

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

23 November 2016

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 1st December, 2016 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 12

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 27 October 2016

**Decisions to be taken by the Committee**

4. Development Control 13 - 16

Introduction and Glossary

5. TM/16/02306/FL - 13 Cromer Street, Tonbridge 17 - 26

6. TM/16/03008/FL - 49 Brindles Field, Tonbridge 27 - 34

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 35 - 36

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

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

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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 1 PLANNING COMMITTEE

Thursday, 27th October, 2016

**Present:** Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers and Cllr C P Smith

Apologies for absence were received from Councillors M O Davis, B T M Elks, Miss J L Sergison, Ms S V Spence and F G Tombolis

### PART 1 - PUBLIC

#### **AP1 16/20 DECLARATIONS OF INTEREST**

For reasons of transparency, and on the advice of the Monitoring Officer, Councillor C Smith declared a potential pre-determination and bias regarding application TM/16/01169/FL (Café 1809, 152-154 Tonbridge Road, Hildenborough). After hearing the views of the members of the public he addressed the Committee before withdrawing from the meeting and took no part in the debate or vote.

#### **AP1 16/21 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 30 June 2016 be approved as a correct record and signed by the Chairman.

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

#### **AP1 16/22 DEVELOPMENT CONTROL**

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

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

**AP1 16/23 TM/16/01169/FL - CAFE 1809, 152-154 TONBRIDGE ROAD, HILDENBOROUGH**

Variation of conditions 6 and 7 of planning permission TM/13/02727/FL to allow the cafe to be open between the hours of 07:30 to 20:00 Monday-Saturday, to allow for the use of outside space by customers between the hours of 07:30 to 20:00 Monday-Saturday between the months of May- September; (inclusive), and to allow for the use of the premises for private functions all year round (up to a maximum of 5 events per month) on Tuesday-Saturday up until 23:30 hours at Cafe 1809, 152 -154 Tonbridge Road, Hildenborough.

**RESOLVED:** That temporary planning permission of 12 months be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

2. With the exception of pre-booked events and functions, the premises shall be operated fully in accordance with plan number 13/1779/100 C and Supporting Statement prepared by MKA Architects received on 08 November 2013 approved under planning reference TM/13/02727/FL unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety

5. With the exception of pre-booked events and functions, no activities in connection with the business shall be carried on outside the hours of 0730 to 2000 Monday to Saturday and 1000 to 1600 on Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

12. No waste shall be emptied from the premises into external bins outside the hours of 0800 and 1800 on any day.

Reason: To protect the aural environment of nearby dwellings and in the interests of residential amenity.

17. The applicant shall notify the Local Planning Authority in writing 5 calendar days prior to all pre-booked events taking place as to the nature, type, date and duration of any pre-booked private function event, unless otherwise agreed by the Local Planning Authority.

Reason: To allow the monitoring of pre-booked events and functions in order to safeguard the amenities of neighbouring occupiers.

(2) Amended Informative:

2. When taking bookings for private function events, the applicant is asked to provide parking information to booking customers specifying that no dedicated parking is available at the premises, and setting out local parking facilities nearby, including the public car parks located in Riding Lane – this should accord with the Travel Plan details to be approved under Condition 9.

(3) Additional Informative:

3. The applicant is strongly encouraged to explore alternative options for car parking for staff and customers within the locality during the 12 month trial period hereby permitted.

[Speakers: Hildenborough Parish Council – Mrs Margaret Coles; Mrs Emma Keenan, Mr Andrew Page, Kelly Wheble (written statement read out by Mr Andrew Page), Mrs Sylvia Beevis and Mr Cox – members of the public; and Mr Tom Ogden- agent]

**AP1 16/24 (A) TM/16/00819/FL; (B) TM/16/00821/FL; (C) TM/16/00822/FL; (D) TM/16/00820/FL AND (E) TM/16/00818/FL - B&Q, CANNON LANE, TONBRIDGE**

(A) External alterations and alterations to forecourt to provide pedestrian route to Cannon Lane; (B) Extension to rear of building; (C) Insertion of Mezzanine Floors; (D) New unit to accommodate an A3 occupier; and (E) Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit at B and Q, Cannon Lane, Tonbridge.

