

Platt

Borough Green And
Long Mill

11 July 2016

TM/16/02105/FL

Proposal: Section 73 application to vary condition 12 of planning permission TM/15/00453/FL (As varied by non-material amendment TM/16/01843/NMA) to provide design changes to the dwellings

Location: Railway Cottage Maidstone Road Wrotham Heath Sevenoaks Kent TN15 7SZ

Applicant: Magnum Opus Developments (Wrotham) Limited

1. Description:

- 1.1 The application proposes minor material amendments to planning permission TM/15/00453/FL. This permission granted approval for the demolition of an existing detached two storey dwelling and the erection of a new two storey terrace block of four 3-bedroom dwellings facing east, with car parking for 8 vehicles to the front of the site. This parking area measures approximately 18m wide x 10m deep. The main approved drawings included Proposed Site Plan (Drg.No.13/31/03A) and Proposed Plans and Elevations (Drg.No.13/31/02A).
- 1.2 A non-material amendment has since been approved under planning reference TM/16/01843/NMA. This added Condition 12 to planning permission TM/15/00453/FL which lists the approved plans. The current application proposes to replace the approved drawings above with revised Drawing Nos. 13/31/02B (received 8 July 2016) and 13/31/03A (received 8 July 2016).
- 1.3 The proposed amendments to the scheme comprise the following:
- Increase in the ridge of the building by 600mm from 8.5m to 9.1m to accommodate a new loft room in the roof space of each dwelling, and associated enlargement of side gable ends
 - Glass infill panels provided to the front gable of each dwelling
 - Removal of the 2 false chimneys
 - Insertion of 2 rear roof lights to each dwelling
 - Revised design of the rear single storey extensions to the dwellings
 - Addition of bathroom window to both side flank elevations of the building
 - Minor alteration to car parking layout.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Taylor due to the impact of the changes on the character of the area.

3. The Site:

- 3.1 The application site is located to the south of London Road (A20) and to the west of the end of a private access road that runs southwest from the A20 to the railway line. A bridleway/Public Right of Way (PROW) follows the access road and extends south beyond the railway line to Windmill Hill. The site is irregular in shape and slopes markedly up from east to west. A two storey dwelling is centrally situated on the plot.
- 3.2 The site is within the settlement confines of Wrotham Heath and in a Water Catchment Area. The nearby A25 and A20 are Classified Roads.
- 3.3 A tarmacked car park lies to the east which is used by customers of a Chinese Restaurant. A metal clad B1/B8 industrial building used for the storage and repair of architectural salvage and an artist/potters studio is situated on the northern side of the car park. Nos.1-4 Forge Cottages, Bay Cottage and The Bungalow all back onto the northern boundary of the site. A car parking area associated with Nos.1-4 Lime Cottages lies adjacent to the northeast corner of the site, with Oak Cottage situated to its north very close to the access road. Ming Restaurant lies further to the north. National Rail land lies to the south of the site. The railway line is positioned atop an embankment that is approximately 3m above the level of the application site.

4. Planning History (relevant):

TM/15/00453/FL Approved 22 May 2015

Demolition of existing dwelling and erection of four 3-bedroom terraced dwellings with associated car parking

TM/16/00673/FL Refuse 16 May 2016

Demolition of existing dwelling and construction of 8 new residential flats with associated parking and landscaping

TM/16/01843/NMA Approved 6 July 2016

Non-material amendment to planning permission TM/15/00453/FL (Demolition of existing dwelling and erection of four 3-bedroom terraced dwellings with associated car parking): Addition of plans list as a condition

TM/16/02106/RD Pending

Details of conditions 2 (materials), 3 (levels), 4 (noise attenuation), 7 (landscaping), 8 (surface water disposal) and 11 (site investigation) submitted pursuant to planning permission TM/15/00453/FL (Demolition of existing dwelling and erection of four 3 bedroom terraced dwelling with associated car parking)

