

## REPORT SUMMARY

<b>REFERENCE NO - 21/01700/FULL</b>
<b>APPLICATION PROPOSAL</b> Demolition of existing dwelling and erection of detached building containing 9 apartments. Creation of communal parking area. Associated hard and soft landscaping.
<b>ADDRESS</b> 69 Culverden Down Royal Tunbridge Wells Kent TN4 9SL
<b>RECOMMENDATION</b> to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"><li>• The site is located within the Limits to Built Development where the principle of the development is considered acceptable.</li><li>• There is currently an extant planning permission for eight apartments on the site (ref: 19/01866/FULL, amended by 20/01053/FULL).</li><li>• The proposed development is of the same footprint and height to the extant planning permission above.</li><li>• The scale, location and design of the development would respect the context of the site and preserve the visual amenity of the street scene.</li><li>• There would not be any significant adverse impact upon occupants of neighbouring properties.</li><li>• The proposed parking layout would make adequate independent parking provision for the resulting property and would facilitate safe access to the highway.</li><li>• Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.</li></ul>
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> <p>The following are considered to be material to the application:</p> <p><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A</p> <p><b>Net increase in numbers of jobs:</b> N/A</p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A</p> <p>The following are not considered to be material to the application:</p> <p><b>Estimated annual council tax benefit for Borough:</b> £1,429.44</p> <p><b>Estimated annual council tax benefit total:</b> £14,282.00</p> <p><b>Estimated annual business rates benefits for Borough:</b> N/A</p>
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>The application has been called into the planning committee by Councillor Rutland for the following reasons:</p> <p><b>Material planning considerations:</b> For further consideration due to the impact of the development in regards to the visual and residential amenity impacts, particularly in regards to the general bulk and height of the proposal, and the future precedent such a development may set in the locality.</p> <p><b>Reasons that warrant discussion at Committee:</b> Important that the determination of the application be undertaken by Committee given the particular nature of the site and area and the</p>

site history.			
<b>WARD</b> Culverden	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr John Sutton <b>AGENT</b> Mr Simon McKay	
<b>DECISION DUE DATE</b> 09/08/21 (EOT 17/01/22)	<b>PUBLICITY EXPIRY DATE</b> 06/08/21	<b>OFFICER SITE VISIT DATE</b> 16/07/21	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>Application No.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/01053/FULL	Removal of Condition 8 (Obscure Glazing and Window Design North East Elevation) of Planning Permission 19/01866/FULL (Demolition of single dwelling and erection of eight apartments, plus hard and soft landscaping scheme (alternative proposal to that approved under TW/16/07150/FUL)).	Approved	21/08/20
19/01866/FULL	Demolition of single dwelling and erection of eight apartments, plus hard and soft landscaping scheme (alternative proposal to that approved under TW/16/07150/FUL)	Approved	10/10/19
18/03956/NMAMD	Non material amendment in relation to: 16/07150/FULL (Amendment to the internal layout of level one to provide 2 x 2 bedroom flats instead of 2 x 1 bedroom flats. Insertion of additional window to serve the new bedrooms on the level 1 flank elevations).	Approved	22/03/19
16/07150/FULL	Proposed demolition of existing dwelling and proposed development of 8 apartments with associated hard and soft landscaping	Approved	16/02/17
15/508764/FULL	Demolition of existing house and erection of two semi-detached dwellings.	Approved	30/12/15
15/504820/FULL	Demolition of existing house and proposed development of eight apartments	Approved	25/09/15
12/02840/FUL	Demolition of house and replacement with pair of semi detached dwellings.	Approved	05/04/13
10/02742/FUL	Demolition of existing house and proposed development of eight apartments.	Approved	21/10/10
10/01569/FUL	Extension of Time - Demolition of existing house and proposed development of 7 apartments (TW/06/03209/FUL)	Approved	09/07/10
06/03209/FUL	Demolition of existing house and proposed development of 7 apartments	Refused (Appeal Allowed)	29/03/07
06/02096/FULMJ	Demolition of existing dwelling and proposed development of 11 No. apartments with underground parking.	Refused (Appeal Dismissed)	12/10/06

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site, 69 Culverden Down, is a two storey detached property located on the south side of Culverden Down in the Culverden Ward of the Borough. The property is set back approximately 17m from the road where it is accessed by a private driveway located in the north east corner of the plot. The property is set on a notably lower land level to the road; the land level within the site generally slopes towards the rear of the plot. The property fronts to the north and towards the road, includes a single storey attached garage to the east side of the property and garden to the front and rear. The property has a hip ended pitched roof and is finished in brick with hanging tile at first floor level.
- 1.02 The ground floor of the existing property comprises a kitchen, hallway, WC/utility room, dining room and living room. The first floor comprises three bedrooms and a bathroom. The property has a relatively large grass surfaced garden to the rear. The front of the property is marked by a relatively low level close boarded timber fence along with some planting and trees. The side and rear boundaries of the site are marked by close boarded timber fencing, trees and planting.
- 1.03 The site is located within a predominantly residential location where the immediate area comprises predominately detached properties within spacious plots. There is also a good level of tree cover within the gardens of properties in the locality. The properties along the south side of Culverden Down are all detached and generally follow a building line where the properties are set back a similar distance to the road. On the opposite side of the road lies small grass verge and the side elevation of 40 Huntleys Park. This property fronts to the west and onto Huntleys Park. Huntleys Park is a cul de sac of approximately 40 units comprising predominately detached units with a small number of semi-detached and terrace properties. To the rear of the site are the detached properties situated along Connaught Way, which comprises detached properties fronting to the south. These properties sit on a lower level to the application site. To the north east of the site along Culverden Down lies the entrance to Bennett Memorial School and Tunbridge Wells Football Club.
- 1.04 The site is located Inside the Limits to Built to Development (LBD).
- 1.05 As set out above the site has been the subject of several applications in recent years and has most recently been granted permission for the removal of the dwelling and the erection of an apartment block containing 8 units (19/01866/FULL). This permission can still be implemented. Approval 19/01866/FULL was varied under 20/01053/FULL which granted the removal of Condition 8 (Obscure Glazing and Window Design North East Elevation) of permission 19/01866/FULL.
- 1.06 Other permissions have also previously been granted including an alternative scheme for 8 apartments (16/07150/FULL) and for two semi-detached dwellings (15/508764/FULL) however both of these (and all prior permissions to them) have expired.

