

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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24 July 2019

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 1st August, 2019 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 6

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 30 May 2019

Decisions to be taken by the Committee

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Introduction and Glossary

5. TM/19/01251/FL - Engineering Works, Drayton Road, Tonbridge 11 - 26

6. TM/19/01226/FL - Land adjacent to The Hutchings, Leigh Road, Hildenborough 27 - 36

7. Urgent Items

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

Matters for consideration in Private

8. Exclusion of Press and Public

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

PART 2 - PRIVATE

9. Urgent Items

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

MEMBERSHIP

Cllr V M C Branson (Chairman)
Cllr M D Boughton (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Mrs P A Bates
Cllr J L Botten
Cllr G C Bridge
Cllr A E Clark
Cllr M O Davis
Cllr N Foyle
Cllr N J Heslop
Cllr M A J Hood

Cllr F A Hoskins
Cllr D W King
Cllr K King
Cllr J R S Lark
Cllr M R Rhodes
Cllr H S Rogers
Cllr J L Sergison
Cllr Miss G E Thomas
Cllr F G Tombolis

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 30th May, 2019

Present: Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr G C Bridge, Cllr A E Clark, Cllr M O Davis, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr K King, Cllr J R S Lark, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr Miss G E Thomas and Cllr F G Tombolis

Councillor D Lettington was also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor J L Botten

PART 1 - PUBLIC

AP1 19/16 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP1 19/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 21 February 2019 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP1 19/18 DEVELOPMENT CONTROL

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

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

AP1 19/19 (A) TM/18/02206/FL AND (B) TM/19/00614/RD - DEVELOPMENT SITE, SOUTH PART OF WEST KENT COLLEGE, BROOK STREET, TONBRIDGE

- (A) Demolition of existing buildings and development of 53 dwellings comprising: 10 x 1 bed and 23 x 2 bed apartments in a part 3/4 storey building and 12 x 3 bed and 8 x 4 bed houses in part 2.5/3 storey buildings along with associated vehicular and pedestrian access, car parking and landscaping; and
- (B) Details of condition 14 (travel plan) pursuant to planning permission TM/07/01286/FL (Proposed college master plan project consisting of the erection of new educational buildings, improved access arrangements and associated car parking, landscaping and ancillary development) at Development Site, South part of West Kent College, Brook Street, Tonbridge.

RESOLVED: That

- (1) Application (A) TM/18/02206/FL be REFUSED for the following reason:

1. The proposed development, by virtue of the siting, scale, massing and height of Plots 3 – 8 combined with The Spinney, would result in an intrusive and dominant form of development when viewed from the neighbouring property, which would cause harm to the outlook and the residential amenities of the occupants. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127(c and f) and 130 of the National Planning Policy Framework 2018.

- (2) Determination of Application (B) TM/19/00614/RD be DEFERRED.

[Speakers in respect of Application TM/18/02206/FL: Mr J van Staden, Mr N Rawlings, Mr T Plaine – members of the public; Ms D Huntingford on behalf of Tonbridge Civic Society; and Ms T Puttock – Applicant. Speakers in respect of Application TM/19/00614/RD: Mr S Moon – Agent]

AP1 19/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.02 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.

GLOSSARY of Abbreviations and Application types

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

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Tonbridge Vauxhall	29 May 2019	TM/19/01251/FL
Proposal:	Demolition of existing industrial unit and re-development of the site to provide 9 flats in a three storey building with associated communal garden	
Location:	Engineering Works Drayton Road Tonbridge Kent	
Go to:	Recommendation	

1. Description:

- 1.1 Planning permission is sought for the demolition of an existing industrial unit and erection of a three storey building to accommodate 9 residential units. The building has been designed to utilise the slope of the site and proposes an 'L shaped' structure, with a private and communal garden. A total of two parking spaces are proposed.
- 1.2 The units comprise 7 x one bed and 2 x two bed units. The units are to be accessed from the north elevation, the upper storeys via an external walkway and internal communal staircase. The proposed external finish is to comprise painted blockwork with profiled sheet metal to the walls, a pre-patinated corrugated zinc roof cladding and powder coated aluminium doors and windows.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillors Bridge and Hoskins in order to consider parking provision, design, appearance and materials, and impacts on neighbours.

3. The Site:

- 3.1 The site lies within the urban confines of Tonbridge, on land designated as Other Employment Land. The site is accessed via Lavender Hill. The access roadway is unadopted and also serves a number of commercial units and dwellings. A public right of way MU44 runs to the north of the site.
- 3.2 The site currently comprises an industrial unit which is dated and in some disrepair. The site slopes downwards from west to east. The adjacent dwellings fronting Lavender Hill are at a higher level, with their back gardens abutting the western site boundary. A pair of semi-detached dwellings lie to the north of the site separated by the existing PROW. A pair of semi-detached dwellings lie to the south. There are commercial units to the east of the site with the railway beyond.

4. Planning History (relevant):

TM/60/10114/OLD grant with conditions 23 June 1960

Use of land for placing of motor vehicles in connection with business carried on at 60a and 62 Pembury Road.

