

Shipbourne
Borough Green And
Long Mill

7 December 2016

TM/16/03581/FL

Proposal: Demolition of existing dwelling and construction of new two storey dwelling and detached double garage (Resubmission of TM/16/02494/FL)

Location: Church House Stumble Hill Shipbourne Tonbridge Kent TN11 9PE

Applicant: Mr & Mrs Heraty

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1. Description:

1.1 The application is a resubmission of a recent application (TM/16/02494/FL) for a replacement dwelling with an attached triple garage, which was refused planning permission in October 2016. The reasons for refusal in that case are summarised as follows:

- *Inappropriate development in the Metropolitan Green Belt and where no very special circumstances exist*
- *Harm to the character and appearance of the Conservation Area and to the setting of the adjacent listed buildings as a result of the size, scale, mass, bulk and design of the dwelling*
- *Unacceptable level of perceived overlooking and impact on outlook from the gardens of the residential properties to the east as a result of the size and scale of the dwelling*

1.2 The revised scheme is for a replacement dwelling in a similar location of a reduced overall size and scale. The dwelling has also been redesigned and a detached double garage proposed instead of an attached triple garage.

1.3 The new replacement dwelling will be situated centrally on the site, in a similar position to the existing dwelling, and will face southeast. The main body of the dwelling is of a 2-storey scale providing a general footprint 12.35m wide x 12.3m deep, with an eaves height of 5.4m and ridge height of 8.7m. A single storey element 4.5m wide x 8.15m deep is proposed to the southwest side of the dwelling. The dwelling is to be set back 24m from the east boundary, 23m from the rear (west) boundary, 13m from the north boundary and 23m from the south boundary.

1.4 The dwelling provides a dual pitch roof with gable ends and two front dormers, with staggered twin hip roof elements at the rear with valley between. The windows are to be of a glazing bar design on all elevations. A balcony accessed by full height doors is provided within the rear elevation at first floor level. The

floor plan layout for the dwelling consists of a kitchen, dining room, sitting room, family room, hall, study and utility room at ground floor, 3 bedrooms with ensuites at first floor and 2 further bedrooms and a bathroom at second floor level within the roof space.

- 1.5 The proposed garage is to be sited adjacent to the southeast front corner of the dwelling and will face north and be set perpendicular to the dwelling's front wall. It is to measure 7.1m wide x 7.4m deep, with an eaves height of 2.5m and ridge height of 5.6m. A catslide roof is proposed at the rear of the building with an eaves height of 1.9m. The garage is to be inset 17m from the south boundary and 18m from the east boundary. The garage building provides 2 car parking bays.
- 1.6 The external materials are to consist of red stock brick, Kentish Ragstone and feather-edged oak boarding to walls, dark plain clay tiles to roofs, lead to dormer roofs, white stained timber soffits and eaves and white timber sash windows.
- 1.7 A bonded gravel driveway is proposed leading to a parking area in front of the dwelling and garage providing space for about 3 cars independent of the garage spaces.
- 1.8 A Planning Statement, Design and Access Statement and Ecological Scoping Survey have been submitted with the application.
- 1.9 Amended plans were received on 10.02.2017 that provided design revisions to the dwelling and garage. The 2 storey element has been recessed at the rear of the dwelling and the roof form adjusted. The side single storey elements have been reduced in their dimensions. The garage has been reduced in height from 6m to 5.6m.
- 1.10 The Parish Council and neighbours were re-notified of the amendments for a further 2 week period.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Taylor due the bulk, mass and design of the dwelling being out of keeping with the rural area and impact on the Green Belt, Conservation Area and AONB.

3. The Site:

- 3.1 The application site is located at the western end of a private access road that extends west from Stumble Hill in Shipbourne, just south of The Chaser Inn. It is occupied by a two-storey detached house (4.6m high eaves/6.3m high ridge) with a flat roofed garage and masonry screen attached to its front. A timber single garage is located within the southern front corner of the site, to the west of the driveway. A close boarded fence has been erected along the north boundary.

The boundaries of the site are well landscaped with established mature trees and scrubby hedgerow.

- 3.2 The site is located within the Countryside, MGB, Kent Downs AONB and the Shipbourne CA. An AAP covers a small section of the northern part of the site. Stumble Hill is a Classified Road. A PROW footpath runs adjacent to the western boundary.
- 3.3 St Giles Church lies to the north and The Chaser Inn, Shipbourne House and Butchers Cottage all lie to the east. These buildings are all Grade II Listed buildings. The residential properties of The Old Coach House and Nos.1 and 2 Bateys Cottages lie to the south and southeast. Agricultural fields lie to the west.