**RESOLVED:** That application (A) (TM/16/00819/FL) be GRANTED planning permission 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/16/00821/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Additional Condition:

6. The deliveries in the retail units shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

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

**RESOLVED:** That application (C) (TM/16/00822/FL) be GRANTED planning permission 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 (D) (TM/16/00820/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Additional Conditions:

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. No external lighting shall be installed on the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

**RESOLVED:** That application (E) (TM/16/00818/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

1. The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Unit 1C shown edged green on plan shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the net retail floorspace of Unit 1C.

Unit 1D shown edged purple on plan shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods.



It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would be permitted

4. No development shall take place until details of a site management plan, setting out arrangements for delivery management, the co-ordination of deliveries to and the removal of waste from all the new retail units, have been submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The site management plan shall also include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed to facilitate the effective management of deliveries and waste removal from the site.

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

(2) Additional Conditions:

6. No public address systems shall be installed or operated outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

7. No external lighting shall be installed on the building or within the service yard or car park, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no mezzanine floors shall be installed within the building other than those approved under ref. TM/16/00822/FL unless planning permission has been granted on the application relating thereto.

Reason: The site is located outside an area where general retailing would normally be permitted.

10. The building shall not be subdivided to provide individual units of less than 500 square metres in area.

Reason: The site is located outside an area where general retailing would normally be permitted.

11. Prior to the first occupation of the retail store selling the wider range of goods permitted as part of condition 1, details of a shopping trolley management plan shall be submitted to and approved by the Local Planning Authority, and thereafter the approved plan shall be adhered to by all occupiers of the building in perpetuity. The shopping trolley management plan shall include measures aimed at ensuring that shopping trolleys remain within the retail site for customers.

Reason: In the interests of residential and visual amenity.

In accordance with Council Procedure Rule No. 8.6 (Part 4 of the Constitution) Councillor V Branson requested that it be recorded that she voted against the recommendation for approval.

[Speakers: Mr O Fahmy, Mr Mark Ansell, Mr David Warwick and Mrs Hillary Dubrow – members of the public; and Mr Julian Stephenson – agent]

**AP1 16/25 TM/16/02521/FL - 36-36A DRY HILL PARK ROAD, TONBRIDGE**

Change of use from C3 to D1 to provide classrooms and new staff facilities at 36 - 36A Dry Hill Park Road, Tonbridge.

**RESOLVED:** That planning permission be REFUSED for the following reason:

- (1) The proposed change of use of the residential dwellings and their associated curtilages to a D1 use in connection with a school would result in unacceptable increase in the levels of noise and disturbance in close proximity to neighbouring residential properties, harming residential amenity contrary to paragraph 123 of the NPPF, Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

[Speakers: Mrs Lisa Gibbard, Mr Steven Johnston, Petra Sluka, Mr Ian Gibbrd, Mrs Cheryl Farrar, Mrs Tessa Shepherd, Mr Mark Farrar and Mr David Mote – members of the public]

**AP1 16/26 ALLEGED UNAUTHORISED DEVELOPMENT 16/00151/WORKM -  
44C DRY HILL PARK ROAD, TONBRIDGE**

The Director of Planning, Housing and Environmental Health reported an unauthorised siting of a large metal storage container to the front of 44 Dry Hill Park Road, Tonbridge.

As the container was neither of an appropriate design nor of appropriate materials given the site's location within the Tonbridge Conservation Area it was considered to be detrimental to the character and appearance of the locality. It was therefore contrary to Policy CP24 of the TMBCS and Policy SQ1 of the MDE DPD.

**RESOLVED:** That an Enforcement Notice BE ISSUED to seek the removal of the authorised storage container, the detailed wording of which to be agreed with the Director of Central Services.

