

REPORT SUMMARY

REFERENCE NO - 19/02617/FULL		
APPLICATION PROPOSAL Erection of three bedroom single storey dwelling; Demolition of a garage		
ADDRESS 67A Warwick Park Royal Tunbridge Wells Kent TN2 5EJ		
RECOMMENDATION to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> - The site is located within the Limits to Built Development where the principle of the development is considered acceptable. - The scale, location and design of the development would respect the context of the site and preserve the visual amenity of the street scene. - There would not be any significant adverse impact upon occupants of neighbouring properties. - The proposed parking layout would make adequate independent parking provision for the resulting property and would facilitate safe access to the highway. - The proposal would not result in a significant increased risk in flooding in the area. - Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL		
The following are considered to be material to the application:		
Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A		
Net increase in numbers of jobs: N/A		
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A		
The following are not considered to be material to the application:		
Estimated annual council tax benefit for Borough: £178.76		
Estimated annual council tax benefit total: £1804.53		
Annual New Homes Bonus (for first year): £1000.00		
Estimated annual business rates benefits for Borough: N/A		
REASON FOR REFERRAL TO COMMITTEE		
The application has been called into the planning committee by Councillor Scholes for the following reasons:		
Material planning considerations: For further consideration due to the impact of the development in regards to surface water run off and flooding in the area.		
Reasons that warrant discussion at Committee: Important that the determination of the application be undertaken by Committee given the particular nature of the site and area.		
WARD Pantiles & St Marks	PARISH/TOWN COUNCIL N/A	APPLICANT Ms Doyle AGENT Glenda Egerton
DECISION DUE DATE 14/01/20	PUBLICITY EXPIRY DATE 21/02/20	OFFICER SITE VISIT DATE 02/12/19

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/03336/FULL	Erection of three bedroom single storey dwelling	Withdrawn	28/03/19
17/04200/FULL (Tunbridge Wells Lawn Tennis Club)	Installation of new low level LED floodlighting to two existing outdoor tennis courts	Approved	09/03/18
16/06295/FULL	2 storey side extension and internal/external alterations	Approved	24/10/16
08/01988/FUL	Erection of a new two storey 3-4 bedroom dwelling.	Refused (Appeal Dismissed)	14/01/09
07/03062/FUL (Tunbridge Wells Lawn Tennis Club)	Floodlights on 3 courts (11, 12 and 13)	Approved	19/11/07
07/02389/FUL	Single storey dwelling	Withdrawn	29/08/07
01/00285/OUT	Outline (Means of access, siting and landscaping not reserved) - Detached house with integral single garage	Refused (Appeal Dismissed)	17/08/01
00/00896/OUT	Outline (means of access, siting and landscaping not reserved) - Detached house and garage	Refused	08/09/00
97/00674/OUT	Outline (means of access and siting not reserved) erection of single dwelling with garage	Refused (Appeal Dismissed)	11/08/97
96/00296/OUT	Outline (means of access and siting not reserved) new dwelling with garage	Refused (Appeal Withdrawn)	31/10/96

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site forms part of the plot of 67A Warwick Park, located on the north east side of Warwick Park in a backland location and does not form part of the street scene of Warwick Park. The plot is occupied by a large, recently refurbished and extended, dwelling which sits relatively centrally within the site and fronts to the south east where a parking area is located to the front of the property and a garage/outbuilding is located adjacent to the sites eastern boundary. The main garden of the property is located to the west of the plot and hosts a swimming pool. The north east corner of the plot comprises an area of hardstanding and the remainder of the site is predominantly grass surfaced. The south, west and east boundaries of the site are largely marked by dense planting in the form of established trees and hedging whereas the north boundary is marked by timber fencing. The land level is relatively consistent across the site other than towards the north boundary where there is a bank which the boundary fencing sits on top of. The application site relates solely to the north east corner of the plot.

- 1.02 The site is located within a predominantly residential area and is situated to the north east and rear of nos. 61, 63, 65 and 67 Warwick Park which all front towards the road. The site is accessed from the south east corner of the plot via a private track which runs adjacent the side boundaries of nos. 67 and 69. Warwick Park and the immediate surrounding area comprise predominantly relatively large detached properties of varying scales and designs. To the north of the site lies the Tunbridge Wells Lawn Tennis Club, which sits on notably higher land level to the application site. To the east the site backs onto the rear garden of the property of Birchmead which is situated along Neville Gate. The site sits on a higher land level to this property. To the west the site backs onto the rear garden of no.59 Warwick Park.
- 1.03 The site is located Inside the Limits to Built Development and within the Madeira Park and Warwick Park Conservation Area. A group of trees located along the south boundary of the plot, along the boundary shared with the rear of no.67, are protected under Tree Preservation Orders. A culvert also runs across the more northern parts of the site.

