

<b>NOTES FOR TECH:</b>		
<b>APPLICATION PROPOSAL</b>		<b>Ref No 22/01964/FULL</b>
Demolition of existing buildings and erection of four two-storey residential dwellings (two detached and two semi-detached).		
<b>ADDRESS</b> 8-9 Amberleaze Drive Pembury Tunbridge Wells Kent TN2 4HF		
<b>RECOMMENDATION - PER</b>		
<b>WARD</b> Pembury	<b>PARISH/TOWN COUNCIL</b> Pembury Parish Council	<b>APPLICANT</b> Mr Simon Curling <b>AGENT</b> Miss Rachel Maguire
<b>DECISION DUE DATE</b> 08/09/22 (EOT to 16/09/22)	<b>PUBLICITY EXPIRY DATE</b> 18/08/22	<b>OFFICER SITE VISIT DATE</b> 28/07/22
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
<p><b>Reference Number: 07/00381/FUL (Adjoining Land)</b>  Proposal: Demolition of single-storey extension to 2A and erection of detached 4-bedroom dwelling on land adjacent  Decision REF Date: 23/03/07</p> <p><b>Reference Number: 07/01088/FUL (Adjoining Land)</b>  Proposal: Demolition of single storey extension to 2A and erection of detached four-bedroom dwelling on land adjacent  Decision PER Date: 18/05/07</p> <p><b>Reference Number: 10/00916/FUL (Adjoining Land)</b>  Proposal: Extension of Time: Demolition of single storey extension to 2A and erection of detached four-bedroom dwelling on land adjacent (TW/07/01088/FUL refers)  Decision PER Date: 06/05/10</p> <p><b>Reference Number: 11/02612/FUL (Adjoining Land)</b>  Proposal: (Land adjoining) Detached dwelling with integral garage  Decision PER Date: 20/10/11</p> <p><b>Reference Number: 21/04138/FULL</b>  Proposal: Demolition of existing buildings and erection of four two-storey detached residential dwellings  Decision WDN Date: 11/04/22</p>		

## DESCRIPTION OF SITE

This application relates to two link-detached, brick-built vacant former Police Houses accessed off Amberleaze Drive within the centre of Pembury. The two Police Houses relate to 9 Amberleaze Drive (the southern-most property) and 8 Amberleaze Drive (the northern-most property). The main element of both buildings is two-storey with gable-ended pitched roofs, but both have single-storey sides with flat roofs. The two north-western-facing Police Houses, are also linked by a former single-storey Police Office with a flat roof in the centre. While the former Police Office is in sui generis use, the Council's Local Land and Property Gazetteer classifies the two existing Police Houses as residential dwellings.

At the front of the buildings is a relatively spacious grassed garden area with a single footpath leading up to the entrance of the two buildings and former Police Office in the middle. There are also two private drives/parking areas on either side of the application site's frontage leading to private single-storey, single-spaced garages serving each property. There are also a small number of trees and hedges at the front of the existing buildings, particularly within the north-western corner of the site immediately within the front curtilage of 9 Amberleaze.

To the rear of the buildings is a relatively large garden/amenity space which is essentially divided in the middle by close boarded fencing. There is a small patio element to the rear of both buildings, with a small playhouse located at the far end of the garden space of 9 Amberleaze Drive. There are also a number of large, mature trees to the rear which are of varying species (Ash, Sycamore, and Birch) which are protected by a Tree Preservation Order.

The rear curtilage of the buildings is predominantly bordered by close-boarded fencing, whereas the front curtilage of the buildings is primarily open, with sparsely-located trees and hedging fronting onto Amberleaze Drive. It is noted that a small low-lying metal hatched fence lines the north-eastern corner of the site immediately within the front curtilage of 8 Amberleaze Drive which runs along the front extent of Highfield Close. Highfield Close runs along the full eastern extent of the application site which includes a pavement connected via Amberleaze Drive for access into the surrounding area as well as to the centre of Pembury itself.

Directly to the west of the application site is 10 Amberleaze Drive, a single-storey bungalow with a private detached single-storey garage that immediately abuts the application site's boundary. Further to the west is 11 and 12 Amberleaze Drive, both two-storey detached dwellings. As noted above, there is an area of hedging/vegetation (falling within the application site) separating the front curtilage of 10 Amberleaze Drive with that of 9 Amberleaze. Directly to the north of the application site, beyond Amberleaze Drive, is a relatively large green space (identified as an Area of Landscape Importance) with tall mature trees lining the centre. To the east, beyond Highfield Close, are a number of other two-storey, detached and semi-detached dwellings along Amberleaze Drive (1-7 Amberleaze Drive). Directly to the south-east of the application site is Garden House, a two-storey detached dwelling. Directly to the south of the application site are the residential curtilages of 10 and 11 Amberleaze Drive and Garden House, Highfield Close.

The application site is also inside the Limits to Built Development (LBD) of Pembury. The site is also approximately 33m north-east of the Pembury Conservation Area (at its closest point).

## **PROPOSAL**

This application seeks planning consent to demolish the existing buildings on site (the two existing vacant former Police Houses, garages, and former Police Office) and erect four two-storey residential dwellings (two detached dwellings on the north-eastern and south-western sides of the application site and two properties in the form of a semi-detached dwelling within the centre of the site). Each dwelling is proposed to have pitched roofs, with a gable end at the front (north-west elevation) of each dwelling, with a hipped end at the rear.

Internally, each dwelling would include a kitchen, utility room, toilet room, living room and a single cupboard space on the ground floor, and on the first floor, four bedrooms, along with two bathrooms (one en-suite) and two cupboard spaces on the landing. All four dwellings would generally have matching internal configurations and external designs. However, it is noted that the design and configuration for plots 1 and 2 are identical, whereas plots 3 and 4 are effectively the same but reverted/mirrored.

The ground floor kitchen would include a small bay window at the front of each dwelling which would include two large windows on the north-western elevation, and one each on the side elevations. A tall window would also adjoin the entrance door of each dwelling. On the first floor of each dwelling would be three relatively small windows (with two joined). On the north-eastern side elevation of plots 1 and 2 and the south-western side elevation of plots 3 and 4, there would be a single ground floor door exiting from the utility room, along with two individual windows on the first floor. No windows or doors are proposed on the opposite side

elevations. At the rear, glass-paned double-doors are proposed as access from the ground floor into the rear garden (along with two tall windows either side), along with a small single window on the ground floor level. On the first floor of the rear, three relatively small windows are proposed (with two joined).

Each dwelling would have its own garden/amenity space to the rear of the property as well as two-tandem parking spaces each at the front. The hardstanding for the parking at the front will largely use the existing hardstanding for the detached dwellings, with new hardstanding created in the centre of the frontage for the semi-detached properties. The majority of trees at the rear of the property are to be retained (with the exception of T1 (Common Ash) and T2 (considered dead)), and at the front, two trees are proposed for removal (T9 (Laburnum) and T10 (Holly)) alongside part removal of the mixed shrubs (G11) to make way for the new central parking area. Within the proposal, there are three replacement trees to be planted, including two at the front and 1 at the rear (southern-most corner).

Regarding materials, it is understood that plots 2 and 3 would be constructed with red stock brickwork and plots 1 and 4 would be constructed with red/brown clay hanging tiles. The roofs of all dwellings would be laid with plain clay roof tiles and the windows would be powder-coated grey aluminium. In addition, the gutters and downpipes would be made from dark grey uPVC and the fascias and soffits would be dark grey fibre cement. At the front of each dwelling, on the first floor between the windows, there would be contrasting blue brick feature detailing. On the front ground floor kitchen bay window, there would be a single-ply membrane roof.