**AP1 16/27 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 11.00 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 23 September 2015

|       |  |
|-------|--|
| 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                                      |
| 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             |
| DMPO   | Development Management Procedure Order                             |
| DPD    | Development Plan Document  |
| 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 2015 |
| GPDO   | Town & Country Planning (General Permitted Development) Order 2015 |
| 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  |
| LB     | Listed Building (Grade I, II* or II)                               |
| LDF    | Local Development Framework  |
| LLFA   | Lead Local Flood Authority   |
| 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   |
| MWLP   | Minerals & Waste Local Plan  |
| NE     | Natural England  |
| NPPF   | National Planning Policy Framework                                 |
| PC     | Parish Council   |
| PD     | Permitted Development  |
| POS    | Public Open Space  |
| PPG    | Planning Policy Guidance   |
| PROW   | Public Right Of Way  |

|          |  |
|----------|--|
| 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   |
| 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 (as amended)                          |
| 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  |
| 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   |



**Tonbridge**  
Judd

**29 July 2016**

**TM/16/02306/FL**

Proposal: Ground floor extension to existing rear two storey out-building and internal refurbishment works to storage, garage and workshop/studio spaces  
Location: 13 Cromer Street Tonbridge Kent TN9 1UP  
Applicant: Ms Vanessa Lines  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Planning permission is sought for an extension to an existing two storey outbuilding located within the rear garden of 13 Cromer Street Tonbridge. An area of timber decking with a projecting roof over is also proposed. The extension, along with the general refurbishment of the building, is intended to facilitate the use of the building by the occupants of the main dwellinghouse as a family room, playroom, and workshop and storage area.
- 1.2 An existing garage, which is attached to the outbuilding, is also proposed to be extended to the front.
- 1.3 The refurbishment work includes external upgrades in the form of a standing seam zinc roof incorporating 3 roof lights within the existing building. The proposed extension will be constructed with a standing seam zinc roof and timber cladding to the flank walls of the extension.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Cllrs Cure and Bolt given the level of concern from local residents regarding the impact on neighbouring properties.

## **3. The Site:**

- 3.1 The site lies within the built confines of Tonbridge, with Cromer Street predominantly consisting of residential dwellings.
- 3.2 Cromer Street is relatively dense in layout. The application property is a detached dwelling, with vehicular access to the side.
- 3.3 The outbuilding, the subject of this application, is constructed up to the common boundary on three sides. Whilst there is no detailed planning history for the outbuilding it is understood that it has been in situ for many years.

#### 4. Planning History (relevant):

TM/79/10389/FUL grant with conditions 30 November 1979

Conversion of single dwelling into two flats.

TM/08/02019/LDP Certifies 13 August 2008

Lawful Development Certificate Proposed: Loft conversion with dormer window

#### 5. Consultees:

5.1 Private Reps: 6/0X/9R/0S. Objections have been raised on the following grounds:

- Should this be a full planning application rather than Householder;  
[DPHEH: the correct application has been submitted given the type of development proposed]
- Question need for 2x WCs;  
[DPHEH: one of the WCs has now been omitted from the scheme]
- Overlooking caused by windows at first floor;
- Concern that the building will be used for a separate residential or commercial use and why the plans have been amended;
- Potential parking issues if used as a separate unit or business;
- Building works would cause parking issues;
- Loss of amenity space to main dwelling from extension;
- Noise issues likely from the proposed zinc roof;
- No dimensions on plans;
- The depth of the fascia varies on the drawings;
- Sewerage and drainage concerns – including where the pipes will be located as the building is on the boundary.

#### 6. Determining Issues:

Principle of development:

