

2. Reason for reporting to Committee:

- 2.1 The application is reported to committee given the recent planning history for the site.

3. The Site:

- 3.1 Number 206 Birling Road is a detached two storey house set back from the road frontage and occupying a large plot within the urban confines. The property is reached via a driveway leading from a bend in the road, being separated from the highway by a small area of grass verge within which are three trees and a telegraph pole. Number 206 is set back beyond the rear garden of the neighbouring house to the south, number 208, and close to the northern boundary of the plot. A single width garage is positioned adjacent to the southern boundary. Within the plot at the time of submitting the application were various ornamental and fruit trees and shrubs. The boundary treatment comprised a mix of panel fencing, open wood mesh fence and vegetation.
- 3.2 The site slopes down at the rear towards properties in the relatively recent development of Dowling Close, which is set at a lower level. The two properties adjoining the rear garden of the application site are numbers 9 and 10 Dowling Close, each of which has a small rear garden. The level of the rear garden of number 206 lies approximately at the same height as the top of the first floor level of numbers 9 & 10 Dowling Close. At the time the application was submitted a mature leylandii hedge was growing close to but not along the boundary between number 206 and the properties in Dowling Close.
- 3.3 The northern boundary of the site is adjoined by bungalows in Gorham Close. The bungalows on the southern side of the close occupy a more elevated level than those on the northern side. These Gorham Close properties adjoining the application site occupy relatively small and irregular shaped plots.
- 3.4 To the south the site is adjoined by the more recent development of two houses, numbers 10a and 10b Dowling Close, both accessed from a private drive situated at the end of the cul de sac. Most of the surrounding properties occupy small or modestly sized plots with the exception of some of the older dwellings in Birling Road.
- 3.5 Number 208 Birling Road, which adjoins the front part of the application site on the southern side, comprises a two storey semi-detached house with a flat roofed single width garage on the northern side. Properties in the nearby stretch of Birling Road are generally larger in size and many have converted the front garden areas to parking spaces. The western side of this part of the road also incorporates some designated on street parking spaces so that, in places, the carriageway is only wide enough for one vehicle to pass.

4. Planning History (relevant):

TM/14/02831/FL

Refuse

27 April 2015

Demolition of existing and erection of one detached house and four detached bungalows and associated parking provision

5. Consultees:

5.1 TC: No objection subject to reservations about the ridge height of plot 1 in relation to 208 Birling Road. A restriction is requested that there is no future development of the loft spaces or additional windows in the lofts.

5.2 KCC (H+T): No objection subject to conditions and informatives covering vehicle and cycle parking space provision, surface water drainage and other highway matters.

5.3 Private Reps: 34 0X/4R/0S. Representations received from four households raising the following objections:

- In principle objection to development in a quiet residential area which detracts from the local character.
- Density is too high
- Proximity to neighbouring houses and associated loss of amenity.
- Bungalows have steeply pitched roofs and look very tall. The roof pitch should be reduced and the design changed to fully hipped roofs.
- Unreasonable outlook and loss of view.
- Right to light and loss of natural light (there is no longer a "Right to Light" under planning legislation, although the impact of the proposal on sun and daylight reaching existing properties have been taken into account where appropriate).
- No details of the planting proposals, as shown in the previous application, have been included and the landscaping will not provide adequate screening. Landscaping will take a considerable time to mature.
- The laurel hedge along the southern boundary should be retained.
- Insufficient parking spaces for visitors.
- Reference has been made to inaccurately drawn plans. (This matter has been brought to the attention of the applicant's agent but sufficient information appears to have been provided to determine the application.)
- How will drainage issues be addressed with an increase in hard surfacing?

- Noise disturbance and light pollution.
- A covenant is needed to prevent the conversion of the attic spaces into second floor living accommodation.
- Proposed development will add to the number of cars resulting in a safety risk.
- KCC Highways should visit the site at 3pm to gain a better understanding of the highway situation.
- New tree in the highway verge will impact on driver visibility.
- Non planning issues raised include the allegation that the application has been fast tracked and that there will be noise and disruption during the building works.

