

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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

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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)

7 August 2018

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, 15th August, 2018 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 4 July 2018

**Decisions to be taken by the Committee**

4. Development Control 7 - 10

Introduction and Glossary

5. TM/18/00595/FL - G B Tatham and Co Ltd, 9 Willow Wents, Mereworth 11 - 28

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8. Urgent Items

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

**Matters for consideration in Private**

9. Exclusion of Press and Public 53 - 54

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

**PART 2 - PRIVATE**

10. Urgent Items

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

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)

Cllr B J Luker (Vice-Chairman)

Cllr Mrs J A Anderson

Cllr M A C Balfour

Cllr Mrs S M Barker

Cllr R P Betts

Cllr M A Coffin

Cllr S R J Jessel

Cllr Mrs S L Luck

Cllr P J Montague

Cllr L J O'Toole

Cllr S C Perry

Cllr H S Rogers

Cllr Miss J L Sergison

Cllr T B Shaw

Cllr Miss S O Shrubsole

Cllr M Taylor

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 4th July, 2018

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr M Taylor

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

Apologies for absence were received from Councillors S R J Jessel, L J O'Toole and Miss S O Shrubsole

### PART 1 - PUBLIC

#### **AP2 18/21 DECLARATIONS OF INTEREST**

Councillor Luker (Vice-Chairman) declared an Other Significant Interest in item 18/00126/WORKM (Stables at Leybourne Park Farm) on the grounds that the owner of the site was known to him. To avoid potential bias he withdrew from the meeting and took no part in the discussion on this matter.

#### **AP2 18/22 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 30 May 2018 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

#### **AP2 18/23 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.

**AP2 18/24 TM/18/00595/FL - G B TATHAM AND CO LTD, 9 WILLOW WENTS, MEREWORTH**

Demolition of existing office/workshop building and erection of 4 no. houses at G B Tatham and Co Ltd, 9 Willow Wents, Mereworth.

**RESOLVED:** That planning permission be DEFERRED for a Members' Site Inspection on the grounds that the proposal raised specific matters in respect of site characteristics, the importance of which could only be established by means of a site inspection.

[Speaker: Andrew Wells – Mereworth Parish Council; Alison Currie, Steve Dunn, Richard Jones and Michael Chesterton – members of the public]

**AP2 18/25 ALLEGED UNAUTHORISED DEVELOPMENT 18/00141/COM - 46 FARTHERWELL AVENUE, WEST MALLING**

The Director of Planning, Housing and Environmental Health reported unauthorised development regarding the failure to provide car parking spaces within the front curtilage to serve 46 Fatherwell Avenue in accordance with the approved plans and as required by planning condition. (Condition 5 of planning permission TM/16/01277/FL)

**RESOLVED:** That an Enforcement Notice BE ISSUED to require the development to be laid out in accordance with plan number 016-003/007 Rev. B insofar as it related to the provision of parking spaces to serve the development, the wording of which to be agreed by the Director of Central Services.

**AP2 18/26 ALLEGED UNAUTHORISED DEVELOPMENT 18/00126/WORKM - STABLES AT LEYBOURNE PARK FARM, PARK ROAD, LEYBOURNE**

The report of the Director of Planning, Housing and Environmental Health set out details of unauthorised development at the site which involved engineering and other operations, regrading of land, formation of bunds and appeared to be in connection with the laying of new road surfaces and/or areas of hardstanding.

**RESOLVED:** That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised roadway, hard surfacing and earth bunds and the reinstatement of the land to its former condition, the detailed wording of which to be agreed by the Director of Central Services.

**AP2 18/27 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.30 pm

## 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

**Mereworth  
(Mereworth)**  
Downs And Mereworth

**12 March 2018**

**TM/18/00595/FL**

Proposal: Demolition of existing office/workshop building and erection of 4 no. houses  
Location: G B Tatham And Co Ltd 9 Willow Wents Mereworth Maidstone Kent ME18 5NF  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 The application was deferred from APC2 on 04 July in order for Members to undertake a site inspection to assess the specific and particular characteristics of the site. The Members' Site Inspection is scheduled to take place on 07 August.
- 1.2 A copy of my July report is annexed for ease of information.

## **2. Consultees (since 04 July):**

- 2.1 Private Reps: One letter of support received from occupant of nearby property. Comments as follows:
  - Concerned if permission is not granted the building will be sold off as an office block, and is capable of hosting between 20-30 office workers in the building as it stands at present. This would be unacceptable as there are 8 windows look directly into their house and garden. Tatham Builders have only used the building as an office and yard, and on average 3-4 people attend on a daily basis;
  - Four houses will not have that much impact. However, the "quiet lane" Willow Wents is now being used as a rat run to avoid the school run problems in the street and Seven Mile Lane junction;
  - The Oast burnt down in 1916 and sequentially has been subject to many alterations, nothing can bring it back to its original state.
- 2.2 Additional correspondence has also been received from an objector with photographs to illustrate the situation from their property.

## **3. Determining Issues:**

- 3.1 Any further issues concerning the proposed development beyond those discussed in my July report arising from the Members' Site Inspection will be reported as supplementary information.

- 3.2 I can also advise that the agent has been invited to use the time in advance of the site inspection to consider whether any amendments to the scheme might be forthcoming in light of the debate that took place in July. Any such amendments will be similarly reported.
- 3.3 Since the July meeting, a new version of the NPPF has been published (24 July 2018) and this now forms a material planning consideration. Overall, in respect of this development the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing. The precise wording is now contained at paragraph 11(d) of the NPPF and sets out that in effect because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.
- 3.4 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.
- 3.5 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Continuing to concentrate new housing development within identified and established settlement confines such as this (and therefore also conforming with development plan policy CP13 in the broadest of terms) wholly accords with this aim.
- 3.6 It should be noted that policy CP13 of the TMBCS sets out a requirement for either a reduction in trip generation resulting from a proposed development when compared to the former use of the site or “significant improvements” to the appearance, character or functioning of the settlement before planning permission can be granted. These requirements are not replicated within the policies contained within the Framework and therefore this element of CP13 does not conform within the NPPF and cannot be relied upon in the absence of a five year supply.
- 3.7 As such, returning to the need to apply the presumption in favour of sustainable development, the scheme proposes new housing development within an existing identified settlement in accordance with the policies contained within the NPPF (and policy CP13 in terms of the broad principles rather than the specific requirements for net gains) and therefore planning permission should be granted (paragraph 11d).
- 3.8 Moreover, it should be recognised that the new version of the NPPF now overtly sets out that where there is an existing shortage of land for meeting identified

housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.

- 3.9 In this context, it is of course necessary to properly consider local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design. This assessment was undertaken and summarised within the July report as annexed and does not require any further discussion other than to make clear that there would be no reasonable justification to resist the development on grounds of density alone given what the NPPF now sets out in this respect.