- 6.1 Firstly, it is important to recognise that the internal alterations and the use of the building as additional space in connection with the main dwellinghouse for private purposes (in this case a playroom and workshop and storage) would in and of themselves not require any planning permission. It would be the incidental and ancillary use of an existing building within a residential curtilage and as such would not amount to development requiring any permission.
- 6.2 Similarly, the external alterations to the elevations of the building would be permitted development under Class E, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015. Again, these changes would not require planning permission from the LPA and could be undertaken at any time.
- 6.3 This means that the primary consideration in the determination of this application is the acceptability of the proposed extension to the building and specifically whether it is acceptable in visual terms and given the relationship with neighbours.
- 6.4 I do appreciate the concerns of neighbours relating to the potential future use of the building as a separate unit of accommodation separate from the use of 13 Cromer Street as a single dwellinghouse or for business purposes. However, it should be understood that such a use is not what is being proposed here and it would be controllable through the use of strict planning conditions expressly restricting the use of the building and ensuring the plot could not be subdivided. This is not an occasion, in my view, where the applicant could argue that the use of the building for purposes incidental to the main dwellinghouse could be an incremental step towards it eventually becoming a separate house because the physical distances between the outbuilding and the immediately surrounding houses, including 13 Cromer Street itself, would not allow for an acceptable relationship to ensue. I must stress that this is not a reason to refuse the current application, for the reasons given above, but should give some reassurance as to how any potential submissions for incrementally attempting to separate the building from the main house in use terms would be viewed.
- 6.5 In terms of the principle of extending the existing building, as the application site is located within the built confines of Tonbridge, the broad principle of development is considered to be acceptable.

*Character, scale and design:*

- 6.6 Policy CP24 of the TMBCS specifically requires good design and quality in new developments, and a respect for the site and its surroundings. This is supported by Policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible, enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;

- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.7 The proposals upgrade the existing building, and propose to extend it in a relatively contemporary form. The fairly small scale and single storey nature of the extension to the existing building means that it is undisputedly subservient to the main building and would not dominate either the main building or the surrounding dwellings in terms of form or scale.

6.8 Whilst the materials proposed in the construction of the extension are also more contemporary in nature, and this would undoubtedly be different in appearance, it would not in my view cause visual harm particularly given the location of the building to be extended, set back from Cromer Street and thus only partially visible from the street scene.

*Residential amenity:*

6.9 The extension has been designed with a contemporary style, resulting in the roof height and depth varying and sloping down towards the boundaries at either side. The extension is shown to have a maximum height adjacent to the building of approximately 3.6m.

6.10 The outbuilding to be extended is sited at the rear of the garden serving 13 Cromer Street, some 9m from the rear of the host dwelling. The distances involved and the small scale of the extension (particularly when compared to the scale of the host outbuilding) would ensure that the extension would not have a detrimental impact on the residential amenities of neighbouring properties, in respect of any loss of daylight/sunlight, over and above that which already exists from the existing outbuilding.

6.11 The proposals include replacement glazing within the existing outbuilding, although the existing openings are not shown to increase in size and the applicant has confirmed that this is the case. The proposals include the replacement of the existing wooden large door opening at first floor level with glazing. Due to the size and location of the existing door opening, it is considered to be prudent to attach a condition requiring this window to be obscurely glazed and non-opening. It should be noted that as these openings are part of the original building it would be unreasonable for the LPA to seek their removal. Again, I would reiterate that these alterations alone could be undertaken within the provisions of Class E of the permitted development order.

6.12 The proposals do not include any new windows within the flank elevations facing onto neighbouring properties. Again, this can be controlled by planning condition.

Highway safety and parking provision:

6.13 Policy SQ8 of the MDE DPD states that 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. Paragraph 32 of the NPPF requires that decisions should take account of whether a safe and suitable access to the site can be achieved for all people and states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. The proposals include the retention of the existing garage within the outbuilding and the extending of it to the front. Whilst the area to the front of the garage is laid to lawn, the existing hard standing driveway is to remain and provides parking for 2 vehicles. As such, it is not considered that there will be a detrimental impact on highway safety. I appreciate that neighbours are concerned that if the building becomes used in an alternative manner to that proposed by this application the situation concerning parking may change. However, the proposal makes clear that it is for the extended building to be used incidental to the main house, and as explained earlier in the report this will be controlled by planning condition.

