

**Applications delegated to Director of Planning,
Housing & Environmental Health to determine**

TM/23/00974/FL

Location: 94C Shipbourne Road Tonbridge Kent TN10 3EG

Proposal: Demolition of the existing Motorcycle garage and erection of 2 x 3 bed dwellings with associated off-street parking and private amenity space

Target Date: 4 July 2023

EOT Target Date:

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of an existing garage and associated buildings and the erection of a pair of two and a half storey, semi-detached dwellings.

2. The Site:

- 2.1 The site lies in the confines of the urban settlement, within an area of archaeological potential. The site comprises a collection of buildings and lies to the west of the Shipbourne Road. A public footpath runs to the rear of site.

3. Planning History (relevant):

TM/51/10017/OLD grant with conditions 5 June 1951

Use of yard (ex classic car hire) for monumental mason's business.

4. Consultees:

- 4.1 EP No objection subject to recommended planning conditions
- 4.2 Neighbours: No response
- 4.3 Site Notice: No response

5. Relevant Policies & Determining Issues:

- 5.1 The site lies in the confines of the urban settlement. Policy CP11 of the TMBCS seeks to concentrate development in the urban areas. The principle of the application is therefore acceptable. However, TMBC cannot presently demonstrate a five year supply of housing and consequently, in accordance with paragraph 11 d) of the NPPF, much of the development plan is out of date for the purposes of determining applications for new housing development.

- 5.2 Paragraph 11 d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 5.3 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance. However, the application site does not fall within any such identified areas. It therefore remains appropriate to assess the application with regard to the relevant policies within the Development Plan, where they accord with the NPPF, and this Framework as a whole in order to ascertain whether the presumption in favour of development falls to be applied.
- 5.4 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all new development to protect, conserve and, where possible enhance the character and local distinctiveness of the area. The aims of these local plan policies are echoed in paragraph 130 of the NPPF.
- 5.5 Paragraph 130 of the NPPF sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history.
- 5.6 The proposed dwellings have been designed with a tabletop roof which maximises the internal space whilst ensuring the ridge height is to be comparable with the adjacent dwellings to the south. Although the proposed dwellings will result in an increase bulk at first floor when compared with the existing building at the front of the site, the removal of the single storey structures to the rear will reduce the overall impact on the adjacent dwellings.
- 5.7 With regard to residential privacy, no first floor windows are proposed to the side elevations. The proposed first and second floor windows to the rear elevation will make no adverse impact in terms of loss of privacy owing to the siting of the proposed dwellings and the rear vista overlooking the cemetery.
- 5.8 The use of render and brick as finishing materials is acceptable, the wider area being primarily red brick. The precise details of the proposed materials can be ensured by planning condition.
- 5.9 I am aware of the proximity of the Shipbourne Road which is a main route serving the town. As Section (f) of paragraph 130 of the NPPF state, planning policies and decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.10 The Council's Environmental Health Officer has recommended a planning condition to ensure any methods of traffic noise attenuation are incorporated into the design of the dwellings. I concur and this can be ensured by planning condition. I am also aware that the use of the site as a garage may have resulted in levels of contamination which will require remediation. Once again, I concur with the recommendations of the Council's Scientific Officer with regards to the imposition of suitable planning conditions.
- 5.11 With regard to highway issues policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety. Paragraph 110 of the NPPF requires development to promote sustainable transport modes, provide safe and suitable access to the site, the design of any road layout to reflect current national guidance and any significant impact on the highway to be assessed. Paragraph 111 continues to state that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the development would be severe.
- 5.12 Despite the site lying within the confines of the Town, and being close to amenities, services and public transport links, the proposal includes two curtilage vehicle parking spaces to serve each dwelling. This exceeds the requirements set out in the KCC Interim Guidance Note IGN3: Residential Parking 2008 and is acceptable. In addition, the level of traffic movements associated with two dwellings in comparison with the level associated with a single dwelling and motorcycle shop is very much reduced and will therefore reduce any potential impact on highway safety.
- 5.13 The application has been assessed with regard to the relevant policies within the development plan where they remain in accordance with the NPPF and the relevant policies in the NPPF as a whole and found to be acceptable. It is therefore appropriate to engage the presumption in favour of development in determining the application and consequently I recommend planning permission is granted subject to the following planning conditions.

6. Recommendation:

Approved in accordance with the following submitted details:

Elevations PL(EP)10 received 09.05.2023, Elevations PL(EP)11 received 09.05.2023, Elevations PL(EP)12 received 09.05.2023, Elevations PL(EP)13 received 09.05.2023, Proposed Floor Plans PL(P)00 received 09.05.2023, Proposed Floor Plans PL(P)01 received 09.05.2023, Proposed Floor Plans PL(P)02 received 09.05.2023, Proposed Roof Plan PL(P)03 received 09.05.2023, Section PL(P)20 received 09.05.2023, Site Plan T001 01 received 09.05.2023, Planning, Design And Access Statement received 09.05.2023,

Photographs X8 received 09.05.2023, / subject to compliance with the following conditions:

Conditions/Reasons

- 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 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed 'This was approved in accordance with the following submitted details'.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 No development other than site survey work 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 2021 (paragraphs 183-185).

- 4 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 2021 (paragraphs 183-185).

- 5 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 those 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 2021 (paragraphs 183-185).

- 6 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of slab levels have been submitted to and approved by the Local Planning Authority. The details to include a scaled cross section showing the proposed development in relation to the adjacent buildings. The works shall then be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

- 7 Prior to first occupation of the building full details of noise mitigation measures taking into account the adjacent road shall be submitted and approved in writing by the Local Planning Authority. The details should consider the levels cited in BS8233:2014 and how these will be achieved, 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,1-hour, and a maximum upper limit of 55dB LAeq,1-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 shall 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. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, acoustic fencing etc) will also need to be submitted for approval.

Reason: To ensure a suitable residential environment for future occupiers.

- 8 No above ground development, other than demolition or site survey work, 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 visual amenity of the locality.

- 9 No above ground development, other than demolition or site survey work, shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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.

- 10 The dwellings shall not be occupied, until the area shown on the submitted layout referenced PL(P)00 received 9 May 2023 as vehicle parking and turning 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: To ensure that adequate parking is provided, maintained, and retained.

- 11 The proposed hardstanding shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouses and vehicle parking areas hereby permitted.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

- 12 If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Informatives:

- 1 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 Holidays, and all contractor vehicles to be parked on site so as not to obstruct the public highway.
- 2 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.

- 3 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 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.
- 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 There is the possibility of asbestos containing materials being present in the structure. Before commencing any work, the applicant must organise an asbestos survey to be undertaken by a competent person. More information regarding the necessary precautions which must be implemented for the duration of the demolition can be found at <http://www.hse.gov.uk/asbestos/>.

Signed Maria Brown (electronic signature)

Endorsed By Hannah Parker (electronic signature)

Dated 30.06.23