It is noted that a previous similar proposal was submitted for this site (21/04138/FULL) which sought to erect four detached properties and included a greater extent of hardstanding at the front of the site alongside the removal of tree T8 to the rear. This previous application was withdrawn in light of the concerns raised by the Council. This subsequent application now proposes two detached and two semi-detached properties, a reduced extent of hardstanding at the front, a reconfigured site layout, and the retention of tree T8.

### SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.15ha	0.15ha	N/A
Land use(s)	Residential (2 Dwellings) / Sui Generis – Police Office (22.5m <sup>2</sup> approx.)	Residential (4 Dwellings)	+ 2 Residential Dwellings / -22.5m <sup>2</sup> Sui Generis
Car Parking Spaces	4 (approx.)	8	+4
No. of Storeys	2	2	No change
Max Height (Including Roof)	8.6m	8.6m	No change
Max Eaves Height	5.3m	5.3m	No change
No. of Residential Units	2	4	+2
No. of Bed Spaces	N/A	16	+16

### PLANNING CONSTRAINTS

Agricultural Land Classification Grade 3

Limits to built development INSIDE LBD1

Public Access Land: Pembury Village Green Or Upper Green, Pembury

Aquifer Protection Zone: Aquifer Zones 3 and 4

Tree Preservation Order (trees to the rear of application site)

Area of Landscape Importance – to the north of the site

Pembury Conservation Area – 33m to the south-west of the site

## POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): 2021

National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough 2006 Local Plan: EN1, EN5, EN13, EN16, EN22, LBD1, H2, H5, TP4, TP5, and TP9

Tunbridge Wells Borough 2010 Core Strategy: Core Policies 1, 4, 5, 6, and 14

Supplementary Planning Documents: Alterations & Extensions SPD (2006)

Submission Local Plan (2021): STR 1, STR 2, STR 3, STR 8, PSTR/PE 1, EN 1, EN 2, EN 3, EN 4, EN 8, EN 12, EN 16, EN 24, EN 26, H 1, H 2, TP 2, and TP 3.

## LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Pembury Parish Council	<p>Object for the following reasons:</p> <ul style="list-style-type: none"> <li>- It is an over-development of the site.</li> <li>- The Parish Council would prefer there to be 3 no. houses allowing more space in between and a better design of the layout of the proposed housing.</li> <li>- There is an overall lack of detailed information with regard to dimensions and materials to be used.</li> <li>- Parking areas need to be permeable.</li> <li>- The Parish Council would ask that any trees that are felled are replaced.</li> <li>- Parking along Amberleaze Drive would be compromised as there would be more drop kerbs which would reduce parking.</li> <li>- The Parish Council would like confirmation of energy efficiency plans</li> </ul>	Noted. See appraisal section.
Residential Objections Number received: 5	<p>Residents objected on a number of grounds, including the following:</p> <ul style="list-style-type: none"> <li>- Proximity to Garden House (dwelling to the south-east). Houses will overlook Garden House and its garden.</li> <li>- Doubling of current number of dwellings on the 2 plots is considered an overdevelopment. Two spacious houses would be much more appropriate with Amberleaze Drive. Applicant considered to have made no attempt to address concerns from the previous application.</li> <li>- Increased number of cars for which there is insufficient room in a congested drive and close.</li> <li>- The two current dwellings have been empty for some time.</li> <li>- There are always cars and vans parked on the streets to the front of the plots and to the side of Highfield close which are invariably parked half on the pavement.</li> <li>- Additional houses will increase the number of vehicles vying for parking and reduce the amount of space currently available for parking on the street due to the increase in driveways.</li> <li>- Change in building line would bring the back walls/windows considerably closer to Garden</li> </ul>	Noted. See appraisal section (with the exception of the points specifically addressed below).

	<p>House. If these houses need to be built, they could easily be located within the current back wall position and line.</p> <ul style="list-style-type: none"> <li>- Tree report submitted states that there is not a Tree Preservation Order. This is not true as there has been a TPO for the 6 trees dated 18/03/2022.</li> <li>- Concern that new notices posted in exactly the same position as previous application, meaning residents and persons interested and/or affected by this application will most probably not be aware of this new application.</li> <li>- Increase in noise.</li> <li>- Boundary line with 10 Amberleaze Drive is incorrect as the boundary line of the application runs through the middle of the green area to the side of 10 Amberleaze's driveway and not as shown. The boundary line is not as straight as has been deviated from the bottom corner out to accommodate the new build.</li> <li>- Proposed plan shows the new build house will be less than a meter from 10 Amberleaze's boundary and not the seven meters required. This will cause overshadowing and a complete loss of privacy to 10 Amberleaze.</li> <li>- With new proposed dropped kerbs and the addition of four new houses, valuable parking spaces will be lost in Amberleaze Drive which is used for a drop-off point for the children's nursery and visiting all village amenities such as the church, pubs, offices, and shops. It is often very busy and represents an increased safety issue. In addition, when the recreation ground parking is full due to football matches and functions, the overflow parking is Amberleaze Drive and Highfield Close. Amberleaze Drive is also used by houses along Lower Green Road. The new development would decrease the availability of parking for the village.</li> <li>- There will be significant traffic and noise generated from the demolition and with plant and lorries in and out of the site. This will impact on road safety and pedestrians on the pathway.</li> <li>- There are some very mature trees on the site and quite often see bats flying around but cannot see any assessment on how they will relocate and protect them. The trees are protected by Tree Preservation Orders. These cannot be allowed to be removed.</li> <li>- Plans do not reflect the scale of the development in relation to the other properties.</li> <li>- Residents not properly notified – residents not officially notified by letter.</li> </ul>	<p>Noted. A revised Tree Protection Plan was submitted on 19 August 2022.</p> <p>Site notices were placed in the most suitable locations, with old site notices correctly removed on the visit.</p> <p>Title plans were provided by the agent to the case officer confirming that the development boundary correlates correctly to the title plans. An officer review also confirms that the development boundary correctly matches the title plans following a land registry review.</p> <p>From 1 April 2017, all applications are publicised</p>
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	<ul style="list-style-type: none"> <li>- The use and occupation of the dwellings, and construction works, would compromise parking/turning/loading/road access along Amberleaze Drive.</li> <li>- Noise and disturbance resulting from the use would be caused from the use and occupation of the additional housing and by the construction works.</li> <li>- Proposed layout is not right for this road; it is far too built up and is not in keeping with the other houses on the road.</li> <li>- There is not enough space allowed for landscaping in the proposed layout.</li> <li>- Overdevelopment would pose a risk to the natural beauty of the road, as trees and greenery would be spoilt, and wildlife significantly disturbed and killed.</li> </ul>	by site notice only.
The Pembury Society	<p>Object for the following reasons:</p> <ul style="list-style-type: none"> <li>- Little difference between this and previous application.</li> <li>- No change to the size or design of the proposed dwellings; just a slight repositioning.</li> <li>- As footprints of buildings have not changed, the garden areas cannot have changed overall.</li> <li>- This application therefore still represents an over-development.</li> <li>- There are also 2 errors in the application form which lead to inconsistencies with other submitted documents: 1) the address is given incorrectly. Where is '8-6' Amberleaze Drive? And 2) The application clearly states that this is for four two-storey detached residential dwellings, but the accompanying plans show differently with the centre two dwellings being semi-detached. Nowhere in the application is there any reference made to semi-detached.</li> </ul>	<p>Noted. See appraisal section (with the exception of the point specifically addressed below).</p> <p>A revised application form was requested and received by the agent on 25 August 2022 which corrected these minor inconsistencies. Given other documents and plans were correct, the original application form does not prejudice understanding of the proposals nor the location of the development when the application documents are read as a whole.</p>