TM/64/10254/OLD Refuse 1 July 1964

Erection of a vehicle repair and spray shop.

TM/84/10644/FUL Refuse 11 October 1984

Construction of a light industrial unit (754 sq.m.) with ancillary office space

5. Consultees:

5.1 KCC (H+T): I note the proposal is for 9 flats with two car parking spaces. For this area I consider this to be compliant with the County's car parking standards. I also note that Drayton Road is a private road and its predominant use is commercial. The patterns of car parking demands between commercial and residential are considered to be reciprocally beneficial i.e. the peak demands do not coincide. The level of potential traffic generation by area for commercial use is also often generally higher and involving more larger vehicles.

5.1.1 Paragraph 109 of the Government's National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I do not consider there are grounds to sustainably contend either of these reasons for refusal and on behalf of this authority I write to confirm that, subject to the following (conditions and informatives), I have no objection to this application.

5.2 KCC PROW: Identifies PROW MU44 as a bridleway and recommends planning informative.

5.3 SWS: A sewer now deemed to be public could cross the site and therefore investigation works may be required. A formal application for connection to the public sewer will be required.

5.4 KFRS: Confirms the means of access to be satisfactory.

5.5 Kent Police: Recommend informative.

5.6 Private Reps: 24 + site + press notices/0X/11R/0S. Objections summarised below:

- Lack of parking – already an issue for local residents, theoretically 18 more cars, will be made worse by greater demand for on road parking on already narrow roads, although a town centre site occupants will still need a car, should consider parking underneath the building, existing industrial estate

used for unauthorised parking, block access for emergency vehicles, no reference to pedestrian movements

- Need to safeguard the operation of the existing commercial units
- Loss of amenity - general disturbance from additional 9 families, loss of privacy due to size, height and balconettes looking directly into gardens, loss of light/sunlight to gardens
- Disturbance during construction – adverse impact on health of fish in a nearby commercial business, threat from interrupted supply of water or electricity, noise from heavy plant and machinery, access difficulties for heavy lorries, possible asbestos, risk to phone line during demolition.

6. Determining Issues:

Principle of development:

- 6.1 The development plan is the starting point for determining all planning applications, (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006), and this is reiterated in paragraph 12 of the NPPF.
- 6.2 The site lies within the urban confines of Tonbridge. Development plan policy CP11 of the TMBCS seeks to ensure that development is concentrated within such areas in order to accord with the principles of sustainability set out in policies CP1 and CP2 of the TMBCS. The proposal accords with the requirements of this policy. In all respects the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards the supply and maintain and enhance the vitality of existing communities. Therefore policy CP11 by continuing to ensure that development is concentrated within the established settlement wholly accords with the aims of the NPPF in this regard.
- 6.3 The Council is, at present, unable to demonstrate an up to date five year supply of housing when measured against its objectively assessed need and as such the presumption in favour of sustainable development falls to be applied. For decision making this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

(ii) 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.

- 6.4 In the context of point (i) the protected areas and assets of particular importance are listed in footnote 6, none of which apply to this site and as such the presumption in favour of sustainable development falls to be applied. In the context of point (ii) it is therefore necessary to assess whether any adverse impacts resulting from the proposal would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The assessment will therefore balance the benefits against the potential adverse impacts of the proposal in order to ascertain whether the presumption in favour of sustainable development applies.
- 6.5 The site is designated as Other Employment Land within Policy E2 (g) of the DLA DPD as being part of the Drayton Road Industrial Estate. Policy E2 states that whilst such areas are considered suitable for continued employment use, if an alternative land use is proposed section 3) of Policy E2 requires applicants to demonstrate that the continued use of the site for employment purposes is not viable, and states that any proposal will need to demonstrate that the amenity benefits of redevelopment outweigh the benefits of retaining the employment use.
- 6.6 The Council has recently identified a shortfall in employment land supply. However the Drayton Road Industrial Estate is designated as Other Employment Land only, and not specifically safeguarded for employment use in the same way as land designed under Policy E1 (Land Safeguarded for Employment Development) of the DLA DPD. In addition, the existing industrial estate is poorly sited, being located in a predominantly residential area, and its access is no longer suitable for the size and frequency of unregulated commercial traffic. Consequently the Council's draft local plan no longer identifies the site as Other Employment Land but as an allocated housing site. Whilst this policy cannot yet be used for decision making purposes, it provides a clear indication that the site is not considered necessary for retention for such use despite the shortfall. It is clear that the building has come to the end of its useful life and is no longer suitable for a commercial use. I am therefore of the view that despite the current shortfall in employment land supply the loss of this particular site for employment use is acceptable, and the identified shortfall will be addressed through the Council's strategy of allocating additional employment sites and promoting the intensification of existing employment sites within the emerging Local Plan. On this basis therefore I conclude that there is no fundamental policy objection to the redevelopment of part of the site for residential use.

Effective use of land:

- 6.7 The NPPF seeks to make the effective use of land. Paragraph 117 requires decisions to promote an effective use of land in meeting the need for homes and

other uses. Paragraph 118 of the NPPF recognises the value of using undeveloped and suitable brownfield land. In particular point (d) of paragraph 118 states that planning decisions should promote the development of under-utilised land particularly where this would meet an identified housing need. Notwithstanding the footnote to this paragraph states that the provision of point d) should be applied except where this would conflict with other policies in the Framework.