5. Consultees:

- 5.1 PC: We object to this application. We see this as an attempt to maximise the developer's profits and not as an improvement to the area. We are aware that the developer tried to change the original approval to a block of flats, but failed. The addition of a second floor with glazed walling to the front elevation and rooflights to the rear is totally out of keeping with the area. It is now virtually up to the boundary of the adjacent property and the additional floor will limit the light and view of the existing dwellings. We would urge you to refuse this application, so we revert to the original approval.
- 5.2 KCC (Highways): No objection.
- 5.3 KCC (PROW): No issues with the amendments made to the application and reiterate what was stated in the previous application.
- 5.4 EA: No comments received.
- 5.5 Fire Brigade: No comments received. However, I consider that comments to the original application remain relevant. These comments were as follows: No objection provided that:
- The road width is no less than 3.7m
 - Any pinch points ie. gates are no less than 3.1m
 - A hammer head or turning circle is made available for a fire appliance
 - The road is constructed to take the weight of a 12.5 tonne fire appliance
 - There are no overhead cables/obstacles less than 4m.
- 5.6 Private Reps: 1/1X/0R/0S + Article 15 site notice + PROW Press Notice. No objections have been received.

6. Determining Issues:

- 6.1 The main issues are the effect of the proposed design changes on the appearance of the approved building and its subsequent effect on the character of the area, and their effect on neighbouring residential amenity.

Character and Appearance

- 6.2 Policy CP24 of the TMBCS requires development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.3 The building has been increased in height by 600mm, from a ridge height of 8.5m to 9.1m. This has been proposed in order to provide additional living

accommodation in the roof space. This has also enlarged the side flank gable end walls. The proposed elevations would also regularise an error on the approved elevations plan which shows side hips to the building's roof instead of gable ends as shown on the approved front and rear elevations.

- 6.4 The increased ridge height of the building, although not substantial, would increase the overall size, scale and bulk of the terrace viewed from east to west (front to rear, respectively) due to its 18m width. However, the terrace is set perpendicular to the neighbouring residential properties to the north and this flank elevation is well separated (by more than 20m) from the neighbouring dwellings at Bay Cottage, 1-4 Forge Cottages, 4 Lime Cottages and Oak Cottage. The bulk from the south flank only impacts on the railway land. The terrace would face east towards non-residential uses, including a light industrial/art studio building, car park and Premier Inn further to the east. Therefore, I do not consider the additional height proposed would result in an overly large building that would visually harm the character of the area.
- 6.5 Flat roof single storey extensions 2.8m deep have been added across the full width of the rear of the dwellings. These will replace the approved pitched roof single storey elements. I consider these rear elements to be low key in visual terms.
- 6.6 The removal of the false chimneys would not, in my view, affect the overall design and appearance of the dwellings. The rear roof lights are also minor alterations that are non-material in this case, given they are in the rear roof slope and face west across deep rear garden areas.
- 6.7 Glass infill panels are to be added to the front gables of the dwellings, either side of the central vertical decorative beams. The triangular panels are not considered to be substantial in size and will be broken up by the feature vertical and horizontal decorative beams that define the gable. I am of the opinion that the buildings in the immediate area are relatively mixed in respect to external materials and finishes and do not provide a distinct character that requires strict adherence to specific claddings. The building would also be largely screened by other development that lies between the application site and the highway. I therefore considered that the addition of the proposed glazed gable elements would not result in a building appearance that would be out of the character or visually harmful to the immediate area.
- 6.8 I am therefore satisfied that the proposals would not harm the character of the area or the visual amenity of the locality and would satisfy policies CP24 of the TMBCS and SQ1 of the MDE DPD. The development would also accord with Part 7 of the NPPF relating to good design.

Parking / Highway Safety

- 6.9 The layout of the front parking area has been altered slightly to provide a more linear arrangement, which is suitable for the development.
- 6.10 A new loft room is to be added to the roof space for each dwelling, accommodated by the increase in the ridge height of the building. This essentially adds a further bedroom making the dwellings 3-bedrooms. However, 2 individual parking spaces are provided for each dwelling which satisfies the requirement set out in the Kent Design Guide IGN3 residential parking standards. This same standard is also set for 4-bedroom dwellings in villages. This parking provision is therefore acceptable.
- 6.11 The local highway authority has also advised that they have no objection to the amended scheme on highway grounds.
- 6.12 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.