## CONSULTATION RESPONSES

**Kent County Council Highways and Transportation [2 August 2022]** – *“It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.”*

**Kent County Council Flood and Water Management [2 August 2022]** – The application *“falls outside the definition of major development and also falls outside of KCC’s remit as statutory consultee.”*

**TWBC Conservation and Urban Design Officer [5 August 2022]** – *“I had provided the following comments on the previous proposals:*

*‘I’ve had a look at this proposal to replace the former police houses (two in number) with four. Losing the police houses is regrettable as they are a particular feature of the social*

*history of the period, but they hold only a small amount of historic interest and no architectural interest so it would be difficult to conclude that they meet any of the criteria for local heritage asset listing and I note that we have approved the replacement of some in Paddock Wood, with four houses as well.*

*I note that the four houses appear fairly cramped on the site in terms of distance between them, but in my view the area has become very dense since development started in the 1930s and so it is not inconsistent with the grain, if you compare with neighbouring layouts. The parking arrangements to the front are not satisfactory in my view as it greatly increases the amount of dropped kerb and is inefficient use of space with the parking spaces orientated east/west and the result being more hardstanding than if tandem or similar. This would result in a reduction in soft landscaping and generally a poorer quality landscape than existing.'*

*I also raised concerns about the cramped plots. In my view, these concerns have been addressed by making one of the pair semi-detached, giving a bit more room to the northern plot. The parking has been reorientated with the result of increased soft landscaping. I can therefore support these proposals in design terms."*

**TWBC Environmental Protection [12 August 2022]:**

*"To reduce the transmission of excessive airborne and impact noise between the adjoining dwellings and surroundings, it is recommended that the applicant adheres to the standards set out in Approved Document E Building Regulations 2010 Resistance to the Passage of Sound.*

*No external lighting appears to be proposed at this stage.*

*The site is not within an Air Quality Management Area; however, I would recommend the installation of Electric Vehicle charging points to promote sustainable travel throughout the borough.*

*The application site does not appear in our contaminated land database.*

*Parts of the building being converted or demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.*

*Demolition and construction activities may have an impact on local residents so the usual conditions/informatives should apply in this respect.*

*RECOMMENDATIONS: No objections subject to comments above plus conditions and informatives".*

**TWBC Tree Officer [15 August 2022]:**

*"THE TREES: There are various trees on the site, some are protected by TPO and others by virtue of being in the Conservation Area.*

*OPINION: The agent has issued a Tree survey which included identified impacts, tree losses and tree protection measures. The report supplied is dated 18th October 2021 and is the same one issued as part of a previous withdrawn application reference 21/04138/FULL.*

*The tree survey indicates that trees T1, T8 and T10 will require removal to facilitate the development and in addition tree T2 and T9 for reasons of sound arboricultural management. This report is based on the original plans and not the revised plans reference 08179-A-L-(00)-X-0103 – Rev A supplied with this application.*

*The revised application indicates that tree T8 can now be retained. This tree is very prominent from the public highway of Highfield Close and is a positive from the previous proposal. As the supplied Tree Survey does not reflect the current proposal the exact impact upon the trees RPA has not been assessed. The supplied Tree Survey do indicate a root protection area for the tree but it would appear that this is not continued under the patio area. From experience, roots can form under hard standing if condition are suitable*

*Tree T1 is now subject to a Tree Preservation Order, however this tree is less prominent from the public highway and the proposal recommends replacement planting.*

*CONCLUSION: From an arboriculture perspective the revised scheme takes into consideration the trees present on site and the benefit they add to the local landscape. The loss of tree T1 is partially mitigated through the replacement planting of 1 tree, which as a replacement planting of a tree subject to a TPO this would then be subject to the same protections.*

*At present there is insufficient information to ascertain if tree T8 can be adequately retained within the proposed development. Without a revised report which is based on the current layout I object to the current application.*

*If you are minded to approve this application it would be prudent to include conditions.”*

**TWBC Tree Officer [7 September 2022]:**

*“Thank you for passing on the revised Tree report, Impact and Tree Protection Plan in relation to planning application 22/01964/FULL. In response to this please find below my comments:*

- The revised report does indicate that tree T8 can be suitable retained, with a minimal impact. The crown will require some works to facilitate the development, however Sycamore trees re tolerant of pruning and would not be detrimentally harmed by the extent of pruning planned. Extent of future works can be managed through the TPO process.*
- The loss of T1 is to be mitigated through replacement planting, with an indication of its location in the site plan drawing reference 08719-A-L-(00)-X-0104 Rev A.*

*I raise no objections to the proposed from an arboricultural perspective and would conditions are included’.*

**Southern Water [12 August 2022]** – *“Please see the attached extract from Southern Water records showing the approximate position of public foul sewer in the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.*

*Please note:*

- The public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.*
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water.*
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.*
- All existing infrastructure should be protected during the course of construction works.*

*Please refer to: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>*



*We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" ([southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf](https://southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf)) and the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](https://water.org.uk/sewerage-sector-guidance-approved-documents/)) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.*

*Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.*

*Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.*

*To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)*

*Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. [gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)"*

**APPLICANT'S SUPPORTING COMMENTS (summary of key points)  
Response to Neighbour Comment Regarding Development Boundary [19 August 2022]**

Title plans were provided by the agent to the case officer confirming that the development boundary correlates correctly to the title plans.

An officer review also confirms that the development boundary correctly matches the title plans following a land registry review.

**Response to Officer Query Regarding Plans [19 August 2022]**

The case officer requested clarification on the meaning of 'handed' on the site plans. The agent clarified that this simply means a mirror image (i.e., the floor plans are the same for plots 1 & 4 and 2 & 3, although the handed ones are flipped which accounts for the varied out-crop for the kitchen as seen on the site layout).

**Letter to Officer [25 August 2022]:**

Following discussion between the case officer and the agent on 24 August 2022 where certain points were discussed, the agent provided a clarification note (see Letter to Officer) which included the following clarifications:

- Revised application form to address points raised by the Pembury Society on 16 August 2022. This corrected errors in the application form relating to the proposed description of development and the site address. Noted, however, that the correct site address and description of development is evident across the application documents, including submitted plans and the site location plan. As such, the original application form does not prejudice understanding of the proposals nor the location of the development when the application documents are read as a whole.

- Proposed materials palette is identified on the submitted plans for proposed plots 1 & 4 and 2 & 3 which were also listed on the original application form. These materials are listed as follows:
  - Plain clay roof tiles
  - Red/brown clay hanging tiles
  - Dark grey u PVC gutters and downpipes
  - Dark grey fibre cement fascias and soffits
  - Power-coated grey aluminium windows
  - Contrasting blue brick feature detailing
  - Single-ply membrane roof to bay window
  - Red stock brickwork
- It is noted that the Council may wish to condition further specific details should planning permission be forthcoming.
- Noted that, following receipt of Tree Officer comments, an updated Tree Protection Plan was provided to the Council on 19 August 2022. This supersedes the earlier submitted plan and confirms that tree T8 can be retained and protected within the site. The other conclusions remain the same.
- Conservation Officer comments in support noted, which is considered to provide sufficient confidence in heritage and design terms to justify officer level support for the proposal which have been revisited following the earlier withdrawn scheme to better respond to the concerns previously raised.

