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- 3.2 To the east of the application site lies the attached dwelling at 2 Mill Cottages which has previously been extended in the form of a two storey side extension.
- 3.3 The site lies within the built confines of Platt and sits on a classified road "A" road with the associated noise and traffic issues.

4. Planning History:

TM/49/10339/OLD grant with conditions 12 April 1949
(MK/4/49/92)
Addition.

5. Consultees: *Please note that the comments set out below were made in relation to the originally submitted scheme for extension and a detached house. Any additional comments received following the recently amended scheme for an attached dwelling will be included within the Supplementary Report.*

- 5.1 PC: Whilst we accept it is within the Rural settlement confines, we do not agree that this is a "minor" development or an infill (described as the completion of an otherwise SUBSTANTIALLY built-up frontage).
- 5.1.1 This proposes a reasonably large detached unit separated from the existing row of cottages that does not match the street scene. Historically these cottages were for the Mill workers and the Platt Mill development opposite has continued to reflect this, i.e. a row of cottages.
- 5.1.2 It proposes building on garden land that has not been previously developed and, as such, should be only allowed if exceptional circumstances are provided. This application again reflects the trend to extend and/or build larger properties and is not what we would call "sustainable" development in our village.
- 5.1.3 The parking spaces indicated are not acceptable. The original property (now Unit A) had a garage for 2 vehicles and ample turning space within the site curtilage. This proposes 1 space for Unit A and 2 spaces for Unit B. Neither are adequate for 3 bedroom houses and there is no alternative off-street parking.
- 5.1.4 The access road is a private road and very narrow, so to reverse either into or out of the spaces shown will cause nuisance to the other road users. They must manoeuvre within their own property. The access road is used for other residents and school children to access King George's playing field.
- 5.1.5 The access road adjoins the A25 on a bend at the top of a hill and is already dangerous. This proposal will only exacerbate the situation.
- 5.1.6 We would also question the final sentence on the applicants' design and access statement that "We believe that the scheme has been agreed in principal and anticipate officer support".

5.1.7 *PC Comments on additional information, being turning circles for parking spaces:*

Regardless of the additional parking space, we still object to this proposal, for the same reasons as previously recorded to you. It is still out of character with the street scene and will infill the remaining gap at the end of a row of old workmen's cottages. It still does nothing to match its surroundings. We would also maintain that "garden land" is garden whether or not it is at the rear or side of a property and as such requires exceptional circumstances to allow a large dwelling. We will still be presented with more traffic accessing and egressing via the A25, which is always a problem. The private road is access to a recreation ground, King Georges Field, used by families and schoolchildren and is not built for regular traffic use. Vehicles reversing and turning on this road will cause problems. All the other dwellings off this road can turn within their own curtilage. We would again request you refuse this application.

5.2 *KCC Highways: Comments on additional information, being turning circles for parking spaces:* The drawings indicate that 2 spaces are to be provided for each of the 2 properties and these are independently accessible in line with the guidance given in the Kent Design Guide Interim Guidance Note 3. Tracking diagrams have also been provided which show that cars can manoeuvre to and from the spaces without the need to reverse onto the A25 Maidstone Road. The application will not lead to any significant increase in traffic from the private road onto the A25. In view of the above, I can confirm that I do not wish to raise objection subject to the following conditions: Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

5.3 *Private Reps (11/1X/5R/0S + Site Notice)* The 5 objection letters received originate from three households. Comments received are summarised below:

- Privacy – Unit B would overlook adjacent gardens and property.
- Concerns regarding upkeep of the private track which is maintained by private funds. The increased use would accelerate the deterioration of the surface.
- Unit B will cast a shadow over the track resulting in the track not drying out efficiently thereby having a negative impact on surface conditions.
- Turning of cars will impinge on land outside ownership. Cars must be able to egress on to the A25 in a forward motion.
- Plans detailing the access road are inaccurate. You cannot turn a car within the lane, it is too narrow.
- The exit from the private road on to the A25 is dangerous with limited sight lines.

- If approved, a condition should be attached to ensure no cars, builders lorries or vans may use the private road or park on the main road/pavement adjoining the site. Any vehicle parking as such destroys the limited visibility splays for residents exiting on to the A25 as well as users of the pavement, particularly with children to the nearby school.
- Further comments relating to the amended parking and turning plans, being that they are inaccurate, and turning would not be able to occur in the manner shown. A new shared access off the A25 would be better.

5.3.2 One of the letters of objection raises no objection to the extension of the existing cottage aspect of the proposals.