6.8 In addition, paragraph 122 of the NPPF states that planning decisions should support developments that make an efficient use of land, taking into account a number of issues. Of particularly relevance are points d) and e)

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

6.9 Therefore whilst there is Government support for the efficient re-use of previously developed land, this must clearly not be at the expense of the character of the area within which the development would be located. Consequently the application must be assessed with regard to the impact of the proposal on the character of the area and its overall design.

Visual impacts:

6.10 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area and be sensitive to change of the local character areas as defined in the Character Area Appraisals Supplementary Planning Documents.

6.11 The above local plan policies do not conflict with the relevant policies of the NPPF and accord with section 12 which provides guidance on the importance of good design. In particular, paragraph 127 of the NPPF states that planning decisions should ensure that developments,;

(a) will function well and add to the overall quality of the area, not just for the short term but the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

discouraging appropriate innovation or change (such as increased densities)

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.12 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. However, this paragraph continues to state that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to objection to development.

6.13 The site falls within section N2 of the TCA SPD. This area is described as a compact industrial area within the urban area accessed via Lavender Hill. The miscellaneous collection of buildings, some in poor repair, and the extensive areas of poorly surfaced car parking are specifically listed as being negative features worthy of enhancement. As such, the adopted development plan policies fully accord with NPPF requirements in this report.

6.14 The removal of the existing building which is in poor repair is therefore to be welcomed. The proposed replacement building is three storey and has been designed to utilise the slope of the site - the site slopes downward from west to east. The intention is to set the slab level at a lower level than that of the existing building. This, and the existing changes in level, will ensure that the proposed three storey building will not be over dominant and remain appropriate in scale to its wider setting.

6.15 I am aware that the proposal involves the removal of the existing trees. However the trees are not of any significant amenity value and consequently do not benefit from any specific protection. However the proposal intends to create both a private and communal garden, and introduce climbing plants to the western façade of the building. The removal of the trees, overgrown shrubs and area of hardstanding is to be welcomed and the creation of suitably landscaped garden areas will improve the overall character of the area.

6.16 I appreciate that the proposed design is contemporary and takes its design cues from the industrial character of the immediate area. However I am of the view that the loss of the commercial building and introduction of the proposed building will improve the overall character of the area and on this basis I conclude that the design of the building is acceptable and meets the requirements of adopted and national policy.

Residential amenity:

6.17 The building has been designed with the windows serving habitable rooms, such as living rooms and bedrooms, being concentrated to the eastern and southern facades, overlooking the communal garden. The windows to the western and northern facades serve predominantly landing areas, kitchen areas and bathrooms. Notwithstanding the landing windows to the first and second floors to the west elevation have been designed with high level windows and those to the first floor with obscure glazing to the lower portion. This will ensure no unacceptable overlooking to the rear of the adjacent dwellings (3 – 15 Lavender Hill). Similarly the balcony proposed to the first floor southern boundary is angled with a glazed privacy screen to ensure no unacceptable loss of privacy to the adjacent semi-detached dwellings to the south (3a and 3b Drayton Road).

6.18 An access balcony is proposed to the north elevation. However obscure glazed screens are proposed to the north west portion. Similarly the second floor window is proposed to have obscure glazing to the lower portion. This will ensure no unacceptable overlooking to the private garden space of the dwelling immediately to the north of the public footpath (1 Drayton Road). The windows and balconies to the east elevation will face towards the existing access roadway and commercial units only. The design and layout of the building, in addition to the obscure glazing and use of privacy screens, will ensure adequate privacy levels are maintained for both the existing adjacent dwellings and the future occupiers.

6.19 The proposal seeks to replace an existing commercial use which would have the potential to create greater levels of noise and disturbance associated with its operation and traffic movements. However the redevelopment of the site for residential purposes will reduce the levels of noise and disturbance and therefore improve the residential amenity of the nearby neighbours, and general amenity of the wider area.

6.20 The site occupies an unusual setting with residential development west and south but commercial development to the east with the railway beyond. It is therefore necessary to ensure suitable aural amenity can be achieved for future occupiers. A Noise Report has been submitted which confirms that the internal noise levels of all habitable rooms, with the provision of double thermal glazing, would be acceptable.

6.21 In light of the above I therefore conclude that the proposal is acceptable in terms of residential amenity, both for the nearby existing residents and future occupiers.