Conclusion:

6.14 In light of the above considerations, I consider that the proposed development meets the requirements of the NPPF and LDF and as such the following recommendation is put forward:

**7. Recommendation:**

7.1 Grant planning permission in accordance with the following submitted details: Email dated 15.09.2016, Block Plan PL100 A dated 23.09.2016, Proposed Floor Plans PL102 A dated 23.09.2016, Proposed Elevations PL201 A dated 23.09.2016, Email dated 04.10.2016, Location Plan 013-PL001 dated 28.07.2016, Site Plan 013-PL002 Existing dated 28.07.2016, Existing Floor Plans 013-PL101 And Roof Plan dated 28.07.2016, Existing Elevations 013-PL200 And Section A-A dated 28.07.2016, subject to the following conditions:

**Conditions:**

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

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

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

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

- 3 The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

- 4 The opening on the south western end of the south east elevation shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

- 5 The use of the extended outbuilding hereby permitted shall be occupied only in conjunction with the original dwellinghouse known as 13 Cromer Street, Tonbridge as a single dwellinghouse and shall not be used, let or sold at any time as a separate unit of living accommodation.

Reason: To safeguard the character and amenities of the locality.

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

Reason: To safeguard the character and amenities of the locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modification), no new fences, gates, walls or other means of enclosure shall be erected without the prior written approval of the Local Planning Authority.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no new hardstanding for vehicles shall be constructed on, nor means of vehicular access to the highway be formed, laid out or constructed within the site without the prior written approval of the Local Planning Authority.

- 9 Reason: To safeguard the character and amenities of the locality.

- 10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

**Informatives**

- 1 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners
- 3 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

Contact: Vicky Bedford

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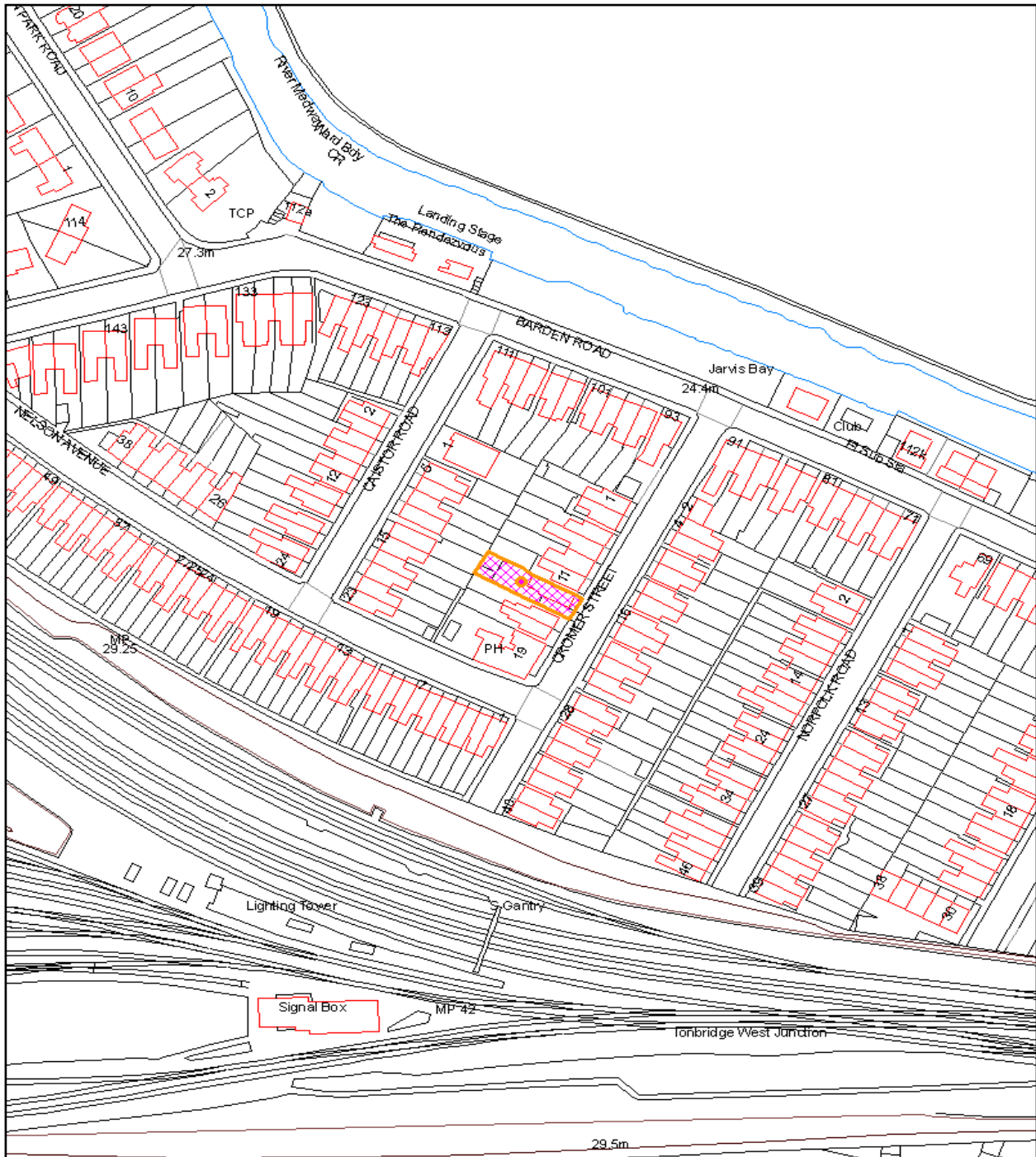


