

Borough Green
Borough Green And
Long Mill

9 May 2019

TM/19/01024/FL

Proposal: Demolition of existing single family dwelling and construction of new building with 4 apartments (3 No 1 bed/2 person and 1 No 2 bed/4 person) together with associated amenity areas, parking, refuse and cycle stores

Location: 41 Western Road Borough Green Sevenoaks Kent TN15 8AL

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1. Description:

- 1.1 It is proposed to demolish the existing two storey dwelling and erect a new two and a half storey detached building with roof accommodation containing 4 apartments comprised of 3 x 1 bedroom flats and 1 x 2 bedroom flat. An undercroft access from Western Road would lead underneath the building into a rear car park containing 5 parking spaces. A private garden area would be provided for the ground floor flat to the rear of the property.
- 1.2 From the front the building is constructed in brick in a style reflective of local vernacular with bay windows and dormer windows in the roof. From the rear the design is more contemporary with a three storey gable end, Juliet balconies and full height windows for each flat.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Mike Taylor in order for the committee to consider the impact of the development in terms of bulk and mass, loss of privacy to neighbours, parking provision, and construction impact on on-street residential parking and traffic flow.

3. The Site:

- 3.1 The site is a detached conventional two storey dwelling and garden located on the south side of Western Road. It appears as a standalone building, probably an infill development, located next to a pair of adjacent semi-detached dwellings with a higher ridge height. On the other side is a funeral parlour and to the rear at the end of the garden is a car park.
- 3.2 The site lies within the settlement confines of Borough Green. There are no other designations relevant to the determination of the application.

4. Planning History (relevant):

TM/57/10358/OLD grant with conditions 25 July 1957

Use of siting room as watchmakers shop.

TM/87/10334/FUL grant with conditions 30 June 1987

Change of use shop to residential.

5. Consultees:

5.1 PC: Objection. Overdevelopment, increase bulk, mass and height, encroachment to footway, insufficient parking for 8 – 10 adults, loss of neighbour privacy, impact on street scene, out of keeping with neighbouring properties.

5.1.1 KCC (H+T) representations 3rd June 2019: Thank you for inviting me to comment on this application. I note the adoption of 4.8m x 2.4m wide parking bays proposed to the rear of the site. Whilst an aisle width/reversing area behind these spaces of 6m is proposed, it is considered that some manoeuvres for some of the spaces may be problematic. Attention is directed to section B8 (page 33) of SPG 4, Kent Vehicle Parking Standards; in particular, preferred parking bay dimensions and note 2 regarding extra width for manoeuvring next to an enclosed boundary. I would be grateful if the applicant could consider these issues before completing my response on behalf of this authority.

5.1.2 KCC (H+T) representations 10th June 2019: Thank you for re-consulting me regarding this application. I am pleased to note from drawings A385:P:110 and A385:P:111 that the applicant/architect has taken on board my comments of 3 June. Parking spaces of at least 2.5m width (2.7m wide at the eastern boundary) and at least 5m width (6m in most cases) are proposed. Looking at the configuration it is considered that all car parking spaces can be accessed and egressed in a forward gear without this being too onerous.

5.1.3 I write to confirm on behalf of this authority that I have no objection to this application, subject to the following conditions: -

- Submission of a Construction Management Plan for approval before the commencement of any development on site.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

5.2 Environmental Protection: There is insufficient information provided by the Applicant to enable me to fully comment with respect to noise at the proposed site and whether the site is appropriate for this type of development.

5.2.1 I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed site due to the close proximity of the busy Western Road and Car Park to the rear. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH). The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made.

5.2.2 Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

5.2.3 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.

5.2.4 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

5.3 Neighbours: 7/1X/5R/1S + site notice. 5 objections, 1 general comment and 1 comment in support raised on the following (summarised) grounds:

- Considerably higher
- Detrimental impact on garden and property, especially during construction
- 5 spaces for 4 flats is insufficient, where would additional cars park
- Already flats on the road
- Question need for flats
- Traffic congestion
- What happens to shared pathway
- Concern over construction traffic
- Height will be encompassing
- Garden is a wildlife haven
- At odds with Edwardian cottages
- Adverse security
- Loss of one street parking bay
- Deprive neighbours of natural light tower over neighbours
- Large balcony unacceptable (*Officer note: balconies have now been replaced with Juliet balconies*)
- Surrounded by car parking
- Loss of amenity space
- Old and narrow sewer cannot cope
- Where are builders vehicles going to stop
- Perpetual state of chaos
- Alleyway is narrow with sharp turns and must not be used as a means to access site
- Disproportionate for its situation
- Impact on access for adjacent funeral directors
- Deep concerns
- Adverse impact on pond, nesting birds and other wildlife
- No need to demolish perfectly good family home
- Local Green Belt is to be built on anyway
- Purely financial and not for community benefit
- Would take months to complete

6. Determining Issues:

Principle of Development:

6.1 The site lies within the settlement confines of Borough Green in which policy CP12 of the TMBCS sets out that there is no objection to new housing development. Policy CP12 is considered to be consistent with the aims of the NPPF in directing development towards built up areas, free from restrictive designations, including on brownfield and previously developed land. It is further consistent with the aims of the framework that seek to direct development towards sustainable locations with access to public transport and shops and services where occupants would not be wholly reliant on private cars. As such it is considered that the location of the

development accords with the relevant policies in the development plan as well as the most recent iteration of the NPPF.