#### **4. Recommendation:**

- 4.1 **Grant planning permission** in accordance with the following submitted details: Email dated 15.05.2018, Drawing 1871-1890 Heritage Map dated 15.05.2018, Drawing 1897-1900 Heritage Map dated 15.05.2018, Drawing 1907-1923 Heritage Map dated 15.05.2018, Drawing 1929-1952 Heritage Map dated 15.05.2018, Details Conservation Area dated 15.05.2018, Aerial Photo 1946 dated 15.05.2018, Aerial Photo 1990 dated 15.05.2018, Aerial Photo 2004 dated 15.05.2018, Photograph Herne House dated 15.05.2018, Photograph 1983 dated 15.05.2018, Photograph 1984 dated 15.05.2018, Aerial Photo Pre 1980 dated 15.05.2018, Location Plan 2391C-01 dated 12.03.2018, Block Plan 2391C-02 dated 12.03.2018, Site Plan 2391C-03 dated 12.03.2018, Proposed Floor Plans 2391C-04 dated 12.03.2018, Proposed Floor Plans 2391C-05 dated 12.03.2018, Proposed Floor Plans 2391C-06 dated 12.03.2018, Proposed Elevations 2391C-07 dated 12.03.2018, Proposed Elevations 2391C-08 dated 12.03.2018, Proposed Elevations 2391C-09 dated 12.03.2018, Proposed Elevations 2391C-10 dated 12.03.2018, Proposed Elevations 2391C-11 dated 12.03.2018, Proposed Elevations 2391C-12 dated 12.03.2018, Proposed Elevations 2391C-13 dated 12.03.2018, Design and Access Statement 2391C DAS-V16 dated 12.03.2018, Existing Elevations 05 dated 12.03.2018, Existing Site Layout EO 100A dated 12.03.2018, Existing Floor Plans DF/P/01 dated 12.03.2018, Planning Statement dated 12.03.2018, Soil Report APPENDIX A dated 12.03.2018, Soil Report APPENDIX B dated 12.03.2018, Soil Report APPENDIX C & D dated 12.03.2018, Proposed Elevations 2391C-14 dated 12.03.2018, Letter Covering dated 14.03.2018, 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. No above ground development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 3 No above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment (including details of the proposed boundary wall to Willow Wents). 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 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.

5. 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, the car ports shall not be enclosed with garage doors without the prior written approval of the local planning authority.

Reason: To ensure that two car parking spaces remain available for the use of each dwelling within this development in the interests of the safe and free flow of traffic.

- 6 No above ground development shall take place until details of the finished floor level of the houses in relation to the existing ground levels 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 visual amenity of the locality.

- 7 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 8 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved. Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 9 No above ground development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

10. The window on the northern (flank) elevation of the house on Unit 1 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.

### **Informatives**

1. 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@tmbs.gov.uk](mailto:addresses@tmbs.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation
2. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
3. The disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is thus recommended that bonfires not be had at the site.

Contact: Rebecca Jarman



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**Report from 4 July 2018**

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**Mereworth  
(Mereworth)****12 March 2018****TM/18/00595/FL**

Downs And Mereworth

Proposal: Demolition of existing office/workshop building and erection of 4 no. houses

Location: G B Tatham And Co Ltd 9 Willow Wents Mereworth Maidstone Kent ME18 5NF

Go to: [Recommendation](#)

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**1. Description:**

- 1.1 It is proposed to erect 4 dwellings in place of an existing office building and car park that is occupied by Tatham Homes. The adjoining part of the builders yard/car park, that is located to the west, was redeveloped for 4 houses in 2013 (reference TM/13/02338/FL).
- 1.2 One of the houses (unit 1) would contain 4 bedrooms and the other three houses are 3-bedrooms. Unit 1 is located to the rear of the site, with the remaining three units located perpendicular to the road, one being detached and then a pair of semi-detached houses. All four dwellings would be served by 2 dedicated car parking spaces each; one car port and one open parking space. Two of the car ports are being created by re-using the existing storage building at the front of the site. It is proposed to construct the dwellings from a mix of red stock brick work, white painted timber cladding, plain roof tiles and painted softwood door and window joinery.
- 1.3 The dwellings would contain two storeys of accommodation under pitched roofs and each would stand at around 8.7m high.

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

- 2.1 At the request of Cllr Matthew Balfour in order to consider whether the proposal represents an overdevelopment of the site and to consider the impact of highway safety.

**3. The Site:**

- 3.1 The site is located within the settlement confines of Mereworth, on the south side of Willow Wents. Part of the site (the office) lies within the Mereworth Conservation Area. The site forms part of the applicant's builder's yard offices and car park. The adjoining site to the west was previously the builder's yard and has been redeveloped for 4 houses. The boundary to Willow Wents is defined by a brick wall. The eastern boundary adjoins residential properties, including Grade II Listed Herne Cottage. Open fields lie to the north and south of the site.



- Consider traffic movements will increase as a result of the development especially at weekends;
- Parking problems exist on Butchers Lane and there is no room for visitors to proposed houses to park on surrounding roads;
- The entrance/exit from Willow Wents where it joins Butchers Lane is already seriously obscured by parked cars – already unacceptable situation as this could prevent access in an emergency for ambulance or fire engine;
- Unit 1 should be deleted from the scheme to allow for more parking within the development.

## 6. Determining Issues:

### Principle of development:

- 6.1 TMBC cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, paragraph 49 of the NPPF states that:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

- 6.2 Paragraph 14 of the NPPF sets out the presumption as follows:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:*

*For decision-taking this means:*

*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- *or specific policies in this Framework indicate development should be restricted.”*

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- 6.3 In this respect, policy CP13 of the TMBCS allows for minor developments within the defined settlement confines of Mereworth providing they would be appropriate to the scale and character of the settlement.
- 6.4 The proposed development is for 4 dwellings arranged around a courtyard that would provide vehicular access to them. Each dwelling would sit comfortably within its plot and all dwellings would have appropriately sized private gardens. The development has been designed with a street frontage that is in keeping with the alignment of the existing buildings within this lane, with the existing storage shed being utilised as a car port and the dwelling in Unit 2 being set back slightly from Willow Wents and in a similar location as the existing office building. Whilst Unit 2 would stand sideways on to Willow Wents, no 13 Willow Wents (part of the new development adjoining) also has a flank wall facing this road. The scale and layout of the development are considered to be in keeping with the character of existing developments in the locality and are appropriate for this edge of village location. As such I consider that the principle of the development is acceptable and complies with policy CP 13 of the TMBCS.
- 6.5 Furthermore, I would add that the site is not allocated for employment purposes and therefore there is no policy basis within which to seek its retention for such a use.
- 6.6 The principle of the proposed development is therefore acceptable in terms of the adopted development plan.
- 6.7 The core principles of the NPPF seek to support sustainable economic development, to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings, and encourage the effective use of land by reusing land that has been previously developed. In light of the site's location within Mereworth and the fact that it is a previously developed site, the principle of the development sits comfortably with the core aims of the NPPF as well.