**TM/16/02306/FL**

13 Cromer Street Tonbridge Kent TN9 1UP

Ground floor extension to existing rear two storey out-building and internal refurbishment works to storage, garage and workshop/studio spaces

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**Tonbridge**  
Judd

**13 October 2016**

**TM/16/03008/FL**

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Proposal: Proposed two storey side extension with integral garage, canopy porch, and internal alterations  
Location: 49 Brindles Field Tonbridge Kent TN9 2YR  
Applicant: Mr Mitch Walker  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Planning permission is sought for the demolition of an existing garage and the construction of a two storey side extension, incorporating a replacement garage and dining room at ground floor level, and a bedroom with en-suite at first floor level, along with a new access door and porch canopy in the front elevation.
- 1.2 The proposed extension is set back from the front façade of the host dwelling by approximately 1.9m. It would bring the built form closer to the common boundary line with the neighbouring properties in West Rise, but would retain a distance of approximately 1m at the closest point.
- 1.3 Materials are proposed to be brick work at ground floor level with black painted timber cladding above and a tiled roof above.
- 1.4 One garage parking space and one off-street parking space to the front of the garage are shown to be provided.

## **2. Reason for reporting to Committee:**

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

## **3. The Site:**

- 3.1 The application site contains a semi-detached brick and black timber clad property within the built settlement confines of Tonbridge. Brindles Field has an elevated position and the area is relatively densely populated with properties having modest private garden spaces.
- 3.2 The application property is set back from the main road in a small cul-de-sac which serves four residential dwellings.

## **4. Planning History (relevant):**

- 4.1 None relevant.

**5. Consultees:**

5.1 Private Reps: 16/0X/3R/0S: Objections raised on the following grounds:

- No.49 currently dominates the view from the rear of properties in West Rise;
- Bringing the extension closer to the boundary would be overbearing on properties in West Rise;
- The extension would create a more enclosed feeling;
- The extension would adversely affect natural daylight;
- Potential impact on drainage in rear gardens of neighbouring properties;
- Upstairs windows will impact on privacy.

**6. Determining Issues:**

Principle of development:

6.1 The site is located within the built settlement confines of Tonbridge where the principle of development of this nature is acceptable. The proposed extension is considered to be relatively modest in size and, due to the location of the site within the confines of the settlement, there is no upper limit to the extent to which a property may be extended, *in principle*. The extension will extend to the side of the dwelling, which is currently used for parking and it is not considered that it would amount to an overdevelopment of the site.

Character, appearance and design:

6.2 With the principle of the proposed development having been established, it is necessary to ensure that the proposal would not harm the appearance of the street scene or the individual dwelling and that the development is appropriate for the site and its surroundings. In this respect, Saved Policy P4/12 of the TMBLP requires residential extensions to not have an adverse impact on “the character of the building or the street scene in terms of form, scale, design, materials and existing trees; nor the residential amenity of neighbouring properties in terms of light and privacy, and overlooking of garden areas.” Policy P4/12 also has an Annex (PA4/12) which sets out further design guidance and amenity tests.