4. Planning History (relevant):

TM/58/10443/OLD grant with conditions 19 November 1958

Vicarage and garage.

TM/58/10905/OLD grant with conditions 30 April 1958

Outline Application for new vicarage.

TM/69/10884/OLD grant with conditions 23 April 1969

Extension to form dining room, for The Ven. E. E. Maples Earle, M.A.

TM/87/11822/FUL grant with conditions 30 July 1987

Revised details in respect of conversion and extension of existing Coach House to form dwelling and construction of detached garage.

TM/15/02122/TNCA No Objection 4 August 2015

Remove large conifer

TM/16/02494/FL Refuse 21 October 2016

Demolition of existing dwelling and construction of new two-storey dwelling with attached triple garage with games room over

5. Consultees:

- 5.1 PC (including re-notification): Objection to the application for the following reasons:

- The Parish acknowledges that there is a decrease in terms of mass regarding the design and siting of the garage but the amended proposal continues to be

materially larger than the existing building in terms of footprint and height contrary to the National Planning Policy Framework paragraph 89;

- The proposal is a three storey dwelling in a conservation area overlooking other properties and dominating the landscape contrary to Green Belt policy;
- Particular concern with the increase in height caused by the inclusion of accommodation in the roof space and windows in the pitched roof as they are out of place in Shipbourne;
- The impact on the landscape and the conservation area would be much reduced if the design no longer had rooms on the third floor and the height of the roof could be reduced;
- There is also concern about the balcony on the first floor overlooking the churchyard where burials take place and people seek to visit graves in relative peace and privacy. If this large balcony was redesigned as a 'Juliet' balcony these issues would not apply. It would also afford more floor space on the first floor for accommodation.

5.2 KCC (Highways): No objection

5.3 KCC PROW: Public Right of Way MR392 footpath runs along the outside of the west boundary of the application site and should not affect the application.

5.4 KCC (Heritage) (29.12.2016): No comments to make.

5.5 Private Reps (including re-notification): 11+ site notice + press notice/0X/11R/0S. The objections raised have been summarised below:

- The proposed dwelling is still an increase in terms of floor area, footprint and height than the original Church House.
- The proposed replacement building is a 3-storey dwelling that is much larger than the existing/original building and is not in keeping with the character of the village.
- The height and size of the dwelling would make it highly visible and overbearing as viewed from neighbouring properties.
- The proposed dwelling is materially larger than the original building and would be inappropriate development in the Green Belt, and no very special circumstances apply.
- The mass and height of the development is inappropriate to its setting and would harm the Shipbourne Conservation Area and adjacent listed buildings
- The dwelling would overlook neighbouring properties.

- The new building would dominate the surrounding houses and area and would detrimentally affect views from the public footpaths, churchyard and Shipbourne Common.
- The balcony would be fully visible from the countryside footpaths which would impact on views in the AONB.
- The revised scheme is suburban and out of place within the village.
- The style of the new building would be unsuitable for the location.
- An inappropriate close boarded fence has been erected along the north boundary with St Giles Church.

6. Determining Issues:

- 6.1 The main issues in respect to this revised scheme are whether it would be inappropriate development in the Green Belt, and whether it would preserve the appearance and character of the CA, the setting of the adjacent listed buildings, the visual amenity of the rural landscape and locality or neighbouring residential amenity.

Green Belt/Countryside:

- 6.2 The site lies within Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 NPPF).
- 6.3 Paragraph 87 of the NPPF states that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.4 Paragraph 88 follows stating that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*
- 6.5 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, a number of exceptions are specified, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.6 I have estimated that the new dwelling provides a volume of about 1080m³ compared to a volume of about 700m³ for the existing dwelling. This is a 54%

increase in volume compared with the existing dwelling. This volume estimate is consistent with the applicant's calculations shown on Drawing Nos.2744-38 and 2744-39. The new building would also be 8.7m high compared to a height of 6.3-6.8m (depending on ground level) for the existing building. This new replacement dwelling would therefore clearly be materially larger than the building it replaces.