Highway safety and parking provision:

- 6.22 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety. This is in accordance with the relevant policies of the NPPF. Paragraph 109 of the NPPF states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe.
- 6.23 KCC (H+T) has raised no objection to the application noting that the proposed two car parking spaces are compliant with the County's car parking standards. KCC (H+T) also note that Drayton Road is a private road and its predominant use is commercial - the patterns of car parking demands between commercial and residential are considered to be reciprocally beneficial i.e. the peak demands do not coincide. The level of potential traffic generation by area for commercial use is also often generally higher and involving more larger vehicles. Consequently the highway authority does not consider there are grounds for refusal and I concur with this view.
- 6.24 For clarity the IGN3 Residential Parking for town centre locations requires a maximum parking provision of 1 space per unit. However, under note 1, the provision can be reduced, or even nil provision is to be encouraged in support of demand management and the most efficient use of land. The application is therefore in accordance with this adopted guidance.
- 6.25 Paragraph 110 of the NPPF requires development to (inter alia) give priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport. The site is located close to the town centre, close to the mainline station and bus routes and therefore provides convenient access to the existing high quality public transport facilities. I am aware of the requirements of paragraph 111 of the NPPF which requires all development that generates significant amounts of movement to provide a travel plan. However the proposal does not result in a significant increase in traffic movements, particularly when compared with the existing commercial use which it is seeking to replace. I do not therefore consider a traffic plan to be necessary. However I acknowledge that the site access is constrained and therefore I concur with the recommendation made by KCC (H+T) that a Demolition and Construction Management Plan should be sought. This can be achieved by planning condition. On this basis I therefore conclude that the application is acceptable in highway terms.

Disposal of foul water and surface water:

- 6.26 SWS comments that a public sewer may cross the site. However a survey has been carried out and it concludes that there is no sewer is present. However SWS advise that a formal connection to the public sewer will be required. Disposal of

foul water by public sewer is the preferred means of disposal and therefore the application is acceptable in this regard.

6.27 Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

6.28 I am aware that the proposal does not constitute major development for the purposes of establishing a formalised scheme for SUDs. However considering the contours of the site it is appropriate to ensure an adequate surface water disposal system is incorporated, and this is also likely to benefit the wider area. A suitable SUDs can be achieved by planning condition.

Other material considerations:

The site is currently operated as a commercial enterprise. A land contamination desk study has been submitted which adequately reviews the history of the site and its environmental setting. Several sources of potential contamination are identified which will require further investigation; however this can be suitably addressed through the imposition of appropriate planning conditions

The commercial use of the site and extensive hard standing means the existing site is unlikely to provide any valuable ecological habit. Notwithstanding the LPA has a statutory duty to have regard to conserving biodiversity as part of policy or decision making (section 40 of the Natural Environment and Rural Communities Act 2006). Policy NE2 of the MDE DPD seeks to protect, conserve and enhance the biodiversity of the Borough, whilst paragraph 175 of the NPPF requires the planning decisions to be made following a number of principles designed to protect and enhance biodiversity and geodiversity. I am of the view that the proposal will result in a betterment. The provision of additional planting and the creation of a communal garden will enhance the biodiversity value of the site.

Planning obligations:

6.29 Section 1 of Policy CP25 of the TMBCS requires development proposals to either incorporate the infrastructure required as a result of the scheme or make provision for financial contributions. Paragraph 54 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

6.30 Policy OS3 of the MDE DPD requires all residential developments of 5 units or above to provide open space in accordance with the quantitative standards set out in Policy Annex OS3 of the MDE DPD. Paragraph 92 of the NPPF requires

planning policies and decisions to provide the social, recreational and cultural facilities and service the community needs.

- 6.31 The open space requirement generated by the proposed development totals a sum of £17,784.00. The sum comprises £5,600.00 towards parks and gardens, £10,274.00 towards outdoor sports facilities, £1,349.00 towards children's and young people's play areas and £560.00 towards natural and semi-natural green spaces. This can be ensured through legal agreement.

Conclusion and overall planning balance:

- 6.32 The site lies within the confines of the existing urban settlement and comprises a highly sustainable location. The proposal has been designed to minimise any unacceptable impact on levels of adjacent residential amenity, and owing to the removal of a commercial enterprise will result in an improvement to the general amenity of the area. The design of the building is contemporary and takes its design cues from the former commercial use of the site. This is acceptable, particularly when considered in light of paragraph 130 of the NPPF which states that where the design of a development accords with clear expectations in plan policies, design should not be used as a valid reason to object to development.
- 6.33 It is acknowledged that the proposal would result in a loss of employment land. However the site was not specifically safeguarded for this purpose, falling within E2 rather than E1 of the DLA DPD, and the Council's proactive strategy in allocating additional sites and seeking the intensification of existing employment sites will ensure this shortfall can be addressed. Consequently there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the provision of 9 residential units, when assessed against the NPPF as a whole, particular when there is an acknowledged shortfall of housing in the Borough. Therefore the presumption in favour of development falls to be applied, there are no substantial adverse impacts that outweigh the benefits of the proposed development and accordingly I recommend planning permission is granted subject to the following planning conditions and planning obligation.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Planning Statement dated 29.05.2019, Tree Removal Plan TR-1438-19-TR dated 29.05.2019, Landscape Layout TR-1438-19-LS dated 29.05.2019, Design and Access Statement dated 29.05.2019, Location Plan 2143/005 A dated 29.05.2019, Elevations DAT/9.1 dated 29.05.2019, Site Survey DAT/9.0 dated 29.05.2019, Proposed Roof Plan 2143/113 A dated 29.05.2019, Proposed Floor Plans 2143/112 A dated 29.05.2019, Proposed Floor Plans 2143/111 A dated 29.05.2019, Proposed Floor Plans 2143/110 A dated 29.05.2019, Block Plan 2143/020 A dated 29.05.2019, Proposed Elevations 2143/122 A dated 29.05.2019, Proposed Elevations 2143/121 A dated 29.05.2019, Sections 2143/120 A dated 29.05.2019, Letter proposed development dated 29.05.2019,