5.4 Natural England: No comments to make.

6. Determining Issues:

- 6.1 The NPPF promotes the delivery of a wide choice of high quality homes. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Similarly Policy CP15 of the TMBCS seeks to ensure that new housing is permitted on sites which accord with the sustainability principles established in CP1 and the settlement hierarchy defined in Policies CP11 (urban), CP12 (Rural Service Centres) and CP13 (rural settlements).
- 6.2 The site lies within the confines of Snodland in a predominantly residential area. The site is located within easy reach of local services and wider transport links and is therefore in a sustainable location. The application therefore accords with the NPPF and Policy CP11 and is, in principle, acceptable for residential development.
- 6.3 However the application must also be determined with regard to Policy SQ1 of the MDE DPD and Policy CP24 of the TMBCS. Policy SQ1 requires development to reflect local distinctiveness and protect, conserve and where possible enhance local character. Policy CP24 seeks to ensure that all development is well designed and respects the site and its surroundings. These aims are echoed in paragraph 58 of the NPPF 2012 which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.
- 6.4 The Snodland Character Area supplementary planning document refers to the area in which the site is located as being mixed in both age and type of building, predominantly in brown brick and tile with some render and weatherboard. The adjoining area to the west of the application site is characterised by clusters of culs de sac.

- 6.5 There would be no harm arising from the demolition of number 206 which, although of pleasing appearance, is of no particular architectural significance. The proposed dwellings would be positioned on modestly sized plots which would be similar to those of some of the surrounding properties. It is not considered that the overall appearance of the development would be overly cramped or harmful to the existing character of the area.
- 6.6 The scale of the development proposed for the site has been reduced since the previous application from five to four units. The current arrangement of one dwelling and three bungalows represents a general character of development that would not be out of place in this part of Snodland.
- 6.7 With these considerations in mind, the scheme does not amount to an overdevelopment of the site which would be detrimental to the general character or amenity of the locality.
- 6.8 The construction of a two storey house towards the site frontage would be in keeping with the nature of development along Birling Road and would not appear out of keeping with the visual amenities of the street scene. The inclusion of single storey dwellings within the rear part of the site will ensure that the bulk of built form is limited and will ensure the retention of an open outlook from the surrounding neighbouring properties that have been built up around the boundaries of the garden of number 206. It is noted that the ridge heights of the proposed bungalows would be slightly higher than the ridge height of the bungalows shown under the previous scheme; it is considered that this would not result in any undue harm to the general character or residential outlook.
- 6.9 Should Members be minded to grant planning permission, I consider conditions will be required to ensure that no further windows will be introduced into any elevation of any of the dwellings and that no alterations will be carried out to alter or enlarge the roof space without the benefit of planning permission. These conditions are necessary to ensure that no enlargement of the dwellings takes place that could otherwise result in the potential for overlooking and loss of privacy to occur and thus dilute the way in which the development has been designed and laid out.
- 6.10 The dwellings have been designed so that they are positioned to provide some garden space for the occupants whilst retaining the privacy of the amenity areas of the adjoining properties. The separation distances between the proposed units and those bordering the site vary between 8-12m, with the exception of numbers 10a Dowling Close and 208 Birling Road which are in closer proximity. Clarification has been sought from the applicant's agent about existing and proposed slab levels of the dwellings concerned to ensure no direct overlooking. This matter can be covered by a planning condition.
- 6.11 There should therefore be no direct overlooking from the single storey bungalows towards the adjacent houses due to the use of existing or new boundary treatment

of sufficient height. Notwithstanding the above it is considered necessary to recommend that a condition is attached withdrawing Permitted Development rights for extensions, outbuildings, roof alterations and porches to control the potential enlargement of the dwellings and increased proximity to neighbouring occupants.

