
Report from 26 February 2015

**Tonbridge
Medway****559365 145783 30 July 2014****TM/14/02628/OA**

Proposal: Outline Application: Demolition of the rear garage and the construction 6 new dwellings in total. The works will involve part conversion and extension to existing building

Location: 82 Goldsmid Road Tonbridge Kent TN9 2BY

Applicant: Mrs Olive Clinker

1. Description:

- 1.1 The application is in outline form with the Matters of Scale and Appearance to be dealt with at this stage. The Matters of Access, Landscaping and Layout are reserved for future consideration.
- 1.2 It is proposed to change the use of the existing ground floor shop on the corner of Goldsmid and Hectorsage Roads to a flat and retain the existing independent flat above it. It is also proposed to extend and convert an existing single storey addition to this building (which fronts onto Hectorsage Road) to form 2 flats and one dwelling house. An existing garage located to the rear of the principal building is to be demolished under this proposal. The development would, therefore, result in the site containing four no. 1 bedroom flats and one no. 2 bedroom house.
- 1.3 The development would be finished externally with red facing brickwork, natural stone coloured render and slate roof tiles. Window and soffit/eaves detailing would be formed from white UPVC.
- 1.4 No off-street car-parking is proposed as part of this development.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Lancaster in light of local concerns.

3. The Site:

- 3.1 The site is located within the urban confines of Tonbridge, at the junction of Goldsmid and Hectorsage Roads. The site contains a two-storey building fronting Goldsmid Road, currently used as a retail shop with an independent flat above. To the rear of this is a single storey brick extension with a pitched roof which is currently used for storage in connection with the shop unit. The site is located within an area where on street parking controls exist.

4. Planning History (relevant):

TM/62/10008/OLD grant with conditions 31 July 1962

Extension to form hall, living room, bedroom and bathroom and alterations to shop.

TM/89/11557/FUL grant with conditions 6 February 1989

Demolition of existing stores, conversion of existing building and construction of two storey extension to provide 3 flats, general store, post office/stationers plus garages and car parking (re-submission following withdrawal of TM/88/1263

5. Consultees:

5.1 KCC (Highways): In the context of transport impact and planning policy it is not considered that a development of this scale could be described as having a severe impact.

5.1.1 Under the County's residential car parking standards (IGN3) there are four environmental categories, namely 'Suburban' and 'Village/Rural', where minimum car parking standards apply; and 'City/Town Centre' and 'Edge of Centre' where maximum car parking standards apply.

5.1.2 Descriptions of levels of on street parking controls are also given in this document and under 'Edge of Centre' the description includes residents' scheme and/or existing saturation. I would consider that this category i.e. Edge of Centre, is most relevant to the Hectorage Road/Goldsmid Road area and that maximum car parking standards therefore apply. Whilst no car parking may have an effect on the marketability of the accommodation proposed I confirm on behalf of the Highway Authority that I have no objection to this outline application.

5.2 Private Representations: 13/0X/0S/6R. The six responses have been received from three households and raise the following objections:

- Overshadowing to neighbouring property
- Loss of privacy
- The development would have an overbearing impact upon the neighbouring property
- Noise and disturbance arising from the additional dwellings
- No parking is proposed

- Parking in the local area is already inadequate and the proposed development will make the existing situation worse.
- The proposal is an overdevelopment of the site.

6. Determining Issues:

6.1 The site is located within the Tonbridge urban area where policy CP 11 of the TMBCS encourages development to be located. One of the core planning principles of current Government guidance as set out in paragraph 17 of the NPPF is to encourage the effective use of land by reusing previously developed land. The existing shop unit is not protected by development plan policy. Accordingly, the principle of the proposed redevelopment of this site is, therefore, acceptable in broad policy terms.

6.2 At the heart of the NPPF is a presumption in favour of sustainable development. For decision making 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 planning 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.”

6.3 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. Developments must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ 1 of the MDE DPD echoes these requirements.

6.4 The proposed development is small in scale and the central section (units 2 and 3) has been designed to reflect the form and character of the existing store building within this site. It would have a frontage facing on to Hectorage Road and the brick walls would sit under a pitched roof, clad with slate. This part of the building would stand between 0.8 and 1.7m higher than the existing store building, but this in itself would not detract from the character of the street scene.