## **BACKGROUND PAPERS**

Application Form

Revised Application Form

Planning Statement

Preliminary Ecological Appraisal

Bat Survey

Tree Protection Plan

Revised Tree Protection Plan

Letter to Officer

Drawing No: 08719-A-L-(00)-X-0101 1<sup>st</sup> – Site Location Plan

Drawing No: 08719-A-L-(00)-X-0102 A – Existing Site Layout Plan

Drawing No: 08719-A-L-(00)-X-0103 A – Proposed Site Layout Plan

Drawing No: 08719-A-L-(00)-X-0104 1<sup>st</sup> – Existing Buildings Photos

Drawing No: 08719-A-L-(00)-X-0105 1<sup>st</sup> – Existing Buildings (Plans and Elevations)

Drawing No: 08719-A-L-(00)-X-0111 A – Plots 1 & 4 (Proposed Plans)

Drawing No: 08719-A-L-(00)-X-0112 A – Plots 1 & 4 (Proposed Elevations)

Drawing No: 08719-A-L-(00)-X-0113 A – Plots 2 - 3 (Proposed Plans and Elevations)

## **APPRAISAL**

### Principle of Development

Paragraph 74 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Core Strategy is more than five years old, the local housing need is calculated via the Standard Method. In addition, there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the Local Planning Authority. As per the latest Housing Delivery Test results, and as required by the NPPF, the Council needs to apply a 5% buffer to its five-year housing land supply target, having achieved a delivery of 97% against its Housing Delivery Test targets (as at January 2022).

Every year, an updated five-year housing land supply position is established based on the position as at 1 April that year which is based on extensive monitoring work of development sites across the borough. The detailed work undertaken has determined that the Council currently has a housing land supply of 4.66 years (as at 1 April 2021, having been revised in March 2022). The Council therefore does not have a five-year housing land supply.

Where a Local Planning Authority cannot demonstrate a five-year housing land supply, Paragraph 11 (d) of the NPPF, and therefore a presumption in favour of sustainable development for decision-taking, is engaged. This states that, where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

*“i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

Footnote 8 of the NPPF clarifies that the relevant Development Plan policies are out of date where the application involves the provision of housing and where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74).

The site is located within the Limits to Built Development of Pembury where Policy H5 of the Local Plan states that infilling and the redevelopment of existing developed sites is acceptable.

The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations. The site is in a very accessible location within the defined settlement of Pembury village and is in close proximity to services/facilities and public transport links, including to Royal Tunbridge Wells. It is located within the Limits to Built Development of Pembury where adopted (but now out of date) Policy H5 of the Local Plan indicates that redevelopment of existing sites can be acceptable. The provision of four units here (2 net additional), replacing the two existing former Police Houses, garages, and former Police Office, would contribute to the borough's housing need, which would have social and economic benefits.

The Council had submitted its proposed Local Plan (Submitted Local Plan) to the Planning Inspectorate in November 2021, following which its examination recently concluded with the Inspector's decision letter awaited. At this time, moderate weight is attached to the Submission Local Plan, in line with Paragraph 48 of the NPPF, while full weight can be attached to the currently adopted Local Plan (2006). However, Policy STR3 (Brownfield Land) of the Submission Local Plan sets out that *“proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle”*. The Policy goes on to state that *“such proposals within settlements, as defined by their Limits to Built Development, will be encouraged”*. This proposal is therefore considered to be in accordance with the principles of this Policy.

Paragraph 124 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land. Given the existing vacant use of the site, the proposal would be considered to make good use of the land, bringing the site back into active use with the erection of four new dwellings built to modern day standards. It's noted that a number of representations objected on the grounds that the proposal would constitute an over-development of the site within the context of the locality. However, within the locality (Lower Green Road, Amberleaze Road, and Highfield Close) there are a number of

detached and semi-detached properties built at a very similar density and scale, with similar spacing between them to that which is proposed. This is explored in further detail within the 'Impact on Visual Amenity' sub-section of this report.

Overall, the proposal is considered to comprise sustainable development and there are no objections in principle to the proposal. For its consideration as a suitable site for residential development, the scheme would need to be satisfactory in all other respects, as discussed below.

In this case, the main issues for consideration are the design and visual impact of the development, impact on trees, impact on residential amenity, parking and the impact on highway safety, along with all other material considerations.

### Impact on Visual Amenity

In design terms, the proposal is to be considered against the relevant adopted policies and guidance at local and national level. Local Plan Policy EN1 requires that the design of a proposal respects the context of the site, and that the proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built-up area. It also states that the design of new developments, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, shall respect the context of the site. Core Policy 4 (1) also requires that the borough's urban landscapes are conserved and enhanced.

In addition, chapter 12 of the NPPF emphasises the important of achieving good design through the development process. Paragraph 126 also sets out that good design is a key aspect of sustainable development, and Paragraph 134 states that development that is not well designed should be refused. Design is also addressed within the Planning Practice Guidance ([Design: Process and Tools](#)), to be read alongside the National Design Guide which sets out how good design can be achieved giving regard to 10 key characteristics: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan.

The site is located within Pembury on the corner of Amberleaze Drive and Highfield Close on its respective north-western and north-eastern boundaries. The surrounding area (on Amberleaze Drive, Lower Green Road, and Highfield Close) is wholly residential which has been long established since around the 1930s. The surrounding area is characterised by a mixture of predominantly two-storey, brick-built, detached and semi-detached houses, although it is noted that there a number of detached, chalet-styled houses along Highfield Close (1.5 storeys) as well as a bungalow (10 Amberleaze Drive) adjacent to the application site to the south-west. Toward the front of the site (immediately beyond Amberleaze Drive) is a relatively large green space (identified as an Area of Landscape Importance) with tall mature trees lining the centre.

Given the site's location on the corner of Amberleaze Drive and Highfield Drive, while the application site has sparsely-located trees and hedging fronting onto Amberleaze Drive, the proposal site would be highly visually prominent from the street scene (on the north-western and north-eastern sides). To the south-west and south-east, the property is relatively screened from the surrounding area by existing adjacent built development. In terms of the extent to which the proposal is considered to be visually intrusive within the local area, regard is given to the fact that there are two, slightly unattractive, vacant police houses, garages and a police office on site at present (which are proposed to be removed) and which slightly detract from the locality; therefore, by virtue of the existing level of development, it is considered that the proposal's impact on visual prominence would be relatively limited in respect to the existing prominence of the buildings on site.

The proposed development would include the erection of four new dwellings, two of which would be detached (plots 1 and 4), and two of which would be semi-detached (2 and 3). This follows the previously withdrawn application that sought to erect four new detached dwellings. As above, a number of representations were submitted which objected on the grounds that the proposal would constitute an over-development of the site within the context of the locality. However, within the locality (Lower Green Road, Amberleaze Road, and Highfield Close) there are a number of detached and semi-detached properties built at a very similar density and scale, with similar spacing between them to that which is proposed. Noting that the site width is approximately 40m, regard is given to the average width of the curtilages of other dwellings within the vicinity which tends to vary between 7.5m-17m. Four new dwellings within a 40m-length site would therefore be considered as in-keeping with, and respect, the general density and scale of development within the surrounding area, and would not appear, on balance, to result in an overly developed site or appear cramped.