Drainage Statement dated 29.05.2019, Desk Study Assessment dated 29.05.2019, Arboricultural Assessment dated 29.05.2019, Artist's Impression proposed massing model dated 29.05.2019, Noise Assessment dated 29.05.2019, subject to:

- The applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) with the local planning authority to make a financial contribution towards public open space and;
- The following conditions:

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

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

- 2 Prior to the commencement of the development hereby permitted a Demolition and Construction Management Plan shall be submitted to and approved by the Local Planning Authority, and the works carried out in accordance with the approved details.

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

- 3 No development, other than demolition of any building, removal of hardstanding, or ground investigations 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.

- 4 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.

- 5 No development shall take place, other than demolition of any building, removal of hardstanding, or ground investigations works, until details of levels (slab and finished floor) have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled section which shows the proposed residential block in relation to the adjacent dwellings to the north and west. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

- 6 No above ground works, other than demolition of any building, removal of hardstanding, or ground investigations works, shall commence until full details of the means of surface water disposal have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with approved details and be maintained and retained thereafter.

Reason: To ensure adequate surface water disposal.

- 7 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 visual amenity of the locality.

- 8 The dwellings hereby permitted shall not be occupied until the area shown on the submitted plan referenced 2143/110/A received 29 May 2019 as vehicle parking space has been provided, surfaced and drained. The area shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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 area.

Reason: To provide adequate parking for visitors.

- 9 The recommendations made in the submitted Noise Report produced by Lustre Consulting received 29 May 2019 shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the building.

- 10 The landscaping and boundary treatment shall be carried out in accordance with the details submitted under plan referenced tr-1438-19LS received 29 May 2019. 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: In the interests of visual amenity.

Informatives

- 1 Planning permission does not convey any approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council Highways and Transportation www.kent.gov.uk/roads_and_transport.aspx or telephone 03000 418181 in order to obtain the necessary Applications Pack.
- 2 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 in order to avoid any enforcement action being taken by the Highway Authority.

- 3 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 4 The applicant must also ensure that the details shown on the approved plans agree in every respect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 5 Applicants/agents should consult a local Designing Out Crime Officer or qualified specialist to help design out opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict
- 6 The Public Right of Way MU44 that runs to the north of the site must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in further and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 7 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

