

<b>Platt</b> Borough Green And Long Mill	<b>562041 157373</b>	<b>9 July 2010</b>	<b>TM/10/01841/FLX</b>
Proposal:	New Memorial Hall and associated external works		
Location:	Land Opposite The Ferns North Of Maidstone Road Platt Sevenoaks Kent		
Applicant:	The Trustees Of Platt Memorial Hall		

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**1. Background:**

- 1.1 A renewal is sought of planning permission TM/07/02394/FL, being for a new memorial hall and associated external works, on land opposite The Ferns, north of Maidstone Road, Platt. The original application was approved following a resolution by Members at Area 2 Planning Committee on 5 December 2007.
- 1.2 The planning permission was granted on 31 December 2007 and expires on 30 December 2010. Various "pre-conditions" remain outstanding from the 2007 permission. However, details of a reptile mitigation strategy have been submitted pursuant to condition 12 of TM/07/02394/FL, and these details are currently under consideration under reference TM/10/02244/RD.
- 1.3 There has been no change to the plans or drawings previously approved under TM/07/02394/FL.
- 1.4 The main issues to consider within this application are whether there has been any significant change on or around the site, or within relevant policy, which would lead to an alternative or amended decision to that reached previously by Members.

**2. Description:** (detailed plans and documents filed on TM/07/02394/FL)

- 2.1 The proposed new hall building would have a square footprint measuring 25m x 25m and a maximum height of 7.5 m. It would take a more modern appearance than the existing hall and would incorporate a curved roof. The building would not stand square to the road, but at an angle to it (i.e. one of its corners would face towards Maidstone Road). The building would incorporate a sedum roof, and the walls would be finished externally with natural Chestnut cladding at first floor level and red stock brickwork at ground floor level.
- 2.2 At ground floor level, the building would accommodate the main hall & stage, a second small hall, Parish Council office, another small meeting room, store and W.Cs. At first floor level, two further small meeting rooms would be provided together with a larger tank/plant room.
- 2.3 As the application is for a renewal of the existing application, all plans and documents referred to in the existing permission apply to this current application. In addition to the plans submitted in 2007, a planning statement was provided



TM/03/03647/OA Refuse 15 July 2004

Outline Application: New replacement primary school with attached playing field, new replacement Memorial Hall, 20 affordable houses, 16 private houses and public open space

TM/05/01328/CR3 Grant With Conditions 23 August 2005

Replacement six class primary school together with nursery class, playing field, servicing, parking and new vehicular access (KCC ref. TM/05/TEMP/0025)

TM/07/02394/FL Approved 31 December 2007

New Memorial Hall and associated external works

TM/08/02344/CR3 Approved 22 January 2009

Details of siting, design and external appearance, means of access and landscaping submitted pursuant to planning permission TM/05/01328/CR3: Replacement six class primary school together with the nursery class, playing field, servicing, parking and new vehicular access (KCC ref TM/08/TEMP/0050)

TM/08/02444/CR3 screening opinion EIA 5 August 2008  
not required

Request for Screening Opinion under Regulation 7 Town and Country Planning (Environmental Impact Assessment) (England And Wales) Regulations 1999 relating to details of siting, design and external appearance, means of access and landscaping submitted pursuant to planning permission TM/05/01328/CR3: Replacement six class primary school together with the nursery class, playing field, servicing, parking and new vehicular access

TM/10/00926/CR3 Approved 11 May 2010

Ecology Mitigation Survey details pursuant to condition 1 of planning permission TM/08/02344/CR3: Details of siting, design and external appearance, means of access and landscaping submitted pursuant to planning permission TM/05/01328/CR3: Replacement six class primary school together with the nursery class, playing field, servicing, parking and new vehicular access (KCC reference TM/08/2344/R1)

TM/10/02244/RD Pending Consideration

Details submitted pursuant to Condition 12 (Reptile Mitigation Strategy) of planning permission TM/07/02394/FL: New memorial hall and associated external works

**6. Consultees:**

6.1 PC: Whilst we have no objection to the renewal of a Memorial Hall, we do have concerns over its design, namely:

- Modern design does not reflect local character.
- Proposed materials are out of character.
- The design may not stand the test of time.
- As it is in the MGB its character must be sympathetic to it.