6. Determining Issues:

- 6.1 The site lies within the built confines of Platt where policy CP13 of the TMBCS 2007 applies. Policy CP13 of the TMBCS allows for “minor development appropriate to the scale and character of the settlement.” The principle of minor development, such as a new dwelling, is therefore, in broad policy terms, acceptable.
- 6.2 Paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The PC has raised objection to the proposal on the grounds of it being on garden land. Residential garden land is precluded from the definition of Previously Developed Land (PDL) as defined within Annex 2 of the NPPF. This preclusion does not, however, result in a presumption against development, as implied by the PC. The removal of garden land from the definition of PDL merely sets out that the presumption in favour of development on PDL does not apply on such land. The test, therefore, is whether the proposal would “cause harm to the local area”. As such, once the proposal has been assessed against design policies with the NPPF and the TMBC policy framework (as set out below in detail), if it is found to fail the various visual amenity and streetscene tests, thereby resulting in “harm to the local area”, it would also fail Paragraph 53 of the NPPF by forming inappropriate development of residential garden.
- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment.
- 6.4 Policy SQ1(2) of the MDEDPD 2010 states that all new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area and the prevailing level of tranquillity, the distinctive setting of, and relationship between the pattern of settlement, urban form and important views.

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- 6.5 Policy SQ8 of the MDEDPD relates to road safety, transport and parking. Policy SQ8 states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network. Paragraph 32 of the NPPF relates to the traffic impacts of development.
- 6.6 Paragraphs 57 and 58 of the NPPF relate to high quality design that adds to the overall quality of the area and is visually attractive as a result of good architecture and appropriate landscaping.
- 6.7 Saved Policy P4/12 of the TMBLP requires residential extensions not have an adverse impact on “the character of the building or the streetscene in terms of form, scale, design, materials and existing trees; nor the residential amenity of neighbouring properties in terms of light and privacy, and overlooking of garden areas.” Policy P4/12 also has an Annex (PA4/12) which sets out further design guidance and amenity tests.
- 6.8 The proposed two storey side and rear extensions to Unit A (1 Mill Cottage) would, in effect, mirror the scale of extensions already added to the adjoining neighbour at 2 Mill Cottages. The eaves line, fenestration, materials and roof design all reflect those of the existing cottage and would, in my view, respect the site and its surroundings and the character of the area. The additional windows and the bulk and mass of the extension proposed to Unit A would not give rise to loss of outlook, overbearing impact, loss of privacy or light to neighbouring properties in my view. The two storey rear extension would not breach the 45 degree test for light and outlook. The extension, in isolation, would therefore accord with Saved Policy P4/12 of the TMBLP.
- 6.9 The proposed attached dwelling at Unit B would abut the (extended) side elevation of Unit A. The new unit has been designed to mirror the architectural style and form of the extended Unit A and perpetuate the materials, window size and rhythm. Accordingly, assess solely in aesthetic terms, I consider the proposed additional dwelling as now revised would not unduly impact on the character of the area or wider streetscene and goes some way to dealing with the PC’s concerns over streetscene impact.
- 6.10 The layout, siting, bulk and massing of Unit B would extend over garden land to the side of Unit A. In terms of the ability of the site to comfortably take the proposed new dwelling, I consider Unit B to be well sited within the limits of the site and it would not, in my view, result in a sense of overdevelopment. The new Unit B would retain a reasonably sized garden to the west side of the property and an acceptably sized garden and patio area to the rear. Accordingly, I consider the layout, siting, bulk and mass of Unit B would respect the site and its surroundings. Moreover, looking at the pattern of development in the immediate locally, encompassing 2 Mill Cottage, Platt Mill Cottage and across the A25 at Platt Mill

Close, the proximity of dwellings to their side boundaries is relatively tight. Comparably, the proposed Unit B would be sited well within the boundaries of the application site.