### **2.0 PROPOSAL**

- 2.01 The proposal is for the demolition of the existing dwelling and garage and the construction of a new apartment block comprising of 9 apartments over five levels. The building is proposed to be sited in a similar, but enlarged, footprint to that of the existing built form at the site and front towards south and Culverden Down. To the

front of the proposed building a parking area is proposed, providing 10 parking spaces. A refuse structure and cycle store is proposed in the south west corner of plot. A garden is proposed to the rear of the proposed building.

- 2.02 The proposed building is of a classical architectural style with a mansard roof which includes a central roof lantern. The building is generally rectangular in shape, but includes a slightly extended entrance porch which also includes a roof lantern. The openings and fenestrations are the front and rear elevations are symmetrical. The property is proposed to be finished in brick and render.
- 2.03 The property is proposed to be accessed from level two and includes a shared central staircase and lift leading to the units above and below. Level 1 (lower ground floor level) is proposed to comprise two units (shown as units 1 and 2 on the submitted floor plans). Both units are of the same layout and comprise an entrance hall, an open living/kitchen/dining space and master bedroom to the rear and opening onto the rear garden. The master bedroom includes an en-suite bathroom. A family bathroom is proposed centrally and to the front a second bedroom and utility room is proposed within each unit. To the south of the central staircase and lift at this lowest level a storage area is proposed to serve the units. The only openings to serve these two units are the rear facing openings onto the garden and a window on each of the side elevations serving the proposed second bedroom of each of these units.
- 2.04 Level 2 at ground floor level is also proposed to host two apartments (units 3 and 4) of the same layout. Both units are proposed to be accessed from relatively centrally within the building and lead to an entrance hall. The rears of these units are proposed to provide an open kitchen/living/dining space along with a pantry and utility room proposed to sides. The proposed open living spaces are to open onto a terrace area overlooking the rear garden. Centrally these units are proposed to comprise family bathrooms and second bedrooms both with windows in the side facing elevations. At the front the master bedrooms are proposed with en-suite bathrooms. The master bedrooms are proposed to open onto small patio/terrace areas to the side of the property.
- 2.05 Level 3 at first floor level is proposed to comprise of three apartments (units 5, 6 and 7). Units 5 and 7 are shown to be situated to the front of the property and based over two levels (levels 3 and 4). Unit 6, as shown on the plans, is proposed to be located to the rear of the property and is to comprise an open plan kitchen/living/dining space to one side of the property with a small external terrace space coming off from this area. A utility room is proposed adjacent to the kitchen space. A master bedroom is proposed to the opposite side of the building with a connecting terrace. This master bedroom also includes an en-suite bathroom. Centrally the apartment includes a second bedroom and family bathroom. Units 5 and 7 are proposed to the front of the property and based over levels 3(first floor level) and 4 (second floor level). These units are of the same layout with unit 5 proposed to the west and unit 7 to the east side of the property. These proposed units are proposed to comprise an entrance hall, open kitchen/living dining space and a utility space at level 3 and two bedrooms and a bathroom at level 4. The master bedrooms at level 4 include a dressing room and en-suite bathroom. No windows are proposed on the side elevations at either level 3 or 4.
- 2.06 Level 4 (second floor level) is proposed to comprise the upper floors of units 5 and 7 as set out above along with the entrance to unit 9 and unit 8 located to the rear of the property. Unit 8 is proposed to comprise two bedrooms (the master with an en-suite bathroom), a family bathroom, entrance hall and open plan kitchen/dining/living space. A terrace spaced is proposed to the rear which is proposed to be accessed

from the master bedroom and living space. The entrance to unit 9 is also situated on this level which leads into an entrance staircase leading up to Level 5 (third floor level) and the apartment. Unit 9 is proposed to be a penthouse apartment occupying the entire of level 5. The apartment is proposed to comprise a reception space, open plan living/dining/kitchen space, utility room and master bedroom with en-suite bathroom and dressing room to the rear of the property along with a rear terrace. To the front lies a second bedroom, with en-suite bathroom, a third bedroom, a family bathroom and a study/fourth bedroom. A number of rooflights are proposed on the roof to serve this unit in addition to two windows on the front elevation, two windows on the rear elevation and two windows on each of the side elevations.

- 2.07 The sites existing access point is proposed to be closed and a new wider central access is proposed with hedging either side along the front boundary of the plot. Tress and hedging is shown to the rear of the parking spaces (5-10) on the east of the site and to the rear of the parking spaces (1-4) to the west is shown to be hedging and a footway leading to the rear garden.
- 2.08 The proposed development is of a similar footprint and scale to that approved under 19/01866/FULL granting permission for a building containing 8 apartments. The external dimensions and position on the site remain similar to that previously approved. The main physical increase in size takes place at the upper level and roof level, where the overall design and mass is proposed to be reconfigured to allow for a single penthouse dwelling to be sited entirely within the upper floor/loft space.
- 2.09 The application has been slightly amended during the application process to incorporate a 10<sup>th</sup> off road parking space within the front of the plot. A badger report has also been provided upon the request of Officers.