- 6.7 The proposed garage is now detached and provides a volume of about 207m³ and a ridge height of 5.6m. This is substantially larger than the combined size of the existing single garage and garden shed, which are of a very modest height (2m maximum) and total volume of 50m³. The garage building would be materially larger than the buildings it replaces.
- 6.8 In respect to the redevelopment of a 'brownfield' site, the increase in the height, scale and overall size of the built development proposed on the site would clearly have a greater impact on openness.
- 6.9 For these reasons, the proposal would amount to inappropriate development within the Green Belt, which is harmful by definition and for which very special circumstances are required to outweigh that harm. It is therefore necessary to consider whether any such very special circumstances do exist in this case.
- 6.10 The existing dwelling, built in the late 1950s/early 1960s, is considered to be totally at odds with the historic character of the CA. It also presents an unattractive and dominant flat roofed attached garage and substantial masonry wall enclosing a domestic oil storage tank forward of the house. Its demolition and replacement is therefore highly desirable in visual terms, in my view.
- 6.11 The new dwelling, although materially larger in size and scale, provides a more compact built form than the existing dwelling and has been designed to a high standard incorporating traditional form and design elements that would better relate to the surrounding buildings and would provide a significant overall improvement to the appearance of the site. It is acknowledged that the new building would be of a scale larger than the historic buildings surrounding the site. However, these surrounding historic buildings provide a much tighter cluster of built form whereas the new dwelling would be set within a much more spacious setting.
- 6.12 The new garage, although relatively large, is of a high quality design and its relationship with the dwelling is considered to be traditional to rural areas and provides a compact built form that would also add to the overall visual enhancement of the CA.
- 6.13 As a result, I consider that overall the proposed development provides a high quality design that would substantially enhance the character and appearance of the CA.

- 6.14 It should also be noted that the existing dwelling has permitted development rights that are intact which could allow for the dwelling to be extended in a number of ways that would impact upon the Green Belt but also further degrade the character and appearance of the CA and over which there would be no control from the LPA.
- 6.15 In addressing this point, the applicant has submitted a plan showing single storey extensions that could be added under permitted development rights accompanied by a statement that suggests that in order to make better use of the existing dwelling that there is every reasonable prospect and genuine intent in this case that these extensions could be constructed should planning permission for a replacement dwelling not be forthcoming.
- 6.16 However, on reviewing these submissions, I consider the larger extension shown (rear west elevation) (85m³) could reasonably be expected to be exercised but the other smaller extensions appear ad hoc and would not, in my view, be likely realistic options. Similarly, the very large area shown as an outbuilding to the rear of the dwelling would clearly not be of a size that would be incidental to the existing dwelling and therefore not permitted development. As such, I have disregarded this in my assessment of the fallback position.
- 6.17 Notwithstanding these specific comments, a genuine, realistic fallback position does exist for some substantial and fairly piecemeal development to occur utilising permitted development rights which should be weighed in the balance when considering whether very special circumstances exist, particularly when having in mind the preceding commentary concerning the positive enhancement of the CA the replacement building would bring.
- 6.18 I have therefore concluded that the proposed development would provide a significant enhancement to the character and appearance of the CA and that this benefit would constitute very special circumstances that would outweigh the harm arising from the fact that this constitutes inappropriate development. This is further supported by the fact that a genuine fallback exists for the applicant to construct some fairly large extensions to the existing house utilising permitted development rights which *could* in their own right have quite the opposite impact on the CA and over which there would be no control.
- 6.19 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. The one-for-one replacement of an existing dwelling is development that is included and therefore the proposal accords with this policy.

Character, visual amenity and setting of listed building:

- 6.20 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. 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.