- 6.12 It is appreciated that the proposed bungalow at plots 3 and 4 would be situated at a higher level than the houses in Dowling Close. Shrub planting is proposed along this boundary which should in time create an effective screen. A fence of a suitable height along the western boundary of the site adjacent to the bungalow on plot 4 should be installed in the interests of privacy protection and retained until such time as the hedge has become established. This can be controlled by planning condition.
- 6.13 It is recognised that the development of this urban garden area for residential purposes will lead to a change in outlook from neighbouring houses and the introduction of lighting into an area that is currently unlit amenity space. The changes to outlook and level of illumination would not be at such an unusually high level or unexpected within the urban confines of a town such as to justify withholding consent.
- 6.14 The form and layout of the latest arrangement is therefore found to be acceptable in terms of the current character of the area and the impact upon the existing residential amenities of adjoining occupants.
- 6.15 The landscaping scheme was the subject of discussion under the previous application. Adequate details would again be required to ensure it contributes to an acceptable standard of development in visual terms and ensures that there would not be an unduly harmful impact upon the residential amenities of the surrounding properties. Again landscaping can be covered by a safeguarding condition.
- 6.16 Some unprotected trees and shrubs have been removed and others of no particular merit would also be taken down in association with the development. It is not thought that any trees at the site are considered to be worthy of formal protection. The mature leylandii hedge close to the rear boundary of the site could be removed at any time without the need for planning permission.
- 6.17 Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. Development will not be permitted which would involve the increased use of an existing access onto the primary or secondary road network where this would result in an increased risk of crashes or traffic delays. In addition the policy highlights that proposals should comply with parking standards.
- 6.18 A highway assessment has been carried in relation to IGN3 which covers residential parking standards. This encourages independently accessible parking

places and discourages the use of tandem parking layouts. Garages are no longer included as parking spaces. One and two bedroom houses in suburban locations require 1 parking space whilst three bedroom houses require 1.5 spaces and four bedroom houses require two spaces. The scheme proposes two independently accessible vehicle parking spaces for each unit. The level of on-site parking provision is therefore acceptable.

- 6.19 In terms of KCC highway standards it is noted that the parking provision and manoeuvring space within the site meets County standards and is acceptable. KCC (H+T) confirm that there has been no record of injury crashes on Birling Road between St Katherine's Lane and Hollow Lane for at least the last 9 years. In addition, there is no evidence based indication that this proposal will lead to an increase in accidents on the bend of Birling Road due to additional vehicle activity resulting from the development. The traffic movements associated with four additional residential units are unlikely to have any unacceptable adverse impact on highway safety. It is not considered that the vegetation to the front of the site will compromise visibility when exiting the drive way.
- 6.20 Concerns have been expressed by neighbours about inadequate access for emergency vehicles including fire engines. The Kent Fire & Rescue Service outlined their requirements for access for a fire appliance. The access will also require compliance under Part B 5 of the Building Regulations. The requirements are achievable; however further details regarding the construction of the access road will be required prior to the development commencing. This can be secured by planning condition linked to landscaping and boundary treatments.
- 6.21 With regard to nature conservation, Natural England has advised that the application is in close proximity to the Halling to Trottscliffe Escarpment Site of Special Scientific Interest (SSSI) and Holborough to Burham Marshes SSSI. The Halling to Trottsicliffe Escarpment forms part of the North Downs Woodlands Special Area of Conservation (SAC). If undertaken in strict accordance with the details submitted, the proposals are unlikely to have a significant effect on the features of interest for which the North Downs Woodlands SAC has been classified. In addition Natural England has advised that, if the development is carried out in accordance with the details of the application as submitted, the proposals will not damage or destroy the interests of the two SSSIs.
- 6.22 It was previously understood from neighbours that bats were present at the site and that this has been brought to the attention of the Kent Bat Association and the Bat Conservation Trust. No reference has been made to bats either by the neighbours or the applicant's agent in respect of the current application. As a protected species however, it will be necessary for the developers to follow the advice of Natural England in the event that bats are found to be present. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The applicant's agent has amended the

plans to show the provision of bat and bird boxes within the site as well as log piles for insects. These matters can be suitably addressed by planning condition.