- 6.11 The proposed windows to serve Unit B would overlook Maidstone Road to the south and the gardens of the site and private road beyond. I do not consider the proposed Unit B would be close enough to neighbouring dwellings to directly overlook their built property, being some 21m away at an oblique angle. Some additional overlooking of garden area for Cloggatts to the northwest may occur, however this is mainly driveway area and the property has a large plot and ample opportunity for private areas elsewhere in its garden.
- 6.12 In light of the above considerations, I am satisfied the proposal would accord with the visual and residential amenity requirements of Paragraphs 57 and 58 of the NPPF, Policy CP24 of the TMBCS and Policy SQ1 of the MDEDPD. In turn, the proposal would be appropriate to the scale and character of the settlement, in line with Policy CP13 of the TMBCS. For the same reasons, I consider the proposal would not cause harm to the local area and is therefore an appropriate development of garden land, in accordance with Paragraph 53 of the NPPF.
- 6.13 The proposed access, parking and turning arrangements for the site have resulted in the greatest number of objections received to the original scheme. The shared private access road off the A25 has been proposed as the method of access, as is the case for the existing cottage. At present, 1 Mill Cottage has a gate on to the access road and a single detached garage on garden land to the side. Given the size of the garden and the location of the garage, there is arguably sufficient space to turn a car within the site, however the driveway on site is linear and narrow and would require reversing on to the access road. There is not a formal driveway with turning in front of the garage to demonstrate that such a manoeuvre on site could, or habitually does, occur. Notwithstanding the above, the proposal before Members is for four independently accessible spaces directly off the private drive. The spaces are close to the edge of the site and would require the use of the access road to turn. I appreciate the concerns of residents nearby and, whilst it may be preferable for all users of this road to have on-site turning, that is not the test before the Council. KCC Highways has been consulted on the re-surveyed plans for the access road and the turning circle information. The Highways Engineers are satisfied that turning can occur within the limits of the access road, i.e. it is wide enough, and they consider the number of parking spaces to be appropriate. They also consider the small increase in use of the access would not give rise to harm to highway safety. Paragraph 32 of the NPPF is clear in setting out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Accordingly, the proposed access, turning and parking aspects of the proposal can be considered to accord with Paragraph 32 of the NPPF and Policy SQ8 of the MDEDPD.

- 6.14 The proposed dwelling, and the extension to the existing cottage, would lie close to the A25 and its associated traffic noise. The application has been submitted with an acoustic report which demonstrates that the site lies within NEC "C". Under Policy SQ6 of the MDE DPD, proposals within noise category C will not normally be granted. However, the specific noise attenuation measures set out within the acoustic report will ensure that internal noise levels will be acceptable. The scheme of mitigation includes acoustically screened mechanical ventilation where necessary. The scheme of mitigation accords with the second section of Policy SQ6 and, provided the scheme is required to be installed and retained by condition, the proposal can be considered acceptable in respect of its aural climate.
- 6.15 Due to the history of the site and its proximity to previous industrial uses, I recommend a condition be attached to any approval to safeguard against any the discovery of significant deposits of made ground or indicators of potential contamination during development works.
- 6.16 The existing hedge to the boundaries of the site is an attractive feature of the site and something which will greatly assist in softening the visual impact of the development within the streetscene. I, therefore, consider it reasonable to condition the retention of the hedge for a period of ten years and that, should the hedge be damaged or diseased within that period, the hedge shall be replenished with like-for-like standard stocks. A standard hard and soft landscaping condition would also be necessary.
- 6.17 I note the concerns from one of the neighbours regarding the potential hazardous highways implications should construction traffic park on the A25, even for a short period. I, therefore, recommend a condition be imposed which requires the submission of a management plan for construction traffic to and from the site.
- 6.18 In light of the above considerations, I recommend planning permission be granted, subject to the conditions listed below.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Other existing site images dated 04.12.2013, Acoustic Assessment dated 25.11.2013, Design and Access Statement dated 21.11.2013, Existing Elevations A670-E-004 dated 21.11.2013, Existing Floor Plans A670-E-006 dated 21.11.2013, Proposed Floor Plans A670-P-105 dated 21.11.2013, Proposed Elevations A670-P-109 dated 21.11.2013, Proposed Elevations A670-P-110 dated 21.11.2013, Email dated 13.01.2014, Email dated 16.01.2014, Email dated 17.01.2014, Location Plan A670-E-008A dated 17.01.2014, Proposed Layout A670-P-104C dated 17.01.2014, Drawing A670-P-500 dated

17.01.2014, Proposed Layout A670-P-104 D dated 14.02.2014, Drawing A670-P-106 D dated 14.02.2014, Parking Provision A670-P-500 A dated 14.02.2014, Proposed Elevations A670-P-109 D dated 14.02.2014, Email dated 14.02.2014, subject to the following:

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 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

- 4 The existing low mixed hedge to the front, side and rear of the site shall be retained, other than as specifically approved to be removed for access, for a period of ten years from the date of this permission. Any areas of hedge 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.

- 5 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 6 The use shall not be commenced, nor the premises 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 1995 (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.

- 7 The scheme of noise attenuation hereby approved, as set out within Noise Report dated 22 November 2011 by F1 Acoustics Company Limited, shall be implemented in respect of Unit A prior to the first occupation of the extension to Unit A and in respect of Unit B prior to the first occupation of Unit B and in both instances shall be retained at all times thereafter.

Reason: In the interests of aural amenity of the occupants of the respective properties.

- 8 No development shall take place until a scheme for the management of demolition and construction traffic going to and from the site (including hours of operation and arrangements for the delivery of materials to the site and the associated parking of vehicles) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation is agreed in writing by the Local Planning Authority beforehand.

