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<b>Hildenborough</b> Hildenborough	<b>556599 150106</b>	<b>27 October 2014</b>	<b>TM/14/03644/FL</b>
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Proposal:	Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping
Location:	Alexander Stables Vines Lane Hildenborough Tonbridge Kent
Applicant:	Kent & Medway NHS Social Care And Partnership Trust

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## **1. Description:**

- 1.1 Members will recall that this application was first reported to Area 1 Planning Committee on 26 February 2015, although it was subsequently withdrawn from the Agenda as it became apparent that some neighbours had not received their letters informing them of the Committee date.
- 1.2 The application was subsequently reported to Area 1 Planning Committee on 9 April 2015, where Members resolved to defer consideration pending a Members' Site Inspection (MSI). That MSI took place on 13 July 2015 and the issues raised during that inspection will be discussed within this report.
- 1.3 Since the MSI, the applicant's agent has submitted additional section drawings which demonstrate the proposed dwellings in their wider context, specifically in relation to the closest two residential properties: Stone Lodge and Brambleside. The agent has confirmed that the additional section drawings are based on extended topographical survey detail, including nearby properties, surrounding levels and nearby trees, to ensure that the sections submitted are based on accurate and up-to-date information.
- 1.4 A copy of the previous main report (as previously presented to Area 1 Committee on 9 April 2015) is annexed for ease of information.

## **2. Determining Issues:**

- 2.1 Turning to matters specifically raised during the MSI, a question was asked as to what alternative uses could be made of the existing buildings within the site without needing to be the subject of a planning application. Whilst it is noted that the current buildings are in a poor state of repair, they could reasonably be refurbished without the need for planning permission to provide a mix of uses. It is accepted that the most recent use of these buildings was for occupational therapy by the NHS; this being a D1 (non-residential institution) Planning Use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Under current permitted development rights defined within the Town and Country Planning (General Permitted Development) Order 2015, the use of the buildings within the site could change to (amongst others) the following without needing to be the subject of an application for planning permission:

- A clinic or health centre;
- Day nursery or school;
- Non-residential education and training centre;
- Public or exhibition hall;
- Place of worship;
- A temporary change of use (subject to a prior approval procedure) to a shop/retail use, financial and professional services, restaurant and café, or office use.

2.2 A number of the alternative planning uses as listed above, which could reasonably be undertaken by the applicant at this site with limited refurbishment works to bring the buildings back into a viable condition, may arguably be more harmful (in general residential amenity terms) than the redevelopment of this site for two new dwellings as proposed in this application.

2.3 Questions were raised during the MSI in relation to the general setting of the proposed new dwellings (in overall height and bulk terms) in the context of other existing properties in the locality. Specifically, Members requested that the applicant provide sectional detail showing the proposed heights of the new dwellings in relation to the nearest two residential dwellings – Brambleside and Stone Lodge.

2.4 That additional sectional detail has now been provided. This demonstrates that the two new dwellings will have overall roof ridge heights that sit lower than those of Brambleside and Stone Lodge although, as discussed within the main report (paragraph 6.7), the proposed new dwellings will be higher than the existing buildings as they would have a one and a half storey form with a height of approximately 7 metres rather than the overall height of 4m as at present. The additional sectional information provided by the applicant reaffirms my original conclusions within the previous Committee report, namely that *the development would not have a detrimental impact upon the openness of the Green Belt* (paragraph 6.7), *that the dwellings would be of an unassuming scale and bulk [...]* and *have been well designed to sit within the rural locality* (paragraph 6.11) and that the *separating distances would prevent an adverse impact being caused due to overlooking or by the development being unacceptably overbearing* (paragraph 6.13). I therefore remain of the view that these redevelopment proposals are acceptable in overall scale, bulk and amenity terms.

2.5 Concerns were expressed during the MSI in relation to drainage issues, particularly in respect of the localised build-up of surface water along the adjoining stretch of Public Footpath. As noted within paragraph 6.33 of the main report, the site and surrounding area can become waterlogged due to the presence of clay

subsoil. I note that the proposed development now offers some opportunity to improve land drainage by way of the installation of new surface water drainage systems. In this respect, I propose that an additional planning condition be imposed requiring the submission (and implementation) of an appropriate surface water drainage scheme as part of this development.