2.0 PROPOSAL

- 2.01 The application seeks permission for the removal of the existing garage/outbuilding and erection of a new single storey, three bedroom, dwelling located towards the north east corner of the plot.
- 2.02 The proposed dwelling is to front towards the south west and access point to the site. The property is proposed to be accessed from the sites existing access point which leads to a parking area to the front of the proposed dwelling and the existing parking area of 67A. A 2m rendered wall is proposed along the west of the access driveway, marking the east of the parking area of 67A and continues around the west of the proposed garden. To the immediate west of the proposed wall a mature Yew hedge with pleached Hornbeam is proposed. Both parking areas are proposed to be gated. A group of Silver Birch Trees are also proposed in the north east corner of the plot and proposed garden.
- 2.03 The proposed dwelling is of a contemporary and modern design. It is proposed to be flat roofed with large amounts of glazing on the front and rear elevations along with five roof lights on the roof. It is proposed to be finished in white render with a sedum roof and aluminium windows. The bedrooms are proposed to the eastern parts of the dwelling with the living accommodation to the west.
- 2.04 The application follows a previously withdrawn scheme, 18/03336/FULL, which sought consent for a contemporary 'L' shaped dwelling in the very north east corner of the plot. The now proposed dwelling is located further to the south and is of a more rectangular shape than previously proposed.

3.0 SUMMARY INFORMATION

	Withdrawn under 18/03336/FULL	Proposed	Change (+/-)
Land use	Residential	Residential	-
No. of residential units	1	1	-
No. of storeys	1	1	-
Max height	4.2m	3.0m	-1.2m
Max width	23.5m	19.8m	-3.7m

Max depth	22.3m	11.0m	-11.3m
Volume	Approx 913m ³	Approx 467m ³	-446m ³
No. of bedrooms	3	3	-
Parking spaces	2	2	-

Garage (to be demolished)

	Existing
No. of storeys	1
Max height	4.3m
Max width	5.6m
Max depth	5.8m

4.0 PLANNING CONSTRAINTS

- Area of Special Advert Control
- Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- Ashdown Forest Within 9-10km Zone Of Influence For Ashdown Forest SAC/SPA
- Madeira Park And Warwick Park Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Inside the Limits to Built Development (LBD)
- Tunbridge Wells Central Access Zone (Residential)
- Tree Preservation Order VAR – to the south of the site.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2019 National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development
Core Policy 4: Environment
Core Policy 5: Sustainable Design and Construction
Core Policy 6: Housing Provision
Core Policy 9: Development in Royal Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

EN1: Development Control Criteria
EN4: Demolition in Conservation Areas
EN5: Development within, or affecting the character of, a Conservation Area
EN13: Tree and Woodland Protection
EN16: Protection of groundwater and other watercourses
EN18: Flood Risk
H2: Small and intermediate sized dwellings
H5: Residential development within Limits to Built Development
TP4: Access to the road network
TP5: Vehicle Parking Standards
TP6: Tunbridge Wells Central Access Zone (residential) Vehicle Parking Standards

Other relevant documents

Kent Design Guide Review: Residential Parking

Madeira Park and Warwick Park Conservation Area Appraisal
KCC Flood Investigation Report: Flooding affecting the Tunbridge Wells Area on 19
July 2017

6.0 LOCAL REPRESENTATIONS

- 6.01 Site notices were displayed on the 2nd December 2019 at four locations surrounding the site. The application was also advertised in the local press which expired on the 27th December 2019.
- 6.02 22 responses have been received from 9 residents (including the chairman of the Warwick Park Area Residents Association) raising the following (summarised) concerns and objections:
- Flood Risk: the proposed dwelling is in the vicinity of an important drain pipe (750mm culvert) which distributes rain water safely into the river below Upper Cumberland Walk.
 - Existing flooding problems in the area.
 - Sewage & waste water - absence of plan.
 - Out of keeping with the period character of the surrounding properties.
 - Concentration of rain water into a swale will have a significant impact on neighbouring properties where the swale ends.
 - The significant size of the development, driveway and patio area envisaged by the development will remove valuable natural drainage that absorbs rainwater.
 - TWBC should adopt a policy that where a culvert passes through a development site, development should only be permitted if the watercourse is restored to open channel.
 - Views from the tennis club will be out of keeping.
 - 67a in recent years has expanded significantly with no provision for surface water displacement.
 - No provision for the additional surface water displacement.
 - Development over culvert would worsen flooding situation.
 - Page 33 of the Supporting Document dated 12.9.19 "Flood Risk Assessment" is inaccurate. It does not show an existing drain from the cricket ground car park.
 - Plan Drawing proposed site location and block plan is inaccurate. It shows the drain stopping on Birchmead (Nevill Gate) which is not the case.
 - Well-being of established trees, the roots of which will inevitably be damaged by the building of foundations.
 - Proximity to neighbouring boundary.
 - Warwick Park area is a recognised "hot spot" for flooding.
 - When No. 17 Blatchington Road applied to build over a culvert, planning permission was refused and the building had to stop 1 metre short of the culvert.
 - Potential damage to tennis courts from flooding/drainage issues.
 - Access issues down a long narrow access track.
 - Warwick Park has major traffic problems from 8am-6pm Mon-Fri as it is an essentially free unregulated parking area for Tunbridge Wells commuters, addition of a further property to this existing unsatisfactory situation, can only aggravate the problems which already exist and appear to be insoluble.
 - Overdevelopment.
 - Guidance from the Environment Agency makes clear that the EA would oppose any building over a culvert.
 - The culvert at present does not have buildings over it, running between houses 4 and 6 in Blatchington Road and then between 13 and 15.
 - There should be no buildings over the culvert or so near to it as to risk compromising its integrity or future access for repair and maintenance.

7.0 CONSULTATIONS

Environment Agency

- 7.01 (05/12/19) The EA have assessed this application as having a low environmental risk and therefore have no comments to make. Although the EA have no comments on this planning application, the applicant may be required to apply for other consents directly from the EA.

Southern Water

- 7.02 (17/12/19) Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer and request that should this application receive planning approval an informative is attached to the consent.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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.

Kent Fire and Rescue

- 7.03 (27/04/20) Kent Fire and Rescue confirm that the means of access is considered satisfactory. This is ensuring that the access road is not less than 3.7 metres wide with at least the carrying capacity of the required fire appliance. Where "Pinch points" are permitted they are not to be less than 3.1 metres wide.

KCC Flood and Water Management

- 7.04 (02/03/20) It has been assumed that the drainage layout drawing showing the culvert path through the site as the "predicted" course. To establish the exact path of the culvert, it is recommended the pre-commencement condition, as previously set out, includes details of the exact culvert path to be provided.

(05/02/20) Following internal discussions, it was agreed that our previous consultation response therefore remains valid.

It is acknowledged that the positioning of the proposed dwelling would be close to the existing culvert however it is felt that appropriate measures can be put in place to ensure that the culvert is protected during construction works.

Whilst the property would be within an area designated as "high" risk from surface water flooding, recommendations have been put forward within the drainage strategy that include raising of the ground floor, with any surface water runoff from the house will be directed into a geo-cellular tank and flow directly into the culvert.

In the last consultation response to TWBC, it was recommended that a pre-commencement condition is attached to the application which requires details of how the culvert is to be protected during construction. Following review KCC have amended the wording of the condition to now specifically require details of the exact path of culvert to be provided. This is to ensure the 2 metre minimum separation distance is maintained throughout.

(13/12/19) Whilst this application would fall outside of the statutory remit, KCC do have the following comments to make in regards to surface water management at the proposed site.

The Drainage Strategy report by Monson (July 2019) has proposed a minimum separation distance between the culvert and the proposed dwelling of 2 metres. It is essential that the existing culvert traversing through the site is protected and adequate space is provided should maintenance of this asset be required in the future.

The proposed dwelling would appear to be situated in what is considered to be at "High" risk of surface water flooding from supporting EA mapping. Whilst it is emphasised that properties should ideally be located outside areas considered to be at "High" risk, KCC would advise in this instance that suitable measures are put in place to ensure that the property is suitably protected from surface water flooding.

It is therefore recommended that a condition is attached requiring that prior to the commencement of the development details of the measures to be undertaken to protect the culvert on the site shall be submitted.

(27/11/19) The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Highways

7.05 (08/01/20) The Highway authority would refer to its previous comments which remain applicable.

(comments from 18/03336/FULL, 10/01/19) Access: This application proposes the use of an existing shared access. The addition of one dwelling is not expected to generate enough trips for the increased use of this access to be to the detriment of highway safety. The width of this access is 3m both at the entrance and for the majority of the 90m length. It is considered important that the views of Kent Fire and Rescue Service are obtained to confirm their access needs for this site.

Cycle Parking: The current plans have not accommodated for cycle storage. Detailed plans for the provision of secure, covered cycle parking facilities are required. This should include the proposed mechanism for storing the cycles.

Waste: The current proposals would require residents to transport their refuse further than 30m. Therefore, it is expected that the Tunbridge Wells refuse team are consulted on the application and they will be able to advise as to whether there is an acceptable strategy which can be conditioned accordingly.

Summary: The aforementioned matters are not deemed to be at a detriment to highway safety nor will they cause a significant negative impact to the Highway network. Therefore, if the proposal is granted planning permission, provided the following requirements are secured by condition or planning obligation, then KCC Highways would raise no objection.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Environmental Protection

- 7.06 (05/12/19) Demolition/construction activities may have an impact on local residents and so the usual conditions/informative should apply in this respect. Before demolition, building should be checked for the presence of asbestos and any found should only be removed by a licensed contractor. No objections.

TWBC Client Services

- 7.07 (27/11/19) Previous submission to this site 18/03336/FULL, bins to be purchased from TWBC on completion of the property by developer or their client. Relevant bins and boxes to be presented at the end of the driveway adjacent to the public highway. There are some changes to collection methods and material since the previous application.

TWBC Conservation Officer

- 7.08 (21/04/20) For a development to have an impact on a Conservation Area it needs to be visible or have a visible impact, such as the loss of trees that make a positive contribution even if the development itself can not be seen. In this case the proposal is not visible from the wider conservation area and therefore the impact on the Conservation Area would not amount to harm. In terms of impact within the site, yes there will be a more cramped form of development and it will be intrusive into the curtilage of 67A but this again will not impact the wider Conservation Area and is not apparent from the wider Conservation Area.

While the existing property of 67A is a positive contributor to the character of the Conservation Area, it is not sufficiently out of the ordinary to make it a local heritage asset beyond its status as part of the Conservation Area.

(13/12/19) The proposed single storey contemporary design is located close to 67a creating a cramped feel to what is an open site. The single storey nature means that it will not be visually intrusive within the conservation area but its size means the localised impact on the setting of number 67a will be intrusive.

From a Conservation Area stand point there will be no harm visually but there will be a sense of being cramped and a level of intrusiveness within the site.

TWBC Tree Officer

- 7.09 (07/02/20) The impacts from construction and future pressure are not excessive and could be adequately mitigated with a tree protection plan and arboricultural method statement, secured by condition.

Concerns have been raised about drainage, specifically that the proposed development could lead to increased flooding, which could impact nearby trees. The Tree Officer could not comment on the likelihood of flooding, but would note that T4 and the other oaks are separated from the site by a pond and culvert, and that T4 is on slightly elevated land. In the absence of evidence that drainage would be significantly impacted, the Tree Officer would not raise concerns on arboricultural grounds.

RTW Civic Society

- 7.10 (14/01/20) The society commented on the last application to develop this small and difficult site that it was unsuitable for a three-bedroom house. This completely revised design no longer builds over the large and shallow drainage culvert but the danger of damage to it during construction remains, as do concerns as to the accuracy and adequacy of the drainage information relied upon in the design.

This is a high flood-risk site; the Conservation Officer finds the proposals cramped and intrusive as do we; landscaping details are very basic and there is no information on the context of the proposal. Our comment on this application as with the last is that the site is incapable of accommodating the proposed house satisfactorily.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The Council cannot identify a 5-year supply of housing land and therefore the presumption in favour of sustainable development and paragraph 11 are fully engaged. The proposal would not harm the significance of the designated heritage assets of the Conservation Area through the high-quality design, scale and siting of the development being sensitive to the surrounding built form.
- 8.02 The commissioned reports in relation to flood risk demonstrate that the proposal will not result in a significant level of flood risk to the proposed dwelling. The mitigation measures proposed will ensure that the proposal will not have an adverse effect on the existing culvert and will ensure that the development will not result in an increase to flood risk elsewhere.
- 8.03 Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole. The benefits from the scheme in terms of the provision of an additional home in the light of a shortfall in the 5-year housing land supply, preserving the appearance of the conservation area is not outweighed by any adverse effects from the scheme.

- 8.04 The site forms within the Limits of Built Development and therefore the principle of a replacement dwelling constitutes sustainable development, being located close to a wide range of shops and services and strengthening the local community and economy.
- 8.05 The proposed scheme is appropriate in terms of its impact on landscape, visual amenity, heritage, transport and ecological terms and accords with the relevant policies of the adopted Development Plan.
- 8.06 In light of the above, it is considered that the submitted development is an acceptable form of development for the site and accords with the relevant development plan policies.

9.0 BACKGROUND PAPERS AND PLANS

17129-S-01-A - Existing Site Location and Block Plan
17129-S-02-A - Existing Floor Plans and Elevations
7129-P-02-A - Proposed Plans and Elevations
17129-P-01-J - Proposed Site Location and Block Plan
5092/01 rev B - Drainage Strategy
Flood Risk Assessment
Planning and Heritage Statement
Design and Access Statement
Arboricultural Survey
Tree Report

10.0 APPRAISAL

Principle of Development

- 10.01 Paragraph 73 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. In addition there must be an additional buffer of between 5% and 20%, depending on particular circumstances of the LPA.
- 10.02 The Council currently cannot demonstrate a five year housing supply. Paragraph 11 (d) of the NPPF 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 (listed in footnote 6) 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.”*
- 10.03 Footnote 7 to the NPPF states that this includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73).

- 10.04 The site is located within the Limits to Built Development of Tunbridge Wells where Policy H5 of the Local Plan states that infilling and the redevelopment of existing developed sites is acceptable.
- 10.05 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations. The site is in a very accessible location due to its proximity to services/facilities. It is located within the LBD of Tunbridge Wells where adopted (but now out of date) Policy H5 of the Local Plan indicates that the infilling and redevelopment of existing sites can be acceptable. The provision of an additional unit here would contribute to the Borough's housing need, which would have social and economic benefits.
- 10.06 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 additional residential development the scheme would need to be satisfactory in all other respects, as discussed below.
- 10.07 In this case, the main issues for consideration are the design and visual impact of the development, impact on residential amenity, impact upon heritage assets, impact on highway safety and parking, impact on flooding and these issues (along with all other material considerations) are discussed in greater detail below.

Visual Impact

- 10.08 In design terms the proposal falls to be considered against the relevant policies and guidance at local and national level. Local Plan Policy EN1 requires the design of a proposal to respect the context of its 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. CP4 (1) requires the Borough's urban landscapes to be conserved and enhanced.
- 10.09 Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 124 sets out that good design is a key aspect of sustainable development and Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 10.10 Design is also addressed within the PPG. Paragraph 001:26 sets out that good design responds in a practical and creative way to both the function and identity of a place. It puts land and other such resources to the best possible use – over the long and short term. Paragraph 006:26 underlines the importance of the physical environment supporting economic, social and environmental objectives beyond the requirement for good design in its own right. Paragraph 020:26 underlines that distinctiveness is what often makes a place special and valued. It relies on physical aspects such as the local pattern of street blocks and plots, building forms, details and materials, style and vernacular plus landform and gardens, parks, trees and plants.
- 10.11 Policy EN1 of the Local Plan 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.
- 10.12 The site is located on the north east side of Warwick Park. The area is predominantly residential characterised by large two-storey dwellings with the tennis club to the east

of the site. The existing dwelling in the plot sits relatively centrally within the site and fronts towards the south east.

- 10.13 The existing property and site is considered to be an anomaly along this part of Warwick Park being situated to the rear of the properties of 61, 63, 65 and 67 located to the south west, which front onto Warwick Park. These neighbouring are generally rectangular shaped plots whereas the application site is a larger more square shaped plot.
- 10.14 In comparison to the existing development within the immediate surrounding area, the proposed single-storey dwelling would be modern in style and different in design, size and materials. Although, different in design to the predominantly more traditionally designed dwellings in the immediate area, there is no objection to the more contemporary and modern design of the dwelling or materials proposed.
- 10.15 The application site is set back approximately 75m from Warwick Park and the proposed dwelling itself would set back approximately 112m from the road and towards the north east corner of the site. Because of this and the scale of the proposed dwelling it would be considered to be largely screened from the immediate surrounding public vantage points and would not be considered to harmful to the street scene or the visual amenity of the locality. Whilst it is acknowledged that there would be views of the dwelling from the tennis club, these views would be considered to be limited by the difference in land levels and the existing boundary fencing, positioned on the higher land level which the tennis club lies. It is also noted that the tennis club is a private club, with members required to pay an annual subscription and a joining fee, and would not be considered a public vantage point as would a neighbouring garden.
- 10.16 The proposal seeks to extend the existing access track/area of hardstanding to provide a parking area to serve the proposed dwelling. Two parking spaces are proposed to serve the dwelling and the existing dwelling at the site would retain its parking area as existing. However, the more rear parts of an existing area of hardstanding presently to the rear of the existing garage would be removed and grassed surfaced to form part of the garden of the proposed dwelling.
- 10.17 Whilst the proposed development would result in an increased and consolidated built form at the site, the proposed development would result in the removal of a garage structure and the proposed dwelling is considered to be of a relatively modest scale. It is not considered, on balance, that the proposal would appear overly cramped, constitute overdevelopment or be at odds with the site's locality, which in itself is an individual backland site.
- 10.18 The design, whilst contemporary and modern, and scale of the proposal is considered to be acceptable and would preserve that character of the street scene and not appear visually intrusive in the sites locality. It is considered that the proposed development in this location would not appear alien or significantly out of context with the area and that the proposal is not of an excessive scale in comparison to other surrounding properties in the area. The proposal is of a good quality and would not appear visually intrusive. In order to ensure a satisfactory appearance to the development a condition is recommended requesting material samples and details are submitted to and approved in writing prior to works commencing.

- 10.19 It is concluded that the amount, scale and design of the proposals would be in keeping with the character and appearance of the surrounding area, in accordance with Local Plan Policies H5 and EN1.

Impact upon Heritage Assets

- 10.20 The site is located within the Warwick Park Conservation Area. The application site is set behind the properties that front onto the road, on the site of Home Farm, the centre of a farm estate that was allocated to housing by the then land owner, The Marquess of Abergavenny, in 1896.
- 10.21 Paragraph 189 of the NPPF sets out that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'*
- 10.22 Policy EN5 of the Local Plan sets out that proposals for development within, or affecting the character of, a Conservation Area will only be permitted where they would preserve or enhance the character and appearance of the area.
- 10.23 The Warwick Park Conservation Area Appraisal sets out that numbers 67/67a date from 1899 to 1901 and no. 69 is slightly later dating from 1911. 67a is set back off Warwick Park by a private drive but is an Edwardian property. Number 67 has a pair of gables facing the road, with a central pitched roof porch and dormer in the roof. The gables and first floor are clad in bullnosed tile hanging. The ground floor is red brick and the property is screened by a laurel hedge and nature trees. Numbers 67 and 67a were both constructed by Thomas Bates builders. Number 69 is a two storeyed white painted brick house with rusticated quoins and a ground floor veranda. The property has a pyramidal shaped plain tiled roof with two tall brick chimneys and flat roofed dormers. Field Marshal Montgomery lived here in 1941. Number 69+ was built to the east of number 69 in 1973. Set back from the road frontage is number 75 screened from the road and from 69+ by mature trees that are protected by a TPO. There is a new house being constructed (2017) on part of the garden of number 75 that fronts Warwick Park. The original Home Farmhouse and yard were located on land now occupied by nos. 63, 65, 67, 67A and 69 Warwick Park.
- 10.24 From discussions with the Council's Conservation Officer it is considered that in order for a proposed scheme to have an impact upon a Conservation Area it would need to be visible from public vantage points or result in the loss of visible features, such as trees, that make a positive contribution. The proposed dwelling, by virtue of its scale, location and surrounding screening (to be retained) would not be visible from surrounding public vantage points or would result in the loss of any features that contribute positively to the area. The proposal is therefore not considered to have a detrimental impact upon the character or appearance of the Warwick Park Conservation Area.
- 10.25 Whilst it is acknowledged that the view of the Council's Conservation Officer is that the development would result in a more cramped form of development, by virtue of an increase in built form at the site, this is a planning consideration rather than a heritage consideration. However, they do go on to acknowledge that whilst there is an increase in built form, this would not impact the wider Conservation Area and that the existing property of 67A whilst of Edwardian appearance is not considered to be a non-designated heritage asset.

- 10.26 The proposed development, by virtue of its scale and size would not be prominent in the locality or impact upon the wider Conservation Area. The proposal is considered that the proposal would preserve the character of the Conservation Area in accordance with the relevant planning policy and guidance.

Residential Amenity

- 10.27 The proposed development is considered to have the most impact upon the amenities of the properties of nos. 67 and 69 Warwick Park to the south west of the site, fronting onto Warwick Park, the existing property of 67A and the property of Birchmead to the east located along Nevill Gate. It is also important to consider the living conditions of the proposed dwelling.

67 and 69 Warwick Park

- 10.28 Both of these properties are detached and sit either side of the site's access track/driveway from Warwick Park and both front towards the road where they have parking areas to the front of the properties.
- 10.29 The proposed dwelling would be sited approximately 74m from the rear elevations of these properties and because of this and the single storey scale of the proposed dwelling and screening it would not cause a loss of light, outlook or privacy to these properties.
- 10.30 An additional dwelling at the site would result in an increased and intensified use of the site's access point and driveway. Both of these neighbouring properties and their rear gardens sit in close proximity to the application site's long driveway and would be impacted, to some extent, by its intensified use, most notably through noise levels. The east side of the track and boundary with no.69 is marked with a brick wall and some planting in the form of hedging and small trees. The attached single storey garage also adjoins the boundary where the first floor side elevation of this property is set in approximately 5m from the boundary. The side elevation of no. 67 overlooks the access track from a kitchen window and two secondary windows serving a living room/habitable room. These views would not be affected by the development and the primary outlook from this room would be considered to be to the rear where there is an opening leading onto the rear garden of the property. The use of the access track by the existing property of 67A is unrestricted and movements are uncontrolled in planning terms. It is considered that the intensified use of this access track through one additional unit would not generate such an increase in noise levels that would result in such a detrimental impact upon the amenities of these two properties to warrant the application being refused on such grounds.

67A Warwick Park

- 10.31 The existing property at the site would be situated approximately 7m away at its closest point. By virtue of proposed dwelling's location and scale in relation to the existing property of 67A it is not considered that the proposal would result in a significant loss of light or outlook to this property. In regards to privacy the proposed dwelling does include full height glazing in the north west corner of the property serving the main living space. However the west boundary of the proposed garden would be marked and screened by a 2m rendered wall and a mature Yew hedge with pleached Hornbeam. It is therefore considered that the proposed windows would not be able to overlook the property of 67A. The proposed noise levels generated by a development of this scale would also not be considered to be detrimental to the residential amenity of this existing property.

Birchmead

- 10.32 The property of Birchmead is located to the east of the application site. It is a large detached dwelling that fronts to the east and onto Nevill Gate with a rear garden of approximately 75m in length which backs on to the application site. The garden slopes downwards towards the applications site where the proposed dwelling would sit on a higher land level to that of the most rear part of the garden serving Birchmead. The two sites are well screened by boundary planting and trees.
- 10.33 By virtue of the separation distance between the proposed dwelling and Birchmead, the scale of the proposed dwelling and screening in place (which is to be retained) it is not considered that the proposed development would result in an unacceptable loss of light, outlook or privacy to this property.

Living Conditions of future occupiers

- 10.34 In terms of living conditions it is considered that the proposed dwelling would have a suitable sized garden and would not be significantly overlooked by any surrounding property to warrant the application being refused on such grounds. Whilst it is acknowledged that 67A does have first floor bedroom windows that face towards the south east, it is considered that by virtue of their position and the immediate direction in which they face in relation to the proposal site and dwelling that they would not significantly overlook the proposed dwelling or garden to a level that future occupiers would have an inadequate level of residential amenity as a result.