Furthermore, Core Policy 6 (3) of the Council's Core Strategy (2010) sets out that "*Housing will be developed at a density appropriate to the specific character of the locality. It will contribute towards achieving the overall regional target of 40 dwellings per hectare and will not generally be below 30 dwellings per hectare*". Four dwellings on a site of 0.15 hectares in size equates to a density of 27 dwellings per hectare and would therefore fall below the general housing density target within the local development plan. However, the density is considered to be appropriate giving regard to the character of the locality and would provide additional housing to the borough on a brownfield site in a highly sustainable location at a time when the Council are unable to demonstrate a five-year housing land supply. Providing a greater number of units at the site would likely result in a greater level of built form of a larger scale, height and bulk which would likely detract from the character of the area and have a greater impact upon the residential amenity of adjacent dwellings. It is also noted that any higher level of housing on site would require a greater level of parking at the site and likely increase parking pressures in the surrounding road networks, something which has also been raised as a concern by local residents.

In addition, it is noted that the Council's Conservation and Urban Design Officer had concerns with the previous proposal for four detached dwellings, noting that the houses would "*appear fairly cramped on the site in terms of distance between them*", although consider that "*the area has become very dense since development started in the 1930s and so it is not inconsistent with the grain, if you compare neighbouring layouts*". The concerns regarding the cramped plots in the Conservation and Urban Design Officer's view are now considered to "*have been addressed by making one of the pair semi-detached, giving a bit more room to the northern plot*" and "*can therefore support these proposals in design terms*".

The proposed dwellings would also be brick-built and two-storey, with each dwelling having a pitched roof, with a gable end at the front (north-western elevation) and a hipped end at the rear. Given that the dwellings within the vicinity are predominantly two-storey, brick-built dwellings, with varying pitched gable-ended and hipped roofs, it is not considered that the design and scale of the dwellings would be out-of-keeping with the local character of the area. It is therefore considered that the proposed form and design, as well as the materiality (red stock brickwork, red/brown clay hanging tiles and plain clay roof tiles), of the proposed dwellings would respect the site's locality and surrounding built form. The proposed design of the dwellings would not be considered to appear at odds with its urban surroundings and would reflect the general character and appearance of the surrounding buildings and locality.

It is noted that an additional access is proposed at the site for the proposed semi-detached dwellings (plots 2 and 3) within the centre of the north-western boundary of the site, off Amberleaze Drive, resulting in the addition of a dropped curb and additional hardstanding. The parking arrangements are discussed in more detail later within this report, although it is

noted that the previous scheme included a much larger extent of hardstanding at the front (with separate side-by-side parking rather than tandem parking) which in-turn reduced the level of soft landscaping at the front of the site. Comments against the previous application by the Council's Conservation and Urban Design Officer considered the previous parking arrangements to be unsatisfactory given the increased amount of dropped kerb, inefficient use of space, and more hardstanding proposed than an alternative (e.g., tandem) design. The reorientation with the result of increased soft landscaping within the revised scheme has subsequently been supported in design terms by the Conservation and Urban Design Officer. The reduced extent of hardstanding is considered to be far less visually intrusive than the previous scheme and seeks to retain more grassed land for soft landscaping, which ultimately, on balance, constitutes an improvement in visual amenity as compared to the previous submitted proposals.

Furthermore, both tandem parking (relatively short, narrow drives at the frontage of dwellings) and side-by-side is a common feature along Amberleaze Way, and therefore the proposal does not appear as out-of-keeping with the local area in terms of parking design, which includes tandem parking for plots 2, 3 and 4, and side-by-side parking for plot 1. It is added that the existing parking design (serving the two existing Police Houses), which are proposed to be retained, were of a tandem design.

In addition, it is noted that there are a number of trees located on site, predominantly at the rear and include a small variety of species (Ash, Sycamore, Birch, Grey Willow, and Laburnum). The trees at the rear of the site are protected under a Tree Preservation Order (as from March 2022) and include two Ash trees, three Sycamore trees, and one Birch tree. It is noted the Tree Protection Plan submitted with this application was originally that which was submitted against the previous withdrawn application; however, following communication with the Council the applicant submitted a revised Tree Protection Plan. This, as well as a letter from the agent following the Council's specialist Tree Officer's comments, confirms that tree T8 will be retained and protected (as was originally proposed for removal in the previous application), while T1 (Ash) is proposed for removal given its location within 1m of the proposed dwelling footprint. Trees T2 and T9 are also proposed for removal for the purpose of good maintenance practice, G11 due to its location within the footprint of the proposed parking area, and G13 due to being self-sown and in conflict with the boundary fencing. While the loss of these trees is regrettable, it is noted that three replacement trees are proposed, with the suggested specie being Birch (*Betula Pendula*).

As the Council's Tree Officer notes, however, the retention of tree T8 as a difference to the previously withdrawn application is a positive, given its visual prominence from the public highway of Highfield Close. It is also noted that tree T1, proposed for removal, is less prominent from the public highway and again would be partially mitigated for by replacement planting. The Council's Tree Officer concludes that, from an arboriculture perspective, the revised scheme takes into consideration the trees present on site and the benefit they add to the local landscape. It is noted that the replacement trees would consequently also be subject to the same TPO protections.

Therefore, on balance, the impact on visual amenity of the loss of tree T1 is considered to be satisfactorily mitigated through proposed replacement planting as well as the retention of tree T8 which is of most visual prominence and has the greatest contribution to the character of the street scene.

Following the revised Tree Protection Plan, the Council's Tree Officer provided further comments, noting that the report now correctly indicates that tree T9 can be suitably retained with minimal impact, although the crown will require some works to facilitate the development. However, it is noted that Sycamore trees are tolerate of pruning and would not be detrimentally harmed by the extent of pruning planned. The extent of future works can

also be managed through the TPO process. Again, the Tree Officer notes that the loss of T1 is to be mitigated through replacement planting, with an indication of its location provided within the site plan. Ultimately, no objections are raised by the Tree Officer from an arboricultural perspective, although recommends a pre-commencement condition regarding details of tree protection. This has consequently been applied.

In addition, it is noted that the relatively large green space with tall mature trees lining the centre immediately to the north-west of the application site, as well as Amberleaze Road and its pavement fronting the application site itself, is designated as an Area of Landscape Importance. Policy EN22 of the Council's 2006 Local Plan requires that proposals for development affecting Areas of Landscape Importance will only be permitted where no significant harm would be caused to the appearance or landscape character of the designated area and the development would not materially detract from the contribution which that area makes to the locality. Given the application site is located outside, albeit adjoining, the designated area, it is considered that the proposal would not cause any significant harm to its appearance or landscape character, while also noting that the proposed dwellings themselves would be located approximately 8.5m back from the site/designation boundary. In addition, with consideration given to the above assessment, the proposal would not be out-of-keeping with, or have a significant impact on, the character of the local area. It is therefore considered that the proposal would not have a harmful impact on the designated area and therefore complies with Policy EN22.

Given the above consideration, it is considered that the proposal would not appear cramped, constitute overdevelopment of the site nor be at odds with the site's locality. The design and scale of the proposal is considered to be acceptable and would preserve the character of the street scene and area. It would not appear visually intrusive in the locality given the presence of existing development on the site and it is considered that the proposed development in this location would not appear alien or out of context with the area. The proposal is not of an excessive scale in comparison to other surrounding properties and built form in the area. The proposal is considered to be of a good quality design which is appropriate for the site's setting and location.