### 3.0 SUMMARY INFORMATION

	Existing	Approved under 16/07150/FULL	Approved under 19/01866/FULL	Proposed	Change (+/-) between existing and proposed
Site Area	0.16ha	0.16ha	0.16ha	0.16ha	-
No. of residential units	Single Dwelling	8 Apartments	8 Apartments	9 Apartments	+8
No. of storeys	2	4 (5 at rear)	4 (5 at rear)	4 (5 at rear)	+2(3)
Max height	8.6m (front elevation)	10.7m (front elevation)	10.7m (front elevation)	10.7m (front elevation)	+2.1m
Max depth	19.2m	16.7m	16.7m	16.7m	-2.5m
Max width	21.4m	17.8m	17.8m	17.8m	-3.6m
Parking spaces	Approx 4	8	8	10	+5

*\*Application 20/01053/FULL which granted permission to vary 19/01866/FULL did not result in a change in size, form or position.*

#### **4.0 PLANNING CONSTRAINTS**

- Inside Limits to Built Development (LBD)
- Section 106 or 52 Agreement; 69 - 71 Culverden Down, Tunbridge Wells
- Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- Public Access Land Broomhill And Reynolds Lane Pastures

#### **5.0 POLICY AND OTHER CONSIDERATIONS** **National Planning Policy Framework 2021** **National Planning Practice Guidance**

##### **Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of development  
Core Policy 3: Transport infrastructure  
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**

Policy EN1: Development control criteria  
Policy EN8: Outdoor Lighting  
Policy EN13: Tree and Woodland Protection  
Policy H2: Small and intermediate sized dwellings  
Policy H5: Residential development within the Limits to Built Development  
Policy TP4: Access to road network  
Policy TP5: Vehicle parking standards

##### **Supplementary Planning Documents (SPD):**

Tunbridge Wells Borough Landscape Character Assessment  
Renewable Energy SPD

##### **Tunbridge Wells Borough Submission Local Plan 2020-2038**

Policy STR1: The Development Strategy  
Policy STR2: Place Shaping and Design  
Policy STR3: Brownfield Land  
Policy STR4: Ensuring Comprehensive Development  
Policy STR5: Infrastructure and Connectivity  
Policy STR6: Transport and Parking  
Policy STR7: Climate Change  
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment  
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells  
Policy EN1: Sustainable Design  
Policy EN2: Sustainable Design Standards  
Policy EN3: Climate Change Mitigation and Adaptation  
Policy EN8: Outdoor Lighting and Dark Skies  
Policy EN9: Biodiversity Net Gain  
Policy EN12: Trees, Woodland, Hedges, and Development  
Policy EN16: Landscape within the Built Environment  
Policy EN27: Noise  
Policy H1: Housing Mix  
Policy H2: Housing Density  
Policy TP1: Transport Assessments, Travel Plans, and Mitigation  
Policy TP3: Parking Standards

## 6.0 LOCAL REPRESENTATIONS

6.01 Four site notices were put up on the 16/07/21 and 25/06/21 notifying surrounding neighbours of the application. 15 letters of objection have been received raising the following, summarised, concerns:

- Loss of light to neighbouring properties.
- Loss of views.
- Harmful visual impact.
- Detrimental impact upon the visual amenity of some properties near the site in Connaught Way.
- Disproportionately tall building.
- Overlooking and loss of privacy to surrounding properties.
- Not in keeping with the area.
- The proposed building is too tall and bulky.
- The now proposed building is even larger than those previously approved.
- The proposal does not conform with the basic parking rules and conditions.
- Inadequate parking provisions. No guest/visitor parking spaces proposed.
- Highway safety issues.
- A previous application was refused for 11 apartments at the site, this application is now close again to the original proposal of 11 apartments.
- Applications at this site have now been running for 18 years.
- The proposal, does not reflect the residential footprint of the whole area of the surrounding single family residential use.
- The previous conditions on previous approvals and in the Inspectors appeal decision should be upheld,
- Increase in noise and disruption.
- The house should be renovated or extended tastefully so that it can once again be a family home. Some years ago, TWBC highlighted a number of "Grot Spots" including a private house on Warwick Park and a former hotel on Frant Road. These have since been fully restored. TWBC should do the same before this building deteriorates to a similar extent.
- Culverden Down is already at gridlock twice a day due to Bennett Memorial School traffic and the proposal will increase pressure on the road.
- The notification of this development to local residents has been inadequate.
- The proposal will set a precedent for future applications.
- Additional screening and landscaping should be proposed.
- Insufficient light to the second bedrooms of the proposed units on the lower ground floor.
- Currently a surplus of unsellable flats in the Tunbridge Wells locality. Demand of family homes, which this property could become a wonderful example of, again are in very short supply.
- Replacement of old buildings has an extremely high carbon footprint, and it is much better to modernise pre-existing buildings.
- Electric car charging points should be provided.
- Disturbance during construction works.
- TWBC Housing Needs Study 2018 - Final Report (July 2018) recognised the lack of family sized homes.
- The pandemic has further increased demand for family sized dwellings with generous gardens.
- Overdevelopment.
- Increased light pollution.
- The property will have a total of nineteen bedrooms and nineteen bathrooms which is totally unsuitable for this site.

- This site does not appear to be in the local plan for housing allocation.
- Contrary to planning policy.
- Since the last application, there are now double yellow lines up to no. 67, meaning there is more congestion in the remaining parts of Culverden Down, and parking has increased to both sides of the road.
- Inaccuracies in the application form and submitted statement.
- Loss of trees.
- Impact upon wildlife and badgers in the garden.

## 7.0 CONSULTATIONS

### **Southern Water**

- 7.01 **(08/07/21)** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. 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 request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

### **KCC Highways and Transportation**

- 7.02 **(05/07/21)** 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. Recommend an informative.