- 6.23 The site is not identified as an area for potential land contamination. Nevertheless it is appropriate to impose a suitable planning condition requiring suitable remediation works should any contaminants be discovered during construction.
- 6.24 The concerns about noise, dust and disturbance during the construction period are noted. In the event that there is damage to neighbouring land and property then this would be a matter to be resolved between the parties concerned. Informatives can be added to remind the applicants only to carry out demolition and construction during acceptable working hours.
- 6.25 The location of the communal refuse collection area is considered to be acceptable to serve a development of this size and character and of a similar style that has been successfully used in various similar residential development schemes across the Borough.
- 6.26 Neighbours previously made reference to water pressure and the level of water tables in the area. Whilst these are not directly controlled under planning legislation it would be necessary, in the event that planning permission is granted, for the applicants to carry out any development in accordance with the relevant building control drainage legislation.
- 6.27 The creation of additional dwellings within the confines of the urban settlement is acceptable and meets the requirements of CP11 of the TMBCS. The type and design of the dwellings are acceptable, with the developer having had regard to the above policy context. The concerns of local residents are acknowledged, particularly regarding the impact on highway safety and residential amenity. However the application has been amended to achieve a high standard of design and would meet the aims of policy CP24 of the TMBCS and paragraph 58 of the NPPF. I therefore recommend the application be approved subject to the following conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement dated 30.07.2015, Design and Access Statement dated 30.07.2015, Location Plan 2014-158-(P)-001 dated 30.07.2015, Site Plan 2014-158-(P)-002 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-003 Plot 1 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-004 Plot 2 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-005 Plot 3 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-006 Plot 4 dated 30.07.2015, Plan 2014-158-(P)-007 dated 30.07.2015, Sections 2014-158-(P)-100 dated 30.07.2015, Sections 2014-158-(P)-100 dated 30.07.2015.

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 and appearance of the existing building or the visual amenity of the locality.

3. The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

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

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the buildings without the prior written consent of the Local Planning Authority.

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

6. The existing dwelling shall be demolished within one month of the commencement of the development hereby permitted, if not demolished previously and all arising therefrom shall be removed from the site.

Reason: To prevent the over development of the site.

7. Prior to the commencement of development a scheme of landscaping and boundary treatment which shall include all fencing details shall be submitted to

and approved in writing by the Local Planning Authority. The details as approved shall be implemented in full prior to the first occupation and thereafter retained.

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.

8. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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.

9. Prior to the first occupation of the dwellings hereby approved, the refuse storage area shall be provided in the location identified and shall be retained in this position at all times.

Reason: To facilitate the collection of refuse and preserve visual amenity.

10. The dwellings shall not be occupied nor the use commenced until all vehicle parking spaces shown on the submitted plan have been provided, surfaced and drained. 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) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

11. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been 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 that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

12. The premises shall not be occupied until the cycle parking facilities for each plot have been provided on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land

so shown or in such a position as to preclude vehicular access to the reserved parking area.

Reason: In the interests of highway safety.

13. a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management , Duty of Care Regulations. Any soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils suitable for the proposed end use.
- c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reasons: In the interests of amenity and public safety.

14. Prior to the development hereby approved commencing, details of nature conservation measures shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of amenity and public safety.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to allow the Local Planning Authority to control any such future development in the interests of residential amenity.

16. Prior to the commencement of development full details of the access road shall be submitted to and approved by the Local Planning Authority. The access to be provided in accordance with the approved plans and retained thereafter.

Reason: To ensure adequate access to the development hereby approved.

17. Prior to the commencement of the development hereby approved a contoured site plan and scaled sectional drawings shall be submitted to and approved by the Local Planning Authority. The drawings shall show the precise relationship of the slab and finished floor levels of the proposed development, eaves and ridge heights of the approved buildings. In relation to the bungalow to be sited on plot 5, detail shall also be provided which shows this building in relation to the fence to be constructed along the western boundary of the site where it adjoins

number 9 Dowling Close. The development shall be implemented in accordance with the details as approved.

Reason: In the interests of the residential amenities of the occupants of the adjacent property.

18. Prior to the development hereby approved commencing, details of the surface water drainage arrangements for the whole site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: To prevent overloading the surface water drainage system.

19. A 1.8m high close boarded fence shall be incorporated into the landscaping scheme to be situated along the southern boundary of the site with number 10A Dowling Close. It shall be installed prior to the first occupation of the development hereby approved and retained at all times thereafter.

Reason: In the interests of the residential amenities of the occupants of the adjacent property.

Informatives

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. Surface water shall not discharge on to the highway.
3. In the interests of good neighbourliness, the applicant is advised to not undertake demolition or construction works or deliveries outside the hours of 0800-1800 Mondays to Fridays, 0800-1300 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
4. The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is recommended that bonfires are not held at the site.
5. Tonbridge and Malling Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

6. 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.
7. 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@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.
8. 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 Highways Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect 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.

Contact: Hilary Johnson