- 6.2 Members will be aware that Tonbridge and Malling Council cannot currently demonstrate a 5 year supply of housing. The NPPF advocates a presumption in favour of sustainable development in such circumstances, unless the application of policies in the Framework provide a clear reason to refuse the development, for example areas within designated Green Belt land, or where harm to protected heritage assets is identified. Alternatively, the presumption in favour of sustainable development can be disbarred where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 The site does not lie in any area in which harm to specific designations would provide a clear reason to justify a refusal. As such, it is necessary to consider the impact on the character and appearance of the street scene, neighbouring amenity, and parking and highways, in order to determine whether any adverse impacts would significantly and demonstrably outweigh the benefits.

Character and Appearance:

- 6.4 Policy CP24 of the TMBCS and policy SQ1 of the MDE DPD require a high standard of design from all new developments that should respect the site and its surroundings, make a positive contribution towards the enhancement of the appearance of the area and reflect local distinctiveness. These policies are consistent with the NPPF, particularly Chapter 12 and paragraphs 124, 127 and 130 which explain that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 6.5 It is noted that the proposed building is larger than the existing dwelling. However the existing building is also lower in height than the adjacent semi-detached dwelling, and nearby buildings also have higher ridge heights with a steeper pitched roof. The proposed building would be reflective of this style and, whilst the ridge height is larger than existing, it is not considered to be significantly taller over and above the size of adjacent properties such that any harm would arise to the character and appearance of the area.
- 6.6 Furthermore the use of bay windows, brick arches and the bricked up window on the first floor are typical character features of the Edwardian style of architecture found in numerous examples along Western Road. In many respects the proposed building is an effective modern interpretation of Edwardian architecture and is considered to be an improvement over the design of the existing building that contrasts with the prevalent style of many other properties along the road.
- 6.7 Comments concerning the scale and bulk of the building are noted, but adequate separation would be provided between neighbouring dwellings and the scale is not considered to be dissimilar to nearby terraces. Towards the end of the road are

three storey flats and similar sized properties can be found in the wider area. The higher density of development is also reflective of the town centre location and a good amount of garden space would be retained to the rear along with the car park. Other car parks are located to the rear of properties in the wider area including the adjacent funeral parlour and the site opposite, and a car park is also located immediately behind the site. As such, the provision of a rear car park would not appear out of place.

- 6.8 Overall it is considered that the proposal represents a good standard of design that has taken care to reflect existing architectural styles. The scheme is therefore considered to accord with policies CP24 of the TMBCS and SQ1 of the MDE DPD and paragraphs 124 and 127 of the NPPF.

Neighbouring Amenity:

- 6.9 Third party concerns regarding the impact on neighbouring amenity are noted. However whilst the building would increase in bulk, height and mass, it would not extend significantly further than the principle rear building lines of adjacent properties. As such it is not considered that an overbearing impact would arise here.
- 6.10 Some increase in overshadowing may occur to windows on the flank of properties on either side of the building, but it is considered that there is an adequate amount of spacing between them and, given that they would also be served by windows on the front and rear that would be unaffected, it is not considered that any harmful overshadowing effect would occur.
- 6.11 The rear elevation contains Juliet balconies that would not offer a vantage point into neighbouring gardens and could not be stood on. As such the impact would be considered no different to rear windows. Only one window is proposed on the side elevation to serve the second floor bathroom but this can be obscure glazed and non-opening by condition to prevent overlooking. Overall the impact on neighbouring amenity is not considered to result in a harmful effect such that planning permission should be withheld.

Parking and Highways:

- 6.12 The application proposes 5 spaces to be located in the car park to the rear of the building as well as 10 cycle spaces. For a village location, the parking standards set out in Interim Guidance Note 3: Residential Parking by Kent County Council require 1 space per unit for both 1 and 2 bedroom flats. The development is comprised of 3 x 1 bed flats and 1 x 2 bed flat and the provision of 5 x spaces therefore exceeds the required parking standards by 1 space. As such, it is considered that there is sufficient parking to prevent unacceptable displacement of parking onto the road. It is noted that the road is narrow and on street parking is limited but any visitor parking would have to be in accordance with parking regulations.

