

**Tonbridge  
Castle**

**19 January 2017**

**TM/16/02987/OA**

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Proposal: Outline Application: Detached 3 bedroom dwelling house (all matters reserved)  
Location: Land Adjoining 11 Uridge Crescent Tonbridge Kent  
Applicant: Circle Housing  
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**1. Description:**

- 1.1 This application seeks outline planning permission to erect a detached two storey, 3 bedroom dwellinghouse on land to the north of 11 Uridge Crescent. The application form states that this land, which is currently laid to hardstanding, is currently used as a car park. All matters are reserved for future consideration (i.e. matters of Appearance, Access, Landscaping, Layout and Scale).
- 1.2 The submitted Block Plan indicates that it is proposed to construct a new vehicular crossover onto Uridge Crescent. The submitted Block Plan indicates that the external parking area would be approximately 3m in width by 4.8m in depth, which would be sufficient to provide 1 off-street parking space. The submitted Block Plan indicates a dwelling of 10m (width) x 6m (depth) and that the dwelling would contain approximately 86sq. metres of internal accommodation.

**2. Reason for reporting to Committee:**

- 2.1 The application has been called to Committee by Councillor Branson due to the level of public interest.

**3. The Site:**

- 3.1 The application site is almost square in shape and located on the corner of Uridge Crescent and Welland Road. The site is located within the settlement confines of Tonbridge within a predominantly residential area.
- 3.2 The land in question is currently laid to hardstanding and is currently used for car parking.
- 3.3 Opposite the application site to the north of Welland Road is Tonbridge Cemetery, with the site surrounded by residential properties on all other sides. The properties to the east, on Welland Road, consist of a two storey flat development, with the dwellings in Uridge Crescent being two storey semi-detached properties.

**4. Planning History (relevant):**

- 4.1 None relevant.

**5. Consultees:**

- 5.1 KCC (H+T): No objections raised – the proposals do not meet the criteria to warrant involvement from the Highway Authority.
- 5.2 Private Reps & Site Notice: 13/0X/8R/0S. 8 letters of objection received raising the following points:
- This is an outline application with no Design and Access Statement or demonstration as to how the site can accommodate the dwelling;
  - Loss of privacy and overlooking;
  - Out of character – cramped appearance and overdevelopment of the site;
  - Overshadowing of neighbouring properties;
  - The design does not afford adequate privacy;
  - The proposed garden is too small compared to other plots and leaves little space for landscaping;
  - Loss of valuable community space which is used as a car park by local residents;
  - Increased risk to pedestrians and road users from relocation of access;
  - The siting of the access will remove 2-3 on-street parking spaces and parking is already under pressure;
  - The proposals only include 1 parking space for the new dwelling and no turning facilities;
  - Building works will be disruptive to residents in terms of noise and parking for tradesmen and storage of building materials during construction;
  - The telephone pole will need to be relocated; and
  - Impact on wildlife as bats roost in cemetery to the north of the site.

**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 that has been previously developed, provided that it is not of high environmental value (paragraph 111). The NPPF

defines previously developed land as being 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. Annex 2 of the NPPF specifically excludes private residential gardens in built up areas from the definition of PDL. The land which forms the application site is used as a hard surfaced car park and therefore I am of the view that it does constitute PDL. Therefore, the broad principle of development is acceptable. It should also be recognised that the site is located in a sustainable location, within the urban area of Tonbridge and within fairly close proximity to the Town Centre with its associated public transport connections and services.

6.2 The relevant development plan policies most pertinent to the consideration of this application are as follows:

- CP1 of the TMBCS – all proposals for new development must result in a high quality sustainable environment, and that developments should be concentrated at the highest density compatible with the local built and natural environment, mainly on previously developed land served by sustainable modes of transport;
- CP11 of the TMBCS – development should be concentrated in urban areas including Tonbridge;
- CP24 of the TMBCS – all developments should be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings; and
- SQ1 of the MDE DPD – developments should protect, conserve and wherever possible, enhance the character and local distinctiveness of the area.