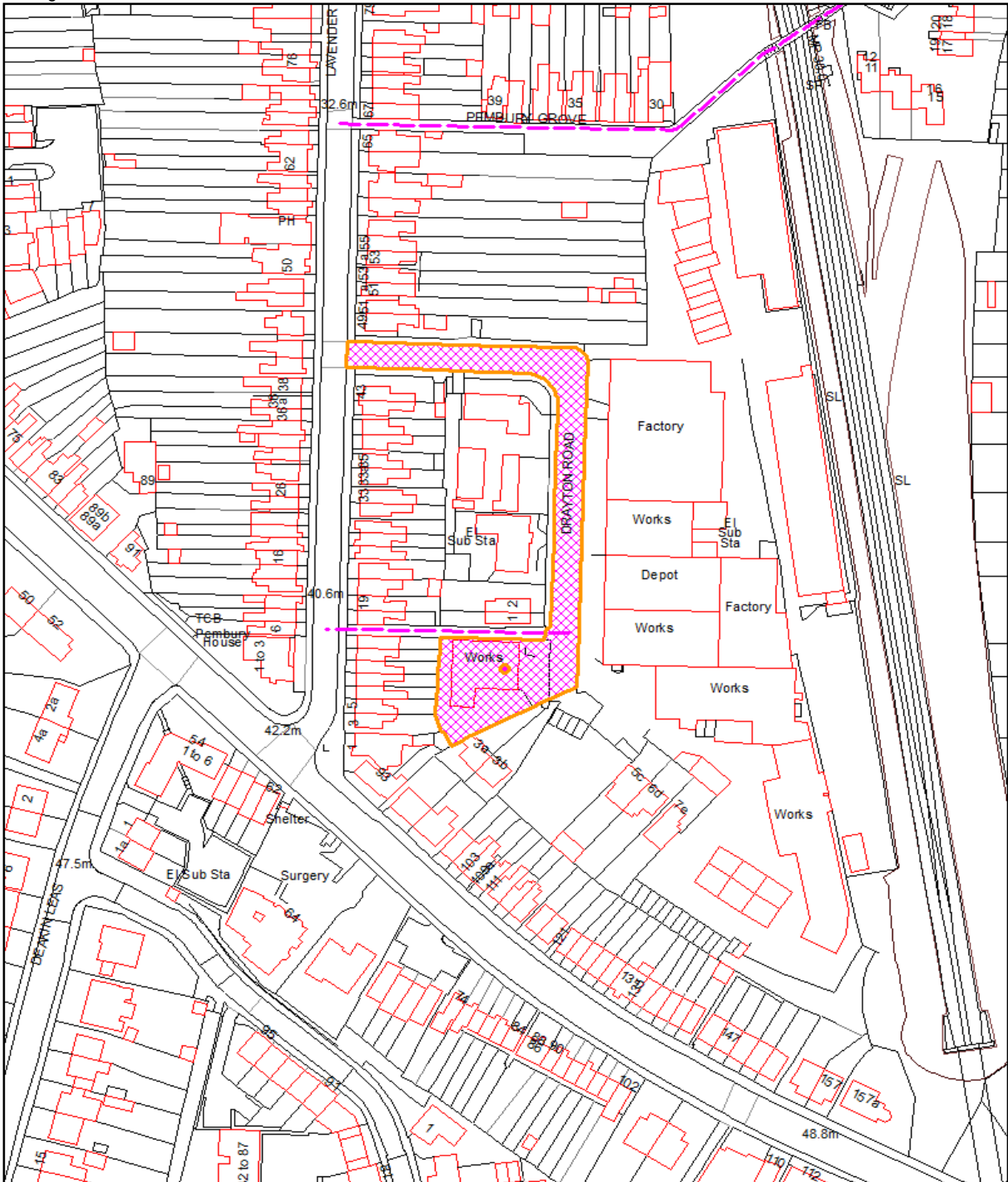
Contact: Maria Brown

TM/19/01251/FL

Engineering Works Drayton Road Tonbridge Kent

Demolition of existing industrial unit and re-development of the site to provide 9 flats in a three storey building with associated communal garden

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Hildenborough
Hildenborough

30 May 2019

TM/19/01226/FL

Proposal: Proposed dwelling
Location: Land Adjacent To The Hutchings Leigh Road Hildenborough
Tonbridge Kent
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the construction of a detached dwelling and associated access within the land adjacent to The Hutchings.
- 1.2 The dwelling is proposed to sit centrally within the site measuring approximately 13.3m long by 10.3m wide and a total of 6.9m tall. Access to the site is proposed to the south through the curtilage of The Hutchings, using an existing gate which connects to the existing driveway. A total of two parking spaces are proposed to serve the dwelling.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Rhodes given that the site lies within the Metropolitan Green Belt and is not designated for housing development.

3. The Site:

- 3.1 The application site consists of a modest plot of land located to the north of Leigh Road. The site is open in nature with established planting around the boundaries.
- 3.2 The site lies within the Countryside, is designated as MGB and within an AAP. PRow MT47 lies to the west of The Hutchings.

4. Planning History (relevant):

TM/03/00293/FL Grant With Conditions 26 April 2003

Erection of open barn

TM/17/02433/PDV Prior Approval Not 13 November 2017
AR Required

Prior Notification: Conversion of a building located on the East Side of an existing group of buildings into a single dwelling

5. Consultees:

- 5.1 PC: Objects. Concerns about access on a dangerous bend onto the very narrow Leigh Road and the impact on the public right of way. We are also concerned

about further development in this area which is clearly Metropolitan Green Belt. It should be noted that the development on the Powder Mills Site was on brownfield land. There are also concerns over the potential loss of valued mature trees.

5.2 KCC (PROW): Comments made concerning whether the proposed access would impact on users of MT47.

5.3 KCC (Heritage): No comments to make

5.4 Private Reps: 3 + site notice/0X/0R/0S.

6. Determining Issues:

Principle of development:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.

6.2 The site lies within the MGB and designated countryside, where restrictive planning policies apply. However, it must be recognised that the Council cannot currently demonstrate a five year housing land supply and this means that the presumption in favour of sustainable development as set out by paragraph 11 of the NPPF must apply. In terms of the policies governing development in the countryside generally (not expressly the Green Belt), policy CP14 of the TMBCS has been found to be out of date given that a 5 year supply cannot be demonstrated and therefore the restrictions contained within it insofar as they relate to new housing development can no longer be relied on.

6.3 For decision making, the presumption in favour of sustainable development means that planning permission should be granted without delay unless:

i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.4 The restrictive policies referred to in paragraph 11 (d) (i) include those relating to development within the Green Belt. It is therefore necessary to firstly establish

whether those policies indicate a clear reason for refusing planning permission when applying the necessary tests.

Development in the Green Belt:

