

White Oak Close to the west. It is located within relatively close proximity to Tonbridge Town Centre.

- 3.2 The site currently contains a cluster of small, single storey commercial units, which are rather derelict and dilapidated in nature and have been out of use for some time. The last known use of the site was for a small printing business, which ceased to operate some time ago.
- 3.3 The area is characterised by steeply sloping streets running parallel to Quarry Hill, benefiting from long views northwards across Tonbridge towards Sevenoaks Ridge.
- 3.4 The access driveway into the site, which has been established for many years, is positioned between 105 and 107 St Marys Road.

4. Planning History (relevant):

TM/66/10260/OLD grant with conditions 3 March 1966

Re-building of store and lavatory accommodation.

TM/70/10139/OLD grant with conditions 14 December 1970

Rebuilding of workshop and garage.

TM/79/11132/OLD Application Withdrawn 3 March 1979

Section 53 determination for use of premises for the operation of a small printing business.

TM/79/11286/FUL grant with conditions 29 August 1979

Rebuilding of workshop.

TM/14/00943/FL Refuse 26 August 2014

Demolition of existing buildings and construction of 2 no. dwellings with associated parking and landscaping

TM/14/03340/FL Refuse 19 November 2014

Demolition of existing buildings, erection of 2 x one and a half storey dwellings, with associated parking and landscaping

5. Consultees:

5.1 KCC Highways: No objections.

5.2 Private Reps: 15/0X/2R/0S. Objections are raised on the following grounds:

- Reducing the size of one property to a bungalow appears to be to placate the properties on the St Marys Road side, with the hope that they will get one big house at least – it may be easier to get away with impacting the life of an elderly couple with a house built next door to their garden fence.
- The second application reduced the size of both proposed properties, whilst this application now reverts to one of the properties going back to the size of the original application – surely this is bordering on madness?
- Any properties built above bungalow size have a huge environmental effect on neighbouring properties.
- Although it makes more sense for this area to be used for commercial rather than residential I could see a couple of bungalows as a compromise.
- The proposed development by virtue of its size, massing and bulk combined with its close proximity to the boundary shared with the immediate neighbours (107 and 109 St Marys Road), and when considering the very limited size of these neighbouring rear gardens would result in a dominant and oppressive form of development when viewed from the main private garden areas enjoyed by those neighbours, to the detriment of their residential amenities.

6. Determining Issues:

6.1 The delivery of new housing lies at the heart of the NPPF, with the supply for housing to meet need expressed as one of the core roles which the planning system must perform to achieve sustainable development. It states that best use should be made of opportunities within existing urban areas to meet housing need by encouraging the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value (paragraph 111). This is generally supported by policy CP1 of the TMBCS which states that development should be concentrated at the highest density compatible with the local built and natural environment, mainly on previously developed land and served by sustainable modes of transport. Policy CP11 of the TMBCS states that development should be concentrated in urban areas where there is greatest potential for the re-use of previously developed land. Development in urban areas can also minimise the need to travel by being located close to existing services, jobs and public transport. Annex 2 of the NPPF defines, for planning purposes, that previously developed land is “land which is or was occupied by a permanent structure; including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated

fixed surface infrastructure...". The land therefore constitutes previously developed land (PDL).

- 6.2 This part of St Marys Road is predominantly characterised by semi-detached and terraced dwellinghouses of a mixture of designs and styles. Many of these, including the properties located directly to the east, have very small rear garden spaces measuring approximately 5m at the shortest section, increasing to a maximum of approximately 8.7m. With this in mind, I do not consider that the proposed density of development and the relatively compact private curtilage areas proposed are out of keeping with the prevailing pattern of development in the locality. I am also satisfied that the proposed development would not represent an overdevelopment of the site.
- 6.3 With these factors in mind, the broad principle of development of this nature is acceptable, having regard to the specifics of the scheme which need consideration.
- 6.4 Policy CP24 of the TMBCS requires good design and quality in new developments, and a respect for the site and its surroundings. This is supported by policy SQ1 of the MDE DPD 2010, which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.5 It is my view that the proposed development has been carefully considered in order to address the previous refusals of planning permission, particularly bearing in mind the constrained nature of the plot. The creation of a building which is single storey at the point closest to the nearest neighbours, stepping up to two storey, acknowledges those constraints well and, whilst representing a somewhat unusual design approach, reflects the height and scale of the existing buildings at this point within the site. I therefore consider that the proposed building is acceptable in visual terms.
- 6.6 The proposed two storey element of the semi-detached pair is proposed to be located approximately 1m from the boundary with the rear gardens of the neighbouring properties in White Oak Close. The degree of separation at this point ensures that the building at its highest point would not have an overbearing or dominant impact on these neighbouring properties, particularly when considering that the most direct relationship will be with the very end portions of the gardens in question.

- 6.7 No first floor flank windows are proposed which could have the potential to create overlooking meaning there would not be any loss of privacy arising from the proposal.
- 6.8 The previous refusals of planning permission centred on the impact on the residential amenities of the properties fronting St Marys Road and these refusals form an important material planning consideration. This latest scheme has significantly reduced the scale of the proposed development at the point closest to these neighbours in an attempt to overcome these concerns. At this point, the development now reflects the siting and height of the existing building on site and would, in my view, have no more of an impact on outlook than the existing building. The taller part of the building, which is still substantially reduced in overall height when compared to the refused schemes, is significantly set away from the boundary shared with these properties which ensures that it would not be an oppressive form of development.
- 6.9 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. Paragraph 32 of the NPPF requires that decisions should take account of whether a safe and suitable access to the site can be achieved for all people and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposals include the retention of the existing access way and arguably would be used on a less intensive basis than might have historically occurred when the site was operating on a commercial basis (or certainly if it was operating at capacity within its lawful planning use). In terms of parking provision to serve each of the units, IG3 requires 1 space per unit, which has been achieved by this scheme.
- 6.10 It must be acknowledged that the previous commercial uses of the site have resulted in the potential for land to have become contaminated. I am also aware that highly fragmented asbestos sheeting with visible fibres has been identified on site. This requires careful management which can be secured by planning condition to ensure that any necessary remediation is undertaken in a controlled manner.
- 6.11 In light of the above considerations, I consider that the proposed scheme responds positively to the constrained nature of the site in order to successfully overcome the previous reasons for refusal and meets the requirements of the NPPF and LDF. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **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 development involves demolition and owing to the likelihood of the existing building containing or being constructed of asbestos the applicant is advised to contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.
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.

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