6.3 The proposal is submitted as an outline application, where the LPA is required to make a decision on the general principles of how the site can be developed. In this instance, the outline application is submitted with all matters (i.e. access, appearance, landscaping, layout and scale) reserved for future consideration. Nevertheless, where the proposed means of access is a reserved matter, an applicant is required to demonstrate where the access point to the proposed development will be situated.

6.4 Accordingly, the proposed plans show a new vehicle access crossover from Uridge Crescent, together with an off-street parking area sufficient for the parking of 1 car. There have been no highway objections raised and the proposed means of access, some 8m to the south of the junction of Uridge Crescent and Welland Road, together with the indicative off-street parking area, are considered to be acceptable in this instance. Whilst some concern has been raised that the level of proposed off-street parking is not sufficient, 1 private parking space to serve a

proposed dwelling of this scale in this urban location is considered acceptable in accordance with adopted parking requirements set out in IGN3.

- 6.5 The proposed plans show an indicative location and footprint for the proposed 3 bedroom detached dwelling, which would comprise approximately 86sqm. of internal accommodation set out over two storeys. Whilst the footprint of the proposed detached dwelling indicates it to be wider than No's 9/11 Uridge Crescent to the south, the dwelling is orientated differently to these dwellings and is shown to be fairly similar in size to other properties in the locality. There is also considered to be a good degree of separation, and the relationship with neighbouring properties would, in my view, be acceptable. I am of the view that a new two storey dwelling on this plot of land would not be out of character to the wider Welland Road and Uridge Crescent residential street scenes.
- 6.6 The proposal has been submitted as an outline application so therefore details have not been provided at this stage in respect of design (including window locations). Nevertheless, I am satisfied that the new dwelling could be designed to prevent any direct overlooking of adjoining residential property. This would, of course, be a matter which could be considered at the 'reserved matters' stage.
- 6.7 In terms of loss of daylight/sunlight, whilst exact details of the height of the proposed dwelling is unknown, the proposed building is submitted as a two storey detached dwelling. The indicative drawings show the proposed dwelling to be located some 3.5m from the flank wall of No.11 Uridge Crescent and to be located to the north of this property. This distance, together with the orientation of the proposed new dwelling would, in my view, represent an acceptable relationship and would not give rise to any significant overshadowing or overbearing impact on that existing dwelling to the south of the site. Furthermore, the proposed new dwelling is shown to be located a distance of approximately 12m at the narrowest point away from No.1 Welland Road.
- 6.8 In light of the above considerations I find these outline proposals to be acceptable and recommend that outline planning permission be granted subject to the submission of reserved matters (Access, Appearance, Landscaping, Layout and Scale), and in accordance with those other planning conditions, as set out below:

## **7. Recommendation:**

- 7.1 **Grant Outline Planning Permission** in accordance with the following submitted details:

### **Conditions / Reasons**

- 1 Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4 The details submitted in pursuance to Condition 1 shall be accompanied by details and samples of materials to be used externally 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.

- 5 The details submitted in pursuance to Condition 1 shall be accompanied by a contoured site plan and full details of the slab levels at which the buildings are to be constructed and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual and/or residential amenities.

- 6 The details submitted in pursuance to Condition 1 shall be accompanied by a scheme for external lighting to serve the development and the development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 7 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 any elevation of any building other than those that are explicitly approved under any Reserved Matters application, submitted pursuant to this Outline application, 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.

- 8 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

- 9 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 10 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby

permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 11 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

**Informatives:**

- 1 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@tmbs.gov.uk](mailto:addresses@tmbs.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.
- 2 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.
- 3 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.

- 4 Surface water from private areas should not be allowed to discharge onto the public highway.
- 5 The applicant is advised that the Local Authority operates a back edge of public highway refuse collection service. A temporary bin store will therefore be required at the boundary of the site close to the public highway for use on 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](mailto: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 07.30 -18:30 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. With regard to works within the limits of the highway and construction practices to prevent issues such as the 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.
- 7 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary application pack.
- 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 Highway 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: Vicky Bedford