- 6.5 Policy CP3 of the TMBCS sets out that national Green Belt policy will be applied when making decisions. This is contained within Section 13 of the NPPF. Paragraph 145 of the NPPF states that new buildings should be regarded as inappropriate development, which is considered harmful by definition and not granted unless very special circumstances exist. Certain exceptions to this do however apply, and relevant to this case includes new buildings that amount to limited infilling in villages.
- 6.6 The site lies outside of the rural settlement boundary of Hildenborough. Nonetheless, it is acknowledged that in *Wood v Secretary of State for Communities and Local Government [2014]* the Court of Appeal held that whether a site lies within a village is a matter of planning judgement and not solely determinative on whether it falls within a defined settlement boundary, although this can be a material consideration. The correct test is therefore to determine if the site can reasonably be considered as falling within a village, when giving due consideration to the physical context of the site, and whether it would constitute limited infilling, as a matter of planning judgement.
- 6.7 This section of Leigh Road within which the application site falls has a clear linear pattern with modest dwellings located within spacious plots. It also physically links in with the Powder Mill development to the south. The site is bordered by The Hutchings to the west and by Oast Cottage and Delamere to the east. To the north is a sand school and cluster of buildings associated with the former smallholdings. The proposed dwelling is to be two storeys in height and is comparable in size to the surrounding dwellings. Taking into account the physical characteristics of the site and its' surroundings and the limited nature of the proposed development for one dwelling, it is my judgement that the proposal amounts to limited infilling and therefore the exception provided for by paragraph 145 (e) is met and very special circumstances are not required to be demonstrated.
- 6.8 As such, the relevant restrictive policies do not provide a clear reason for refusal (being the correct test set out in paragraph 11 (d) (i)). The presumption in favour of sustainable development therefore falls to be applied and it is necessary to make an assessment as to whether the development would result in any significant and demonstrable adverse impacts that would outweigh the benefits (paragraph 11 (d) (ii)). It is on this basis that the remainder of my assessment takes place.

Visual impact:

- 6.9 Policies CP24 of the TMBCS and SQ1 of the MDE DPD are the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its

surroundings. Development 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.

6.10 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.11 Paragraph 130 is also material and sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

6.12 The adopted development plan policies therefore fully accord with the requirements of the NPPF in these respects.

6.13 The dwelling is to be set over two storeys. It is to sit under a dual pitch roof with front gable projection and rear projection to include a modest flat roof. The dwelling is to be clad in a mix of white render, cedar boarding and proposes a plain tiled roof. The building would not appear in any way out of keeping with the prevailing character of the locality in terms of form, design or use of materials. I also note that the existing established hedge to the south of the site is to be

retained and this will assist in ensuring the existing site character is retained. I am therefore of the view that the proposal accords with the adopted and national policy in these respects.

- 6.14 The Parish Council have raised concern regarding the impact on mature trees on site. The applicant has provided a revised plan which corrects the location of a cherry tree which is now proposed to be retained. They have also set out that there is adequate space for the construction of the driveway without the need for the removal of mature trees on site. They have suggested a no-dig method for the driveway so as to avoid damage to the root protection zone of the trees. Also of note is the applicant's intention to gain access for construction to the site from the north, preventing any need for the removal of vegetation to provide access from construction vehicles. The proposal does not seek to remove any mature trees; however given the close proximity the trees may be vulnerable to damage during construction. I would therefore suggest a condition is imposed to ensure adequate tree protection measures are put in place during this time.

Residential amenity:

- 6.15 The proposed dwelling is approximately 21m from the nearest neighbour to the east (Oast Cottage) and approximately 29m to the nearest to the west (The Hutchings). This level of separation is considered to be sufficient in ensuring an acceptable amount of privacy to the neighbouring dwellings. Furthermore, the internal layout of the building and the positioning of windows within the flank elevations will ensure that private garden areas are not overlooked. These distances and the proposed layout of the building relative to the existing dwellings would also ensure there would be no unacceptable loss of daylight/sunlight and there would be no over bearing impact arising from the development.

Highway Safety and parking provision:

- 6.16 The relevant development plan policy in relation to highway safety and parking is contained within Policy SQ8 of the MDE DPD. This states that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.
- 6.17 Paragraph 109 of the NPPF is also an important material consideration and sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.18 The proposal seeks to gain access to the site through the curtilage of The Hutchings. The existing five-bar gate into The Hutchings is to be retained with new bound gravel driveway installed along the southern boundary into the application site. A parking and turning area is to be created within the site itself providing adequate parking and turning for two vehicles.

- 6.19 The proposal seeks to re-use the existing shared access road to allow access to the highway network with adequate land provided to pull off the access drive whilst operating the gate. The increased use of this access would be limited to an additional dwelling only and this would only be limited and not give rise to any adverse highway safety impacts as a result.
- 6.20 Equally, the provision of two parking spaces to serve the new dwelling would accord with the requirements set out in KHS IG3: Residential Parking.
- 6.21 As such, there are no justifiable grounds to resist the development on grounds of highway safety or parking provision when considering the proposal against adopted and national policy requirements.

Public Right of Way:

- 6.22 PRoW MT47 runs north-south along the access drive to the west of the application site and that of The Hutchings. I have noted the representations made by KCC (PROW) and whilst I am seeking further clarification from them. I do not consider that the introduction of one further dwelling here would cause an unacceptable adverse impact on the public right of way. Any further information provided by KCC in this respect will be reported as a supplementary matter.

Conclusions:

- 6.23 Whilst the location of the development would not accord with policy CP14, Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply and as such this policy is considered to be out of date. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development must be applied. This presumption is only disbarred if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Having applied the restrictive policies in connection relating to development in the Green Belt, I have concluded that these do not provide for a clear reason to refuse planning permission. The development is acceptable in all other respects and as such planning permission should be granted accordingly.