- 6.13 Furthermore, the site's location in the village centre means that Borough Green train station is a short walk away and bus stops are also available within walking distance. The proximity of shops and local services also means that some future occupants may not be reliant on private cars. Given that not all trips to and from the site would necessitate use of a car, and considering that only 5 spaces would be located to the rear, it is not considered that the intensification of the use of the access would result in any unacceptable highways safety impacts, being the required threshold for which a refusal on such grounds would be required by paragraph 109 of the NPPF.
- 6.14 Finally, KCC (H+T) has raised no objection to the development on highways safety grounds. As such it is considered that the development would not have an unacceptable impact on the safety and operation of the public highway and no conflict with policies CP2 of the TMBCS and SQ8 of the MDE DPD would occur.

Noise:

- 6.15 Representations from Environmental Protection regarding noise are noted; however given that the property is already in residential use in a street surrounded by other residential properties, it is not considered that any noise impacts would be sufficient to withhold permission given that the principle of residential occupation of the site has already been established. Furthermore the road is not a busy thoroughfare in which cars could drive at speed given the prevalence of on street parking. Nor is it likely that excessive movements would occur late at night (in contrast with say an A-road or motorway). The new building would be constructed to the standard of modern building regulations and is likely to offer better insulation and noise resistance than the existing dwelling. As such it is not considered that the proposed development would be unacceptably at risk from noise such that the amenity of future occupiers would be compromised. The adjacent use of the funeral parlour is also unlikely to generate any significant levels of noise above what might be reasonably expected in a town centre location.
- 6.16 Environmental Protection have recommended conditions to confirm acceptable noise levels can be achieved and to consider any required mitigation. This is considered reasonable to ensure living conditions for future occupiers are acceptable.
- 6.17 Some noise and disruption would be inevitable during the construction process but this would be short term. However, given the narrow road and on street parking, it is necessary to require a construction management plan to be submitted in order to minimise disruption to adjacent properties and businesses as well as the surrounding road network and this can be secured by way of a planning condition.

Ecology:

- 6.18 Policy NE3 of the MDE DPD requires development to ensure no adverse impacts on biodiversity and wildlife habitats, including those of protected species. This is

consistent with paragraph 175 of the NPPF to avoid harm to biodiversity and protected species.

- 6.19 Third party comments concerning the potential impact on wildlife are noted. The development would result in the loss of some garden land to facilitate the larger building and the car park, but some would be retained. The garden is adjacent to other neighbouring gardens but this greenspace is otherwise cut off from any surrounding countryside by car parks and access roads and the surrounding development in the town. As such, it is considered unlikely that protected species are present within the garden area or the building itself and no conflict with policy NE3 of the MDEPD would occur.

Conclusions:

- 6.20 There would be no significant impacts on road safety and parking provision would exceed adopted standards. The design of the building is considered to be an improvement over the appearance of the existing building and make a positive contribution to the character of the street scene. Whilst there would be some change in the size and scale of the building over and above what is currently there, it is not considered that the impacts on neighbouring amenity would be significantly harmful. As such, it is not considered that any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the provision of additional housing. The application is therefore recommended for approval subject to conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan A385-P-101 dated 01.05.2019, Existing Elevations A385-P-102 dated 01.05.2019, Section A385-P-116 CC dated 01.05.2019, Proposed Elevations A385-P-117 dated 01.05.2019, Artist's Impression A385-P-121 01 dated 01.05.2019, Artist's Impression A385-P-123 03 dated 01.05.2019, Location Plan A385-P-100 dated 01.05.2019, Design and Access Statement 20190427 dated 01.05.2019, Proposed Floor Plans A385-P-111 REV A dated 07.06.2019, Site Plan A385-P-110 REV A dated 07.06.2019, Proposed Floor Plans A385-P-112 REV A dated 07.06.2019, Proposed Floor Plans A385-P-113 REV A dated 07.06.2019, Section A385-P-114 REV A AA dated 07.06.2019, Section A385-P-115 REV A BB dated 07.06.2019, Proposed Elevations A385-P-118 REV A dated 07.06.2019, Proposed Elevations A385-P-119 REV A dated 07.06.2019, Proposed Elevations A385-P-120 REV A dated 07.06.2019, Artist's Impression A385-P-122 REV A 02 dated 07.06.2019, Artist's Impression A385-P-124 REV A 04 dated 07.06.2019, 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 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

- 3 The building shall not be occupied until the area shown on the submitted layout for vehicle parking spaces 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 (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 4 No development shall start until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The construction shall proceed in accordance with the details of the approved Management Plan.

Reason: To minimise noise and disruption to adjacent business and residential properties and the surrounding road network.

- 5 The window on the second floor side elevations shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening, unless the window is 1.7m above the floor level of the room it is installed in. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 6 Before the development hereby approved is occupied, details of a noise report detailing the current noise climate at the proposed site due to the close proximity of Western Road and the Car Park to the rear shall be submitted to and approved by the Local Planning Authority. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in

para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Reason: To ensure acceptable living conditions for future occupiers.

Informatives

1. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Adem Mehmet