Neighbouring Amenity

- 6.13 The building would be slightly more visible from the existing residential properties to the north but these adjacent dwellings are more than 20m from the north side elevation of the building. Therefore, I am satisfied that the additional scale and bulk of the building and enlarged gable would not make it overbearing or harmful to the visual amenity of neighbouring residential properties.
- 6.14 There would not be any unacceptable overshadowing from the enlarged building given the separation of the building to adjacent dwellings.
- 6.15 A small sized bathroom window is to be added to each side flank wall at first floor level. A condition can be added requiring the first floor window in the north side flank elevation facing the adjacent residential properties to be fitted with obscure glass and fixed.
- 6.16 Accordingly, I am satisfied that neighbouring residential amenities would not be harmed by the proposals.

Other Planning Matters

- 6.17 The proposal does not propose any amendments that would alter the original assessment of the scheme in respect to access to fire service vehicles, land contamination, effect on adjacent national rail land or impact from noise from the nearby railway and highways. Conditions relevant to these will be carried forward to this permission if granted.

Conclusion

- 6.18 The proposed design changes are considered to be minor in the context of the approved scheme and their overall effect on the scheme would not be substantial. The appearance of the revised residential building, and development as a whole, would remain acceptable in visual terms and would not, in my view, result in any demonstrable harm to the character or visual amenity of the area.
- 6.19 In light of the above, I consider that the proposed development accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan A810/PL/001 dated 08.07.2016, Site Plan 13/31/03 A dated 08.07.2016, Proposed Plans and Elevations 13/31/02 B dated 08.07.2016, Notice ADVERT dated 08.07.2016, Other CERTIFICATE D dated 08.07.2016, 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 or 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 of the area or visual amenity of the locality.

- 3 No development shall take place until a plan showing the existing levels of the site and adjoining land and the proposed slab level(s) of the dwellings and associated finished ground levels of the site have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 4 No development shall take place until a scheme of noise attenuation to protect the proposed dwellings from noise from the nearby railway and classified highways has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

- 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 Class A, B or D of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future enlargement of the dwellings do not have a harmful impact on the character or visual amenity of the area.

- 6 No building shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings 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: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 7 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard 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.

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 No development shall take place until a scheme of surface water disposal for the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reasons: To protect groundwater.

- 9 Foul water shall be disposed of directly to the main sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

- 10 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and 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 distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 11 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 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.

- 12 The development hereby approved shall be undertaken in accordance with the following approved plans and supporting documentation:

Design and Access Statement received 11.02.2015, Noise Assessment MRL/100/682.1V1 received 11.02.2015, Transport Statement SKP/MAH/32486 received 11.02.2015, Topographical Survey received 11.02.2015, Existing Plans and Elevations 13/31/01 received 11.02.2015, Other CERTIFICATE D received 11.03.2015, Notice ARTICLE 11 received 11.03.2015, Site Plan 13/31/03 A received 08.07.2016, Proposed Plans and Elevations 13/31/02 B received 08.07.2016, Location Plan A810/PL/001 received 08.07.2016.

Reason: For the avoidance of doubt.

- 13 The first floor window within the north side elevation of the building shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking of adjoining 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 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
- 3 The applicant is advised to contact Network Rail prior to any works commencing on the site - AssetProtectionKent@networkrail.co.uk.
- 4 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.
- 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/boxes 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 With regard to any works to the footpath/bridleway, the applicant should contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872829.

- 7 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.
- 8 The applicant should ensure that adequate access is provided to the site for fire service vehicles in-line with the following advice from the Kent Fire Brigade:
 - The road width is no less than 3.7m
 - Any pinch points ie. gates, are no less than 3.1m wide
 - A hammer head or turning circle is made available for a fire appliance
 - The road is constructed to take the weight of a 12.5 tonne fire appliance
 - There are no overhead cables/obstacles less than 4m high

Contact: Mark Fewster