*Visual amenities and impact on Conservation Area, Listed Building:*

- 6.8 Policy CP 24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.
- 6.9 MDE DPD Policy SQ1 states that, *inter alia*, proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, comments that special regard to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses needs to be considered, this is also reflected in the NPPF at paragraph 137 it comments that LPAs should seek proposals that preserve the setting and make a positive contribution to a Conservation area.

- 6.10 The dwellings in terms of their individual scale, size, form and appearance also have a rural appearance appropriate to this location. Whilst specific details of the external materials are not known at this stage, red stock brick work, white painted timber weatherboarding, plain roof tiles and timber window/door joinery would be used. I consider that this general palette of materials is entirely appropriate for the proposed development; they would respect the rural locality and are similar to those used on the adjoining development.
- 6.11 The site is located part inside and part outside the Mereworth Conservation Area and it adjoins a Grade II Listed Building to the east (Herne Cottage). The proposal is not considered to directly impact on Herne Cottage, and its setting will be enhanced with the removal of the large bulk of the office building thus providing an improved outlook and light levels. A new boundary to Willow Wents will be formed from the external brick wall of the office. However, in light of its appropriate scale, form, layout and design, I am satisfied that it would not detract from the setting of the Conservation Area and Listed Building or views into or out of it as such the development complies with the requirements of the NPPF in that the setting is suitably preserved.
- 6.12 The demolition of the office building in the Mereworth Conservation Area has been addressed in Heritage Statements that have formed part of the submission. The Kent Historic Environment Record records this site as a “farmstead adjacent to Herne Cottage” of post medieval age. It describes the type of farmstead as “loose courtyard with working agricultural buildings on 3 sides and with additional detached elements to the main plan”; the historic maps submitted show that this was the case some time ago but this is not the situation today. There are no “working agricultural buildings” adjoining the site and there haven’t been for a significant period of time. The Kent Historic Environment Record also comments that the farmstead is “altered, with a significant loss of original form; more than 50%”. It is therefore considered that the office building has limited contribution to the character of the current site making it difficult to decipher as a “historic farm building” and thus it has lost any real association with its former function.

Highway safety and parking provision:

- 6.13 Willow Wents is a narrow lane and forward visibility at the junction with Butchers Lane is restricted by brick walls that form the boundaries to the neighbouring properties. However, it must be remembered that the site is currently used as an office, generating traffic already and Kent County Council (H+T) has not objected to the principle of the proposed development with its access from Willow Wents. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the

development are severe. In this case the impact of this development is considered to cause no more detriment to the safe and free flow of traffic than the existing office use on the site.

6.14 The development contains car ports that have either been converted from an existing building or are new buildings; the car ports have the appearance of garages but would not contain garage doors. Car ports count as car parking spaces and providing two spaces for each dwelling is acceptable for 3 and 4 bedroom dwellings in this location, according to the Council's adopted car parking standards. The proposed tandem parking layout in part of the development is noted but this arrangement was considered acceptable on the adjoining development. This is a small development of only four dwellings and car parking would be located within the curtilage of each dwelling house where the individual occupiers can move their cars around as necessary without impacting upon traffic and pedestrians using Willow Wents or the shared access road. I therefore do not consider that this proposal would cause demonstrable harm to the safe or free flow of traffic. Indeed due to the narrowness of Willow Wents, it is considered most unlikely that cars would be parked or manoeuvres undertaken here instead of within the development itself, as that would completely block the road.

Residential amenity:

6.15 The layout of the development has been designed in such a way as to ensure the proposed dwellings would not cause an unacceptable loss of privacy or light to each other or existing neighbouring residential properties.

6.16 The overall bulk and scale of development on the site will be reduced with the removal of the office building, which will serve to enhance the outlook from the properties it adjoins to the east. Additionally the provision of space around the buildings and additional planting on the boundaries will all contribute to an improved relationship.

6.17 In relation to the new dwellings to the west which are most affected by the house to the rear (Plot 01), this dwelling has been designed with a flank wall facing the rear wall to 11 Willow Wents to reduce both the visual impact and the potential for overlooking of windows into private areas. Two windows are proposed in this flank elevation, one for a dining room and one for a bathroom; a condition is proposed restricting glazing and opening ability being applied to these windows. Due to the separation between the proposed dwelling (Unit 1) and 11 Willow Wents, I do not consider that it would result in any loss of daylight or sunlight to this neighbouring property. Additionally, the comments made by local residents concerning the loss of important vistas through the conservation area and views of the Church being lost as a result of the proposed development are not material considerations that can be taken into account in the decision making process.

Other material considerations:

- 6.18 The development is for only four dwellings and the site area measures less than 0.16 ha in area. Accordingly, the development does not meet the relevant thresholds for affordable housing or open space provision as set out in policy CP17 of the TMBCS and policy OS3 of the MDE DPD.
- 6.19 Any necessary remediation of the site in terms of addressing potential contaminated land can be addressed through planning conditions that are reflected within the recommendation that follows.

Conclusions:

- 6.20 In conclusion, the development is considered to be acceptable in principle and is of a scale, form and design that is appropriate to this rural edge of village location and would not harm the setting of the Conservation Area and adjacent Listed Building. Subject to the conditions set out in the following recommendation, I consider the development to be acceptable in terms of highway safety matters and it would also not detract from the amenity of the neighbouring residential properties. In light of the above I recommend that planning permission be granted for this development.

**7. Recommendation:**

- 7.1 **Grant planning permission** in accordance with the following submitted details: Email dated 15.05.2018, Drawing 1871-1890 Heritage Map dated 15.05.2018, Drawing 1897-1900 Heritage Map dated 15.05.2018, Drawing 1907-1923 Heritage Map dated 15.05.2018, Drawing 1929-1952 Heritage Map dated 15.05.2018, Details Conservation Area dated 15.05.2018, Aerial Photo 1946 dated 15.05.2018, Aerial Photo 1990 dated 15.05.2018, Aerial Photo 2004 dated 15.05.2018, Photograph Herne House dated 15.05.2018, Photograph 1983 dated 15.05.2018, Photograph 1984 dated 15.05.2018, Aerial Photo Pre 1980 dated 15.05.2018, Location Plan 2391C-01 dated 12.03.2018, Block Plan 2391C-02 dated 12.03.2018, Site Plan 2391C-03 dated 12.03.2018, Proposed Floor Plans 2391C-04 dated 12.03.2018, Proposed Floor Plans 2391C-05 dated 12.03.2018, Proposed Floor Plans 2391C-06 dated 12.03.2018, Proposed Elevations 2391C-07 dated 12.03.2018, Proposed Elevations 2391C-08 dated 12.03.2018, Proposed Elevations 2391C-09 dated 12.03.2018, Proposed Elevations 2391C-10 dated 12.03.2018, Proposed Elevations 2391C-11 dated 12.03.2018, Proposed Elevations 2391C-12 dated 12.03.2018, Proposed Elevations 2391C-13 dated 12.03.2018, Design and Access Statement 2391C DAS-V16 dated 12.03.2018, Existing Elevations 05 dated 12.03.2018, Existing Site Layout EO 100A dated 12.03.2018, Existing Floor Plans DF/P/01 dated 12.03.2018, Planning Statement dated 12.03.2018, Soil Report APPENDIX A dated 12.03.2018, Soil Report APPENDIX B dated 12.03.2018, Soil Report APPENDIX C & D dated 12.03.2018, Proposed Elevations 2391C-14 dated

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12.03.2018, Letter Covering dated 14.03.2018, 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. No above ground development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. No above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment (including details of the proposed boundary wall to Willow Wents). 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 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.