6.2 KCC Highways:

The proposal is to be served by a total of 39 parking spaces, including three disabled bays that I would find satisfactory. Bays are to be a minimum of 2.5m (width) x 5.0m (length). Disabled bay to be 3.6m (width) x 5.5m (length). I would recommend that the applicant provide secure covered cycle/motorcycle storage.

The site is to be served by a new access directly off the Maidstone Road. Something that I believe to be a drafting error is the fact that the new access road scales approximately 7.5m wide at the tangent point closest to the Maidstone Road down to approximately 5.8m at the tangent point at the other end, drawing number D – 14 Rev P4. I would see this road as being 5.5m wide. I find the radii and forward vision acceptable. Part of the forward vision falls within land under the control of the applicant. Nothing within the forward vision envelope is to be higher than 1.05m above the adjacent carriageway.

I do not consider that traffic generation is an issue.

All works affecting the public highway will be carried out to the Highway Managers satisfaction, be subject to a legal agreement and the safety audit process. The applicant will need to liaise with the Highway Manager to discuss these proposals.

Surface water from private areas is not to discharge onto the public highway.

6.3 DHH: Environmental Protection: No objection subject to existing conditions being maintained.

6.4 Natural England: Under this round of consultation NE have referred us to their standing advice. Full NE comments were received on TM/07/02394/FL and related to reptiles, badgers, biodiversity enhancements and ongoing habitat maintenance. *[DPTL comment: Accordingly various conditions were attached to the 2007 permission to safeguard species and habitat interests. Details of a reptile mitigation strategy are currently under consideration (TM/10/02244/RD). These details are not currently at a stage where discharge of the condition can be*

*recommended. Additional information has been requested and all interested parties will be consulted once such information is received.]*

- 6.5 Private Reps: (36/18S/8R/0X + Site and Press Notices) 18 letters of support have been received and 8 letters raising objection. One of the letters raising objection includes a copy of a petition signed by 22 local residents (16 households) which was submitted pursuant to the previous application. Some residents named on the petition have written in separately on this application. Most comments in support simply state the individuals/couples support without expanding further.

Comments in support (in summary):

- The existing hall and parking facilities are no longer adequate for the extensive demands made of it.
- The development is much needed by the community.
- Much fundraising has been donated by local residents.
- Well designed with an attractive sedum roof.
- The current application should be an automatic procedure of endorsement of the original approval by the Planning Committee, not a re-assessment of their original decision.
- The proposed hall will meet the future demands of the village.
- The curved design of the roof would blend in to the rural environment more than a conventional pitched roof.

Comments raising objection (in summary):

- The design is not in keeping with other buildings in the area. A good example to follow would be the new hall in Watlington which is more in keeping.
- The proposal would not enhance the village or views towards the North Downs. Alien to the streetscene.
- Will the hedge which runs along the boundary of the A25 be removed, can it not be kept? Can a Tree Preservation Order be placed on the hedge?
- The design is a contrast to the Platt School Building approved on the adjoining land.
- Objections to the design were raised previously by the PC and local Borough Councillors. By approving the previous application the local residents' views were not taken in to account.

- The design is more akin to a supermarket or industrial building than a Memorial Hall.

## **7. Determining Issues:**

- 7.1 Since the original grant of Planning Permission, the Borough's Local Development Framework (LDF) has moved forward. The Development Land Allocations DPD (DLA DPD) (April 2008) and Managing Development and the Environment DPD (MDE DPD) (March 2010) have been adopted by the Council.
- 7.2 The DLA DPD does not make changes to the designation of the application site in planning terms. The site remains in the Metropolitan Green Belt and is not allocated for development. The principle of the development of this Green Belt site for a Memorial Hall for Platt was accepted through the grant of planning permission in 2007. None of the new LDF policies would result in the need to re-address the principle of development as the need demonstrated previously remains the same.
- 7.3 The MDE DPD sets out detailed policies on Climate Change, the Natural Environment, Spatial Quality, Development in the Countryside, and Open Space. Policy CC1 requires all new development to apply sustainable design and build measures. These measures are not as onerous on non-residential buildings but do, nonetheless, apply in part. It is my view that an additional condition should therefore be attached to any permission which requires a scheme of measures, in line with the applicable elements of Policy CC1, to be submitted for approval.
- 7.4 Policies NE1, NE2 and NE3 of the MDE DPD relate to wildlife sites and biodiversity. These issues have been dealt with satisfactorily through the stipulated conditions on TM/07/02394/FL which are replicated below. Policy NE4 relates to maintenance and enhancement of tree cover and the hedgerow network. However, while the overall proposal for this site and the adjacent school site would result in the loss of a portion of hedgerow to facilitate the new access off Maidstone Road, the principle of a new access was approved under TM/05/01328/CR3 (school application). Therefore the access already has separate approval, provided works commence on the school site prior to 21 January 2011. Alternatively a condition is attached to the original approval for the Memorial Hall to ensure full details of the access road and access junction are submitted for approval if the Memorial Hall were to be constructed prior to the School.
- 7.5 As set out at paragraph 6.4 above, details of the reptile mitigation scheme pursuant to condition 12 of TM/07/02394/FL are currently under consideration. Separate conditions were included on that original permission, relating to badgers (condition 13) and a management plan for ongoing maintenance of all wildlife habitats (condition 14) and details pursuant to those conditions have not yet been