Reason: To ensure that the development does not harm the amenities of the locality.

Informatives

1. Tonbridge and Malling Borough Council operates 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 relevant collection day.

Contact: Lucy Harvey

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 5 March 2014

Platt **TM/13/03598/FL**
Borough Green And
Long Mill

Erection of one 3 bedroom (attached) dwelling with shared access and parking and two storey extension to existing house at 1 Mill Cottages Maidstone Road Platt Sevenoaks Kent TN15 8JE for Magnum Opus Developments (Sevenoaks) Ltd

Additional Reps:

KCC Highways: I can confirm that the details of this application have been carefully considered and attention has been paid to the concerns of the local residents.

The level of parking for the two properties is adequate with 2 spaces being provided for each house. The site has been visited and measurements checked; tracking diagrams have been submitted. Cars will be able to turn to and from the parking spaces within the private access road and this will not be likely to lead to any highway safety problems. Traffic flows will be increased by the additional dwelling; however this is not a significant intensification of use of the existing access where there is no record of personal injury crashes within the latest 3 year period.

In view of the NPPF advice which states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe', I do not believe that there are grounds for a highway related objection.

PC: Regardless of this revised information, we still object to this proposal.

Whilst we note your comments in your report re: garden land, we still feel that this proposal is subject to the required "exceptional" circumstances that should be applied. Our continued reservation, as expressed before, is the additional traffic movements. With all due respects to Kent Highways, they are not interested in private access roads and we would query whether they have visited the site or just formed their opinion from a drawing.

We attach a plan showing the access track and its route to King Georges Field. This is the only route to the recreational ground used continually by school children and others, including junior football clubs. It is a very narrow track and vehicles manoeuvring in and out of this proposal are definitely a hazard. It is also used, obviously, by the other existing resident occupants. Whilst it may be perfect to turn and manoeuvre on paper, it is a different matter during rain, bright sunshine, darkness, etc. Not many drivers are that perfect, especially when a group of children come running down this track.

We would suggest that if the committee members visited the site, they would share our concern.

Additional Neighbour Reps:

Two neighbours have written in with additional objections (totally 5 additional e-mails/on line comments). The additional objections are (in summary):

- Reiterating previous concerns in relation to parking, access and turning.
- The lane is not wide enough and will require multiple manoeuvres and dry steering which will harm the surface.
- The lane will be used for parking causing an obstruction.
- Vehicles will need to reverse on to the A25.
- If three of the four bays were in use the final car would not have room to swing in to/out of the space.
- The lane should not be used for building material or construction vehicles. Access for all users should be maintained 24/7.
- Any cost of repair to the lane resulting from damage caused by the developer should be at their cost.
- No turning facilities will be provided within the access track (i.e. residents within the track will not allow vehicles to turn using the mouth of their driveway).
- Shouldn't all new dwellings have their own on site turning?

Both objectors also question how the Committee Report can be prepared in advance of all consultee periods having expired. They also question whether site visits were carried out by the Council and KCC Highways advisor. One of the neighbours questions whether assurance was given by TMBC Planning of the likelihood of planning permission being granted prior to the application.

DPHEH: The issue of access, parking and turning have all been discussed within the main report. However, KCC Highways have confirmed that they have visited the site in person and all measurements have been checked. KCC Highways remain satisfied that the access arrangement, turning circles and amount of parking proposed are acceptable.

The practice of reporting a case to APC2 while there are outstanding consultations is common practice. It should be noted that the re-consultation was on an amended design and layout. Accordingly, the consultee responses on the main principles of the development could be reported to Members within the main Committee Report with any Supplementary comments being reported on the night.

The pre-application advice service offered by the Local Planning Authority to developers is a routine part of the service provided. Any pre-application advice is not binding, should an application be submitted in the future and remains the informal view of the Officer and not the official view of the Council. Advice is made on that basis and there is never any assurance given to a developer or householder that permission will be secured.

It has recently come to light that in December 2013, a judgement was handed down in the case of **R (Embleton Parish Council) v Northumberland County Council [2013] EWHC 3631 (Admin)** which provides some further clarification on the extent to which

technical tests, such as the Noise Exposure Categories (NECs) which previously formed part of PPS24 and remain extant in Policy SQ6 of the MDE DPD, could be relied upon in light of the publication of the National Planning Policy Framework. This judgement appears to suggest that there is no justification in continuing to adopt the NECs as a basis for assessing the acceptability of the acoustic environment. The test within the NPPF is whether “significant adverse impacts on health and quality of life” would occur. It is considered that the mitigation measures for acoustic protection set out within the Noise Report submitted would ensure an acceptable internal noise level and, as such, my recommendation remains unchanged.

MY RECOMMENDATION REMAINS UNCHANGED