### **Environmental Protection**

- 7.03 **(21/07/21)** Previously, similar applications have been approved for this site: TW/16/07150 & TW/19/01866.
- 7.04 The site is in an urban area, but traffic noise is unlikely to be significant at this particular site. In addition it is noted that the site is outside the Tunbridge Wells Air Quality Management Area and it is not considered that the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, it is considered that installation of Electric Vehicle charging points would be a useful promotion of a sustainable travel option.
- 7.05 There is no indication of land contamination based on information from the contaminated land and historic maps databases. The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity. Details regarding any external lighting should be required as a condition of any planning permission granted. Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect. The building being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.
- 7.06 Raise no objection and request conditions in regards to external lighting, EV charging points, hours of working and informatives in regards to the code of development practice, noise and vibration transmission between properties and asbestos.



### **TWBC Client Services**

- 7.07 **(21/06/21)** Bins will require purchasing from TWBC by the developer or their client prior to the properties being sold or occupied. The bin store allocated is of a sufficient size but will require one to be changed for multiple smaller bins for plastic bottles tubs trays and tins. At the moment flats are not being supplied food recycling. If and when each flat will have a 5lt caddy and use a wheeled bin for communal use, black body/orange lid to match std caddy.

### **TWBC Tree Officer**

- 7.08 **(03/11/21, verbal comments)** raise no objection to the proposal. The trees that would be removed from within the rear garden of the site, most notably a silver birch, are not considered to warrant being protected by a TPO and because of their location in the rear garden are not highly prominent from the surrounding public vantage points. Suggest a tree protection condition to protect the trees along the boundaries, particularly those along the rear boundary of the site.

### **TWBC Landscape and Biodiversity Officer**

- 7.09 **(03/12/21)** A scheme of biodiversity enhancements to include bird and bats boxes, mitigation measures for badgers and hedgehogs in the form of planting and gaps under fences should be secured by condition.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- 8.01 The scheme accords with the NPPF, Policies EN1, EN25, TP4 and TP5 of the TWBC Local Plan 2006 and Policies CP1, CP4, CP5, and CP14 of the Core Strategy 2010. It is respectfully requested that planning permission is granted without delay.

## **9.0 BACKGROUND PAPERS AND PLANS**

- 9.01 Location Plan  
Existing Block Plan  
Existing Site Survey  
CD.EX01 - Existing Floor Plans  
CD.EX02 - Existing Roof Plan  
CD.EX03 - Existing Elevations  
CD.EX04 - Existing Elevations  
CD.114A - Proposed Site Plan  
CD.110A - Level 1  
CD.101A - Level 2  
CD.112 - Level 3 and 4  
CD.113 - Level 5 and Roof Plan  
CD.115 - Front Elevation  
CD.116 - Rear Elevation  
CD.117 - Side Elevation - North East  
CD.118 - Side Elevation - South West  
CD.119 - Street Elevation and Comparison Drawing  
Planning Statement  
Photographs x 3  
Culverden Down Badger Report

## **10.0 APPRAISAL**

### **Background Information**

- 10.01 The application follows approved application 19/01866/FULL which granted planning permission for eight apartments at the site and was varied under 20/01053/FULL.

This scheme can still be implemented. The now proposed scheme as set out in the previous sections of this report is for a building of a similar scale, design, and layout to that previously approved but for an additional unit within the loft/upper floor space. The main increase in bulk to the property is due to the now proposed mansard roof.

### **Principle of Development**

- 10.02 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. In addition, there must be an additional buffer of between 5% and 20%, depending on particular circumstances of the LPA.
- 10.03 The Council currently cannot demonstrate a five-year housing supply (4.89 years). 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 7) 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."*
- 10.04 Footnote 8 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 74).
- 10.05 The site is located within the Limits to Built Development of Tunbridge Wells where Policy H5 of the Local Plan states that the redevelopment of existing developed sites is acceptable.
- 10.06 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 redevelopment of existing sites can be acceptable. The provision of an additional eight units here would contribute to the Borough's housing need, which would have social and economic benefits.
- 10.07 Since the date of the previous approvals at the site the Council has since submitted its new Local Plan to the Planning Inspectorate for examination. The Plan was submitted to the Inspector on the 1st November 2021. At this time moderate weight is attached to the Submission Local Plan whilst full weight can be attached to the currently adopted Local Plan (2006). However, Policy STR3 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...'* The proposal would be considered to be in accordance with the principles of this policy.

*Potential capacity for greater number of dwellings*

- 10.08 Paragraph 124 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land. The proposal would be considered to make good use of the land and would not result in an undeveloped site. Whilst it is acknowledged that the proposal would result in a net increase of less than 10 units at the site which would require affordable units and financial contributions, it is considered that to provide a greater number of units at the site would likely result in a building of a greater scale, height and bulk which would likely detract from the character of the street scene. It is also noted that an increase in units would require a greater level of parking at the site and likely increase parking pressures in the surrounding road networks, something which has been raised as a concern by local residents.
- 10.09 The site has previously been considered acceptable to provide 8 units (a net increase of 7) and the now proposed scheme is proposed to provide a further unit without significantly increasing the amount of built form at the site. Furthermore, planning permission was refused by TWBC and again on appeal for 11 units on this site in 2006 (reference 06/02096/FULMJ). This included reasons relating to excessive scale, width, height depth, form and bulk resulting in a cramped and over intensive form of development; impact from these factors upon the privacy and outlook of Nos. 69 and 73 Culverden Down; and design issues relating to a car park. The proposal is therefore not considered to result in an undeveloped site and would be considered to comply with Paragraph 124 of the NPPF.

*Summary of principle*

- 10.10 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.
- 10.11 In this case, the main issues for consideration are the design and visual impact of the development, impact on residential amenity and impact on highway safety and parking (along with all other material considerations).

**Visual Impact**

- 10.12 In design terms the proposal falls to be considered against the relevant adopted 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. Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 126 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.
- 10.13 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.