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5. 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, the car ports shall not be enclosed with garage doors without the prior written approval of the local planning authority.

Reason: To ensure that two car parking spaces remain available for the use of each dwelling within this development in the interests of the safe and free flow of traffic.

- 6 No above ground development shall take place until details of the finished floor level of the houses in relation to the existing ground levels 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 visual amenity of the locality.

- 7 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 8 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of

the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved. Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 9 No above ground development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

10. The window on the northern (flank) elevation of the house on Unit 1 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.

### **Informatives**

1. 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@tmbs.gov.uk](mailto:addresses@tmbs.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation
2. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
3. The disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is thus recommended that bonfires not be had at the site.

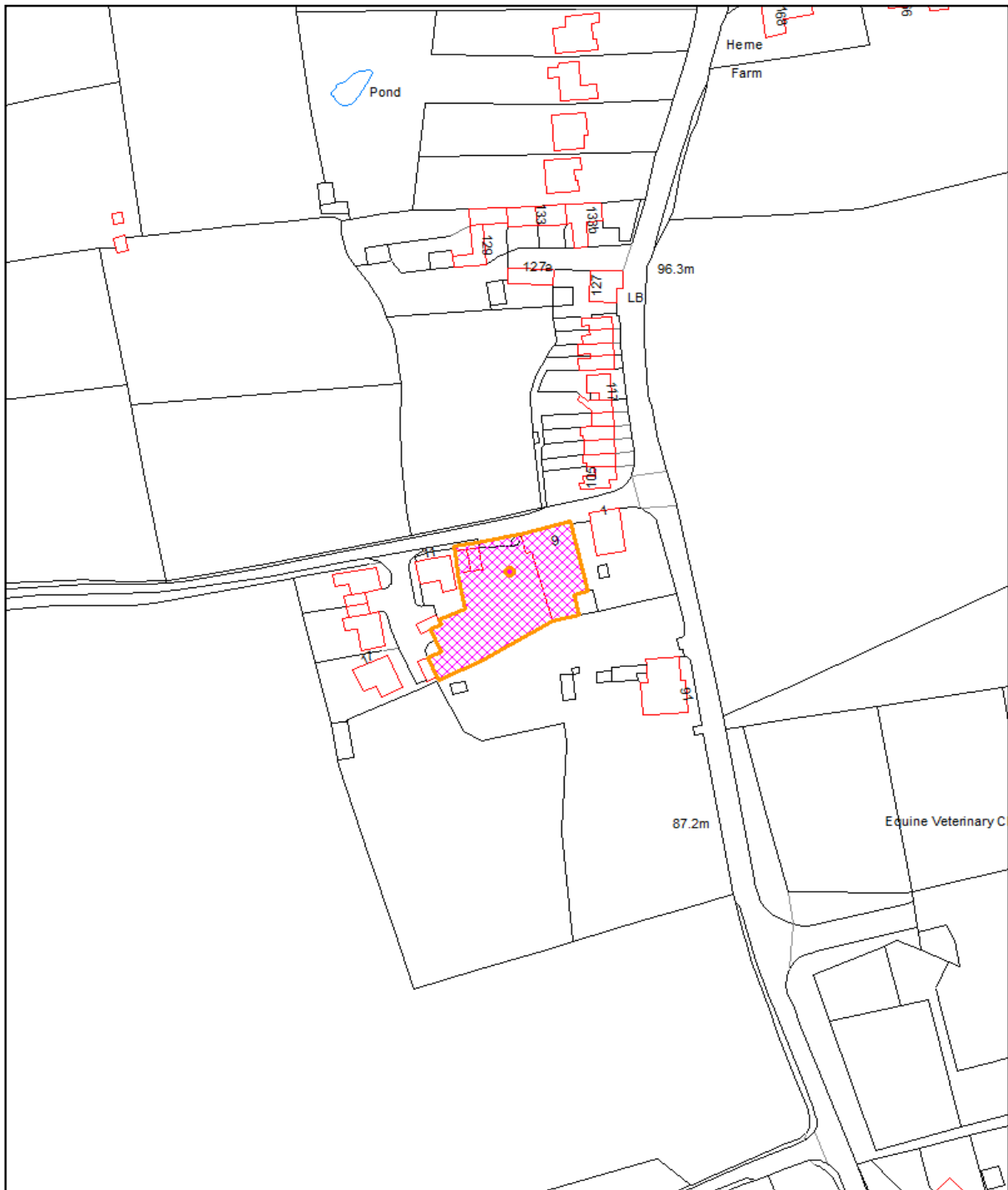
Contact: Rebecca Jarman

**TM/18/00595/FL**

G B Tatham And Co Ltd 9 Willow Wents Mereworth Maidstone Kent ME18 5NF

Demolition of existing office/workshop building and erection of 4 no. houses

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**Borough Green**  
Borough Green And  
Long Mill

**21 February 2018**

**TM/18/00420/FL**

Proposal: Demolition of existing workshop buildings, construction of two 2 bedroom and one 3 bedroom houses with associated parking and amenity areas

Location: 22 The Landway Borough Green Sevenoaks Kent TN15 8RG

Go to: [Recommendation](#)

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## 1. Description:

1.1 Planning permission is sought for the demolition of existing workshop buildings at 22 The Landway and the construction three dwellings within the site. This submission follows on from the refusal of planning application TM/16/02715/FL on 16 November 2016 under delegated powers for the demolition of the workshop and the construction of five dwellings across the site. Permission in that case was refused for the following reason:

*1. The proposed development, by virtue of the number of units, scale, siting, bulk and general form would result in an overdevelopment of the site that is out of keeping with the prevailing character of the area to the detriment of the visual amenities of the locality and which would cause harm to the residential amenity of the adjacent properties by virtue of its overbearing nature. Furthermore, this overdevelopment of the site would result in the provision of insufficient on-site parking to accommodate the resultant units and inadequate access and turning arrangements. As a result, the Local Planning Authority considers that the site is unable to accommodate the proposed level of development in a satisfactory manner. For these reasons, the proposal is contrary to paragraphs 56, 57 and 58 of the National Planning Policy Framework, policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010.*

1.2 The subsequent appeal was dismissed on 08 September 2017, the Inspector broadly agreeing with and endorsing all three aspects of the grounds of refusal. This is a material consideration in the assessment of the current application.