6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment and paragraphs 57 and 58 of the NPPF set out similar requirements.

6.4 The Tonbridge Character Area SPD refers to the Brindles Field area as a 1990s development on the southern edge of the urban area just inside the Tonbridge Bypass, with properties occupying an elevated position with the elevations of the properties having a variety of finishes including red brick, white or black

weatherboarding, decorative clay hung tiles or yellow brick with red brick details and sills.

- 6.5 The proposed extension and new porch canopy have been designed so that they reflect the existing key features of the original dwellinghouse, such as the fenestration detailing and materials to be utilised. The proposed two storey side extension is also set back from the front façade of the host dwelling, which allows for the ridge of the roof to be lower than the main dwelling, giving the extension a subservient appearance, which is appropriate in visual terms.
- 6.6 With these considerations in mind, I am satisfied that the proposed extensions are of an acceptable form and design and would not have any adverse visual impact.

Residential amenity:

- 6.7 There have been concerns raised from some residents that the proposed extension would result in loss of daylight/sunlight and have an overbearing impact on their properties in West Rise, which lie to the north of the application site.
- 6.8 The proposed extension will undoubtedly bring the built form closer to the common boundary with the rear gardens of properties in West Rise, but will retain a minimum distance of 1m between the flank wall of the extension and the boundary.
- 6.9 I appreciate that the rear gardens of the properties in West Rise could be considered as fairly modest, ranging from between 6.5m to approximately 12m in length to the boundary shared with the application site. However, these properties already share a relationship with 49 Brindles Field and, given the separation involved and the limited scale of the extension proposed, I do not consider the change in built form would cause overt harm to amenity.
- 6.10 The extension does not include any new windows at first floor level within the flank elevation and as such there would be no loss of privacy arising from the proposed extension.

Highway safety and parking provision:

- 6.11 The proposed extension will reduce the off-street parking provision to one driveway space and one garage space. The application site contains a grassed area to the side of the driveway space which could provide additional parking. Given that the proposal reduces the amount of existing driveway parking and provides for an additional bedroom, I consider it would be reasonable to require an additional space to be provided within this area by planning condition.

Conclusions:

6.12 In light of the above assessment, I consider that the proposed extension is acceptable in terms of saved policy P4/12 of the TMBLP and as such the following recommendation is put forward:

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan T1616/LP1 dated 13.10.2016, Block Plan T1616/BP1 Existing and Proposed dated 06.10.2016, Existing Floor Plans T1616/01 Ground dated 06.10.2016, Existing Floor Plans T1616/02 First dated 06.10.2016, Existing Roof Plan T1616/03 dated 06.10.2016, Existing Elevations T1616/04 Front dated 06.10.2016, Existing Elevations T1616/05 Rear dated 06.10.2016, Existing Elevations T1616/06 Side (Right) dated 06.10.2016, Existing Elevations T1616/07 Side (Left) dated 06.10.2016, Proposed Floor Plans T1616/08 Ground dated 06.10.2016, Proposed Floor Plans T1616/09 First dated 06.10.2016, Proposed Roof Plan T1616/10 dated 06.10.2016, Proposed Elevations T1616/11 Front dated 06.10.2016, Proposed Elevations T1616/12 Rear dated 06.10.2016, Proposed Elevations T1616/13 Side (Right) dated 06.10.2016, Proposed Elevations T1616/14 Side (Left) dated 06.10.2016, subject to the following conditions:

**Conditions:**

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

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

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

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

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

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

4. The building shall not be occupied nor the use commenced until 2 off-street vehicle parking spaces have been provided, surfaced and drained within the front curtilage of the application site. Thereafter the area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on this land

or in such a position as to preclude vehicular access to this reserved parking space.