6.5 The new dwelling house to be formed at the north eastern end of the site (unit 5) would be of two storeys and have a gable end fronting onto the road. It would align itself with the existing shop, close to the back edge of the pavement. The development as a whole would respect the layout and scale of the existing buildings within this site and would fit comfortably within the street scene and the locality generally. The materials to be used externally would be sympathetic to those used on the existing buildings within this site and other dwellings within Hectorage Road.

- 6.6 Much concern has been expressed regarding the lack of parking associated with this proposal and it being a more intensive use of the site than the existing situation. Using the adopted car parking standards, as existing, the combination of the shop and flat above requires a maximum of 7 car parking spaces. It should also be noted that any retail use could operate within this unit without needing a specific planning permission. For example, it could be used as a computer repair shop where customers could turn up on an ad-hoc basis and park on street, or indeed as a hairdresser's where multiple staff and customers could be on site at once.
- 6.7 As proposed, the development could require up to 5 car parking spaces to be provided. (IGN 3 indicates a maximum of 1 space per unit). Therefore, whilst the development would result in the loss of the garage and parking space in front of it, the proposed development would actually require less car parking to be provided than the existing use of this site.
- 6.8 The site is located in an edge of centre location where on-street parking controls exist and retail units and services are readily accessible from the site by modes of transport other than the private motor car. It must be remembered that the NPPF states in the final bullet point of paragraph 32:
- “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.*
- 6.9 In light of the sustainable location of the site and given the limited number of dwellings proposed, the impact of this development in terms of highway safety impacts is not considered to be severe. In reaching this conclusion I am mindful of the traffic movements associated with the existing uncontrolled retail use of the existing site that would cease as a result of this development.
- 6.10 In terms of residential amenity, I am satisfied that the development would not cause an unacceptable loss of light or overshadowing to the adjoining dwelling at 84 Goldsmid Road, or the other neighbouring property at 1 Hectorage Road, from which the new built form is separated by No 1's drive and garage. The footprint of the proposed extended store building would move 1m closer to the boundary with 84 Goldsmid Road adjoining dwelling house which physically abuts the application building. The application *site* wraps around 84 to a small degree. However, in light of the height and form of the proposed dwelling in this vicinity, and the location of habitable room windows within this adjoining dwelling (no. 84), I am satisfied that the proposed development would not appear unduly overbearing when viewed from it.
- 6.11 The first floor glazed features that would be located on the rear of units 2 and 3 would be visible from the rear garden of 84 Goldsmid Road at a short distance away (less than 5m). However, these are roof lights and would be installed 1.7m above the internal floor level, a height level the Government considers is sufficient

to avoid unreasonable overlooking to the neighbours private garden area. A condition can be used to control this. I am satisfied that the rear facing window within the proposed dwelling (unit 4) would not cause unacceptable overlooking to the neighbouring properties due to its position and distance away from them.

6.12 In conclusion, the proposed development is of a scale, form and appearance that is in keeping with the character of the street scene and would not cause unacceptable detriment to the amenity of the neighbouring properties. Whilst no off-street car parking provision would be provided, the development is not considered to cause a severe impact upon highway safety, due to the small scale nature of the proposed development. Consequently, the proposal is considered to be acceptable and I recommend that planning permission is granted.

7. Recommendation:

7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 29.07.2014, Existing Plans 1196 P001B dated 29.07.2014, Proposed Plans and Elevations 1196 P002 C dated 19.01.2015, Letter dated 19.01.2015, E-mail dated 12.02.2015 subject to the following:

Conditions:

1. Approval of layout, access to and within the site and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. 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.

5. No development shall take place until details of the finished floor levels of the development hereby approved in comparison to the existing land levels within the site 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.

6. The roof light windows on the rear (north west) elevation of units 2 and 3 shall be installed so that their internal cill level would be no lower than 1.7m above the floor level of the room they would be located within and shall maintained as such at all times thereafter.

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

7. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

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. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.

4. The applicant is advised to inform future occupiers of this development that it would be unwise to rely on regular access to the limited on-street parking that is available in the locality.

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