It is concluded that the amount, scale and design of the proposal would be in-keeping with the character and appearance of the surrounding area, in accordance with local and national planning policy and guidance and that the application would not warrant refusal on such grounds.

It is also noted that details relating to bin storage, boundary treatments, as well as external lighting have not been provided by this application but have been required by condition to ensure that the visual amenity of the locality is preserved.

#### Impact on Residential Amenity

Policy EN1 of the Council's 2006 Local Plan requires that the proposal would not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy.

It is considered that the properties likely to be most affected by the proposal in terms of residential amenity are Garden House (a two-storey, detached dwelling directly to the south-east) and 10 Amberleaze (a single-storey, detached bungalow immediately to the south-west) given their relative proximity to the proposal. Objections were also received by local residents regarding the potential impact on these two properties in terms of overshadowing and overlooking/loss of privacy.

*10 Amberleaze Drive*

Plot 4 (the southern-most proposed detached dwelling) is located approximately 1m (on the rear corner) from the boundary of the application site which adjoins the curtilage of 10 Amberleaze Drive. At the front of plot 4, this distance is approximately 2.2m. It is noted, however, that plot 4, at its closest point, is approximately 5.3m from the property of 10 Amberleaze, therefore there is a possibility for an impact on residential amenity, particularly given that the positioning of plot 4 has moved closer to the south-western boundary since the previous application and is approximately 4.7m closer to the application site boundary than the existing dwelling (9 Amberleaze Drive), albeit is at a similar distance from the boundary as the existing garage.

With regard to possible overlooking/loss of privacy, on the southern elevation of plot 4, there is a ground floor door (leading into a utility room) and two first floor windows which would overlook 10 Amberleaze Drive. While these two windows would overlook the north-eastern/side elevation of the bungalow, it should be noted that these two windows would serve a bathroom and ensuite bathroom, therefore a condition has been applied to ensure that these windows are made from obscured glazing and have opening restrictions in order to preserve the amenities of this neighbouring property. It is also noted that there is a relatively tall, detached garage on the rear/north-eastern side of the bungalow which serves the property, which is considered to also provide an element of screening from these side windows of plot 4, as well as the rear windows proposed on the first floor which would serve two bedrooms. In any case, the rear windows would not overlook 10 Amberleaze Drive directly, as the rear building line of plot 4 is set back 4.9m (at its closest point) to 6.5m (at the furthest point) from the rear building line of 10 Amberleaze. It is therefore considered that the rear windows would not directly overlook 10 Amberleaze, which is partially screened by the bungalow's existing detached garage in any case. While the rear windows would overlook part of 10 Amberleaze's garden, it would not overlook any habitable/principal rooms, nor is it considered that the overlooking would be significantly above the existing levels of overlooking of the existing property (9 Amberleaze Drive).

By virtue of the existing close boarded fencing/boundary treatments, it is not considered that the ground floor rear windows (glass-paned double-doors along with two tall windows either side and a small single window) would result in overlooking/a loss of privacy due to the existing level of screening.

Given the above, subject to a condition relating to the first floor side windows serving the proposed bathrooms, it is not considered that the proposal would result in an unacceptable level of overlooking/loss of privacy to 10 Amberleaze Drive by virtue of the rear building line and the existing detached garage serving the bungalow. It is considered that this condition should apply to the first floor bathroom windows of all plots (1-4) to ensure that there is no further impact on the residential amenity of the future occupiers of plots 1-4 themselves.

Regarding overshadowing and loss of daylight/sunlight, following a review of the path of the sun throughout the year, by virtue of the south-easterly facing position of the proposed building line of plots 1-4 as well as 10 Amberleaze Drive, it is considered that the plot 4 would likely only overshadow 10 Amberleaze within the very early hours (between 5-10am (at the latest)) within the summer months when reviewed against the maximum roof height of 8.6m of plot 4.

Given this assessment, and by virtue of the location and scale of the proposal in relation to this property; the proposal is therefore not considered to cause such a significant loss of daylight or sunlight to 10 Amberleaze Drive itself or its rear amenity space/curtilage to warrant the application being refused on such grounds. The proposal is therefore based in such a location and of a size/scale that would not cause significant overshadowing of the neighbour's property or amenity space. It is also noted that the existing detached garage



servicing 10 Amberleaze Drive would also limit a proportion of any overshadowing in any case.

This neighbouring property fronts onto the road and rear elevation faces towards the east and not towards the application site. It is considered that the main outlook of this property is to the rear. By virtue of this and the position of the proposed development it is not considered that the development would result in such a loss of outlook or have such an overbearing impact to warrant the application being refused.

#### *Garden House*

The north-western side elevation of Garden House is located approximately 16.5m from the rear/south-east-facing elevation of plot 1, 18m from plot 2, 18.2m from plot 3, and 20.5m from plot 4. With regard to possible overlooking/loss of privacy, it is noted that the rear ground floors of each proposed dwelling serve a living area, and the first floor serves two separate bedrooms. The north-western elevation of the ground floor of Garden House, which was permitted in October 2011, serves a small bathroom and a kitchen, with a window (conditioned to be obscured glazing/non-opening) also serving the landing/stairs leading to the first floor. There is also a conservatory on the rear elevation serving a dining room which itself screens the drawing room from the application site. On the first floor of the rear elevation are three sets of windows, serving two bedrooms and a bathroom.

Given the existing boundary treatments between the application site and Garden House (close boarded wooden fencing), it is considered that the ground floor is sufficiently screened from the proposed dwellings. By virtue of the obscured glazing and the non-opening condition on the landing window of Garden House (which itself does not serve a principal room), it is not considered that there is a significant impact on residential amenity on the north-western elevation of Garden House as a result of the proposed dwellings. Regarding the rear first floor windows of Garden House, it's considered that, by virtue of the existing vegetation within the application site which are to be retained as part of the proposal (tall, mature Ash, Sycamore, and Birch trees, with the exception of tree T1), as well as the distance itself to the proposed dwellings, it is not considered that there is likely to be a significant loss of privacy/overlooking resulting from the proposal. The proposal is also unlikely to pose an impact on residential amenity beyond that which already exists from the two existing dwellings at the site, albeit the existing rear elevations are set approximately 3.2-5m further forward (to the north-west of the application site) than the rear elevations of the proposed dwellings.

Regarding overshadowing and loss of daylight/sunlight, it is considered that the proposed dwellings are at a sufficient distance away from Garden House so as to not cause any significant impact in these terms, with regard again given to the existing vegetation and dwellings/buildings already existing on site.

The proposal is also not considered to have an unacceptable impact upon the outlook of this property or result in an overbearing impact, by virtue of the separation distance.

#### *Other Properties*

Consideration is also given to 7 Amberleaze approximately 20.5m to the north-east of the north-eastern elevation of proposed plot 1, with Highfield Close running in-between. As also noted above, the first floor of the north-eastern elevation of plot 1 includes one bathroom and one en-suite window which can be conditioned to be obscured glazing and non-opening in the interest of reducing the impact on residential amenity. The south-western boundary of 7 Amberleaze is also lined with dense/relatively tall hedgerows, and there are no first-floor windows on the side elevation of the property. Given this, as well as the distance itself from the proposed dwellings, it is therefore considered that the proposal would not result in a significant impact on the residential amenity of 7 Amberleaze Drive.

