

Tonbridge
Vauxhall

558650 145487 20 April 2015

TM/15/01266/FL

Proposal: Demolition of existing buildings and the erection of a residential unit to provide a one bed bungalow and two bed semi-detached property with parking and landscaping

Location: Rear Of 105, 107 And 109 St Marys Road Tonbridge Kent TN9 2NL

Applicant: D B Design And Build Ltd

1. Description:

- 1.1 This planning application was deferred from APC1 on 02 July 2015 in order for Members to undertake a site inspection to assess the potential impacts of the proposed development, particularly in light of the reason for refusing planning permission on previous applications, the most recent of which is the subject of an ongoing appeal yet to be determined by the Planning Inspectorate.
- 1.2 There has been a delay in the Members' Site Inspection taking place owing to the discovery of asbestos on site and specialist advice that Members and Officers not attend the site until the material in question had been removed and the site verified as safe. We have now received that verification and have been advised that the site inspection can now be conducted. Officers are now actively working to organise the Members' Site Inspection in advance of 29 October given the delays that have already taken place whilst the applicant sought to clear the material in question. Any specific issues that arise from the Members' Site Inspection will be reported as a supplementary matter on 29 October.
- 1.3 A copy of my July report is annexed for ease of information.

2. Consultees (since 02 July):

- 2.1 Private Reps: One further letter of objection received on the following grounds:
 - Loss of privacy;
 - Loss of light;
 - Access to the site is narrow and as parking along the road is busy in the evenings, visibility will be obstructed;
 - Accessibility problems for emergency and delivery vehicles;
 - Impact on sewers (foul waste).

3. Determining Issues:

- 3.1 The issues raised in the latest representation were all discussed in detail in the previous Committee report (annexed for information). The capacity of the sewers is not a material consideration and connection to the sewer would be a matter for consideration under the Building Regulations and subject to separate consents outside the realms of planning legislation.
- 3.2 Any matters arising as a result of the Members' Site Inspection will be discussed as a Supplementary report.

4. Recommendation:

- 4.1 **Grant planning permission** in accordance with the following submitted details: Proposed Plans and Elevations DHA/10755/07 Car barn dated 05.06.2015, Site Layout DHA/10755/03 Proposed dated 17.04.2015, Proposed Floor Plans DHA/10755/04 dated 17.04.2015, Proposed Elevations DHA/10755/05 dated 17.04.2015, Section DHA/10755/06 dated 17.04.2015, Section DHA/10755/06 dated 27.04.2015, Planning, Design And Access Statement dated 17.04.2015, Contaminated Land Assessment dated 17.04.2015, Location Plan DHA/10755/01 dated 17.04.2015, Block Plan DHA/10755/02 Existing dated 17.04.2015, subject to the following conditions:

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.
- 3 The car barn shown on plan number DHA/10755/07 shall be kept available at all times for the parking of private motor vehicles.
- Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.
- 4 No building shall be occupied until the area shown on the submitted plan as turning area 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 turning area

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

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

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

- 6 No development shall take place until details of the finished floor levels of all buildings hereby approved 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 visual amenity of the locality.

- 7 No development shall be commenced until:

(a) a site investigation 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.

Prior to the first occupation of the development or any part of the development hereby permitted

(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.

- 8 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in accordance with the approved plans.

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 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.
- 2 The applicant is advised to contact the Health and Safety Executive for advice concerning the demolition of the existing building.
- 3 The applicant is advised that the proposed hardstanding is to be constructed of porous material or provision should be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse(s).
- 4 No waste material should be burnt on site.
- 5 Tonbridge and Malling Borough 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 collection day.
- 6 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 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.

- 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.

Contact: Vicky Bedford