- 10.14 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.
- 10.15 The site is located along Culverden Down in a relatively prominent location albeit the existing and proposed built form being set back from the road and on a notably lower land level. Because of these level changes it is not considered that the proposed building would appear of five levels when viewed from the road. The immediate area comprises predominantly large detached properties of various designs and styles within spacious plots. Some of these surrounding, and nearby properties, are significant in size and many have front dormer windows. These surrounding properties are of varied designs, roof forms and styles and therefore proposal is not considered to appear out of keeping with the area or its setting.
- 10.16 The principle of an apartment block at this site has been established under previous permissions and therefore the currently proposed scheme would also not be considered to be detrimental to the character of the area.
- 10.17 The proposed apartment building is proposed to be located on a similar, but enlarged, footprint to the existing property. Whilst the building would be of a larger scale to that of the existing dwelling at the site and would be of a greater footprint and height it is not considered to be of a scale that would appear excessive, at odds with the surrounding area or harmful to its character.
- 10.18 It is also noted that the now proposed development would be of the same footprint and height to that of the scheme for 8 units previously approved under application 19/01866/FULL (amended under 20/01053/FULL). The main increase in bulk between the now proposed scheme and that approved under 19/01866/FULL would be at roof level where a mansard style roof is now proposed rather a pitched roof.
- 10.19 However, this increase in scale is considered to be relatively small and would result in small increase in the eaves height. The proposed apartment building would maintain a good set back from the road and would not be considered to appear dominant in the street scene, nor of an excessive scale when seen in the street as a whole. The proposal would be of a comparable height to surrounding properties and would be considered to respect the roof line/pattern along this side of Culverden Down. The apartment building is proposed to be finished in materials that are considered to be in keeping with the surrounding properties.
- 10.20 A central access point is proposed from Culverden Down which leads to a parking area along with a bin store and cycle store to the front of the proposed apartment building. Hedging is proposed the front boundary of the site along with two trees to the rear of the hedging on the west side of the proposed access. Additional planting is proposed within the parking area and along the side boundaries. Whilst the new parking and driveway arrangements would result in additional hardstanding at the site and the loss of a grass surfaced area and appear more urban this would not be considered to be out of character with the area, given its location within the LBD, and would not warrant the application being refused on such grounds.
- 10.21 Whilst the proposed development would result in an increase in built form at the site it is not considered that the proposal would appear cramped, constitute

overdevelopment of the site nor be at odds with the site's locality. In order to ensure a satisfactory appearance to the development various conditions are recommended requesting material samples and details, surfacing, landscaping and lighting are submitted to the LPA and approved in writing.

- 10.22 The design and scale of the proposal is considered to be acceptable and would preserve that character of the street scene. It would not appear visually intrusive in the 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 considered to be of a good quality design.
- 10.23 The proposed bike and bin stores are considered to be of a modest scale that would not appear unduly prominent or visually intrusive. They are not considered to have a detrimental impact upon the character of the area or the street scene. A condition has been attached requesting details of these to ensure they are of an appropriate design and appearance for the locality. 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.

#### **Residential Amenity**

- 10.24 The proposed development is considered to have the most impact upon the amenities of the properties of 67 Culverden Down (to the north east), 73 Culverden Down (to the south west), plus 32, 34 and 36 Connaught Way (to the south and south east).

#### *67 Culverden Down*

- 10.25 This property is located to the north east of the application site and comprises a relatively large two storey detached property which fronts towards the road and has a large garden to the rear which includes a swimming pool. The property has a parking area to the front and is well screened from the road by boundary planting. Whilst the proposed development would result in a increased eaves height to the proposed apartment building compared with that previously approved, the proposed development is considered to have a similar impact upon this neighbouring property as per the extant permission at the site.
- 10.26 The proposed apartment building is to be slightly set back from the front elevation of 67 Culverden Down. This neighbouring property is understood to have a single side window at ground floor level looking towards the application site, with no side windows at first floor level. The ground floor window is understood to serve a living room space which as a secondary window with the primary window/opening looking onto the rear garden. The rear elevation of this neighbouring property includes several openings at both levels. However, by virtue of the separation distance (approximately 6.7m) between the proposed apartment building and this property along with the orientation of the two in relation to each other it is not considered that the proposed development would result in such a loss of light that would warrant the application being refused. It is also not considered that the proposed apartment building would extend such a distance to the rear of this property to cause an unacceptable loss of light.
- 10.27 In terms of outlook this neighbouring property, the principle outlook would be considered to be to the rear. The rear of this property faces towards the south east away from the application site and proposed development. The proposal, whilst extending built form further back into the plot, is therefore not considered to cause an unacceptable loss of outlook to this property.

- 10.28 In regard to privacy the proposal includes a bedroom window at the lower ground floor level (Level 1), a terrace/balcony space, bedroom window and bathroom window at ground floor level (Level 2), a balcony at first floor level (Level 3) and no openings at second floor level (Level 4) or the proposed third floor level (Level 5) on the side elevation which would face towards this neighbouring property. The boundary which separates the application site and this neighbour is well screened by hedging and conifers in excess of 2m. The proposed lower ground floor and ground floor openings would not be considered to overlook this screening or have significant views of this neighbouring site. The proposed balcony at first floor level is shown on the plans to have a 1.8m high privacy screening. This can be secured by condition and avoid the proposed apartment block overlooking this neighbouring dwelling. The proposed rear facing windows and balconies/terraces would be set back beyond the rear elevation of the property of 67 Culverden Down. Whilst it is considered that these openings may have some views, albeit limited, views of the more rear parts of the garden of this neighbouring property, these views are not considered to be significant or result in such a loss of privacy that would warrant the application being refused.
- 10.29 The proposed apartment building is not considered to be of such a scale or location that would result in an overbearing impact upon this neighbouring dwelling.
- 10.30 For the above reasons the proposed development is considered to respect the amenities of this neighbouring dwelling.
- 73 Culverden Down*
- 10.31 This property is located to the south west of the application site and comprises a relatively large detached two storey dwelling which fronts towards the road, has a relatively spacious garden to the rear and parking and garden to the front of the plot. This property is situated on a slightly higher land level to the application site. Whilst the proposed development would result in an increased eaves height to the proposed apartment building compared with that previously approved, the proposed development is considered to have a similar impact upon this neighbouring property as per the extant permission at the site.
- 10.32 The proposed apartment block is proposed to be set very slightly back from the front elevation of this neighbouring property. No 73 is understood to have a first floor landing window on the side elevation that faces towards the application site. The ground floor of this property extends close to the boundary whereas the first floor is set further in. The rear elevation of this neighbouring property includes several openings at both levels. Those at ground floor level closest to the site are understood to serve a utility room and kitchen with bedroom windows above. However, it is considered by virtue of the separation distance, approximately 3.6m to the ground floor element and 6.5m to the first floor, between the proposed apartment building and this property along with the orientation of the two in relation to each other that the proposed development would not result in such a loss of light that would warrant the application being refused. It is also not considered that the proposed apartment building would extend such a distance to the rear of this property to cause an unacceptable loss of light.
- 10.33 In terms of outlook, No.73's principal outlook would be considered to be to the rear. The rear of this property faces towards the south west away from the application site and proposed development. The proposal, whilst extending built form further back into the plot, is therefore not considered to cause an unacceptable loss of outlook to this property.