Moreover, consideration was given to 11 Amberleaze Drive, a two-storey detached dwelling to the south-west of both 10 Amberleaze Drive and the application site. The north-eastern side elevation of 11 Amberleaze Drive is approximately 19m from the application site boundary. 11 Amberleaze Drive is set further back than 10 Amberleaze Drive and is also on a slightly higher land level, therefore would be visible from the application site and likewise the application site would be viewable from the dwelling. There are a number of windows on the first floor side elevation facing the application site, although it is understood that these serve an ensuite and a bathroom (and are understood to be obscured/glazed) as well as a landing window. This, and also by virtue of the distance to the application site, the existing ground level boundary treatments, the proposed building line closely following the building line of 11 Amberleaze, as well as the fact that there would, subject to the condition above, be obscured/glazed windows on the south-western side elevation of plot 4 (the southern-most proposed dwelling), it is not considered that the proposal would result in a harmful impact on the residential amenity of 11 Amberleaze Drive in terms of overlooking/loss of privacy nor on the residential amenity of plot 4 itself.

In assessing the impact on the residential amenity of the plots themselves, neither plot would overlook any principal rooms of another plot (aside from rear amenity space from the first floor of each plot, although this is to an extent to be expected within established residential areas, particularly if the dwellings proposed include semi-detached), and any first floor side windows (serving the bathrooms/ensuites) would be obscured/glazed on condition. It is therefore not considered that the residential amenity of the future occupiers would be harmed by virtue of the proposed site layout itself.

All other properties within close proximity of the application site are considered to be a sufficient distance away and/or sufficiently screened by virtue of existing vegetation or built development so as to not be impacted upon in terms of residential amenity.

### *Summary*

Given the above, the proposal is considered that the proposed development would not result in a significant, harmful or unacceptable impact on the residential amenity of adjoining occupiers in terms of overlooking/loss of privacy or overshadowing/loss of daylight/sunlight that would warrant refusal. This, however, is subject to an appropriate condition with regard to the screening of first floor bathroom windows. In addition, the proposed use (residential) would be compatible with neighbouring uses and by virtue of the scale of the development (4 dwellings), it is not considered that the proposal would generate significant levels of noise that would harm the amenities of the area. No concerns were raised by Environmental Protection with regard to noise, although an informative recommending adherence to relevant building regulations has been added. With regard to potential noise impacts during construction, given the limited scale of the site, construction is likely to only be temporary and would therefore unlikely have an impact on residential amenity during construction for any prolonged period. In addition, it is considered that the site size is relatively large enough/has sufficient capacity for temporary storage onsite. As such, it is considered unlikely that the proposal would cause an impact on highway safety during the construction phase.

In addition, it is not considered that the proposal would cause a harmful impact on outlook of any existing properties as it is not considered that any dwellings directly or in any way significantly overlook the site. The proposal would therefore not appear unduly intrusive in terms of outlook of existing nearby properties and would not significantly change the nature of any existing views, particularly given the presence of existing built development on the site.

### Highway Safety and Parking

As above, it is noted that the proposal includes the creation of an additional access serving proposed plots 2 and 3 in the centre of the site. This will require the creation of an additional dropped kerb, from which approval/consent would also be required from Kent County Council Highways. This is ultimately the responsibility of the applicant and an informative has been provided accordingly. While concern was raised by local residents regarding the loss of on-street parking provision (with objections stating that the local area is often used by the local community for parking for a range of village services/amenities), it is considered that the creation of an additional access/dropped curb would only result in the reduction of 1 or 2 on-street car parking spaces. Given the small potential impact, and that the surrounding roads are not marked with parking restrictions and that the site is within a sustainable location it is therefore considered that the proposal would not significantly worsen traffic conditions as a result of the creation of an additional access or have such a detrimental impact upon highway safety as to warrant refusal. It is added that KCC Highways were consulted on the proposal but considered the proposal did not meet the criteria to warrant involvement from them.

With regard to parking provision, it is noted that 2 parking spaces are proposed per dwelling (within a tandem design for plots 2-4). Latest KCC guidance advises that, within villages, 4+ bed houses should include 2 independently accessible spaces per unit, with visitor parking expected to be provided on-street. The Council's emerging Local Plan Policy TP3, to which limited weight may be given at this stage (post-examination/prior to adoption), also requires a minimum of 2 parking spaces for 4+ bed houses in Pembury, along with a minimum of 0.2 visitor parking spaces onsite per dwelling (equating to a required 1 visitor parking space for the proposal as a whole). While no visitor parking provision has been provided onsite, it is noted that there is existing, unrestricted on-street parking within the local surrounding area and that the site is within a sustainable location. Given the small capacity for parking provision at the front of the site (noting also previous concern regarding the over-provision of hardstanding), the parking provision is, on balance, considered to be sufficient.

In addition, while tandem parking is discouraged/not considered acceptable in the emerging Plan, the exception is if it can be demonstrated that the design of the development does not allow for parking on the road/street. The proposed parking spaces are approximately 5m in length and 2.5m in width. The Council's emerging Policy requires 5m by 2.6m for parking spaces with no walls either side, although it noted that there is additional hardstanding space either side of each proposed parking space which is likely to accommodate a parking space of the size required by the emerging Policy. It is therefore considered that there is sufficient space for cars to park on site so as to not require parking off-site, thereby avoiding the exacerbation of any on-street car parking issues which have been noted by a number of objections. The parking spaces are also set back from the road to as to not impede on pedestrian accessibility on the pavement at the front of the application site. Given also the consideration that the tandem design is more sensitive to the context of the site, reduces the extent of hardstanding and increases the extent of soft landscaping onsite, it is considered that the tandem design is, on balance, acceptable and in accordance with emerging Policy.

While no dedicated bicycle storage has been identified within the plans, it is considered likely that there is sufficient private and secure amenity space (either at the sides of the dwellings or within the rear garden curtilages) for the future occupiers to store bikes.

In addition, as commented by the Council's Environmental Health Team, the provision of Electric Vehicle Charging Points is recommended to promote sustainable travel throughout the borough. This has consequently been ensured via condition.

### Ecology

With regard to ecology, the applicant has provided a Preliminary Ecology Appraisal as part of the application, which confirms that no impact is expected for amphibians, reptiles, hazel

dormouse and badgers, although it is noted that the trees are a suitable breeding habitat for birds and therefore consideration is needed for the time of clearance works. As suggested by the applicant, this has been conditioned through requiring adherence to the recommendations of the submitted Ecological Appraisal. The applicant also notes that, while the Ecology Appraisal identified a low suitability for roosting bats, it is recommended that at the time of demolition the contractor dismantles the area of tiles around the lifted/broken tiles under watching brief by an ecologist, which is also covered by the added condition above. A Bat Survey was provided by the applicant as part of the application, as recommended by the Ecology Appraisal for tree T9 and which was undertaken by a licensed bat surveyor, which identified that tree T9 (proposed for removal) had no bats or signs of bats.

It is added that the Ecology Appraisal also recommended a number of ecological enhancements as a means to contribute toward national objectives to secure net gains for biodiversity in and around developments. Such recommendations include hedgehog nesting boxes, holes within close boarded fencing to allow permeability for ground-based terrestrial animals (e.g., hedgehogs), bird boxes on retained trees, swift bricks in buildings, bat boxes, climbing plants, wildflower plug/bulb planting, and/or fruit espaliers. At this stage, no details on biodiversity enhancements have been provided, although an appropriate condition has been applied which ensures that net gains for biodiversity can be achieved as well as that the recommendations of the submitted Ecological Appraisal are adhered to (as above).