Highways

- 10.35 The proposed layout shows the existing parking area to the front of 67A to be retained and a parking area to the front of the proposed dwelling large enough for two vehicles. These are considered sufficient, as is the turning space within the parking areas. The parking provision is considered numerically sound, based on KCC guidance that specifies a minimum of 1 space per unit for two bedroom houses, for properties in 'Town Centre' areas or 1.5 spaces for 'Edge of Centre' areas. It is also considered that the site is in a sustainable location within the designated settlement boundary and walking distance of the services and facilities in Tunbridge Wells as well as being in close proximity to good public transport links including Tunbridge Wells Train Station.
- 10.36 In regards to the site access onto Warwick Park the site is within a largely residential area with a 30mph speed limit with reasonable visibility across a wide pavement in both directions at the access point. There are no parking restrictions on the surrounding road at this point - if safety concerns (sufficient to warrant such restrictions) had historically been identified by the highway authority or parking services they would have been imposed accordingly. From discussions with KCC Highways it is considered that the intensified use of this access would be acceptable and would not have a detrimental impact upon highway or pedestrian safety. The proposed access arrangements are therefore considered to be acceptable.
- 10.37 Some concern has been raised in regards to the access arrangements down a long narrow track and the inability for vehicles to pass and the potential for vehicles needing to reverse long distances. From discussions with KCC Highways and Kent Fire and Rescue this is not considered to raise significant safety concerns and that the arrangements are satisfactory.
- 10.38 Concern has also been raised in regards to traffic and parking along Warwick Park Road particularly during the working day where it is used by commuters and how the development would only worsen this existing issue. The proposal would not result in any on street parking and would 'consume its own smoke' with sufficient off road

parking provision proposed. There is a difference between the inconvenience of parking to local residents, where visibility is restricted either side of a driveway (a common occurrence in residential areas in and around urban areas) and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the existing situation and that there is parking availability in nearby streets. Therefore, in this instance, it is not considered that the proposal would cause harm to highway safety.

- 10.39 Taking the above into account, it is not considered that there would be grounds to refuse this application in relation to highway safety. The proposal therefore is considered to comply with the relevant planning policies.

Landscaping and Tree Impact

- 10.40 The proposed development would have the most impact upon the trees and planting sited to the east of the plot. A tree report has been submitted in support of the application which has been prepared by a suitable professional.
- 10.41 Most of the surveyed trees, which are growing on the boundary of Cliff Cottage and Birchmead, are readily visible from Nevill Ground Pavilion and the club tennis courts, but only an oak (T4) and several other oaks within the curtilage of Birchmead are prominent in public views. None of the trees are protected by TPO at present, though all are within the Conservation Area and therefore have a degree of protection from that designation. The boundary trees are under planted with rhododendron, laurel and other shrubs. The existing garage and hardstanding to be removed extend over part of the root protection areas of T4, T2 (an early mature spruce) and T1 (a semi-mature horse chestnut). The Council's Tree Officer, who has had the benefit of visiting the site, has indicated that there is no clear evidence of rooting beneath the existing hardstanding.
- 10.42 The proposed building does not extend further into the RPAs than the existing garage and it is considered that the impacts from construction and future pressure to prune or remove from the residents of the new dwelling are not excessive and could be adequately mitigated with a tree protection plan and arboricultural method statement, secured by condition. It is also considered that given the proposed dwelling is of single storey that the foundations are unlikely to be required to be significantly deep into the land such that would be detrimental to the roots of the nearby trees. It is therefore considered that the proposed development would not have a detrimental impact upon the nearby significant trees.
- 10.43 In regards to landscaping the proposal includes the addition of Silver Birch Trees to the east and north boundary of the site. The existing bank which leads up to the north boundary of the site leading up to the tennis club is not proposed to be affected or altered by the development. To the west mature Yew hedge with pleached Hornbeam is proposed along the boundary to be shared with 67A. This planting is considered to be acceptable and appropriate for the sites locality. A landscape scheme condition is recommended to be attached to ensure that the proposed trees are of a suitable size and age.

Flooding and Drainage

- 10.44 Paragraph 155 of the NPPF states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk*

elsewhere. Paragraph 163 goes on to comment that *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.*