- 2.6 Questions were raised during the MSI regarding ownership of the adjacent Public Footpath, specifically in relation to maintenance of the path and residents claims of it being regularly waterlogged. It should be noted that whilst KCC (Public Right of Way) has responsibility over maintenance of the land (to ensure it remains permanently open) they do not own the land. In any event, the proposed redevelopment works would not have any direct bearing on this established footpath since the works are outside of the footpath boundary. As mentioned above, I consider that a new surface water drainage system within the site has the potential to improve ground conditions underfoot on the footpath.
- 2.7 Overall, as per the original recommendation within the previous report, I remain of the view that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within the Green Belt and the specific detail of the proposed development in terms of its impact on the Green Belt and the locality generally.
- 2.8 The previous recommendation is again set out in full below (for ease of reference), together with the inclusion of an additional planning condition covering a surface water drainage scheme.

### **3. Recommendation:**

- 3.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 26.08.2015, Drawing DHA/10141/28 site sections dated 26.08.2015, Email Fm Agent dated 19.01.2015, Existing Plans DHA/10141/20 Ground figure dated 19.01.2015, Proposed Layout DHA/10141/21 dated 19.01.2015, Proposed Layout DHA/10141/22 Landscaping \_ ecology dated 19.01.2015, Proposed Floor Plans DHA/10141/23 Plots 1 \_ 2 dated 19.01.2015, Proposed Elevations DHA/10141/24 Plot 1 dated 19.01.2015, Proposed Elevations DHA/10141/25 Plot 2 dated 19.01.2015, Proposed Plans and Elevations DHA/10141/26 Garden shed dated 19.01.2015, Details DHA/10141/27 Ecology dated 19.01.2015, Letter Covering letter dated 27.10.2014, Habitat Survey Report dated 27.10.2014, Planning Statement dated 27.10.2014, Arboricultural Survey dated 27.10.2014, Location Plan DHA/10141/01 dated 27.10.2014, Existing Plans DHA/10141/02 Ground figure dated 27.10.2014, subject to the following:

#### **Conditions / Reasons**

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

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

2. No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by 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 of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. 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 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: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

4. 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 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment

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

may be approved shall be erected before first occupation of the building to which they relate.

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

6. Prior to the commencement of development details of a mitigation and enhancement strategy for bats, reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve the habitat on the site.

7. The development shall be carried out in accordance with the recommendations of the Arboricultural Implications Assessment by Broad Oak Tree Consultants dated 20.10.14 and detailed on drawing number J49.47/01 Rev A.

Reason: In order to prevent the loss of trees on the site

8. No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

(a) A site investigation based on the recommendations in the Phase 1 Contaminated Land Assessment by Lustre Consulting has been undertaken to determine the nature and extent of any contamination, and

(b) The results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

(c) The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) A Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

9. Before occupation of either of the dwellings hereby approved the former stable buildings shown for removal on the approved plan shall be demolished and all materials arising there from shall be removed from the site in its entirety.

Reason: In the interests of residential and visual amenities.

10. Prior to the commencement of the development a management strategy for the area of proposed orchard as shown on the submitted site layout plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Type and maturity of the trees to be planted
- ii) Timetable for implementation
- iii) Persons responsible for implementing the works
- iv) Details of the initial aftercare and long term maintenance

The approved development shall thereafter be implemented in accordance with the approved details to a timeframe previously agreed in writing by the Local Planning Authority and all features shall be retained in that manner thereafter in perpetuity.

Reason: To safeguard and improve natural habitats within and adjacent to the site.

11. No building shall be occupied until works for the disposal of surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

### **Informatives**

1. During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30- 18:30, Saturday 08:00-13:00; with no work on Sundays, Bank or Public Holidays
2. It is recommended that bonfires are not held at the site as this can cause justifiable nuisance for neighbours.
3. The Public Right of Way 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 the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

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