The proposed development, subject to conditions, is acceptable in ecology terms.

#### Drainage and Flooding

The application site falls outside of a designated Flood Zone of a Strategic Flood Risk Area. The proposed development would result in an increase of built form at the site through the erection of four dwellings along with additional hardstanding. At present, it is understood that the full drainage details are yet to be ascertained and agreed with Southern Water. Having also given regard to Southern Water's comments, as well as the fact that the site is within the Environment Agency's Aquifer Protection Zone, details relating to drainage and the disposal of sewage have been conditioned to ensure that the development does not result in a significant increase in surface water run-off in the immediate area. Subject to this condition, the proposed development would not be considered to cause an unacceptable increase in flood risk or surface water run-off in the area.

It is also noted that KCC Flood and Water Management were consulted as part of this application but did not comment as the application was considered to fall outside their remit as statutory consultee.

#### Energy Efficiency

At present, it is noted that no details on energy efficiency have been submitted as part of these proposals. Within the emerging Local Plan, Policy EN 3 requires that all new buildings incorporate design features that help deliver radical reductions in greenhouse gas emissions, particularly CO<sub>2</sub> emissions, and thus help mitigate climate change impacts. Conditions relating to energy efficiency and renewable technologies have therefore been applied.

#### Heritage

With regard to heritage, the application site is not within a Conservation Area, albeit it is located 33m to the north-east of the Pembury Conservation Area. However, the Conservation Area is considered to be a sufficient distance from the site so as to not be detrimentally impacted upon by the proposal. There are also no Listed Buildings within the immediate vicinity of the site.

In addition, the Council's Conservation Officer raised no concern with regard to the nearby Conservation Area, although noted that losing the police houses is regrettable as they are a particular feature of the social history of the period. However, the buildings only hold a small amount of historic interest and no architectural interest, so it would be considered difficult to conclude that they meet any of the criteria for local heritage asset listing, noting that similar development at former police houses has taken place recently in Paddock Wood.

Given the above consideration by the Council's Conservation Officer, it is not considered that the buildings are of significant heritage interest to warrant refusal on these terms. The proposal is therefore considered acceptable from a heritage perspective.

### Summary

With regard to the above appraisal, the proposal to demolish the existing buildings on site and erect four new dwellings is considered to be acceptable in principle and would be within a sustainable location. The scale, massing and design of the proposal is considered to be acceptable and does not detract from the character of the surrounding area. The siting and scale of the proposed units in relation to the neighbouring properties is not considered to be detrimental to residential amenity to the extent that refusal is warranted. It is considered that there is sufficient parking provision proposed to serve the new units and the proposal would not be detrimental to highway or pedestrian safety.

It is therefore recommended that this application be approved subject to the conditions set out below.

**RECOMMENDATION – APPROVE** subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No: 08719-A-L-(00)-X-0103 A – Proposed Site Layout Plan

Drawing No: 08719-A-L-(00)-X-0111 A – Plots 1 & 4 (Proposed Plans)

Drawing No: 08719-A-L-(00)-X-0112 A – Plots 1 & 4 (Proposed Elevations)

Drawing No: 08719-A-L-(00)-X-0113 A – Plots 2 - 3 (Proposed Plans and Elevations)

Reason: To clarify which plans have been approved.

- 3) Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 4) Before the first occupation of the dwellings hereby permitted, the first floor bathroom and en-suite windows on all four dwellings shall be fitted with glass that has been obscured to Pilkington level 3 or higher (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Both the obscured glazing and

the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings.

- 5) Before any building is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- 6) Notwithstanding the details submitted, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scaleable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The approved AMS and TPP shall be provided to the site foreman prior to commencement of development, and all contractors on site shall be made aware of the specified tree protection measures.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- the location of site facilities and materials storage;
- demolition of existing structures/hard surfaces;
- changes in ground levels, including the location of construction spoil;
- excavation, including for drainage and other services;
- installation of new hard surfaces; and
- preparatory works for new landscaping

where these may encroach into root protection areas and/or present canopy spreads.

All demolition and construction activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to safeguard existing trees to be retained, mitigate impacts from development which could lead to their early loss and protect the public amenity and character of the local area.

- 7) Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 8) The hereby approved works shall be carried out in accordance with the recommendations of the submitted ecological appraisal.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 9) No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority along with details of boundary treatments. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to, the site, including highway trees and land and shall indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of onsite replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5-year management plan. The landscape scheme shall specifically address the need to provide additional tree planting at the site. The approved scheme shall be implemented in accordance with the programme of implementation.

Reason: These details are required pre-commencement to ensure a satisfactory setting and external appearance to the development. This information is required before the development commences with the programme of implementation.

- 10) The approved landscaping/tree planting scheme shall be carried out fully during the first planting season (October to February) following practical completion of the development hereby approved.

Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In order to ensure a satisfactory setting and external appearance to the development.

- 11) Prior to the first occupation of the development hereby permitted, details of the external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. External lighting shall be installed in accordance with the approved details, and no further external lighting shall be installed at any subsequent time without details having first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of protecting the character and amenities of the locality.

- 12) No building shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area.

- 13) The areas shown on the approved plans as vehicle parking/turning space, shall be provided, surfaced, and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the dwellings hereby permitted are first occupied. It shall be retained for the use of the occupiers of, and visitors to, the development and no permanent development, whether or not permitted by the Town and Country Planning (Generally Permitted Development) (England) Order 2015 as amended (or any Order revoking and re-enacting that Order) shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking spaces.

Reason: In in the interest of visual amenity and development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and highway safety issues.

- 14) Prior to the erection of the building(s) hereby approved, written and illustrative details for renewable energy technologies within the development shall be 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 a satisfactory standard of development which meets the needs of current and future generations.

- 15) Prior to the first occupation of the development hereby approved, details of the provision of electric vehicle charging points, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details and in accordance with an agreed timescale and retained thereafter.

Reason: To ensure a satisfactory standard of development that meets the needs of current and future generations.

- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development shall be carried out within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior written planning permission of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be inserted other than as hereby approved without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of visual amenity and preserving the sites locality.

- 18) Prior to any above ground works taking place, details of the proposed slab level of the dwellings hereby approved, shown in relation to a fixed point in the road in Amberleaze Drive shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out at the approved levels.

Reason: In the interest of visual and residential amenity.

## **INFORMATIVES**



- 1) As the development involves demolition and / or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Compliance with this document is expected.
- 2) Attention is drawn to Approved Document E Building Regulations 2010 Resistance to the Passage of Sound as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
- 3) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- 4) Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 5) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 6) It is the responsibility of the landowner/developer to ensure, before the development hereby approved is commenced, that all necessary licenses required from Natural England are obtained.
- 7) Waste and recycling bins are required to be purchased from TWBC prior to the properties being sold or occupied.
- 8) Street Naming: Once work begins on site please apply for Street Naming & Numbering at <https://tunbridgewells.gov.uk/planning/support-services/street-naming-and-numbering> - Applying early to officially register new addresses will prevent delays with Council, utility, postal and emergency services.

## **NOTES TO APPLICANT**

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

Case Officer Thomas Vint

Case Officer Sign:

T. Vint

Date: 15/09/22

Delegated Authority Sign:



Date: 15/9/22

TL/DM Countersign if refused:

Date: