development and its detailed merits.
- 6.8 Paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst there are no directly related adopted Development Plan Policies in place resisting inappropriate development of residential gardens, the general character tests set out in TMBCS Policies CP13 and CP24 and MDE DPD Policy SQ1 are the most directly relevant policies to consider in this respect.
- 6.9 The application site is formed of the dilapidated wooden structure which formed Cedar Bungalow, a shed/outbuilding to the rear of the bungalow and low level remains of walls of what is thought to be previous vegetable gardens. The majority of the application site, however, forms part of the former garden of Cedar Bungalow and is laid to grass, with a band of large coniferous trees along the eastern and southern boundaries and other low level overgrown vegetation. The proposals would result in the demolition of the Cedar Bungalow and any associated outbuildings/structures and the construction of a terrace of 3 no. three bedroom dwellings with associated vehicle parking; representing a net gain of 2 new dwellings.
- 6.10 Whilst I accept that, at least in principle, the previously developed part of Cedar Bungalow (i.e. the built development footprint) is capable of being redeveloped, there is no presumption in favour of the development of the garden areas of this dwelling in this instance. The key test here, however, is whether the proposals are

acceptable in terms of their appearance, character and impact on the functioning of this rural settlement, as required by all relevant adopted policies, including TMBCS Policy CP13.

- 6.11 As the site lies within the defined rural settlement of Trottiscliffe, the proposals must be considered in relation to the requirements of TMBCS Policy CP13. As the proposals represent the overall redevelopment of the application site, it can only be considered to accord with Policy CP13 where specific tests would be met (as outlined in paragraph 6.2 above).
- 6.12 In respect of highway matters, as discussed in more detail below (see paragraphs 6.27 to 6.28), I have concluded that in highway capacity, safety and vehicle parking terms the development proposals are acceptable. I therefore conclude that the redevelopment scheme would not result in an unacceptable highway impact, amounting to a detrimental impact on the character and functioning of the village, and, therefore, find the scheme compliant with the first key test of TMBCS Policy CP13.
- 6.13 As discussed in further detail below (see paragraphs 6.16 to 6.21), I have concluded that the current, now dilapidated, Cedar Bungalow adds little to the overall character or appearance of the surrounding Conservation Area. I have also formed the view that the new terrace is of a design, scale and layout that preserves the character and appearance of the Conservation Area, would not be detrimental to the natural beauty of the AONB. On this basis, I conclude that the redevelopment scheme would not harm the appearance and character of this part of Trottiscliffe to warrant refusal.
- 6.14 The proposals have not been submitted to meet an exceptional local need for affordable housing and, therefore, the latter policy test of TMBCS Policy CP13 is not relevant in this instance.
- 6.15 Taking the three strands of TMBCS Policy CP13 into consideration (i.e. trip generation, improvement to the settlement and affordable housing), for the reasons discussed above I consider the proposals to generally accord with these overarching policy objectives.
- 6.16 In terms of the loss of the existing dwelling, Paragraph 136 of the NPPF requires LPAs to not permit the loss of a heritage assets without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. I am of the opinion that the existing bungalow has limited heritage merit, but relates to the rural character of the Trottiscliffe Conservation Area. However, in the event that a suitable scheme were proposed for the site, I do consider that the loss of the existing building could be justified.
- 6.17 I am aware that there is not a consistent design or form of dwellings within this part of Trottiscliffe. The wider Conservation Area takes in both the historic core of the village and adjoining areas which contribute to its character. The designated area

as a whole, therefore, includes a mix of building types and ages as well as a variety of materials. In the vicinity of the application site, building types comprise detached houses, which tend to be fairly substantial in scale and individual in design, together with more modestly scaled cottages in pairs or short terraces. I note that there is no consistent building line along Church Lane and the layout and spacing of buildings is varied. Architectural styles also vary and most properties have more than one external wall finish which gives a richness of colour and texture.