10.34 In regard to privacy the proposed apartment building includes a bedroom window at the lower ground floor level (Level 1), a terrace/balcony space, bedroom window and bathroom window at ground floor level (Level 2), a balcony at first floor level (Level 3) and no openings at second floor level (Level 4) or the proposed third floor level (Level 5) on the side elevation which would face towards this neighbouring property. The boundary which separates the application site and this neighbour is well screened by trees, hedging and planting. It is also noted that this neighbouring property sits on a slightly higher land level to the proposal site. The proposed lower ground floor and ground floor openings would not be considered to overlook this screening or have significant views of this neighbouring site. The proposed balcony at first floor level is shown on the plans to have a 1.8m high privacy screening. This can be secured by condition and avoid the proposed apartment block overlooking this neighbouring dwelling. The proposed rear facing windows and balconies/terraces would be set back beyond the rear elevation of the property of 73 Culverden Down. Whilst it is considered that these openings may have some views, albeit limited, views of the more rear parts of the garden of this neighbouring property, these views are not considered to be significant or result in such a loss of privacy that would warrant the application being refused.

10.35 The proposed apartment building is not considered to be of such a scale or location that would result in an overbearing impact upon this neighbouring dwelling.

10.36 For the above reasons the proposed development is considered to respect the amenities of this neighbouring dwelling.

*32, 34 and 36 Connaught Way*

10.37 These properties are detached two story properties that front onto Connaught Way, to the south of the application site, and have relatively long rear gardens which back onto the proposal site. These properties appear to sit on a lower land level to the application site. The rear boundary of the application site, which is shared with these neighbouring properties is marked by a well established tree line and hedging. The proposed apartment building under this application is not considered to have a significantly greater impact upon these neighbouring properties when compared to the previously approved and extant permission.

10.38 The proposed apartment building would be sited in excess of 50m from the rear elevations of these properties. Despite these neighbouring properties being on a lower land level, by virtue of this separation distance it is not considered that the proposed development would result in such a loss of light or outlook that would warrant the application being refused. It is also considered by virtue of this separation distance that the rear facing windows of the proposed apartment building would not significantly overlook these properties or result in such a loss of privacy to warrant the application being refused.

10.39 The proposed apartment building is not considered to be of such a scale or location that would result in an overbearing impact upon these neighbouring dwellings.

10.40 For the above reasons the proposed development is considered to respect the amenities of these neighbouring dwellings.

*Noise*

10.41 The use of the site for eight additional units at the site is not considered to raise such a significant increase in noise levels in the area that would warrant the application

being refused. It is also noted that Environmental Protection has raised no comments or concerns in regard to noise.

#### *Living Conditions*

- 10.42 The proposed units would be considered to have adequate living conditions and no nearby property would be considered to cause an unacceptable loss of light, outlook or privacy to the proposed units. It is again noted that Environmental Protection has raised no comments or concerns in regard to noise. The proposed living conditions are therefore considered to be satisfactory.

#### *Summary*

- 10.43 Taking account of the above it is considered that the proposed development would respect the amenities of all of the nearby neighbouring properties and that the proposed units would have suitable living conditions.

#### **Highways and Parking**

- 10.44 Policy TP4 of the Local Plan sets out that proposal will only be considered acceptable where a safe access can be provided and where proposal will not have a detrimental impact upon the surrounding road networks. Policy TP5 sets out that when assessing parking provisions that the KCC Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.
- 10.45 Paragraph 111 of the NPPF sets out that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

#### *Access*

- 10.46 The sites existing access point is proposed to be closed and a new wider central access is proposed with hedging either side along the front boundary of the plot. The access is proposed to have a width of approximately 8.1m immediately adjacent to the pedestrian footpath and the road. The main entrance point however to the site is set back approximately 2m from this where this access point has a width if approximately 4.1m.
- 10.47 The proposed access point is considered to provide suitable visibility in both directions along Culverden Down and is considered to be adequate to support the proposed development. It is recognised that the proposed development would generate an increase in movements to and from the site however, the site has previously been granted an extant permission for 8 units, which was not considered to have an unacceptable increase in traffic movements. This scheme can still be implemented, and it is not considered that an additional unit would significantly increase movements in comparison to the previously approved in scheme. However, in any case the proposed access arrangements for this scheme are considered acceptable to serve the proposed development.
- 10.48 Concerns have been raised to the potential highway and pedestrian safety implications of the development. The site is within a largely residential area with a 30mph speed limit with good 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.