1.3 This current application therefore seeks to overcome the previous grounds of refusal and proposes a revised scheme with the following key differences:

- Number of dwellings reduced from five to three, comprising one two-bed detached house on the site frontage and a semi-detached pair (one two-bed and one three-bed) at the rear;
- Vehicular access to the north side of the front house, as before, but now open rather than via an undercroft, leading to a parking/turning area;

- Rear garden provided for detached frontage property and larger rear gardens for the pair of houses. Additional space on boundaries for planting;
- Slab level for the rear pair to follow the lower site level represented by the floor level of the existing workshop. Western house to have a catslide roof facing rear of 29/31 Quarry Hill Road;
- No first-floor windows facing south in the house at Plot 03.

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

- 2.1 At the request of Cllr Taylor in order to consider the revised scheme in terms of its height and prominence and the loss of an historic employment site.

**3. The Site:**

- 3.1 The site lies within the confines of Borough Green Rural Service Centre, at the southern end of The Landway, a narrow highway with no formal footways, which reduces to a footway just beyond the site and provides a link leading through to Harrison Road.
- 3.2 The site is 'L'-shaped, wrapping around a separate commercial site which accommodates working forge premises. The site accommodates a detached workshop building which has been vacant for some years and occupies most of the base of the 'L', which is about 36m deep by approximately 11m wide. The remainder of the site is rather overgrown, with a couple of greenhouses and evidence of previous buildings or foundations visible.
- 3.3 The site gently slopes down towards Harrison Road with several mature trees on the boundary that overhang the site. The surroundings are predominantly residential in character within which the application site, and the adjoining forge premises, represent an uncharacteristic commercial enclave.
- 3.4 In particular, the western boundary abuts the rear boundaries of a semi-detached pair of houses addressed in Quarry Hill Road. The southern boundary abuts the rear gardens of the semi-detached pair 13/15 Harrison Road. To the north are sites and buildings in community uses. There are dwellings to the east, fronting McDermott Road, standing at a significantly higher level.

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

TM/51/10445/OLD    grant with conditions    24 May 1951

Lorry Garage.

TM/61/10339/OLD    grant with conditions    4 August 1961

Extension to garage.

TM/86/10333/FUL grant with conditions 18 December 1986

Change of use of premises to workshop for specialist vehicle repair (gearboxes etc).

TM/90/10454/FUL Refuse 18 October 1990

Change of use for existing workshop to allow the continuing activities of gearbox repair and refitting and change of use of coal storage areas to car parking and planting.

TM/90/11229/FUL Refuse 31 January 1990

Renewal of permission TM/86/765 to allow the continued activities of gearbox repair and refitting.

TM/90/11230/FUL Refuse 31 January 1990

Change of use from Coal Storage and Bagging areas to the storage of Scrap Gearboxes and Engines in steel containers.

TM/92/10634/FUL grant with conditions 31 March 1992

Application under Section 73(A) for the variation of condition of appeal consent to extend the period for completion of works to 12 months (ie 15 July 1992).

TM/03/03755/FL Refuse 5 February 2004

Variation of condition 1 of Planning Permission TM/89/1654 (continued activities of gearbox repair and refitting) to allow an MOT testing station and vehicle repairs to be carried out

TM/16/02715/FL Refuse (Appeal dismissed) 16 November 2016 (8/9/2017)

Demolition of existing workshop building. Erection of 5 No. 2 bedroom houses with associated access, parking and amenity areas

## 5. Consultees:

- 5.1 PC. Object - on the grounds of over intensification of the site, proposed height of the buildings is over bearing and out of keeping, making the development appear too prominent and obtrusive, and there is a lack of evidence of commercial marketing to justify the change of use of the site.
- 5.2 KCC (H&T): Further comments awaited. Originally commented that the development does not warrant their involvement but they have been asked to look at the proposal again in view of the objections received regarding the access to and from the site.

5.3 SWS: No comments received to date

5.4 Private Reps: 28/0X/16R/0S. Objections raised on the following grounds:

- Access road is very small and unsuitable – mix of footpath with cars and one car wide – difficult for two cars to pass, dangerous for pedestrians, especially as no footpath;
- More pedestrians now use The Landway since the development of Isles Quarry – provides access to schools, doctors, train station etc;
- Entrance onto The Landway from Quarry Hill Road is a blind junction and dangerous;
- The eastern bank of The Landway is unstable and trees and bushes have fallen onto the road;
- Access to site by dustbin lorries and fire engines would be difficult – the dustbin lorry does not drive down The Landway at present;
- Problems with access traffic during construction of houses – private road – could cause damage to road surface;
- Parking spaces are too small for standard cars and there is not enough parking for the proposal;
- Still consider that a refuse vehicle will not be able to turn at the end of the road as there are three car parking spaces in the way with new development – large vehicles would need to reverse down the lane resulting in a further hazard for pedestrians;
- Existing building on site likely to be full of asbestos – difficulties in moving it off site;
- Existing forge adjoining the site is active – it is not closed as stated within the application. The forge is noisy and future residents of dwellings proposed are likely to complain about noise, smoke and dust. The forge is visited by horses who will be upset if being shod next door to a building site. The Landway is an old bridleway and the steel/coke deliveries for the Forge cannot deliver to the site, the owner has to manually walk it to the Forge;
- The existing Forge owner believes that the boundary line is incorrectly drawn on the plans and is concerned about the impact of any demolition work on his building/business;
- Additional noise and disturbance, air pollution to area;



- Concerned about past commercial activities on the site, contamination and protection of ground water source;
- No provision has been made on the plans for retaining existing walls and associated ground water drainage;
- Development will result in light pollution;
- Loss of trees and remove screening as well as amenity value;
- Catslide roof to Plot 01 would result in an overbearing view for the adjacent residents in Quarry Hill Road – large mass of roof – would be an enormous visual intrusion;
- Proposed fence heights (1.8m) not high enough to screen development;
- Roof heights could result in roof conversions in future, and more occupants;
- Concerns re maintenance and impact of trees on and near proposed development;
- Height of proposed development on plot 03 still significantly exceeds the height of the current roof line of the existing workshop building;
- Site is too small for development and would create a sense of being hemmed in;
- Consider site should be occupied by a single house or two bungalows;
- No real change in scheme from that previously refused;
- Borough Green is in an AONB, development out of keeping with setting of area;  
*[DPHEH: the site does not lie within or adjacent to the AONB]*
- Drains/utility companies in area will not be able to cope with additional properties;
- Area occupied by bats and other wild animals – loss of an area of biodiversity;
- Site plans submitted are 50 years old and misrepresent the detrimental impact of the development on the amenities of adjoining residents than the drawings suggest;
- Should be developed with the medical centre site next door.