- 6.18 The application proposal would create a terrace of three modestly proportioned 3 bedroom houses (Houses 1 – 3) set back from the Church Lane frontage behind a car parking area and a landscaped bank. The ground levels of houses 1 – 3 would be raised above Church Lane which, together with their siting, would make the houses fairly prominent in the street scene. That said, the new terrace would not appear dissimilar in overall height terms to that of the adjoining pair of semi detached dwellings to the west (1 – 2 Trosley House Cottages), owing to the proposed roof ridge height of the new dwellings sitting slightly below that of the main roof ridge of 2 Trosley House Cottages.
- 6.19 The terrace would be of a traditional appearance, with a mix of brickwork, plain clay tile hanging and plain clay roof tiles. Other traditional detailing would include brick chimneys, a variety of front porches and a low level ragstone plinth. The use of a staggered frontage between House 1 and House 2 is proposed to reduce the overall bulk and visual impact on the adjoining dwelling (2 Trosley House Cottages), an approach which I consider acceptable in design and street scene terms in this instance. Overall, I consider that the design approach and traditional detailing to be acceptable for this Conservation Area setting. The use of a planning condition could sufficiently control external materials of the dwellings, including appropriate window and door joinery details and to control the eaves and dormer construction details to ensure it is in keeping with the rural character.
- 6.20 The proposals involve a car parking area in front of the new terrace which would provide six vehicle spaces. A further two vehicle parking spaces are proposed to the rear of House 3, accessed off an informal access track leading between the eastern end of the new terrace to further land owned by the applicant behind the application site. Given the level change of some 1 – 1.5 metres between the application site and Church Lane, the application proposes a landscaped bank at the front of the site, planted with a mix of trees, hedging and low level shrubs. I consider that the detailing of this bank will form an important part of ensuring that the proposed development fits in well with the street scene. On the basis that full details of this bank have not been provided at this stage, I consider that the use of a planning condition could sufficiently control the exact details of this important bank feature for later consideration.

- 6.21 For the reasons outlined above, I am of the opinion that the proposals would comply with TMBCS Policies CP1, CP13 and CP24, together with MDE DPD Policy SQ1 which require proposals to protect or enhance the historic environment and, through their scale, layout and materials, respect their surroundings. I am also of the opinion that the scheme would accord with paragraph 131 of the NPPF which requires proposals in Conservation Areas to preserve or enhance the character of the area.
- 6.22 Members will be aware that the proposals have generated objections from the local community, primarily based on the number of dwellings proposed, the specific design and layout approach taken and impact on surrounding residential amenity. The proposals as now amended have been subject to much scrutiny from Officers, resulting in a number of design and layout changes to reduce, as far as possible, the potential impact of the scheme on surrounding residential dwellings. A number of site visits have been taken to the application site and surrounding area, including a visit in the house and rear garden area of the closest dwelling which borders the application site to the west (2 Trosley House Cottages).
- 6.23 House 1 (the westerly most dwelling) is proposed to be located approximately 1 metre from the boundary between the application site and 2 Trosley House Cottages. The front building line of House 1 is proposed to be sited approximately 1.5m further back than the front wall of the attached garage to 2 Trosley House Cottages. House 1 would then extend some 12.5m in depth. The west flank elevation of House 1 will be visible (in part) from 2 Trosley House Cottages since the new flank elevation will extend approximately 7m from the rear façade of the attached garage to 2 Trosley House Cottages. The extent of the flank elevation which would be visible from the adjoining property would be approximately half the depth of the proposed dwelling, broadly speaking from the new ridge height backwards. Of this 7m, approximately 5.5m would be two storey height, with the remaining 1.5m comprising of a single storey 'lean to' style extension. A further projection on the rear of House 1, extending to the line of the proposed rear façade of Houses 2 and 3, would be some 6m from the boundary of the application site with 2 Trosley House Cottages.
- 6.24 Whilst I am sympathetic to the concerns expressed by the owners of 2 Trosley House Cottages owing to the change of outlook and overall increase built form which will undoubtedly arise from these proposals, having considered the proposals in light of the orientation, scale, layout and overall bulk of the proposed dwellings, I do not consider that such impact is a sufficient ground to refuse the proposals in this instance.
- 6.25 I note that the west flank elevation of House 1 would not include any windows at first or second floor level which could give rise to overlooking of either the main dwelling or the private rear garden of 2 Trosley House Cottages. It is noted that there would be a window inserted in this elevation at ground floor level to provide

light into the kitchen, but owing to a levels and existing boundary wall along the dividing boundary, I am satisfied that there would not be any overlooking issues arising in this instance.