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

### **Informatives**

1. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
2. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

Contact: Vicky Bedford

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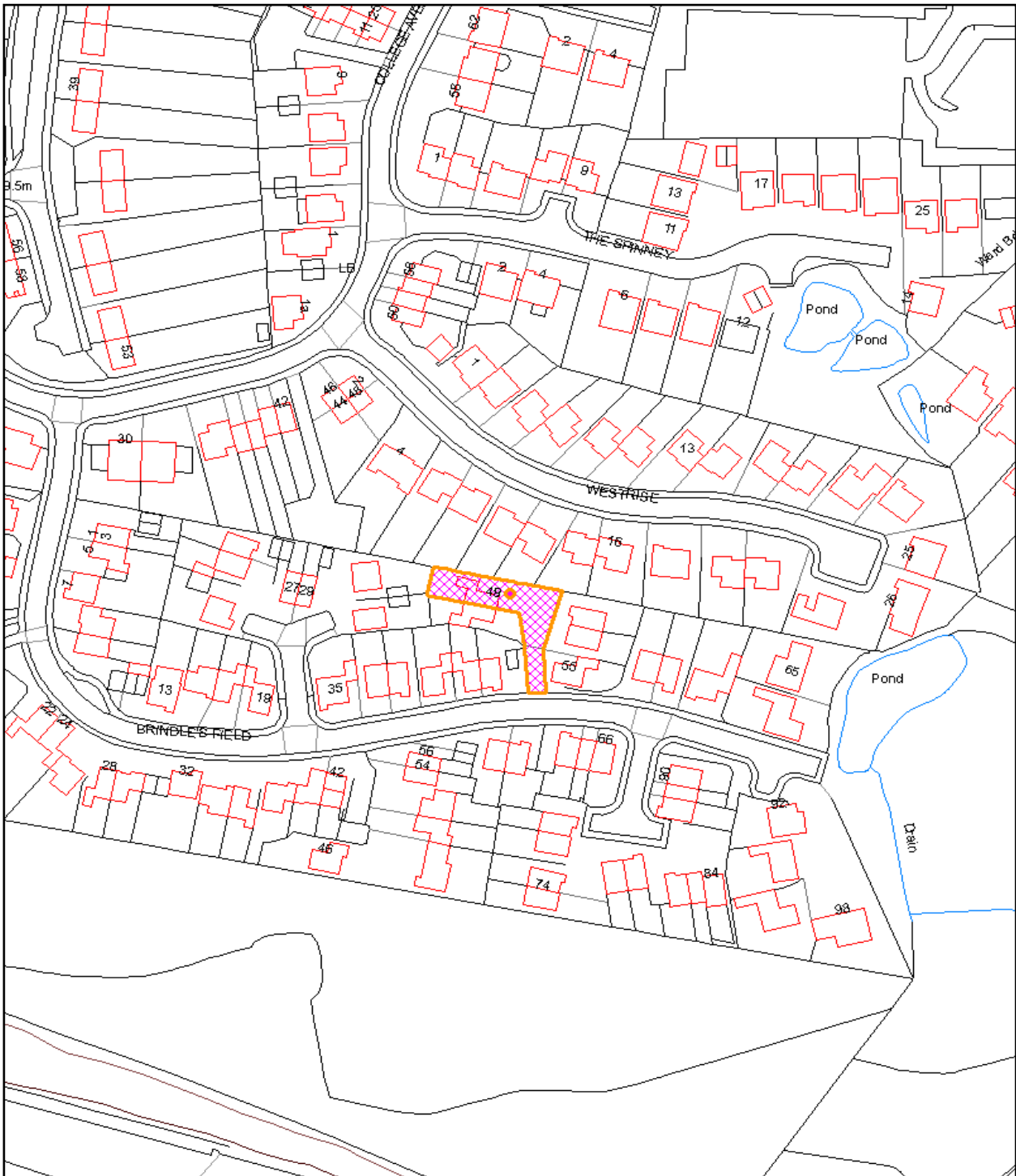


**TM/16/03008/FL**

49 Brindles Field Tonbridge Kent TN9 2YR

Proposed two storey side extension with integral garage, canopy porch, and internal alterations

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# Agenda Item 8

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

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

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