#### *Parking provision for occupiers of the proposed development*



- 10.49 Ten parking spaces are proposed to the front of the proposed apartment building to serve the units along with on cycle parking provisions. The proposed development comprises 8 x 2 bed units and 1 x 3/4 bed unit. The KCC parking standards guidance document sets out that for sites in 'Edge of Centre' or 'Suburban' locations that 1 space per unit should be provided for 1 and 2 bed flats. For 3 bed units it sets out that 1.5 spaces should be provided in 'Edge of Centre' locations and 2 spaces for 'Suburban' locations. The proposed development includes 10 spaces which would therefore meet both of the requirements for 'Edge of Centre' and 'Suburban' locations.
- 10.50 The guidance set out in the KCC parking standards for both 'Edge of Centre' and 'Suburban' locations advises that 0.2 per unit additional visitor parking should be provided. This would equate to 1.8 visitor spaces. Whilst the proposal would fall below this it is considered that this under delivery would be minimal. It is also noted that the site is within a sustainable location, within an LBD and within walking distance to public transport links and services. On street parking is also available within the surrounding roads. The application is therefore not considered to warrant refusal on such grounds.
- 10.51 It is also considered that the application site is within a sustainable location in close proximity to public transport links as well as everyday services. It is also noted that a good level of cycle parking provision is proposed which would aid to promote such a sustainable transport method. Therefore, it is considered that the proposed level of parking provided for the development is acceptable for the site's sustainable location.
- 10.52 It is noted that concerns have been raised in regard to parking and increased parking pressures on the surrounding road networks. 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 level of on site parking proposed (in accordance with KCC guidance) and the fact 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.

#### *Summary*

- 10.53 Taking the above into account, the development is acceptable in highway and pedestrian safety. The proposal is therefore considered to comply with local, KCC and national planning policy and guidance.

#### **Trees and Ecology**

- 10.54 From discussions with the Council's Landscape and Biodiversity Officer it is considered that whilst the proposed development would result in the loss of some residential grassland, given the site's location within a relatively built up area and use as a residential garden 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.
- 10.55 The building is in an area where low numbers of common species of bat are typically found and the building is of an age and style that is commonly associated with bats and in particular has a roof void and hanging tiles. However the nature of the tiling (very few gaps) and the apparently sound condition of the roof make the presence of bats less likely. Standard practice and guidance requires surveys before a

determination but also requires that wherever possible if impediments to planning can be overcome by conditions then they should. In this case it appears that likelihood is relatively low and that furthermore the proposed dwelling has sufficient features to allow for mitigation/enhancements for bats should they be found to be present. However, a condition has been recommended for a bat survey to be submitted. This is the same approach the Council has taken on recent applications at this site.

- 10.56 Concerns have been raised in regard to the impact upon badgers within the locality. A survey has been submitted, which has been prepared by a suitable professional to a recognised methodology. As such the report and the findings are accepted. It is considered likely that the construction of the proposed apartment building will result in the loss of a sett and the applicant has indicated that they will pursue a licensing route as the preferred option. It is considered appropriate to recommend a pre commencement condition that states that works are not commenced until a copy of the licence is provided to the Council or an alternative approach to licensing is agreed with the LPA. Whilst the licence may not require mitigation per se, under the Council's general duty to biodiversity, it is also recommended that suitable gaps in the fencing are provided for badgers (and hedgehogs) so that they can still access the garden for foraging. This can be within a general condition for enhancement for biodiversity which has been included. This approach follows advice from the Council's Landscape & Biodiversity Officer.
- 10.57 The proposed development would result in the loss of a number of trees and planting within the site. This tree loss is the same as previously approved under recent applications. These trees are not protected by virtue of TPO nor are they within a Conservation Area - they could therefore be removed from the site without the need for consent. They are considered to be of a limited value. The proposed site plan also indicated additional planting is proposed to mitigate this. A landscape scheme has therefore been conditioned to ensure adequate and appropriate species are provided at the site.
- 10.58 The overall arboricultural impact is considered to be relatively limited. The works which are proposed within the root protection area of the trees to be retained on and around the site can be covered by conditions to ensure that the trees would not be harmed by the proposed works.

#### **Drainage and Flooding**

- 10.59 Paragraph 159 of the NPPF sets out 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.'
- 10.60 The application site falls outside of a designated flood zone or a Strategic Flood Risk Area. The proposed development would result in an increase of built form at the site and hardstanding particularly to the front of the site. Details of surfacing 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.

#### **Other Matters**

##### *Construction Management*

- 10.61 Some concerns have been raised in regard to disturbance caused during the construction phase. Given its temporary nature little weight can be given to this matter. It is however, considered that a construction management plan is necessary in this instance given the sites location and therefore a condition has been attached. There are also powers to deal with statutory nuisance from noise and disturbance from construction sites through Environmental Health Legislation.

*Accuracy of Plans and Documents*

- 10.62 Comments have been made in regard to the accuracy of the submitted plans and details. The plans are within the tolerances of accuracy and all of the proposed plans are considered to be consistent with one another.

*Future Precedent*

- 10.63 Concern has been raised that the proposed development if approved would set a precedent in the area. Each application is assessed on its own merits. The application, as set out above, is considered to be in accordance with the relevant planning policy and guidance and is therefore considered to be acceptable.

*Site Allocations*

- 10.64 Comments have been received in regard to the site not being allocated within the Council's Submission Plan. A site not being allocated does not prevent an application being submitted and considered by the LPA. As set out above the site has previously been granted permission for 8 units, is within a sustainable location where the principle is acceptable and that the borough currently has a housing shortage. It is also noted that the Strategic Housing and Economic Land Availability Assessment for the Pre-Submission Local Plan (January 2021) sets out at Paragraph 3.19 that in terms of potential site allocations, a threshold of sites being capable of delivering 10 or more dwellings has been used. The proposed development of nine units (a net increase of eight) would fall below this threshold to be allocated.