- 10.45 Local Plan Policy EN18 sets out that within those developed areas identified by the Environment Agency as being at high risk from flooding, built development and conversions will only be permitted where practicable and effective flood protection and mitigation measures would be proposed and maintained and practicable and effective measures would be included as part of the development proposals to prevent the increased risk of flooding elsewhere.
- 10.46 This site is not designated as being within a Flood Zone by the Environment Agency or a Strategic Flood Risk Area, but is identified as being situated in what is considered to be at "High" risk of surface water flooding from supporting Environment Agency mapping. The area has been known to flood during periods of high rain fall and a culvert runs across the site with water coming from the east boundary, both across the neighbouring property of Birchmead, where a pond at the end of the garden leads into the culvert as well as water coming from a drain at the tennis club located close to the boundary shared with the application site, and existing the site on the west boundary towards the properties along Blatchington Road.
- 10.47 A drainage report/strategy has been submitted in support of the application which has been prepared by a suitable professional. The strategy proposes a minimum separation distance between the culvert and the proposed dwelling of 2 metres. It is considered essential that the existing culvert passing through the site is protected and adequate space is provided should maintenance works be required in the future.
- 10.48 KCC Flood and Water Management have assessed the application and whilst they comment that new properties and development should be ideally located outside areas considered to be at "High" risk, and acknowledge that the proposed dwelling would be sited close to the culvert, they do not object to the application are of the view that in this instance, provided that suitable measures are put in place to ensure that the property and area is suitably protected from surface water flooding that the development can be carried out without a significant increased risk to flooding in the locality. Recommendations have also been set out in the submitted drainage strategy that includes the raising of the ground floor, with any surface water runoff from the house being directed into a geo-cellular tank that flows directly into the culvert. It is also noted that hardstanding to the rear of the plot is proposed to be removed and grassed surfaced. A condition has been attached, in line with KCC Flood and Water Management recommendations, requiring detailed measures of how the culvert is to be protected during construction and details of the exact culvert path to be submitted and approved prior to works commencing. Details such as surfacing can also be conditioned to ensure that the proposed surfaces are permeable.
- 10.49 Following discussions with the Environment Agency, KCC Flood and Water Management and Southern Water that the proposed development would not have a detrimental impact upon flooding and surface water run off, subject to conditions. It is therefore not considered that the proposed development would warrant refusal on such grounds.

Other Matters

- 10.50 In terms of ecology it is considered that whilst the proposed development would result in an increase in built form at the site that given the sites location within a built up area and use of the proposal site as part of the residential garden along with the existing garage that the value of the site in ecological terms is likely to be limited. It

is considered that ecological and biodiversity enhancements should nonetheless be secured and a condition has been recommended. Ecological enhancements could be provided by way of the new planting proposed and inclusion of bird and bat boxes.

- 10.51 In regards to disruption caused during the construction phase given its temporary nature little weight can be given to this matter. It is considered that a construction management plan is not necessary in this instance given the scale of the development. There are also powers to deal with statutory nuisance from noise and disturbance from construction sites through Environmental Health Legislation.

Conclusion

- 10.52 Based on the above, the proposed development, of a single dwelling, 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 not be detrimental to the surrounding area or character of the Conservation Area. The siting and scale of the proposed dwelling in relation to the neighbouring properties is not considered to be detrimental to residential amenity. It is considered that there is sufficient parking provision to serve the new and existing property at the site and that the proposal would not be detrimental to highway safety. Issues relating to tree protection, landscaping and drainage can be adequately controlled through conditions. It is therefore recommended that this application be approved subject to the conditions set out below

11.0 RECOMMENDATION – GRANT 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:

7129-P-02-A - Proposed Plans and Elevations
17129-P-01-J - Proposed Site Location and Block Plan
5092/01 rev B - Drainage Strategy

Reason: To clarify which plans are approved

3. Written details including source/ manufacturer, and photographic samples of the materials to be used externally on the hereby approved dwelling and wall along with details of surfacing shall be submitted to and approved in writing by the Local Planning Authority before any above ground development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

4. Prior to commencement of any development, details of the measures to be undertaken to protect the culvert on site, including details of the exact path of the culvert shall be submitted to and approved in writing by the Local Planning Authority. Details of the measures to protect the culvert shall be carried out in accordance with the approved details.

Reason: These details are required prior to the commencement of development in order to protect the culvert during and after construction works and ensure the culvert continues to operate as existing so that flood risk is not increased.

5. No site clearance or development shall take place until an Arboricultural Method Statement (AMS) and tree protection details in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: These details are required prior to the commencement of development in order to safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

6. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

7. No above ground construction 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. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on site replacement and new 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 planting at the site. The approved scheme shall be implemented in accordance with the programme of implementation.

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

8. The landscaping and boundary treatments shall be implemented in accordance with the approved landscape scheme and associated landscape and arboricultural details unless the Local Planning Authority gives written consent to any variation and shall be carried out during the first planting season following completion or first occupation of the development which ever is the sooner. 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: To ensure a satisfactory setting and external appearance to the development.

9. Prior to any above ground construction details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: These details are required in order to avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area.

10. Prior to any above ground works commencing on site a scheme for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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.

11. The area shown on the approved drawings as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and 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 (General Permitted Development) (England) Order 2015 (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 this reserved parking/turning space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

12. Prior to any above ground works details of the existing and proposed slab level 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

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

Reason: In the interests of visual amenity.

14. 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 residential amenity and to ensure adequate living

conditions.

INFORMATIVES

1. The applicant should contact the Environment Agency (03708 506 506) or consult the Environment Agency website to establish whether any consents will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.
3. 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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.
4. As the development involves demolition and / or construction, the applicant shall be supplied with the Mid Kent Environmental Code of Development Practice. Compliance with this document is expected.
5. Before demolition of the garage building it must be checked for the presence of asbestos and should any be found it should only be removed by a licensed contractor.

Case Officer: James Moysey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.