## 6. Determining Issues:

### Principle of development:

- 6.1 It should be recognised that the previous scheme for five dwellings was not refused on any matter of overriding principle but rather the ability of the site to satisfactorily accommodate that particular amount of development.
- 6.2 Furthermore, I would add that the site is not allocated for employment purposes and therefore there is no policy basis within which to seek its retention for such a use. Indeed, this did not form part of the basis of the previous refusal either and in the absence of any policy protection it would be unreasonable to seek to do so now.
- 6.3 Since the previous appeal was dismissed, it must be recognised that TMBC can no longer demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, Members will be aware that a new version of the NPPF has been published (24 July 2018) and this now forms a material planning consideration. Overall, in respect of this development the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing, which it is accepted the Council cannot currently demonstrate. The precise wording which sets out the “presumption” is now contained at paragraph 11(d) of the NPPF and states that in effect because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.
- 6.4 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.
- 6.5 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP12 of the TMBCS states that (inter alia) housing development will be permitted within the confines of rural service centres including Borough Green. Continuing to concentrate new housing development within identified and established settlement confines such as this (and therefore also conforming with development plan policy CP12) wholly accords with this aim.
- 6.6 As such, returning to the need to apply the presumption in favour of sustainable development, the scheme accords with both the development plan and policies

contained within the Framework and therefore planning permission should be granted (paragraph 11d).

- 6.7 Moreover, it should be recognised that the new version of the NPPF now overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.
- 6.8 In this context, it is of course necessary to properly consider local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design.
- 6.9 With the above in mind it is therefore necessary to consider whether the detailed elements of the scheme accord with the relevant policies within the development plan and Framework and crucially whether the revisions have overcome the previous refusal and appeal decision, which remains a material consideration.
- 6.10 In this respect, policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies reflect the requirements of relating to high quality development when read as a whole. These are the key policies for consideration in the assessment that follows.

*Visual amenities and impact on character:*

- 6.11 This proposal seeks to address overdevelopment and adverse visual impact by reducing the amount of development from five to three dwellings, by deleting the covered link to the rear parking area, and by introducing a less dominating roof format to the frontage property. The development now allows for more space around the buildings and a sense of openness that is more in keeping with the overall character of the existing area. This reduction in the scale of development also gives an opportunity to introduce more planting to soften built development.

*Residential amenity:*

- 6.12 In order to address the impact in terms of neighbours' amenity, privacy and outlook, specific details have been incorporated into the scheme. These include:

- no windows are shown to habitable rooms in the south-facing elevation of Plot 03;

- a change in the roof format to plot 03;
- a reduction in the number of properties at the front of the site from two to one and in the rear of the site from three to two;
- the introduction of a catslide roof to the west elevation of Plot 01.

6.13 The reduction in the overall scale of development, the amendment to the design of the frontage building, and the pushing back further into the site, together with provision of more space around the buildings and additional planting on the boundaries, would all contribute to a more satisfactory visual impact.

6.14 The changes to the bulk and design of Plot 03 since the refused scheme have reduced both the visual impact and the potential for overlooking of windows and private areas. This proposed dwelling (Plot 03) would replace a large and intrusive industrial building. The height of the house of plot 03 has been reduced as far as practicable with a hipped gambrel roof proposed and this has allowed the ridge height to reduce by 1.3m; it now has a similar ridge height to the maximum height of the existing building on the site, and has improved in terms of width/height proportion and is acceptable.

6.15 The impact on residents on the west side, who are most affected by the dwellings to the rear of the site (Plots 1 and 2), has also been addressed as there is limited separation distance between the flank of proposed Plot 01 and the rear elevation of numbers 29 and 31 Quarry Hill Road. The introduction of a catslide roof on that side and omission of windows/openings has sought to overcome these concerns. Additionally section drawings show that numbers 29 and 31 Quarry Hill Road are significantly higher than the proposed dwellings which so illustrates that their amenity is safeguarded.

6.16 The owners of the neighbouring Forge have made representations describing how they operate in their unit that adjoins the site. There is the potential that this use may have an adverse impact for future occupants of the proposed dwellings in terms of noise, smoke and dust. A noise assessment has been submitted that details the current noise climate and how to mitigate against any identified noise that the use produces, such as acoustic glazing, acoustical screening, mechanical ventilation etc. These appear to be reasonable measures that could adequately be secured by planning conditions and their acceptability in technical terms is currently under assessment and will be reported as a supplementary matter.

Highway safety and parking provision:

6.17 The overall development provides seven parking spaces which meets the standards set out within IGN3 in that 2 bedroom houses require 1.5 spaces and three bedroom houses require 2 spaces, so the total minimum requirement for the development is 5 spaces.

6.18 The scale of the proposed scheme is such that it did not fall to be considered by KCC (H&T) as a consultee. However, they have been asked to provide comments and these are awaited. In any event, no objections were raised to the larger scheme for five houses and the basis for the refusal centred on the capacity of the site to accommodate the larger scheme as a whole, including suitable parking provision, rather than for technical highway safety reasons. Not only does the proposal provide a suitable level of parking and turning within the site to serve this amount of development, it also proposes an improved layout of the parking area; the scheme provides additional space at the front of the site, with the frontage property set back further. On this basis I do not consider that there is any justification to refuse the application on grounds of highway safety or parking provision.

However, detailed comments have been requested from KCC (H+T), especially with regard to the refuse vehicle being able to manoeuvre and turn satisfactorily within the site; these will be reported as a supplementary item. From the waste management view point it is considered that the wheeled bins could be placed at the nearest point to the public highway on the relevant collection day.

Other material considerations:

6.19 In respect to land contamination, this application is submitted with the benefit of a desk study but as the previous use is a garage it has the potential for contamination. Asbestos is also likely to be contained within the existing building. The remediation of any contamination at the site can be adequately addressed through a series of planning conditions which are set out in the recommendation that follows.

6.20 The site is also within a Ground Water Source Protection Zone. In connection with the previous application on this site, Southern Water commented that further information regarding hydrogeological risk assessment for the proposal needs to be submitted to ensure that all risks to surface and ground water quality have been adequately assessed and mitigated and confirmation that there is no intention to abstract or impinge upon groundwater level, flow or yield. Although no such comments have been made in respect of this application, I would suggest that it would be reasonable to address this matter with a suitably worded condition.

6.21 Comments have been made by a nearby resident that the site has bats and other wildlife on it that is protected under the Wildlife and Countryside Act. Whilst there is no specific evidence to prove that this is the case an informative is suggested to remind the applicant of their duties under this legislation.

6.22 In most circumstances, noise and disturbance impacts arising from demolition and construction works and associated logistics surrounding the construction phase would not be addressed through a planning permission. However, there are particular circumstances where it is appropriate to secure detailed methodologies

for means of demolition and construction to ensure no adverse impacts arise. I consider that, given the specific nature of the site and its surroundings, it would be appropriate to require such details to be submitted for formal approval prior to any works commencing on site. This can be secured by planning condition in the event that the Planning Committee was minded to grant planning permission.

Conclusions:

6.23 In light of the above, I consider that the proposed development by virtue of the reduction in the number of overall units and the subsequent way in which it can be accommodated within the site overall, combined with amendments to the scale and form of the houses proposed has resulted in an acceptable form of development which accords with the relevant provisions of the Development Plan and meets the requirements of the NPPF. As a result, it has also successfully overcome the previous grounds of refusal and I therefore recommend that, subject to the imposition of conditions, planning permission be granted.

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan SL01 dated 21.02.2018, Site Plan 001 REV G dated 21.02.2018, Proposed Plans and Elevations 002 REV E dated 21.02.2018, Proposed Plans and Elevations 03 REV D dated 21.02.2018, Topographical Survey P923 dated 21.02.2018, Planning Statement dated 21.02.2018, Other Site Data Sheet dated 21.02.2018, Letter Covering dated 21.02.2018, Other contamination study dated 14.03.2018, Survey Environmental Noise dated 13.07.2018, 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. No above ground 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 above ground 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.

4. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking 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.

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

Reason: To prevent an overdevelopment of this site and in the interests of neighbouring amenity.

6. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
  - (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
  - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

7. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

8. Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.



Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

9. No development shall commence on site until a Hydrogeological Risk Assessment for the proposal has been submitted to and approved by the Local Planning Authority to ensure that all risks to surface and ground water quality have been adequately assessed, mitigated and confirmed that there is no intention to abstract or impinge upon groundwater level, flow or yield. The development shall be carried out in accordance with the approved details.

Reason: To protect pollution of controlled waters and comply with the National Planning Policy Framework 2012

10. No above ground development shall take place until relevant details of slab levels 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.

11. No development (including demolition) shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work on the site have been submitted to and approved in writing by the Local Planning Authority. The plan shall specify access routes into the site for demolition and construction traffic and contractors' vehicles, areas to be set aside for materials storage and measures to protect adjoining properties whilst the development is under way. In addition, the plan shall specify pedestrian safety measures adjoining the site. The development shall be carried out in strict accordance with the details approved.

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

### **Informatives**

1. The applicant is advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from the Natural England, Temple Quay House, 2 The Square, Bristol, BS1 6EB.
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. In the event that crushers are to be used in the demolition phase of the development, the applicant should be aware that they require a permit to operate in accordance with the provisions of the Environmental Permitting Regulations 2010 (as amended). The applicant is reminded to ensure all the conditions within the Permit are complied with, if they intend to bring a crusher on site.

4. The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.
5. With regard to the Environmental Health issues raised in the above conditions, the applicant is advised to seek advice from the Director of Planning, Housing and Environmental Health (contact: Peter Thomason 01732 876178), Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.
6. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established
7. Tonbridge and Malling BC operate a two wheeled bin and green box recycling refuse collection service from the boundary of the 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.

Contact: Rebecca Jarman



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**Borough Green**  
Borough Green And  
Long Mill

**27 April 2018**

**TM/18/00988/FL**

Proposal: Demolition of existing single garage and porch. Construction of 1no new three bedroom dwelling, driveway and crossover to serve the new dwelling and the extension and alteration of 31 Harrison Road

Location: 31 Harrison Road Borough Green Sevenoaks Kent TN15 8RU

Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 This application seeks planning permission for the demolition of a single garage and erection of a three bed detached dwelling. It also includes the formation of a driveway to serve 31 Harrison Road and another to serve the new dwelling. Alterations are also proposed to 31 Harrison Road including a single storey rear extension.
- 1.2 The new dwelling is to be 6.1m wide by 10.2m deep and is to be attached to the existing dwelling. A dual pitch roof form is proposed with front and rear gable ends measuring 5.2m in height to the eaves and 8.3m in total height.
- 1.3 The extension to the rear of 31 Harrison Road is to project 2.5m beyond the rear wall and is to be 7.4m wide. A mono pitch roof with an eaves height of 2.4m and a total height of 3.6m is proposed.
- 1.4 A new vehicular access is to be formed to the north of McDermott Road to serve the new dwelling, with a second access to be created from Harrison Road to serve the existing property.

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

- 2.1 At the request of Cllr Taylor in order to consider matters of overdevelopment, bulk and height and loss of local residential amenity by reduction in open frontage.

## **3. The Site:**

- 3.1 The application site consists of a semi-detached property and its associated curtilage located to the north of Harrison Road. The site lies within the rural service centre of Borough Green.
- 3.2 The attached property lies to the west of the site with an adjacent residential property to the north. Harrison Road runs to the south with McDermott Road to the east.

3.3 The land has a general slope from north to south with the dwelling set at a higher ground level than the highway. The land also gently slopes down to the east to meet the level of the highway.

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

4.1 None.

**5. Consultees:**

5.1 Parish Council: Objection; over-intensification of the site

5.2 Neighbours: 9/1X/10R/0S. Objections on the grounds of:

- Highways risk-parking vehicles block sight lines
- Parking
- Impact on character of estate, traditionally open plan estate. In front of building line
- Formation of terrace out of character
- Drainage

**6. Determining Issues:**

Principle of Development:

6.1 Members will be aware that a new version of the NPPF has been published (24 July 2018) and this now forms a material planning consideration. Overall, in respect of this development the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing, which it is accepted the Council cannot currently demonstrate. The precise wording which sets out the “presumption” is now contained at paragraph 11(d) of the NPPF and states that in effect because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.

6.2 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.

- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP12 of the TMBCS states that (inter alia) housing development will be permitted within the confines of rural service centres including Borough Green. Continuing to concentrate new housing development within identified and established settlement confines such as this (and therefore also conforming with development plan policy CP12) wholly accords with this aim.
- 6.4 As such, returning to the need to apply the presumption in favour of sustainable development, the scheme accords with both the development plan and policies contained within the Framework and therefore planning permission should be granted (paragraph 11d).
- 6.5 Moreover, it should be recognised that the new version of the NPPF now overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.
- 6.6 In this context, it is of course necessary to properly consider local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design. These matters are addressed in more detail in the assessment that follows:

*Visual amenities and impact on street scene:*

- 6.7 Policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.
- 6.8 MDE DPD Policy SQ1 states that, *inter alia*, proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.9 The proposal seeks to erect an attached dwelling to the flank wall of 31 Harrison Road. The new dwelling is to be constructed of matching brickwork and proposes a dual pitch roof with north and south facing gable ends, projecting beyond the front and rear walls of the attached dwelling. Alterations are also proposed to 31 Harrison Road itself with a porch/canopy to be erected to the front of the dwelling replacing the flat roof porch and a single storey pitched roof extension to the rear.

- 6.10 The proposed built form is comparable in size to that of the existing dwelling and whilst it incorporates gable ends, these are a feature that can be seen on some properties within the wider estate. Equally, the materials to be utilised are reflective of what already exists. As such, the proposed house is in keeping with the character of the area.
- 6.11 It is recognised that the application site is in a prominent position within the street, occupying a corner plot at the junction with Harrison Road and McDermott Road and land levels also contribute to this. The proposed dwelling seeks to increase built form to the east 2m from the footpath and marginally beyond the front elevation of the existing dwelling. I note that this particular road junction is relatively open in character but I also note that Crowhurst Road/Lendon Road are not, with the built form close to the edge of the footpaths here. As such, whilst the proposal would seek to bring the built form closer to the edge of the highway this is in no way an uncommon feature within the wider estate. As such, there would be no adverse impact in visual terms arising from the siting of the dwelling and equally the proposed building line would not cause any harm to the street scene.