*Number of applications at the site*

- 10.65 Concerns have been raised on the number of applications at the site and that they have been ongoing for circa 18 years. There is planning legislation in place to prevent multiple applications at a site at a single point or over an extended period of time, but only where the same (or very similar) subsequent applications follow refusals of planning permission or the issue of an Enforcement Notice. This issue cannot form a reason to refuse an application on this site.

*Housing Needs of the Borough*

- 10.66 Local residents have commented that there is a surplus of apartments available in the borough and that there is demand for a family housing. As set out in the Principle of Development section of this report the Council are currently unable to demonstrate a 5 year housing supply (4.89 years) and therefore there is a need for all housing types at this present time. It is also noted that this site has previously been granted permission for apartments and therefore the loss of a single family dwelling at this site has already been established.

*Neighbour Notifications*

- 10.67 Concerns have been raised in regards to how the application has been publicised. From the 1<sup>st</sup> April 2017 all applications have been publicised by site notice only (and local newspaper as required by legislation), except the larger household extension notification. Four site notices were placed around the site, including along Connaught Way, in line with requirements set out in the Council's Having your Say document. These site notices were displayed on the 16/07/21 and 25/06/21.

*EV Charging Points*

- 10.68 Comments have been received recommending that EV charging points are provided. A condition has been attached to ensure the installation of EV charging points at the site.

*Land Contamination*

- 10.69 There is no indication of land contamination based on information from the contaminated land and historic maps databases available to the Council.

**Conclusion**

- 10.70 Based on the above, the residential development proposed 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 surrounding area. The siting and scale of the proposed apartment block in relation to the neighbouring properties is not considered to be detrimental to residential amenity. It is considered that there is sufficient parking provision proposed to serve the new units and that the proposal would not be detrimental to highway or pedestrian safety. Issues relating to tree protection, ecology, landscaping and drainage can be adequately controlled through conditions. The proposal is also very similar to an extant planning permission on the same site. It is therefore recommended that this application be approved subject to the conditions set out below.

- 10.71 All pre-commencement conditions have been agreed with the applicant's agent.

**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:

CD.114A - Proposed Site Plan  
CD.110A - Level 1  
CD.101A - Level 2  
CD.112 - Level 3 and 4  
CD.113 - Level 5 and Roof Plan  
CD.115 - Front Elevation  
CD.116 - Rear Elevation  
CD.117 - Side Elevation - North East  
CD.118 - Side Elevation - South West

Reason: To clarify which plans have been approved.

3. Written details including source/ manufacturer, and samples of bricks, tiles, cladding and roofing materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before 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. No development (excluding the demolition of the existing dwelling) shall take place until details for the disposal of foul sewage and surface water have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To avoid pollution of the surrounding area.

5. The floor level of level 3 as shown in the approved drawings shall not exceed 113.945m above Ordnance Datum (OD) and the ridge of the highest part of the roof shall not exceed 122.225m OD.

Reason: To ensure a satisfactory appearance on completion of the development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent Order revoking or re-enacting that Order, no windows or openings other than those expressly authorised by this permission shall be constructed in any of the elevations of the building hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

7. Before the occupation of any part of the development hereby permitted details of the proposed screening panels to the sides of terraces/balconies shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. They shall thereafter be installed to a height of 1.8m from the terrace or balcony prior to the first occupation of the apartments they relate to and shall thereafter be retained.

Reason: To protect the amenities of adjacent neighbouring properties.

8. The development hereby approved building shall not be occupied until full details of both hard and soft landscape works, along with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include means of enclosure/boundary treatment; the surfacing of vehicles and pedestrian access, circulation and parking areas; other hard surfacing materials; minor artefacts and structures as well as schedules of plants and establishment details. The submitted details shall also include the identification of all trees and shrubs which are to be retained and detail the measures for protection, to accord with the current British Standard BS 5837. These works shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance to the development.

9. Any trees or plants (including trees and plants shown to be retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality. To ensure the development is of a satisfactory appearance.

10. The area shown on the approved plans as vehicle parking space and turning shall be provided, surfaced and drained before the premises are first 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 and turning space.

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

11. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

12. Before any building is occupied, details for the storage and screening of refuse along with details of cycle parking provisions 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 and the approved refuse and cycle storage facilities shall be thereafter retained.

Reason: To preserve visual amenity and to reduce the occurrence of pests.

13. No external lighting shall be installed on the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

14. Prior to the commencement of any development or demolition a Preliminary Roost Assessment Survey for bats of the existing dwelling shall be carried out and submitted to the Local Planning Authority for approval. The survey shall be in accordance with Natural England guidance and carried out by a licensed bat surveyor and shall include any necessary details of mitigation required as a result of the survey and a detailed scheme of enhancements for bats and birds. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of wildlife protection. This is a pre-commencement condition as measures will need to be carried out prior to construction commencing.

15. No works shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- All works and ancillary operations which are audible at the site boundary or at

such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the District Planning Authority.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction works.
- Measures to minimise the production of dust on the site(s).
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off road parking for all site operatives.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers and highway safety. This is a pre-commencement condition as the necessary measures will need to be provided from the start of the construction phase.

16. No 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.

17. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved tree protection 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.

18. 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 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.

19. Prior to the commencement of any above ground works, written and illustrative details for renewable energy technologies within the development such that a 10% saving in site wide carbon emissions can be achieved, along with details for water conservation within the development 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 which shall be retained thereafter

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with Core Policy 5 of the Tunbridge Wells Core Strategy 2010.

20. Prior to the occupation of any of the units 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.

## **INFORMATIVES**

1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
2. 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.
3. As the development involves demolition and construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
4. Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - Attention should be drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004, 2010 & 2016. The applicant must adhere 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 nearby dwellings.

5. Adequate and suitable measures must 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. Any redundant materials removed from the site must be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
6. Waste and recycling bins are required to be purchased from TWBC prior to the properties being sold or occupied.

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.