submitted to the LPA for approval. These conditions would be carried forward on any renewal of the permission, with slight changes to condition 12 to take account of the current reserved details application for reptile mitigation.

- 7.6 Policy SQ1 of the MDE DPD relate to spatial quality and requires “all development to protect, conserve and, where possible, enhance the character of local distinctiveness of the area including its historical and architectural interest....; the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and the biodiversity value of the area...”
- 7.7 The issue of design was already judged to be acceptable by Members under relevant policy in 2007, being Core Strategy Policy CP24. Policy SQ1 adds further strength to the need to achieve high quality design.
- 7.8 There has been a divide in local opinion concentrating on the design of the building. Whilst design is a subjective matter it is a material planning consideration and accordingly a judgement must be made. As set out above, the original proposal was judged to be acceptable in design terms. New policy in place reinforces the need for good design and it is my view that the proposed design remains acceptable as per the previous decision. Accordingly, whilst I take note of comments which are to some extent against the non-traditional design, I am of the view that the design would not be out of keeping in this location and would represent a high quality design which incorporates modern sustainable building practices which should be encouraged especially for community buildings.
- 7.9 Policy SQ7 of the MDE DPD requires all development to ensure the design and layout of the proposal maximise opportunities for healthy living and healthy active lifestyle choices by (in this case) visitors. It is my view that the proposal is sited in a fairly central location to Platt residents and close to the existing Memorial Hall. Accordingly visitors are likely to walk to the venue and may well be partaking in healthy activities at the Memorial Hall. Similarly, there would be a Memorial Garden which would give a safe space close to the building for children to run around and adults to sit in the open air. I therefore consider the proposal accords with Policy SQ7 of the MDE DPD.
- 7.10 Policy SQ8 relates to the impact of the proposal on transport infrastructure. KHS consider the proposal to be acceptable in highway safety terms, and many conditions are attached to the recommendation to ensure all works are safe and would not give rise to harm.
- 7.11 Policy DC7 of the MDE DPD considers community facilities outside the settlement confines. Policy DC7 makes reference to such development in the Green Belt having to comply with PPG2. The original application was considered against PPG2 and it was considered that a sufficient case of “very special circumstances” (VSC) had been advanced which overrides the harm to the Green Belt through inappropriateness. Policy DC7 allows for such development if a case of VSC has

been demonstrated. I am not aware of any changes in circumstances that might impinge upon the case of VSC that was previously accepted as valid. I therefore consider the proposal accords with Policy DC7 in this respect. Policy DC7 has several criteria and it is my view the proposal accords with all of the provisions within this policy.

- 7.12 In light of the above considerations, I am satisfied that the current application for an extension of the time within which the development may be commenced accords with all relevant LDF policies and therefore is an acceptable form of development subject to stipulated conditions. I can identify no relevant change in circumstances that would justify a different decision from that made in 2007.
- 7.13 With regard to the removal of the hedge along the A25 boundary of the site, the previous approval allowed for the removal of this hedgerow and an acoustic fence is proposed to be erected back from the site edge to conform to vehicle sight lines. Planting is proposed forward of the acoustic fence and an informative was attached to the previous permission to encourage climbing plants to form part of any landscaping scheme in an effort to soften the appearance of the acoustic fence. I therefore consider the principle of the loss of the hedge was established through the previous permission and no change in policy has arisen which strongly resists the loss of the hedge. I do not therefore consider the loss of the hedge could be regarded as resulting in the proposal being contrary to policy.
- 7.14 The proposal is a departure from the Development Plan and accordingly should be referred to the Government Office for the South East (GOSE) for determination. However, GOSE referred the decision back down to local level in 2007 as not being of regional importance. Accordingly, as this proposal is a renewal of that previously approved, and there have been no material changes in circumstances, it is not considered necessary, under the appropriate Regulations, to refer the decision to GOSE. Accordingly, the decision can be made at a local level in this instance.
- 7.15 In light of all of the above considerations, I recommend permission be renewed for a further 3 years, subject to the following conditions.