Residential Amenity:

- 6.12 The proposed two storey dwelling is to be sited to the east of 31 Harrison Road with the single storey extension set close to the boundary with 29 Harrison Road.
- 6.13 The specific siting of the development and the associated relationship with the nearest neighbours would not give rise to any adverse impact on the residential amenity of those neighbouring properties in terms of loss of light or being overbearing.
- 6.14 The majority of windows proposed within the new dwelling are to face south or east overlooking the highway rather than towards neighbouring dwellings. Adequate separation (21m to the south; 24m to the east) arising from the highway itself means that there is no potential for these windows to cause overlooking. The rear elevation of the proposed dwelling would face towards the garage and flank wall of 1 McDermott Road (distance of approximately 12m).

Highway safety and parking provision:

- 6.15 At present the application site has a single vehicular access to the east of the property onto McDermott Road. This allows for a single off street parking space and one within the garage. The application proposes the formation of a new vehicular access to the north of the existing access to provide 2no off street parking spaces to serve the new property. In addition a new vehicular access is proposed to the south onto Harrison Road with 2no off street parking spaces to be formed for 31 Harrison Road.
- 6.16 The relevant parking standards for residential properties adopted by the Borough Council are set out within Kent Designs Interim Guidance Note 3: Residential



parking (IGN3). IGN3 requires that a 3 bed property within a suburban location such as this would require 1.5 spaces per unit. Both the existing and new property have 3 bedrooms and will provide 2no parking spaces each. The proposal therefore exceeds the minimum parking standards set out within IGN3.

6.17 In terms of highway safety some concern has been raised that the proposed parking of vehicles in the locations proposed would block sight lines for the junction of Harrison Road and McDermott Road and may lead to a likely increase of collisions. Both Harrison Road and McDermott Road are not classified and therefore planning permission would not be required to form or alter a vehicular access onto either of these roads. The applicant could therefore if they wish park vehicles in the locations proposed without the need for formal approval from the Local Planning Authority. Taking this into account it is not considered the proposal would result in a severe impact on highway safety which is the relevant test set out within the NPPF.

Conclusion:

6.18 In light of the above, the proposed development is considered to be acceptable in all respects.

6.19 I would also remind Members of the requirement, in the absence of a five year housing supply, to apply the presumption in favour of sustainable development, which for the purposes of determining this planning application, given that it accords with the development plan and policies contained within the Framework in all respects, means that planning permission should be granted.

6.20 The following recommendation is therefore put forward:

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 26.04.2018, Location Plan 500/GM/001 dated 26.04.2018, Existing Plans and Elevations 500/GM/002 dated 26.04.2018, Existing Plans and Elevations 500/GM/003/A dated 30.05.2018, Site Layout 500/GM/004/A dated 30.05.2018, 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 dwelling hereby approved shall not be occupied until the four off street parking spaces shown on drawing no 500/GM/004A have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

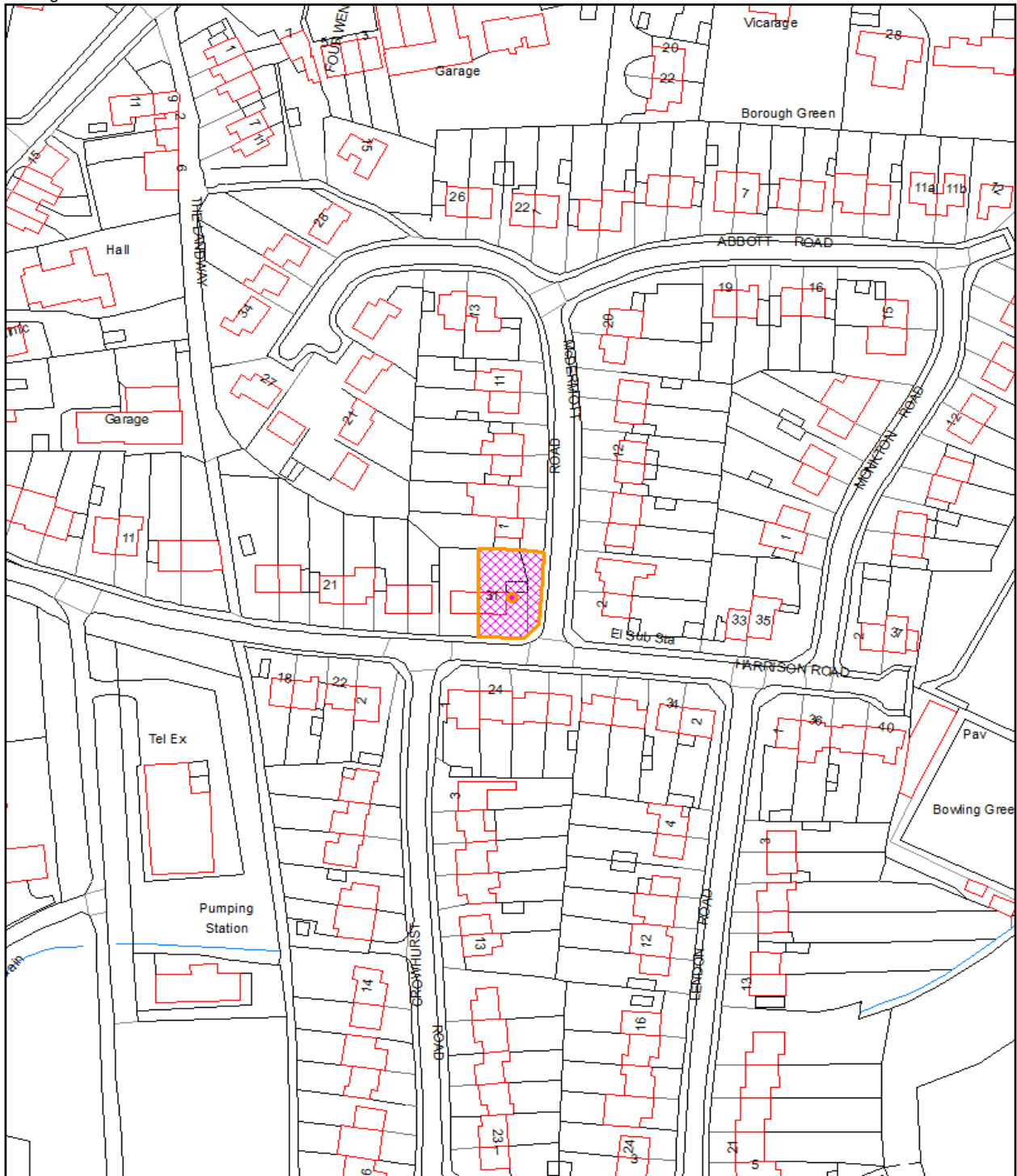
Contact: Paul Batchelor

**TM/18/00988/FL**

31 Harrison Road Borough Green Sevenoaks Kent TN15 8RU

Demolition of existing single garage and porch. Construction of 1 No new three bedroom dwelling, driveway and crossover to serve the new dwelling and the extension and alteration of 31 Harrison Road

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# Agenda Item 9

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

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

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