- 6.26 Owing to the layout of the terrace within the application site, the front façade of House 1 would be situated some 20m from the façade of 1 Pine Cottages which is located on the opposite side of Church Lane. Owing to the stepped arrangement of the proposed terrace properties, this façade to façade distance would increase to between 26 – 29m for Houses 2 and 3 across to no's 3 & 4 Pine Cottages. Whilst I accept that the new terraced properties will be higher than 1 – 4 Pine Cottages, owing to the existing change in levels, the distances proposed in this instance are considered to be acceptable within the built confines and would not result in an unacceptable or overriding residential amenity objection.
- 6.27 The development proposals put forward make use of the existing highway access from Church Lane to the existing Cedar Bungalow dwelling and land owned by the applicant further beyond (to the north). As outlined above, it is proposed that a car parking area of 6 spaces is proposed to the frontage of the site, together with a further 2 car parking spaces directly behind House 3. The adopted car parking standards (Kent Design Guide Review: Interim Guidance Note 3 – Residential Parking) state that within a village environment three bedroom houses should be served by 2 independently accessible spaces per unit. Additional visitors parking should also be provided at the ratio of 0.2 spaces per unit. On the basis of the proposed three no 3 bedroom dwellings and the need for visitors' parking spaces, there is a requirement to provide 7 off-street parking spaces.
- 6.28 The proposed layout incorporates an overall 8 off-street parking spaces within the application site. This level meets, and indeed exceeds, the required level of parking provision. I note that KCC Highways and Transportation have raised no objections to the proposals, subject to the provision of car parking spaces prior to first occupation of the dwellings and their retention thereafter. Whilst I accept that there are wider parking challenges within the local area, based on the proposals put forward, I consider the development to be acceptable in highway terms.
- 6.29 The application site is not of such a size that would trigger the requirement for affordable housing as required by Policy CP17 of the TMBCS. Owing to the size of the site and the requirements of Policy CP17 it would be unreasonable to request an affordable housing contribution in this instance.
- 6.30 The application is accompanied by a Preliminary Ecological Appraisal for the site which concludes that subject to the implementation of recommendations in respect of protecting slow worms and nesting birds during the construction phase, together with recommendations regarding lighting (for bats) and habitat enhancements, the proposal should not materially harm protected species. Having regard to the

standing advice for protected species, I consider that any ecological matters could be reasonably secured by condition which would comply with Policy NE3 of the MDE DPD and paragraphs 117 and 118 of the NPPF.

6.31 A number of other important technical matters such as soft landscaping, contamination, refuse facilities, boundary fencing, external lighting, site drainage and finished floor levels can all be dealt with by appropriately worded planning conditions.

6.32 Having considered the application in light of Development Plan Policy, planning policy guidance and in respect of other material planning objections received, I consider the proposed scheme of three terraced dwellings, the access and the proposed parking arrangements to be acceptable in this location within the built village confines of Trottiscliffe. Whilst I acknowledge the concerns received in respect of overdevelopment and amenity impacts, having considered the proposals as a whole, I am satisfied that the scheme is acceptable and would result in no unacceptable or overriding harm to the historic fabric of the area. I, therefore, recommend that subject to the detailed planning conditions, as set out below, planning permission is granted for this redevelopment scheme.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 28.11.2013, Notice dated 22.11.2013, Letter dated 22.11.2013, Design and Access Statement dated 22.11.2013, Ecological Assessment dated 22.11.2013, Desk Study Assessment G/121108/001 dated 22.11.2013, Topographical Survey ZET/CEDAR/001 dated 22.11.2013, Email dated 03.03.2014, Proposed Floor Plans 2916 4 dated 03.03.2014 and Proposed Elevations 2916 5 dated 03.03.2014, 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 details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. No development shall take place until details of any joinery, eaves and dormer construction to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

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

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

6. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

7. No building shall be occupied until the gardens between the plots have been fenced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

8. There shall be no external lighting except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

-
9. No building shall be occupied until works for the disposal of foul and 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.

10. No development shall take place until details of proposed finished floor, ridge and eaves levels of buildings and ground levels within the application site have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development does not harm the character and appearance of existing buildings or the visual amenity of the locality.

11. No development shall take place until details the construction and appearance, including the external materials to be used, of the proposed bank fronting onto Church Lane have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved bank details.

Reason: In order to control the development and to ensure that the development does not harm the character, appearance or the visual amenity of the locality.