- 6.21 Paragraphs 129 and 131 (Heritage Assets) of the NPPF advises that local planning authorities should identify and assess the significance of a heritage asset that may be affected by a proposal and should take account of the desirability of sustaining and enhancing its significance; the positive contribution that conservation of the heritage asset can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.22 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require planning authorities to give special attention to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the CA.
- 6.23 The application site adjoins the grounds of St Giles Church to the north and the rear boundaries of Shipbourne House and Butchers Cottage to the east. The Church and its boundary walls and the 2 adjacent dwellings mentioned are Grade II listed buildings. The site and the surrounding area forms part of the larger Shipbourne CA.
- 6.24 The existing dwelling is a relatively non-descript two storey dwelling built in the late 1950s /early 1960s that is at odds with the historic buildings that surround the site, and therefore detracts from the character and appearance of the CA.
- 6.25 The dwelling proposed under the previous refused scheme (TM/16/02494/FL) displayed a height of almost 10m, substantial bulk and mass and unsympathetic roof forms and overall design. The revised dwelling provides a lower roof height of 8.7m. The Parish Council and a number of local residents have suggested that the new building is 3-storey, but in my view it represents a standard two-storey scale and eaves height that utilises the roof space for additional accommodation that is common place. The revised dwelling has been more sympathetically designed with traditional dual pitched roofs with gable ends and hips to the rear, which has reduced the massing and bulk of the building. The window fenestration has been better arranged and the two dormers to the front are small, well designed and proportionate to the roof space. The materials proposed are of a high quality and characteristic of development within the local area and other rural areas of the Borough. Overall, I consider that the dwelling now proposed is respectful to the form and character of surrounding buildings within the CA and would in fact be a significant enhancement, as discussed earlier in the report.
- 6.26 It is acknowledged that the dwelling is larger than the dwellings that surround the site. However, it is well separated from these adjacent dwellings (setback 40m or more) and is now of a size and scale, given these separations, that would sit comfortably within the setting of the adjacent buildings. I am also now satisfied

that the dwelling would have a positive relationship with the setting of the Grade II Listed St Giles Church, given its relationship with the Church building which is some 50m to its north and the mature intervening trees along the common boundary.

- 6.27 The visual impact previously identified from the PROW footpaths to the west of the site is also now considered to be addressed. Although the dwelling would be visible above and through the trees and vegetation that align the western boundary, I consider the more traditional form and design of the dwelling and the sympathetic use of materials would minimise its visual impact from these public vantage points when viewed together with the Church. It has been mentioned by objectors that the balcony would be highly visible from the footpaths, but the balcony is relatively modest in size and would not, in my view, be a feature that would be dominant within the rear elevation of the dwelling. The roof of the dwelling would also be visible from Shipbourne Common. However, I do not consider that it would appear unduly prominent or out of character, given its size, scale and its traditional roof form and external materials, when viewed in the context of The Chaser Inn, Shipbourne House and Butchers Cottage. In order to increase the level of landscaped screening of the development, a condition can be added requiring additional trees to be provided along this western boundary. I therefore consider that the level of impact on landscape views to be acceptable.
- 6.28 Established trees and hedgerows align all four boundaries of the site. Large trees also lie within the grounds of the Church close to the northern boundary of the site that assist in screening the development. I have no concerns with the proposed removal of several trees within the site as they are not considered to be specimens worthy of retention. A scheme of additional tree planting along the north and east boundaries (in addition to those to the west boundary advised above) to reinforce the landscape screening of the site can be imposed on any permission granted.
- 6.29 Accordingly, I am of the view that the demolition of the unsympathetic existing dwelling and the construction of the proposed new replacement dwelling and garage would enhance the character and appearance of the CA and would preserve the setting of the listed buildings to the north and east. I am also of the view that the development would not harm the visual amenity of area, including long range views within the landscape from the PROWs to the west. The proposal would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDE DPD, and would accord with Section 7 (Requiring good design) and paragraphs 129 and 131 (Heritage Assets) of the NPPF. The development would also not conflict with Section 66 or 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Parking / highway safety:

- 6.30 The scheme provides sufficient parking on-site and would therefore meet the Council's adopted car parking standards (Kent Design Guide: Interim Guidance Note 3: Residential Parking).
- 6.31 I do not consider that the development would result in a level of additional vehicular movements to and from the site along the private access way that would be noticeably different to that existing. KCC (H & T) has not raised any objection to the development on highway grounds. I am therefore 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 MDE DPD and paragraph 32 of the NPPF.

Residential amenity:

- 6.32 The dwelling is sited about 24m from the rear garden boundaries of Butchers Cottage and Shipbourne House with a further 15m to the rear of these dwellings. The 10m height of the previously proposed dwelling and the number of large windows within its front elevation were considered to result in perceived overlooking from the front of the dwelling and visual impact from the neighbouring gardens that would harm outlook amenity. I am satisfied that the reduction in the height and overall size of the dwelling has satisfactorily addressed this concern and that the distance of the dwelling from the rear of the dwellings to the east of about 40m would not demonstrably harm neighbouring privacy or outlook amenity.
- 6.33 The Parish Council has expressed concern that the rear balcony has the potential to overlook the Church graveyard, affecting the privacy of people visiting the graveyard. However, the balcony is only 1.2m deep, faces west (rear), is well separated from the boundary with the graveyard (14m) and existing trees within the church grounds along the boundary intervene that provides a sufficient level of visual screening.
- 6.34 Accordingly, I am satisfied that amenities would not be harmed as a result of the proposed development.