## **8. Recommendation:**

- 8.1 **Grant Planning Permission**, as detailed within the following submitted details:  
Letter received 09.07.2010, Notice received 09.07.2010, Email received 17.08.2010, Letter received 19.08.2010 subject to the following:

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

4. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

5. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7. Noise generated within the Memorial Hall shall not be audible at the boundary of the nearest residential properties to the hall.

Reason: In the interests of the residential amenity of nearby dwellings.

8. No live or amplified music shall be played outside the building, with the exception of live bugle calls which shall only be allowed on Remembrance Sunday.

Reason: In the interests of the amenities of nearby properties.

9. The use shall not commence until full details of all plant, machinery and equipment associated with ventilation and air conditioning, including arrangements for the continuing maintenance of this equipment and any noise attenuation measures required in connection with the equipment, have been submitted to and approved in writing by the Local Planning Authority. The details of such equipment shall be sufficient to demonstrate that noise from these sources shall not exceed NR35 at the site boundary. The scheme of approved plant and machinery shall be fully installed before use of the building commences and shall thereafter be maintained in strict accordance with the approved details.

Reason: To ensure that the development does not harm the amenity of adjacent residential properties.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the walls of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of visual and residential amenity.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of visual and residential amenity.

12. Prior to the commencement of the development, a detailed reptile mitigation strategy shall implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority or in accordance with such details submitted under ref TM/10/02244/RD as may be approved by the LPA.

All work shall then progress in accordance with the relevant agreed mitigation strategy, unless otherwise approved in writing beforehand with the Local Planning Authority.

Reason: In order to ensure that the reptiles found on site are adequately protected.

13. Prior to the commencement of the development, a detailed badger mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. All work shall then progress in accordance with the agreed mitigation strategy, unless otherwise approved in writing beforehand with the Local Planning Authority.

Reason: In order to ensure that badgers found on site are adequately protected.

14. No development shall commence until a Management Plan and a programme for the ongoing monitoring of all of the wildlife habitats within this site have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be undertaken in accordance with the Management Plan and the site shall, thereafter, be managed in accordance with the approved details.

Reason: In the interests of the biodiversity of the site.

15. Development shall not begin until a scheme showing details of the access road serving this development and which includes details of the junction of the access road with the public highway have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until that scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic.

16. No development shall take place until details of a scheme for improvements to the public highway sufficient to ensure adequate pedestrian and vehicle safety for users of this development have been submitted to and approved by the Local Planning Authority. The improvements shall include adequate pedestrian crossing provision and the work shall be carried out in strict accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason: To ensure the safety of pedestrians

17. No development shall take place until details of existing and proposed levels and the proposed slab level for the building have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

18. No development shall take place until details of a safety barrier and/or acoustic boundary treatment to be located along the Maidstone Road frontage of the site have been submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in strict accordance with the approved details before the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of highway safety and to ensure that the development does not harm the character and appearance or residential amenities of the locality.

19. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme shall be implemented prior to the first occupation of any of the building hereby approved.

Reason: In accordance with Core Strategy policy CP1 and Managing Development and the Environment policy CC1 of the Tonbridge and Malling Borough Council Local Development Framework.

### **Informatives**

1. With regard to the landscaping scheme to be submitted, the Borough Council would expect to see the use of climbing plants on the south side of a safety barrier and/or acoustic boundary wall that would be located along the Maidstone Road frontage of the application site.
2. With regard to the works adjacent to the public highway, the applicant is asked to consult The Highway Manager, Kent Highway Services, Doubleday House, St Michaels Close, Aylesford, Kent, ME20 7BU.

Contact: Lucy Stainton