7. Recommendation:

Grant planning permission in accordance with the following submitted details:

Proposed Floor Plans 704-08 dated 23.05.2019, Proposed Plans and Elevations 704-10 dated 23.05.2019, Site Plan 704-11 dated 23.05.2019, Planning Statement dated 23.05.2019, Photographs dated 04.07.2019, Site Plan 704-09 Rev A proposed dated 04.07.2019, Email dated 04.07.2019, 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

Reason: In the interests of visual amenity.

3. Prior to the occupation of the dwelling hereby approved a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority . 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 access, parking and turning 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. Prior to any groundworks a contoured site plan showing the ground levels and finished floor levels of the dwelling proposed to be constructed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

6. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
- (b) No fires shall be lit within the spread of the branches of the trees.
- (c) No materials or equipment shall be stored within the spread of the branches of the trees.
- (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
- (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

Informatives

1. The grant of planning permission confers no other permission or consent to undertake works to the Public Right of Way. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should contact Kent Country Council's Public Right of Way team before commencing any works that may affect the Public Right of Way.
2. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

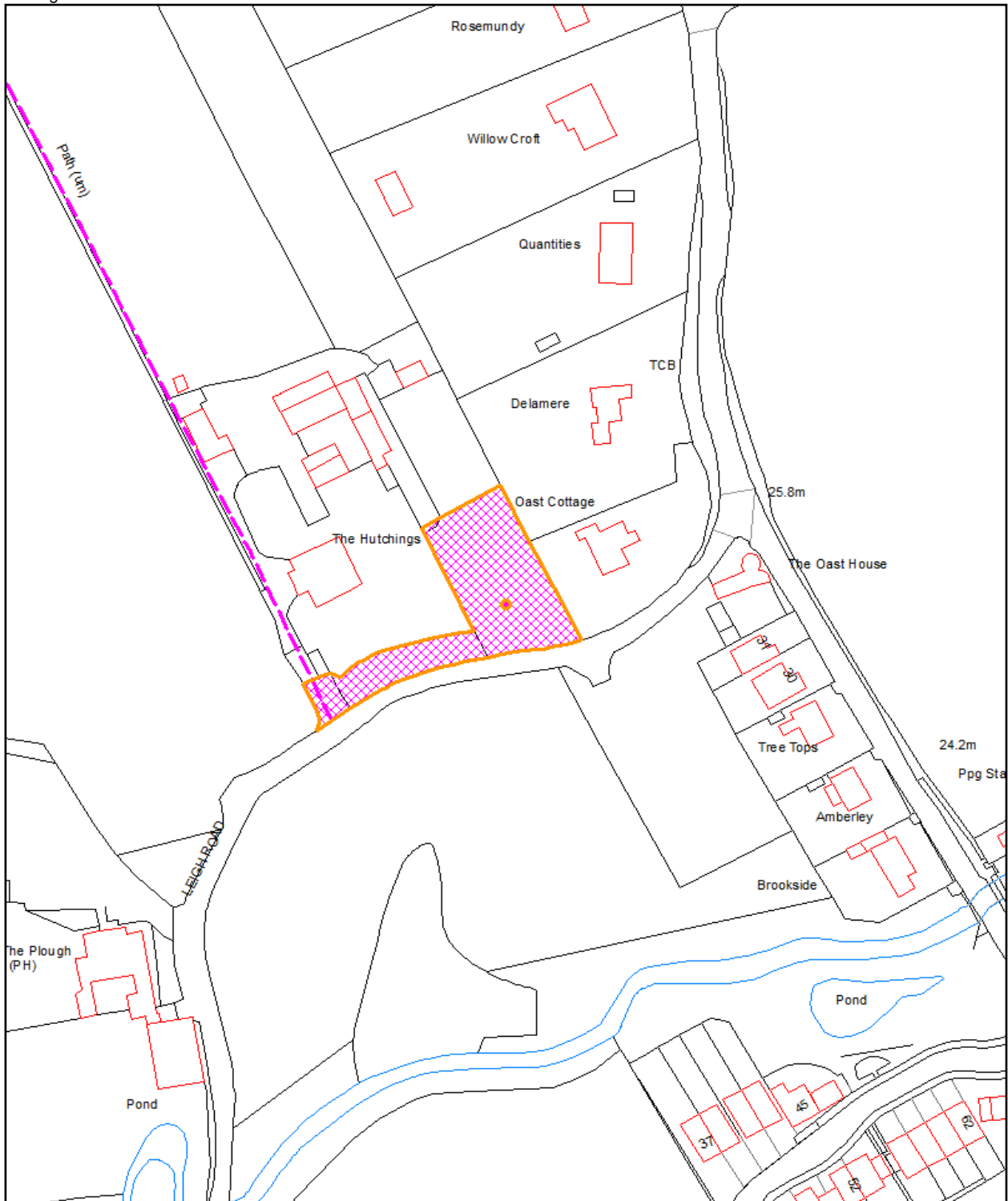
Contact: Paul Batchelor

TM/19/01226/FL

Land Adjacent To The Hutchings Leigh Road Hildenborough Tonbridge Kent

Proposed dwelling

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