Other material considerations:

- 6.35 The development replaces an existing dwelling and, although materially larger than the existing dwelling, its size, scale and overall appearance would not adversely affect the natural beauty and quiet enjoyment of the AONB, in my view. The development would therefore not conflict with Policy CP7 of the TMBCS or paragraph 115 of the NPPF.
- 6.36 The site is partially within an AAP but KCC (Heritage) has advised that they have no comment to make in respect to the development.

- 6.37 The dwelling is sited a substantial distance from Tonbridge Road, which is a classified road, and therefore I do not consider that noise from the highway would adversely affect the living conditions of the occupants of the dwelling. The development would therefore satisfy paragraph 123 of the NPPF.
- 6.38 An Ecological Scoping Survey has been submitted. The report advises that no notable birds were recorded at the site and there was no other evidence of species which are specifically protected under wildlife legislation on the site. It concludes that there is no potential for protected species at the site. The proposal therefore accords with Policy NE3 of the MDE DPD.

Representations:

- 6.39 I note the concerns raised by the Parish Council and a number of local residents which have been addressed within the relevant sections of this report above.

Conclusion:

- 6.40 I consider that the previous reasons for refusal have been satisfactorily overcome and therefore, subject to conditions, the proposed development accords with the relevant provisions of the Development Plan and NPPF. Approval is therefore recommended. The only harm I have identified is the definitional harm from inappropriateness but I consider an overriding case of very special circumstances exists.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Topographical Survey 16728SE-01 B received 09.12.2016, Existing Plans and Elevations ET 02 received 27.01.2017, Photographs BOUNDARIES received 27.01.2017, Location Plan 2744-01 C received 10.02.2017, Site Plan 2744-30 received 10.02.2017, Proposed Floor Plans 2744-31 received 10.02.2017, Proposed Floor Plans 2744-32 received 10.02.2017, Proposed Floor Plans 2744-33 received 10.02.2017, Proposed Elevations 2744-34 received 10.02.2017, Proposed Elevations 2744-35 received 10.02.2017, Proposed Elevations 2744-36 received 10.02.2017, Proposed Elevations 2744-37 received 10.02.2017, Drawing 2744-38 Existing Volumes received 13.02.2017, Drawing 2744-39 Proposed Volumes received 13.02.2017, Drawing 2744 - 28 received 05.12.2016, Other CERTIFICATE D ADVERT received 05.12.2016, Notice received 05.12.2016, Planning Statement received 05.12.2016, Ecological Assessment received 05.12.2016, Appraisal LANDSCAPE received 05.12.2016, Photograph received 05.12.2016, Materials Schedule received 06.12.2016, Existing Plans and Elevations ET-01A received 07.12.2016, Design and Access Statement received 07.12.2016, Email SUPPORTING INFORMATION received 08.03.2017, Email SUPPORTING INFORMATION received 17.03.2017, Landscaping ET-15 received 14.02.2017, 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, other than demolition of any building on the site, 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 area or the visual amenity of the locality.

- 3 No development shall take place, other than demolition of any building on the site, until details of joinery, soffits and eaves for the dwelling have been submitted to and approved in writing 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 area or visual amenity of the locality.

- 4 No development shall take place, other than demolition of any building on the site, until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling and garage in relation to the existing levels of the site and adjoining land has 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.

- 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 E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To preserve the openness of the Green Belt and the character and visual amenity of the area.

- 6 Notwithstanding the submitted landscaping plan (Drawing No.ET-15), the dwelling shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment that includes additional tree planting along the north, west and east boundaries. 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. The boundary treatments shall be provided prior to occupation of the new dwelling.

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.

- 7 The dwelling shall not be occupied until the area shown on the submitted layout as vehicle parking space 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 or 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.

- 8 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, other than those specified for removal on the Site Plan (Drawing No.2744-30) hereby approved, by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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.

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 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 3 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; on Saturday 08:00 to 13:00 hours; with no work on Sundays or Public or Bank Holidays.
- 4 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.
- 5 The Kent Fire & Rescue Service wishes 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.
- 6 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.

Contact: Mark Fewster