Informatives

1. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
2. During the demolition and construction phases, the hours of working (including deliveries) should be restricted to the following times; Monday to Friday 08:00 hours – 18:00 hours; Saturday 08:00 hours – 13:00 hours; and no work on Sundays, Bank or Public Holidays.

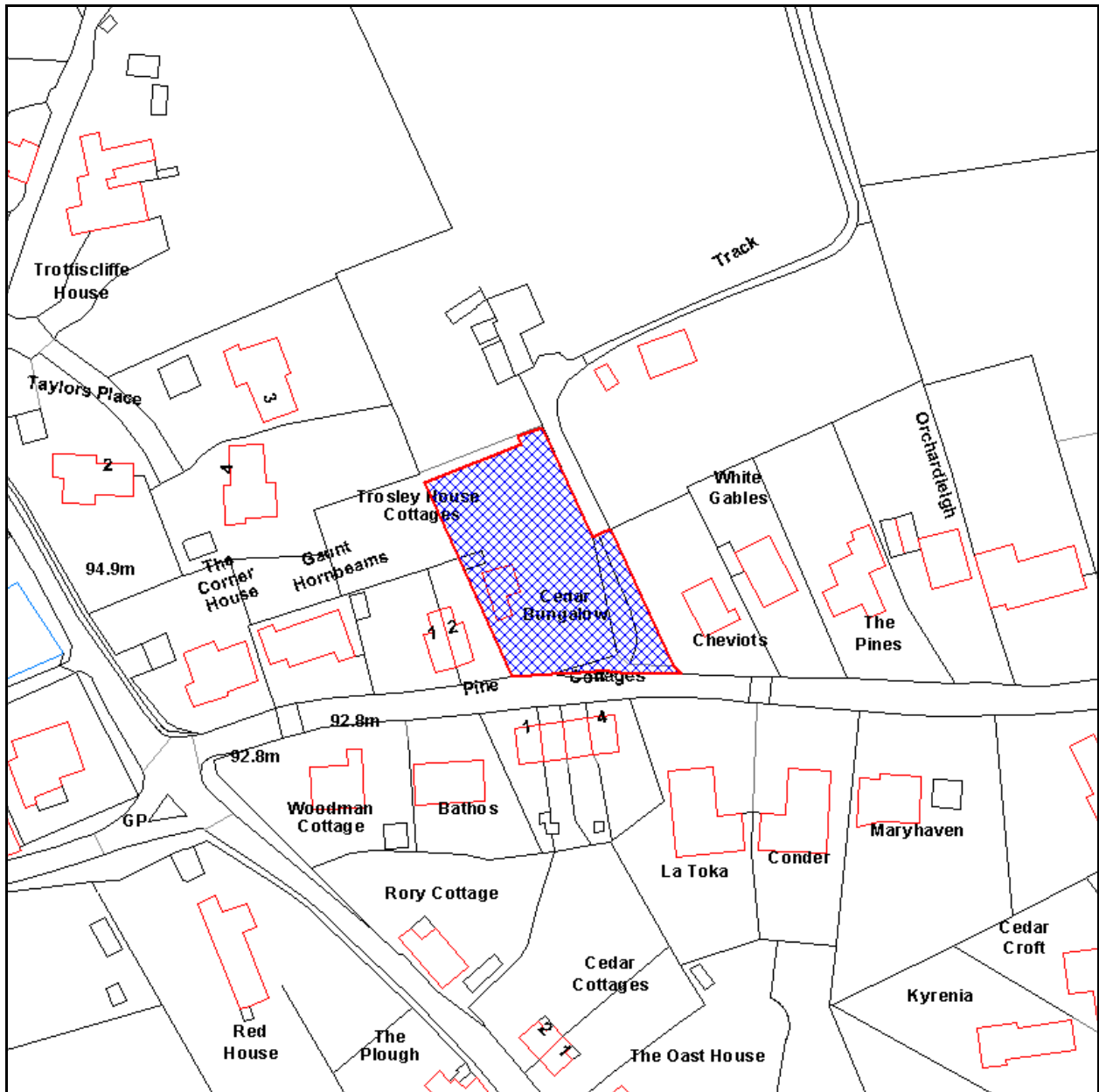
Contact: Julian Moat

TM/13/03625/FL

Cedar Bungalow Church Lane Trottscliffe West Malling Kent ME19 5EB

Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park

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



This page is intentionally left blank